

City of Capitola Agenda

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



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, JUNE 27, 2019

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

CLOSED SESSION – 6:30 PM CITY MANAGER’S OFFICE

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Gov't. Code § 54956.9(d)(2).
(One potential case)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code § 54956.9 (d)(1)]

(one case)

City of Capitola v. Water Rock Construction, Inc.
Santa Clara Superior Court Case No. 16CV295795

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

2. PRESENTATIONS

Presentations are limited to eight minutes.

A. Recognition of Outgoing Board Historical Museum Members

B. Proclamation Honoring Roberta Bristol on Her 95th Birthday

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

5. ADDITIONS AND DELETIONS TO AGENDA

6. PUBLIC COMMENTS

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the minutes. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

7. CITY COUNCIL / STAFF COMMENTS

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

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

A. Historical Museum Board Appointments

RECOMMENDED ACTION: Appoint Emmy Mitchell-Lynn to a three-year term on the Capitola Historical Museum Board as recommended by its trustees and reappoint Niels Kisling and Gordon van Zuidan for three-year terms.

9. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Approval of City Check Registers Dated May 3, May 10, May 17, May 24, and May 31, 2019
RECOMMENDED ACTION: Approve check registers.
- B. Consider a Funding Agreement with the Capitola Chamber of Commerce
RECOMMENDED ACTION: Authorize the City Manager to enter into a Funding Agreement with the Capitola Soquel Chamber of Commerce.
- C. Schedule an Appeal of Selection Committee's Decision to Not Issue a Cannabis License to Embarc Capitola, LLC
RECOMMENDED ACTION: Schedule the appeal for the regular meeting of July 25, 2019.
- D. Consider an Agreement between the City of Capitola, the County of Santa Cruz and Zone 5 of the Santa Cruz County Flood Control and Water Conservation District Regarding Repairs and Maintenance of Various Storm Drain Systems
RECOMMENDED ACTION: Approve the proposed agreement between the City of Capitola, County of Santa Cruz, and Zone 5 of the Santa Cruz County Flood Control and Water Conservation District regarding drainage facilities.
- E. Consider Authorizing the City Manager to Sign a Letter Regarding Traffic Studies for a Proposed Medical Office Building on Soquel Avenue
RECOMMENDED ACTION: Authorize and direct the City Manager to sign a letter regarding the traffic studies underway for the proposed medical office building at 5940 Soquel Avenue in the County of Santa Cruz.
- F. Consider Awarding a Contract to Anderson Pacific for the Park Avenue Sidewalk Project
RECOMMENDED ACTION: Award a contract to Anderson Pacific Engineering Construction, Inc., in the amount of \$907,600 for construction of the Park Avenue Sidewalk Project.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

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

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
June 27, 2019

- A. Introduce an Ordinance Amending Title 5, Business Taxes, Licenses and Regulations, and Title 8, Health and Safety, of the Capitola Municipal Code Pertaining to Prohibiting Sales of Flavored Tobacco Products
RECOMMENDED ACTION: Approve the first reading of an Ordinance adding Municipal Code Chapter 5.38 Tobacco Retailer License Required, and amending 8.38.120 and relocating 8.38.130 Regulating the Sale of Tobacco Products.
- B. Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2019/2020
RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2019/2020 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget.
- C. Continue Discussion of the Revised Zoning Code for Coastal Commission Certification - City Attorney Review
RECOMMENDED ACTION: Accept staff presentation and continue the discussion to the meeting of August 22, 2019.
- D. Consider an Administrative Policy on Social Media Use by City Council and Advisory Body Members
RECOMMENDED ACTION: Approve draft policy I-18 Elected and Appointed Officials' Use of Social Media Policy and revoke current administrative policy V-8 Councilmember Online Forums/Web Logs ("Blogs").
- E. Consider the 2019/2020 Salary Schedule
RECOMMENDED ACTION: Approve the Resolution authorizing the Fiscal Year 2019/2020 annual salary adjustment consistent with existing employee labor agreements.

11. ADJOURNMENT

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

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

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

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
June 27, 2019

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 JUNE 27, 2019

FROM: City Manager Department

SUBJECT: Recognition of Outgoing Board Historical Museum Members

BACKGROUND/DISCUSSION: Vice Mayor Kristen Petersen will present certificates thanking retiring Capitola Historical Museum Board Members Georgette Neal and Rebecca Hobson.

ATTACHMENTS:

1. Hobson thanks
2. Neal thanks

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

6/21/2019

City of Capitola

Certificate of Appreciation

to

REBECCA HOBSON

for Service as the Treasurer on the

Historical Museum Board

from June 2018 through June 2019



Kristen Petersen, Vice Mayor
Signed and sealed this 27th day of June, 2019

Attachment: Hobson thanks (Recognition of Outgoing Museum Board Members)

City of Capitola

Certificate of Appreciation

to

GEORGETTE NEAL

for Service as a Member of the

Historical Museum Board

from February 2017 through June 2019

Kristen Petersen, Vice Mayor

Signed and sealed this 27th day of June, 2019

Attachment: Neal thanks (Recognition of Outgoing Museum Board Members)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: City Manager Department

SUBJECT: Proclamation Honoring Roberta Bristol on Her 95th Birthday

BACKGROUND/DISCUSSION: Vice Mayor Kristen Petersen will present a proclamation to Capitola resident and local movement educator Roberta Bristol as she celebrates her 95th birthday.

ATTACHMENTS:

1. Bristol proclamation (PDF)

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

6/21/2019

City of Capitola Mayor's Proclamation

Honoring Roberta Bristol upon her 95th Birthday

WHEREAS, 26-year Capitola resident Roberta Bristol will celebrate her 95th birthday on June 29, 2019, marking another milestone in a life that has left its mark on our community; and

WHEREAS, after earning a master's degree from Stanford University and teaching for 10 years, she was recruited by Cabrillo Community College President Bob Swenson to join the college as a founding faculty member, first serving as a physical education teacher, then later as a counselor and dean of students, remaining an active and influential member of the academic community until her retirement in 1985; and

WHEREAS, upon joining the Cabrillo faculty, Ms. Bristol soon introduced folk and social dance as recreational activities and, in 1962, became a movement dance educator. She is credited with creating the highly respected Cabrillo Dance Department; and

WHEREAS, Ms. Bristol nurtured the development of many important Santa Cruz dance instructors, performers, and literally thousands of students throughout her career. She invited renowned dancer and choreographer Tandy Beal to teach her first Santa Cruz area dance workshop and Ms. Bristol has been a major supporter of her endeavors through the years, serving as the first board president of Tandy Beal & Company; and

WHEREAS, reflecting her own commitment to lifelong learning, she discovered yoga, then advocated to the academic community of Cabrillo College its value and introduced popular yoga classes at the college. She then successfully lobbied for yoga to be included in the curriculum; and

WHEREAS, after retiring from Cabrillo, Ms. Bristol moved to Capitola where she opened her home as a shared community space to practice yoga and mindfulness training. Ms. Bristol planted the seeds of creativity in so many area residents, modeling a joie de vivre, how to live a creative life, and build community.

NOW, THEREFORE, I, Kristen Petersen, Vice, Mayor of the City of Capitola, on behalf of the City Council, City staff, and the entire Capitola community, do hereby honor and congratulate Roberta Bristol on her 95 years.

*Kristen Petersen, Vice Mayor
Signed and sealed this 27th day of June, 2019*



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: City Manager Department
SUBJECT: Historical Museum Board Appointments

RECOMMENDED ACTION: Appoint Emmy Mitchell-Lynn to a three-year term on the Capitola Historical Museum Board as recommended by its trustees and reappoint Niels Kisling and Gordon van Zuidan for three-year terms.

BACKGROUND/DISCUSSION: Four terms on the Capitola Historical Museum Board ended on June 13, 2019, and recruitment for these positions was held this spring. Two members, Niels Kisling and Gordon van Zuiden, expressed interest in being reappointed for another term. Additionally, the City Clerk received an application from current museum volunteer Emmy Mitchell-Lynn, who as required by Museum Board bylaws was interviewed by the Board of Trustees on June 4 and has been recommended for appointment. (Attachments 1 and 2.) Each term is for three years, ending on June 9, 2022.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Mitchell-Lynn museum app public
2. Museum Board appointment recommendation

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

6/21/2019

MAY 06 2019



CITY of CAPITOLA BOARDS AND COMMISSIONS APPLICATION

Application for:

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

Name: Mitchell-Lynn Emily (Emmy)
Last First

Residential Neighborhood: Sequel, Daffodil Estates

Occupation: Student / active community member

Describe your qualifications and interest in serving on this Board/Commission/Committee: I would make an excellent addition to the Capitola Historical Museum Board because of my passion for local history combined with my strong desire to serve and enhance my community. I love volunteering at the museum, and I have some ideas for how to maximize both impact and efficiency of the organization. I am also very connected with youth and student culture so I can serve as a bridge between currently-active community members, and the next generation of them. The board fits perfectly with my personal goals of advancing to an elected government position, and can help me learn how to function on a city-gov committee.
(Use additional paper, if necessary)

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

5/5/19
Date

Emily B. Mitchell
Signature of Applicant

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

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

Attachment: Mitchell-Lynn museum app public (Historical Museum Board Appointments)



420 CAPITOLA AVENUE
CAPITOLA, CALIFORNIA 95010
TELEPHONE (831) 475-7300
FAX (831) 479-8879

Capitola Historical Museum

June 6, 2019

Mayor Jacques Bertrand and Members of the City Council
420 Capitola Avenue
Capitola, CA 95010

Dear Mayor Bertrand:

I am pleased to report that the Capitola Historical Museum Board of Trustees interviewed Emmy Mitchell-Lynn for a seat on the board. The board voted unanimously at their June 4th meeting to recommend that she be appointed to this position.

Ms. Mitchell-Lynn has been a volunteer at the Museum since March of 2018 and the board has been very impressed with her interest in Capitola history and her dedication to the Museum. She grew up in the area, has been active with other local history groups, and has connections in the community (especially with younger adults) that will be of benefit to the Museum.

Sincerely,

Frank Perry, Curator



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Finance Department

SUBJECT: Approval of City Check Registers Dated May 3, May 10, May 17, May 24, and May 31, 2019

RECOMMENDED ACTION: Approve check registers.

Account: City Main				
Date	Starting Check #	Ending Check #	Payment Count	Amount
5/3/2019	92434	92505	77	\$298,590.40
5/10/2019	92506	92556	51	\$54,417.81
5/17/2019	92557	92626	75	\$171,573.12
5/24/2019	92627	92663	37	\$58,883.37
5/31/2019	92664	92738	80	\$213,555.62

The main account check register dated April 26, 2019, ended with check #92433.

Account: Library				
Date	Starting Check #	Ending Check #	Payment Count	Amount
5/10/2019	122	125	4	\$33,191.06
5/24/2019	126	127	2	\$477,520.10
5/31/2019	128	128	1	\$560

The library account check register dated April 26, 2019, ended with check #121.

Account: Payroll				
Date	Starting Check #	Ending Check #	Payment Count	Amount
5/10/2019	5516	5518	101	\$166,204.93
5/24/2019	5519	5527	116	\$244,813.98

The payroll account check register dated April 26, 2019, ended with check #5515.

Following is a list of payments issued for more than \$10,000 and descriptions of the expenditures:

Check	Issued to	Dept	Description	Amount
92449	Earthworks Paving	PW	Jewel Box traffic calming speed tables	\$57,780

Approval of City Check Registers
June 27, 2019

92464	Kimley Horn and Associates	PW	Park Avenue sidewalks and Brommer Street project engineering services	\$10,604
92474	Pacific Gas and Electric	PW	April gas and electricity	\$12,984.85
EFT 769	IRS	FN	Federal taxes and Medicare PPE 4/20/19	\$26,963.63
EFT 770	CalPERS Member Services	FN	PERS contributions PPE 4/20/19	\$50,119.54
EFT 772	CalPERS Health Insurance	FN	May health insurance	\$59,775.34
92546	SCC Auditor Controller	PD	April citation processing	\$10,125.50
125	Noll and Tam Architects	PW	April library architecture services	\$25,364.56
92562	Atchison Barisone & Condotti	CM	April legal services	\$17,488.03
EFT 774	IRS	FN	Federal taxes and Medicare PPE 5/4/19	\$25,823.77
EFT 777	CalPERS Member Services	FN	PERS contributions PPE 5/4/19	\$50,131.50
92653	North Bay Ford	PD	2016 Ford Explorer	\$28,000
126	John F. Otto Inc. Escrow	PW	April library construction retainage	\$23,876.01
127	Otto Construction Inc.	PW	Library concrete reinforcement, architectural wall, earthwork	\$453,644.09
92688	ICMA Retirement Trust 457	FN	457 contributions PPE 5/18/19	\$11,694.37
EFT 778	CalPERS Member Services	FN	PERS contributions PPE 5/18/19	\$50,020.25
EFT 781	Employment Development Department	FN	State taxes PPE 5/18/19	\$13,252.79
EFT 782	IRS	FN	Federal taxes and Medicare PPE 5/18/19	\$43,224.30

ATTACHMENTS:

1. 5/3/19 City Check Register
2. 5/10/19 City Check Register
3. 5/17/19 City Check Register
4. 5/24/19 City Check Register
5. 5/31/19 City Check Register

Report Prepared By: Maura Herlihy
Accountant I

Approval of City Check Registers
June 27, 2019

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/20/2019

City main account checks dated May 3, 2019, numbered 92434 to 92505 plus 5 EFTs, totaling \$298,590.40, have been reviewed and authorized for distribution by the City Manager.

As of May 3, 2019, the unaudited cash balance is \$6,465,565.58.

CASH POSITION - CITY OF CAPITOLA 5/3/19

	<u>Net Balance</u>
General Fund	\$2,198,248.67
Payroll Payables	\$3,746.76
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$404,433.06
Capital Improvement Fund	\$1,197,952.70
Stores Fund	\$39,650.94
Information Technology Fund	\$141,834.44
Equipment Replacement	\$285,311.91
Self-Insurance Liability Fund	\$55,729.71
Workers' Comp. Ins. Fund	\$155,437.54
Compensated Absences Fund	(\$53,125.81)
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$6,465,565.58</u></u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$845,131.93 (not included above).
The Library Fund balance is \$2,717,708.76 (not included above).

 _____ Jamie Goldstein, City Manager	5/3/19 _____ Date
 _____ Jim Malberg, City Treasurer	5/6/19 _____ Date

Attachment: 5/3/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92434	05/03/2019			A TOOL SHED	\$120.00
	Invoice	Date	Description		Amount
	1342235-5	04/25/2019	Self propelled mower rental		\$120.00
92435	05/03/2019			AFLAC	\$1,705.46
	Invoice	Date	Description		Amount
	375469	04/25/2019	April employee supplemental insurance 1001 - Payroll Payables		\$1,705.46
92436	05/03/2019			ALLSAFE LOCK COMPANY	\$28.80
	Invoice	Date	Description		Amount
	51481	04/25/2019	Esplanade bathroom re-key lock and replace plug		\$28.80
92437	05/03/2019			ALVAREZ TECHNOLOGY GROUP INC	\$2,402.38
	Invoice	Date	Description		Amount
	51000	04/29/2019	SonicWall gateway security suite		\$2,167.38
	51060	05/01/2019	May antivirus software 2211 - ISF - Info Tech		\$235.00
92438	05/03/2019			AMAZON CAPITAL SERVICES	\$28.32
	Invoice	Date	Description		Amount
	1JWG-X4LK-CX3D	04/25/2019	USB phone cables (2) 2211 - ISF - Info Tech		\$28.32
92439	05/03/2019			AUTOMATION TEST ASSOCIATES	\$40.00
	Invoice	Date	Description		Amount
	47329	04/22/2019	April wharf meter reading 1311 - Wharf		\$40.00
92440	05/03/2019			B & B SMALL ENGINE REPAIR	\$592.14
	Invoice	Date	Description		Amount
	418414	04/29/2019	Hedge trimmer blade		\$7.58
	418408	04/29/2019	Sharpen and balance mower blades		\$27.16
	418407	04/29/2019	Backplate, chains, brush cutter tool		\$557.40
92441	05/03/2019			BOWMAN & WILLIAMS INC.	\$87.50
	Invoice	Date	Description		Amount
	13517	04/04/2019	Rispin Peery engineering services 1200 - Capital Improvement		\$87.50

Attachment: 5/3/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92442	05/03/2019			BOYS AND GIRLS CLUBS OF SANTA CRUZ COUNTY	\$6,000.00
	Invoice	Date	Description		Amount
	Capitola01	04/23/2019	Youth and early childhood programs funding		\$6,000.00
92443	05/03/2019			CALE AMERICA INC.	\$8,291.72
	Invoice	Date	Description		Amount
	153948	03/29/2019	Paystation lightbar parts, main boards, card reader, coin system		\$8,291.72
92444	05/03/2019			CALIFORNIA POLICE CHIEFS ASSOCIATION	\$440.00
	Invoice	Date	Description		Amount
	12910	05/01/2019	Police Chiefs Association dues		\$440.00
92445	05/03/2019			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,619.00
	Invoice	Date	Description		Amount
	POA042619	04/26/2019	POA and gym dues PPE 4/20/19 1001 - Payroll Payables		\$1,619.00
92446	05/03/2019			CAPITOLA POLICE DEPARTMENT	\$59.00
	Invoice	Date	Description		Amount
	2019-00000012	04/23/2019	BIA Sip and Stroll special event permit 1321 - BIA - Capitola Village-Wharf BIA		\$59.00
92447	05/03/2019			CASEY PRINTING	\$91.26
	Invoice	Date	Description		Amount
	38761011	04/19/2019	Skate-Tola posters (40)		\$91.26
92448	05/03/2019			DAWN MAC LAUGHLIN	\$405.60
	Invoice	Date	Description		Amount
	DM043019	04/30/2019	Instructor payment		\$405.60
92449	05/03/2019			EARTHWORKS PAVING CONTRACTORS INC	\$57,780.00
	Invoice	Date	Description		Amount
	18060	04/16/2019	Jewel Box traffic calming speed tables 1200 - Capital Improvement Fund		\$57,780.00

Attachment: 5/3/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92450	05/03/2019			EWING IRRIGATION	\$2,097.45
	Invoice	Date	Description		Amount
	7291562	04/26/2019	Wharf PVC supplies		\$108.28
	7291561	04/26/2019	PVC plug and cap		\$9.92
	7291560	04/26/2019	PVC parts, batteries, primer		\$347.69
	7271807	04/24/2019	Baseball field supplies		\$303.50
	7271806	04/24/2019	Jade St. park fertilizer		\$1,242.69
	7239351	04/19/2019	Jade St. park grass seed, soil		\$85.37
			1000 - General Fund	\$1,641.48	
			1311 - Wharf	\$455.97	
92451	05/03/2019			FARWEST NURSERY	\$107.78
	Invoice	Date	Description		Amount
	823870	04/23/2019	Bark, planting mix		\$107.78
92452	05/03/2019			FASTENAL COMPANY	\$74.21
	Invoice	Date	Description		Amount
	CASAT52392	04/12/2019	Auto fasteners		\$74.21
92453	05/03/2019			FERGUSON ENTERPRISES INC 795	\$55.07
	Invoice	Date	Description		Amount
	6634768	04/19/2019	Bathroom supplies		\$55.07
92454	05/03/2019			FIRST SECURITY	\$344.93
	Invoice	Date	Description		Amount
	IN-0003702	04/22/2019	Jade St. park foot patrol		\$344.93
92455	05/03/2019			FIRST SECURITY	\$382.50
	Invoice	Date	Description		Amount
	IN-0003727	04/22/2019	May Esplanade patrol service		\$382.50
92456	05/03/2019			FIRST SECURITY	\$356.42
	Invoice	Date	Description		Amount
	IN-0003726	04/22/2019	May skate park patrol service		\$356.42
92457	05/03/2019			FLYERS ENERGY LLC	\$2,023.74
	Invoice	Date	Description		Amount
	19-892380	04/18/2019	400 gallons gasoline		\$1,693.45
	19-892389	04/19/2019	83 gallons diesel		\$330.29
92458	05/03/2019			GARDEN HAVEN NURSERY	\$73.07
	Invoice	Date	Description		Amount
	00347353	04/23/2019	Palm tree		\$73.07

Attachment: 5/3/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92459	05/03/2019			GINA ENRIQUEZ	\$6,656.65
	Invoice	Date	Description		Amount
	GE043019	04/30/2019	Instructor payment		\$6,656.65
92460	05/03/2019			GRANICUS LLC	\$1,190.70
	Invoice	Date	Description		Amount
	112507	05/01/2019	May legislative managment software 1320 - PEG - Public Education and Govt		\$1,190.70
92461	05/03/2019			HOME DEPOT CREDIT SERVICES	\$544.29
	Invoice	Date	Description		Amount
	6620569	04/17/2019	Tape measures		\$40.26
	8615757	04/25/2019	Hinges		\$15.10
	0011908	04/23/2019	Ladder jack, tape measure		\$90.42
	9634627	04/24/2019	Earmuffs, face shield, paint		\$41.33
	9342726	04/24/2019	Lumber, epoxy, waterproofing, bucket		\$32.67
	8621602	04/25/2019	Driver bits		\$25.15
	8220345	04/25/2019	Driver bits		\$7.05
	8220344	04/25/2019	Return driver bit		(\$8.14)
	8064341	04/25/2019	Drill bit, pull plate, screws, washers, nuts		\$42.56
	8053709	04/25/2019	Trimmer line		\$32.67
	8037268	04/25/2019	Shovel grips, propane tank		\$114.65
	4012471	04/29/2019	Bucket, gloves, safety glasses		\$110.57
			1000 - General Fund	\$421.20	
			1311 - Wharf	\$123.09	
92462	05/03/2019			ICMA RETIREMENT TRUST 457	\$5,970.89
	Invoice	Date	Description		Amount
	41753303	04/26/2019	457 contributions PPE 4/20/19 1001 - Payroll Payables		\$5,970.89
92463	05/03/2019			INTERSTATE ALL BATTERY CENTER	\$95.94
	Invoice	Date	Description		Amount
	642544	04/22/2019	Parking meter batteries		\$95.94
92464	05/03/2019			KIMLEY HORN AND ASSOCIATES INC	\$10,604.00
	Invoice	Date	Description		Amount
	13624408	03/31/2019	Park Ave. sidewalks engineering, drilling		\$2,310.00
	13622081	03/31/2019	Brommer St. design alternatives & public outreach, project mngmt		\$8,294.00
			1200 - Capital Improvement	\$2,310.00	
			1309 - RTC Streets	\$8,294.00	

Attachment: 5/3/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92465	05/03/2019			LABORMAX STAFFING	\$1,076.30
	Invoice	Date	Description		Amount
	26-106089	04/26/2019	Public works seasonal labor		\$1,076.30
92466	05/03/2019			LIFE INSURANCE CO OF NORTH AMERICA-CIGNA	\$2,424.53
	Invoice	Date	Description		Amount
	CIGNA042619	04/26/2019	April LTD, STD, AD&D and life insurance		\$2,424.53
			1000 - General Fund	(\$0.12)	
			1001 - Payroll Payables	\$2,424.65	
92467	05/03/2019			LIUNA PENSION FUND	\$979.20
	Invoice	Date	Description		Amount
	DL1065	04/26/2019	April LIUNA pension dues		\$979.20
			1001 - Payroll Payables		
92468	05/03/2019			LLOYDS TIRE SERVICE	\$242.89
	Invoice	Date	Description		Amount
	361721	04/22/2019	Replacement tire		\$242.89
92469	05/03/2019			MADE FRESH CREW	\$5,000.00
	Invoice	Date	Description		Amount
	836	04/09/2019	Skate park mural labor, materials		\$5,000.00
			1315 - Public Art Fee Fund		
92470	05/03/2019			MADELINE C HORN	\$562.50
	Invoice	Date	Description		Amount
	31	04/30/2019	Cataloging and organizing museum artifacts		\$562.50
92471	05/03/2019			MID COUNTY AUTO SUPPLY	\$289.18
	Invoice	Date	Description		Amount
	MID-273495	04/22/2019	Auto paint		\$6.59
	MID-269938	04/19/2019	Solenoid, vapor canister		\$146.99
	MID-278452	04/25/2019	Auto lubricant		\$135.60
92472	05/03/2019			MISSION LINEN SUPPLY	\$182.83
	Invoice	Date	Description		Amount
	509722501	04/24/2019	Fleet linen service, shop towels		\$36.16
	509722502	04/24/2019	Corp. Yard linen service		\$91.44
	509751176	04/29/2019	PD mat service		\$55.23
92473	05/03/2019			O'REILLY AUTO PARTS	\$24.09
	Invoice	Date	Description		Amount
	2763-448315	04/25/2019	Headlight restoration kit		\$24.09

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City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92474	05/03/2019			PACIFIC GAS & ELECTRIC	\$12,984.85
	Invoice	Date	Description		Amount
	PGE042419-acct9	04/24/2019	April gas and electricity		\$12,984.85
			1000 - General Fund	\$4,935.35	
			1300 - SLESF - Supl Law	\$111.17	
			1310 - Gas Tax	\$5,873.87	
			1311 - Wharf	\$2,064.46	
92475	05/03/2019			PALACE OFFICE SUPPLIES	\$629.99
	Invoice	Date	Description		Amount
	530855-0	04/24/2019	Thermal pouch		\$16.88
	9598696-0	04/29/2019	PW printer ink		\$153.13
	531051-1	04/26/2019	Desk pad		\$34.93
	530809-0	04/25/2019	Monitor filters		\$200.69
	531051-0	04/25/2019	Copyholder, organizer, desk pad		\$84.15
	531118-0	04/25/2019	Picture hanging strip, paper		\$59.62
	531742-0	04/30/2019	Tamper evident bags		\$80.59
			1000 - General Fund	\$613.11	
			2210 - ISF - Stores Fund	\$16.88	
92476	05/03/2019			PAST PERFECT SOFTWARE INC.	\$440.00
	Invoice	Date	Description		Amount
	2019-34339	04/22/2019	Annual musem software support renewal		\$440.00
			2211 - ISF - Info Tech		
92477	05/03/2019			PET PALS DISCOUNT PET SUPPLIES	\$167.82
	Invoice	Date	Description		Amount
	2094638	04/09/2019	K-9 supplies		\$167.82
92478	05/03/2019			PITNEY BOWES	\$185.28
	Invoice	Date	Description		Amount
	1012401685	04/26/2019	Recreation postage machine ink		\$185.28
92479	05/03/2019			PRAXAIR DISTRIBUTION INC.	\$122.41
	Invoice	Date	Description		Amount
	88936825	04/22/2019	Acetylene rental		\$122.41
92480	05/03/2019			PREFERRED BENEFIT INSURANCE ADMIN.	\$5,976.20
	Invoice	Date	Description		Amount
	EIA27876	04/01/2019	April vision and dental insurance		\$5,976.20
			1000 - General Fund	\$7.10	
			1001 - Payroll Payables	\$5,969.10	

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City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92481	05/03/2019			QUENVOLD'S SAFETY SHOEMOBILES	\$16.35
	Invoice	Date	Description		Amount
	63039	04/22/2019	Safety shoe exchange		\$16.35
92482	05/03/2019			ROYAL WHOLESALE ELECTRIC	\$39.07
	Invoice	Date	Description		Amount
	7719-644573	04/25/2019	Grip gloves (8)		\$39.07
92483	05/03/2019			SAN LORENZO LUMBER	\$207.27
	Invoice	Date	Description		Amount
	55-0451868	04/29/2019	Wharf nuts and bolts		\$25.78
	57-0046836	04/25/2019	Esplanade bathroom saturn keylock		\$181.49
			1000 - General Fund	\$181.49	
			1311 - Wharf	\$25.78	
92484	05/03/2019			SANTA CRUZ CITY SIGNS	\$354.00
	Invoice	Date	Description		Amount
	4-24-19	04/24/2019	Paystation custom signs		\$354.00
92485	05/03/2019			SANTA CRUZ LIVE SCAN INC	\$240.00
	Invoice	Date	Description		Amount
	1167	05/01/2019	Live scans for new recreation employees		\$240.00
92486	05/03/2019			SCC ENVIRONMENTAL HEALTH SVC	\$1,649.00
	Invoice	Date	Description		Amount
	IN0092195	04/22/2019	Corp. Yard health/fuel storage permit		\$1,649.00
92487	05/03/2019			SIMPKINS FAMILY SWIM COMPLEX	\$498.75
	Invoice	Date	Description		Amount
	R1092	04/25/2019	Camp Capitola pool reservations		\$498.75
92488	05/03/2019			SOFTWARE ONE INC	\$330.51
	Invoice	Date	Description		Amount
	US-PSI-783537	04/26/2019	Adobe 4 month subscription license		\$330.51
			2211 - ISF - Info Tech		
92489	05/03/2019			SPECTRUM BUSINESS	\$3,262.55
	Invoice	Date	Description		Amount
	0000178041919	04/19/2019	April internet service		\$3,262.55
			1000 - General Fund	\$1,304.25	
			2211 - ISF - Info Tech	\$1,958.30	

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City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92490	05/03/2019			STAPLES ADVANTAGE	\$124.38
	Invoice	Date	Description		Amount
	8054059750	04/20/2019	PD breakroom supplies		\$124.38
92491	05/03/2019			STATE STEEL COMPANY	\$539.02
	Invoice	Date	Description		Amount
	125442	04/23/2019	Metal round bars		\$539.02
92492	05/03/2019			SUESS INSURANCE AGENCY INC.	\$575.00
	Invoice	Date	Description		Amount
	190463	04/29/2019	BIA Sip and Stroll event insurance 1321 - BIA - Capitola Village-Wharf BIA		\$575.00
92493	05/03/2019			SUMMIT UNIFORMS	\$216.32
	Invoice	Date	Description		Amount
	57967	03/22/2019	Uniform pants		\$216.32
92494	05/03/2019			SUPPLYWORKS	\$997.44
	Invoice	Date	Description		Amount
	489306613	04/25/2019	Hand soap for public restrooms		\$261.86
	488284738	04/19/2019	Return hand wash		(\$58.78)
	488270885	04/19/2019	Public restroom supplies		\$707.87
	488231325	04/18/2019	Hand soap for public restrooms		\$86.49
92495	05/03/2019			UNITED PARCEL SERVICE	\$6.90
	Invoice	Date	Description		Amount
	0000954791179	04/27/2019	PD shipping charges		\$6.90
92496	05/03/2019			UNITED WAY OF SANTA CRUZ COUNTY	\$30.00
	Invoice	Date	Description		Amount
	UW042619	04/26/2019	April employee United Way contributions 1001 - Payroll Payables		\$30.00
92497	05/03/2019			UPEC LIUNA LOCAL 792	\$1,235.00
	Invoice	Date	Description		Amount
	UPEC040119	04/01/2019	April UPEC dues 1001 - Payroll Payables		\$1,235.00
92498	05/03/2019			US BANK PARS Acct 6746022400	\$286.12
	Invoice	Date	Description		Amount
	PARS042619	04/26/2019	PARS contributions PPE 4/20/19 1001 - Payroll Payables		\$286.12

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City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92499	05/03/2019			Angela Roland	\$150.00
	Invoice	Date	Description		Amount
	222125082	04/24/2019	Citation overpayment refund		\$150.00
92500	05/03/2019			Kevin Bransfield	\$192.00
	Invoice	Date	Description		Amount
	211126153	04/24/2019	Citation overpayment refund		\$192.00
92501	05/03/2019			Lynde Gonzales	\$83.70
	Invoice	Date	Description		Amount
	2003625.002	04/30/2019	Refund therapilates class		\$83.70
92502	05/03/2019			Michael K. LoMonaco	\$237.30
	Invoice	Date	Description		Amount
	2019-00004225	05/01/2019	Refund of 5% CDD IT fee charged twice 1317 - Technology Fee Fund		\$237.30
92503	05/03/2019			Michael or Ella Mayon	\$50.00
	Invoice	Date	Description		Amount
	1115-6	04/29/2019	Cancelled parking permits		\$50.00
92504	05/03/2019			Patricia Vivenzi	\$17.00
	Invoice	Date	Description		Amount
	244579	04/24/2019	Citation refund		\$17.00
92505	05/03/2019			Shaun Denny	\$58.00
	Invoice	Date	Description		Amount
	211125239	04/24/2019	Citation overpayment refund		\$58.00
Type Check Totals:					\$152,952.57

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City Checks Issued May 3, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
EFT					
768	04/30/2019			EMPLOYMENT DEVELOPMENT DEPT	\$7,546.56
	Invoice	Date	Description		Amount
	0-798-659-776	04/30/2019	State taxes PPE 4/20/19 1001 - Payroll Payables		\$7,546.56
769	04/30/2019			INTERNAL REVENUE SERVICE	\$26,963.63
	Invoice	Date	Description		Amount
	70157044	04/30/2019	Federal taxes and Medicare PPE 4/20/19 1001 - Payroll Payables		\$26,963.63
770	04/30/2019			CalPERS Member Services Division	\$50,119.54
	Invoice	Date	Description		Amount
	PERS042619	04/30/2019	PERS contributions PPE 4/20/19 1000 - General Fund (\$0.19) 1001 - Payroll Payables \$50,119.73		\$50,119.54
771	04/29/2019			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice	Date	Description		Amount
	XE2ILXQ6657	04/29/2019	Employee garnishments PPE 4/20/19 1001 - Payroll Payables		\$1,232.76
772	05/02/2019			CalPERS Health Insurance	\$59,775.34
	Invoice	Date	Description		Amount
	1001311600	05/02/2019	May health insurance 1000 - General Fund \$2,750.01 1001 - Payroll Payables \$57,025.33		\$59,775.34
Type EFT Totals:					\$145,637.83

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CITY - Main City Totals					
Checks			72		\$152,952.57
EFTs			5		\$145,637.83
All			77		\$298,590.40

City main account checks dated May 10, 2019, numbered 92506 to 92556, totaling \$54,417.81, 4 Library account checks, totaling \$33,191.06, and 3 Payroll account checks plus 98 EFTs, totaling \$166,204.93, for a grand total of \$253,813.80, have been reviewed and authorized for distribution by the City Manager.

As of May 10, 2019, the unaudited cash balance is \$6,419,471.46.

CASH POSITION - CITY OF CAPITOLA 5/10/19

	<u>Net Balance</u>
General Fund	\$2,033,079.77
Payroll Payables	\$132,843.62
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$404,433.06
Capital Improvement Fund	\$1,188,492.70
Stores Fund	\$39,554.20
Information Technology Fund	\$141,369.10
Equipment Replacement	\$285,311.91
Self-Insurance Liability Fund	\$55,729.71
Workers' Comp. Ins. Fund	\$155,437.54
Compensated Absences Fund	<u>(\$53,125.81)</u>
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$6,419,471.46</u></u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$845,131.93 (not included above).
The Library Fund balance is \$2,684,517.70 (not included above).

 _____ Jamie Goldstein, City Manager	5/10/19 Date
 _____ Jim Malberg, City Treasurer	5/13/19 Date

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City Checks Issued May 10, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92506	05/10/2019			A TOOL SHED	\$2,271.18
	Invoice	Date	Description		Amount
	1325529-5	04/30/2019	Esplanade bathroom sewer camera rental		\$2,271.18
92507	05/10/2019			ADAMS ASHBY GROUP INC	\$3,700.00
	Invoice	Date	Description		Amount
	2654	05/01/2019	HOME long term monitoring for Bay Ave. senior apartments 1370 - HOME Reuse		\$3,700.00
92508	05/10/2019			ADT SECURITY SERVICES INC.	\$205.46
	Invoice	Date	Description		Amount
	ADT042919	04/29/2019	Corporation yard and museum security monitoring		\$205.46
92509	05/10/2019			AMAZON CAPITAL SERVICES	\$175.99
	Invoice	Date	Description		Amount
	1HP3-RTVD-9RYQ	05/01/2019	Monitor privacy screen		\$175.99
92510	05/10/2019			AUTHENTIC APPROACH	\$1,500.00
	Invoice	Date	Description		Amount
	11003	05/01/2019	May BIA communication and marketing management services 1321 - Village-Wharf BIA		\$1,500.00
92511	05/10/2019			AXCIENT	\$125.00
	Invoice	Date	Description		Amount
	FY19INEFI016088	04/30/2019	April AppAssure storage 2211 - ISF - Info Tech		\$125.00
92512	05/10/2019			B & B SMALL ENGINE REPAIR	\$606.19
	Invoice	Date	Description		Amount
	417427	04/18/2019	Parks equipment		\$606.19
92513	05/10/2019			BRANTLY SANDRETTI	\$75.68
	Invoice	Date	Description		Amount
	BS050119	05/01/2019	Interview and interrogation training (POST)		\$75.68
92514	05/10/2019			CALIFORNIA COAST UNIFORM COMPANY	\$1,605.31
	Invoice	Date	Description		Amount
	6967	03/05/2019	PD volunteer uniform		\$352.94
	7038	04/01/2019	PD volunteer uniform		\$334.47
	7042	04/01/2019	Uniform pants, shirts, boots		\$645.01
	6966	03/05/2019	Uniform pants and tailoring		\$272.89

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City Checks Issued May 10, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92515	05/10/2019			CAROLYN FLYNN	\$2,160.00
	Invoice	Date	Description		Amount
	CBF-04-2019	05/01/2019	Affordable housing training for staff		\$2,160.00
92516	05/10/2019			CASEY PRINTING	\$5,377.61
	Invoice	Date	Description		Amount
	38772011	04/25/2019	Summer recreation brochure printing		\$5,377.61
92517	05/10/2019			CLEAN BUILDING MAINTENANCE CO.	\$3,719.13
	Invoice	Date	Description		Amount
	22216	04/30/2019	April janitorial services		\$3,719.13
			1000 - General Fund	\$3,453.63	
			1311 - Wharf	\$265.50	
92518	05/10/2019			CRYSTAL SPRINGS WATER CO.	\$271.50
	Invoice	Date	Description		Amount
	CSW043019	04/30/2019	April drinking water		\$271.50
92519	05/10/2019			D & G SANITATION	\$476.29
	Invoice	Date	Description		Amount
	259651	04/30/2019	Portable toilet rental - skate park		\$252.65
	259652	04/30/2019	Portable toilet rental - Esplanade		\$223.64
92520	05/10/2019			DIXON AND SON INC.	\$441.17
	Invoice	Date	Description		Amount
	219187	05/02/2019	Tires, mounting, disposal		\$441.17
92521	05/10/2019			EXPLORE PUBLISHING INC.	\$1,000.00
	Invoice	Date	Description		Amount
	1904398	04/25/2019	BIA advertising		\$1,000.00
			1321 - Village-Wharf BIA		
92522	05/10/2019			FARWEST NURSERY	\$94.05
	Invoice	Date	Description		Amount
	823881	04/30/2019	Esplanade landscape supplies		\$94.05
92523	05/10/2019			FRED C. BEYERS	\$312.00
	Invoice	Date	Description		Amount
	FB050719	05/07/2019	Softball official services 4/22 - 5/3/19		\$312.00

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City Checks Issued May 10, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92524	05/10/2019			HOME DEPOT CREDIT SERVICES	\$124.5
	Invoice	Date	Description		Amount
	1622534	05/02/2019	Fan		\$17.40
	0342421	04/03/2019	Hoe, hose, nozzle, concrete, trowel		\$107.10
92525	05/10/2019			HOSE SHOP	\$205.3
	Invoice	Date	Description		Amount
	415759	05/02/2019	Sweeper hose assembly and fittings 1310 - Gas Tax		\$205.36
92526	05/10/2019			HUB INTERNATIONAL	\$109.4
	Invoice	Date	Description		Amount
	HUB043019	05/06/2019	April community center event insurance		\$109.46
92527	05/10/2019			JESSICA SCHROEDER	\$222.3
	Invoice	Date	Description		Amount
	JS050619	05/06/2019	Instructor payment		\$222.30
92528	05/10/2019			JOHNSON ROBERTS & ASSOCIATES INC.	\$15.0
	Invoice	Date	Description		Amount
	139351	05/02/2019	Personnel psychological evaluation		\$15.00
92529	05/10/2019			KATHY D'ANGELO	\$450.0
	Invoice	Date	Description		Amount
	000V-04102019	05/02/2019	Museum interview services		\$400.00
	000V-04262019	04/26/2019	Museum interview services		\$50.00
92530	05/10/2019			KBA Document Solutions LLC	\$656.9
	Invoice	Date	Description		Amount
	INV788273	05/01/2019	April copier usage charges		\$113.79
	INV788274	05/01/2019	City hall copier usage charges		\$543.20
			1000 - General Fund	\$27.65	
			2211 - ISF - Info Tech	\$629.34	
92531	05/10/2019			KELLY MOORE PAINT COMPANY INC.	\$150.9
	Invoice	Date	Description		Amount
	803-00000817237	05/02/2019	Acetone		\$150.96
92532	05/10/2019			LLOYDS TIRE SERVICE	\$140.4
	Invoice	Date	Description		Amount
	316148	04/29/2019	Tire mounting, balance, disposal		\$140.45

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City Checks Issued May 10, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92533	05/10/2019			MICHAEL KILROY	\$493.00
	Invoice	Date	Description		Amount
	MK031519	05/04/2019	South Bay regional public safety training mileage reimbursement		\$246.50
	MK030819	05/04/2019	South Bay regional public safety training mileage reimbursement		\$246.50
92534	05/10/2019			MID COUNTY AUTO SUPPLY	\$466.92
	Invoice	Date	Description		Amount
	MID-282761	04/29/2019	Brake pads for 2011 Crown Vic		\$126.59
	MID-282784	04/29/2019	Brake rotors for 2011 Crown Vic		\$161.12
	MID-286622	05/01/2019	Autobody adhesive		\$21.99
	MID-289046	05/02/2019	Sweeper oil filter		\$30.44
	MID-289047	05/02/2019	Wiper blades (2)		\$23.04
	MID-289120	05/02/2019	Wiper blades (6)		\$103.74
			1000 - General Fund	\$436.48	
			1310 - Gas Tax	\$30.44	
92535	05/10/2019			MISSION LINEN SUPPLY	\$36.16
	Invoice	Date	Description		Amount
	509783407	05/01/2019	Fleet linen service		\$36.16
92536	05/10/2019			NICHOLS CONSULTING ENGINEERS CHTD	\$9,460.00
	Invoice	Date	Description		Amount
	303085508	05/02/2019	Park Avenue storm damage slope repairs		\$9,460.00
			1200 - Capital Improvement Fund		
92537	05/10/2019			ORIGINAL WATERMEN	\$1,267.59
	Invoice	Date	Description		Amount
	S62226	05/07/2019	Junior guard instructor uniforms		\$1,267.59
92538	05/10/2019			OSUNA AUTO ELECTRIC & SMALL ENGINE REPAIR	\$132.76
	Invoice	Date	Description		Amount
	32373	04/30/2019	Starter repair		\$132.76
92539	05/10/2019			PALACE OFFICE SUPPLIES	\$205.78
	Invoice	Date	Description		Amount
	531882-0	05/01/2019	Tamper evident bags		\$49.77
	531742-1	05/01/2019	Desktop copyholder		\$15.96
	9598958-0	04/30/2019	Museum foam board, masking tape		\$18.45
	532056-0	05/02/2019	Budget book index sheets		\$121.60
92540	05/10/2019			Paula Yoshiko Suzuki	\$473.20
	Invoice	Date	Description		Amount
	PS050619	05/06/2019	Instructor payment		\$473.20

Attachment: 5/10/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 10, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92541	05/10/2019			PHIL ALLEGRI ELECTRIC INC.	\$794.27
	Invoice	Date	Description		Amount
	25146	02/21/2019	2199 Francesco Cir. pole #7820 repairs		\$430.00
	25406	04/19/2019	Installed box/dimmer switch for Esplanade tree lights		\$364.27
92542	05/10/2019			PK SAFETY SUPPLY	\$251.23
	Invoice	Date	Description		Amount
	383663	04/29/2019	Safety glasses		\$52.32
	383675	04/29/2019	Safety vests		\$198.91
92543	05/10/2019			ROYAL WHOLESALE ELECTRIC	\$20.07
	Invoice	Date	Description		Amount
	7719-644601	04/26/2019	Parking meter electrical supplies		\$20.07
92544	05/10/2019			SAN LORENZO LUMBER	\$87.40
	Invoice	Date	Description		Amount
	58-0227971	04/03/2019	Skate park 1-5/8" rail ends (50)		\$87.40
92545	05/10/2019			SANTA CRUZ APTOS AUTO TOWING	\$125.00
	Invoice	Date	Description		Amount
	10730	04/23/2019	Lowered boat ramp and walkway 1311 - Wharf		\$125.00
92546	05/10/2019			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$10,125.50
	Invoice	Date	Description		Amount
	SCC050219	05/02/2019	April citation processing		\$10,125.50
92547	05/10/2019			SANTA CRUZ COUNTY INFORMATION SERVICES	\$633.68
	Invoice	Date	Description		Amount
	SCC042919	04/29/2019	May open query scan charges		\$633.68
92548	05/10/2019			SANTA CRUZ MUNICIPAL UTILITIES	\$168.63
	Invoice	Date	Description		Amount
	SCMU042619	04/26/2019	April water service for medians		\$168.63
92549	05/10/2019			SANTA CRUZ SENTINEL	\$990.40
	Invoice	Date	Description		Amount
	0001188526	04/30/2019	Garage sale notices, public hearing notices		\$990.40
92550	05/10/2019			SCC Regional Transportation Commission	\$566.92
	Invoice	Date	Description		Amount
	108	05/01/2019	RTC lease 194279 annual rent		\$566.92

Attachment: 5/10/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 10, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92551	05/10/2019			SOQUEL HEARING AID CENTER	\$250.68
	Invoice	Date	Description		Amount
	TLS042919	04/29/2019	Radio adapter		\$125.34
	TLS04292019	04/29/2019	Radio adapter		\$125.34
92552	05/10/2019			STATE STEEL COMPANY	\$338.18
	Invoice	Date	Description		Amount
	125462	04/29/2019	Angle bar, round bar, tubing		\$338.18
92553	05/10/2019			WATSONVILLE BLUEPRINT	\$242.12
	Invoice	Date	Description		Amount
	85010	05/02/2019	Park Ave. sidewalk prints		\$242.12
92554	05/10/2019			ZEE MEDICAL SERVICE CO.	\$96.74
	Invoice	Date	Description		Amount
	66583997	05/02/2019	City Hall first aid supply refill 2210 - ISF - Stores Fund		\$96.74
92555	05/10/2019			Edward Leal da Roza	\$500.00
	Invoice	Date	Description		Amount
	19-0116	05/07/2019	Tree deposit refund		\$500.00
92556	05/10/2019			Howard Allen	\$500.00
	Invoice	Date	Description		Amount
	19-0058	05/02/2019	Tree deposit refund		\$500.00
Type Check Totals:					\$54,417.8

Attachment: 5/10/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 10, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
Library - Library					
<u>Check</u>					
122	05/10/2019			BOGARD CONSTRUCTION INC.	\$3,040.00
	Invoice	Date	Description		Amount
	160707-32	04/29/2019	Library project management and site camera 1360 - Library Fund		\$3,040.00
123	05/10/2019			CONSOLIDATED ENGINEERING LABORATORIES	\$3,481.50
	Invoice	Date	Description		Amount
	162293	04/19/2019	Library construction inspection and materials testing 1360 - Library Fund		\$3,481.50
124	05/10/2019			JAMES P ALLEN	\$1,305.00
	Invoice	Date	Description		Amount
	050119	05/01/2019	Library arborists services 1360 - Library Fund		\$1,305.00
125	05/10/2019			NOLL AND TAM ARCHITECTS	\$25,364.56
	Invoice	Date	Description		Amount
	0058228	04/30/2019	April library architecture services 1360 - Library Fund		\$25,364.56
Type Check Totals:					\$33,191.06
CITY - Main City Totals					
Checks			Count		Total
EFTs			51		\$54,417.81
All			0		\$0.00
			51		\$54,417.81
Library - Library Totals					
Checks			4		\$33,191.06
EFTs			0		\$0.00
All			4		\$33,191.06
WELLS - Payroll Totals					
Checks			3		\$3,038.97
EFTs			98		\$163,165.96
All			101		\$166,204.93
Grand Totals					
Checks			58		\$90,647.84
EFTs			98		\$163,165.96
All			156		\$253,813.80

Attachment: 5/10/19 City Check Register (Approval of City Check Registers)

City main account checks dated May 17, 2019, numbered 92557 to 92626, plus 5 EFTs, totaling \$171,573.12, have been reviewed and authorized for distribution by the City Manager.

As of May 17, 2019, the unaudited cash balance is \$6,426,944.49.

CASH POSITION - CITY OF CAPITOLA 5/17/19

	<u>Net Balance</u>
General Fund	\$2,135,339.61
Payroll Payables	\$40,070.26
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$404,433.06
Capital Improvement Fund	\$1,188,492.70
Stores Fund	\$38,926.18
Information Technology Fund	\$139,983.67
Equipment Replacement	\$285,311.91
Self-Insurance Liability Fund	\$55,729.71
Workers' Comp. Ins. Fund	\$155,437.54
Compensated Absences Fund	(\$53,125.81)
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$6,426,944.49</u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).

The PERS Contingency Fund balance is \$845,131.93 (not included above).

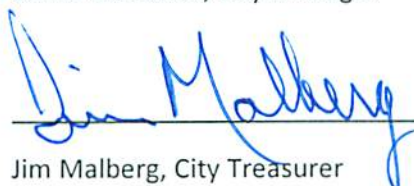
The Library Fund balance is \$3,194,629.61 (not included above).



 Jamie Goldstein, City Manager

5/17/19

 Date



 Jim Malberg, City Treasurer

5/21/19

 Date

Attachment: 5/17/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92557	05/17/2019			SHELON BENNETT	\$79.50
	Licensee Number 3604		Description Reissued business license refund		
92558	05/17/2019			A TOOL SHED	\$310.68
	Invoice	Date	Description		Amount
	1345234-5	05/02/2019	Tractor skid steer rental for weed abatement		\$160.68
	1336319-5	05/13/2019	Generator rental for Skate-tola event		\$150.00
92559	05/17/2019			AMAZON CAPITAL SERVICES	\$138.34
	Invoice	Date	Description		Amount
	1YHK-1XYR-31MT	05/11/2019	Recreation coffee maker		\$65.40
	1XF6-XW6X-9TTL	05/13/2019	Flags, paper trimmer		\$66.99
	1WHY-K1Y9-M9T4	05/14/2019	3' x 5' red flag		\$5.95
92560	05/17/2019			AQUA NATURAL SOLUTIONS	\$1,142.87
	Invoice	Date	Description		Amount
	4580	05/08/2019	Wharf microbe lift and sludge away 1311 - Wharf		\$1,142.87
92561	05/17/2019			AT&T	\$9.12
	Invoice	Date	Description		Amount
	ATT050119	05/01/2019	May long distance charges		\$9.12
			1000 - General Fund	\$4.48	
			2211 - ISF - Info Tech	\$4.64	
92562	05/17/2019			ATCHISON BARISONE & CONDOTTI	\$17,488.03
	Invoice	Date	Description		Amount
	ABC050919	05/09/2019	April legal services		\$17,488.03
92563	05/17/2019			B & B SMALL ENGINE REPAIR	\$81.72
	Invoice	Date	Description		Amount
	419695	05/13/2019	Trimmer head		\$81.72
92564	05/17/2019			BEN NOBLE	\$705.00
	Invoice	Date	Description		Amount
	1218	05/09/2019	General plan update revisions 1313 - General Plan Update and Maint		\$705.00
92565	05/17/2019			BIOBAG AMERICAS INC.	\$2,676.84
	Invoice	Date	Description		Amount
	464035	05/06/2019	Dog waste bags		\$2,676.84

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City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92566	05/17/2019			CA DEPARTMENT OF JUSTICE	\$352.00
	Invoice	Date	Description		Amount
	372625	05/03/2019	Fingerprinting applications (11)		\$352.00
92567	05/17/2019			CALE AMERICA INC.	\$1,829.00
	Invoice	Date	Description		Amount
	154125	04/30/2019	April active meters		\$1,829.00
92568	05/17/2019			CALIFORNIA COAST UNIFORM COMPANY	\$10.85
	Invoice	Date	Description		Amount
	10938	04/03/2019	Key ring holder		\$10.85
92569	05/17/2019			CALIFORNIA LAW ENFORCEMENT ASSOCIATION	\$514.50
	Invoice	Date	Description		Amount
	CLEA052019	04/17/2019	May POA long term disability 1001 - Payroll Payables		\$514.50
92570	05/17/2019			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,619.00
	Invoice	Date	Description		Amount
	POA051019	05/10/2019	POA dues PPE 5/4/19 1001 - Payroll Payables		\$1,619.00
92571	05/17/2019			CLIFF SLOMA	\$230.98
	Invoice	Date	Description		Amount
	CS043019	05/13/2019	RMS site visit and meeting travel reimbursement		\$230.98
92572	05/17/2019			EMERGENCY VEHICLE SPECIALISTS INC.	\$100.00
	Invoice	Date	Description		Amount
	9722	04/16/2019	PD car #141 intermittent siren troubleshooting		\$100.00
92573	05/17/2019			ENTENMANN-ROVIN CO.	\$1,600.00
	Invoice	Date	Description		Amount
	0143571-IN	05/03/2019	Production mold for new badge		\$1,600.00
92574	05/17/2019			EWING IRRIGATION	\$52.54
	Invoice	Date	Description		Amount
	7359002	05/04/2019	Rainbird plastic nozzles, body assembly		\$20.74
	7099725	03/29/2019	Jade St. park hose bibb keys		\$17.99
	6987838	03/13/2019	Esplanade landscape supplies		\$13.81
92575	05/17/2019			FARWEST NURSERY	\$37.06
	Invoice	Date	Description		Amount
	028039	03/28/2019	Landscape supplies		\$37.06

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City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92576	05/17/2019			FLYERS ENERGY LLC	\$4,953.24
	Invoice	Date	Description		Amount
	19-895896	04/24/2019	394 gallons gasoline		\$1,729.50
	19-895897	04/24/2019	90 gallons diesel		\$365.38
	19-897997	04/30/2019	55 gallons 15W40 oil		\$753.64
	19-901957	05/03/2019	326 gallons gasoline		\$1,475.09
	19-901958	05/03/2019	150 gallons diesel		\$629.63
92577	05/17/2019			FRED PRYOR SEMINARS	\$149.00
	Invoice	Date	Description		Amount
	FP070919	05/17/2019	Payroll law seminar		\$149.00
92578	05/17/2019			GARDAWORLD	\$201.55
	Invoice	Date	Description		Amount
	10484300	05/01/2019	May armored vehicle service		\$201.55
92579	05/17/2019			GUARDIAN ALLIANCE INVESTIGATIONS LLC	\$1,300.00
	Invoice	Date	Description		Amount
	1128	02/15/2019	IT specialist background check		\$1,300.00
92580	05/17/2019			HOME DEPOT CREDIT SERVICES	\$824.89
	Invoice	Date	Description		Amount
	9616744	05/04/2019	Graffiti cleanup supplies		\$127.86
	7643270	05/06/2019	Valved respirator, gloves		\$27.18
	7623118	05/06/2019	Steel tamper for Jade St. park field		\$35.95
	7521639	05/06/2019	Fast patch, trowel		\$15.01
	2012712	05/01/2019	Respirator, buckets with lids		\$87.22
	1521245	05/02/2019	Wharf cleaning supplies		\$13.33
	6623213	05/07/2019	Street painting supplies		\$76.33
	6060028	05/07/2019	Tub drain wrench, steel wool		\$15.52
	5623340	05/08/2019	Extendable scrapers		\$21.72
	5617142	05/08/2019	Lumber		\$19.32
	2622408	05/01/2019	Gloves, key ring, lanyards, clamp		\$27.72
	4643761	05/09/2019	Drill bits, cleaning solution		\$37.74
	4510039	05/09/2019	Community Center supplies		\$319.99
			1000 - General Fund	\$811.56	
			1311 - Wharf	\$13.33	
92581	05/17/2019			HOSE SHOP	\$18.76
	Invoice	Date	Description		Amount
	415841	05/06/2019	Bushing, coupling		\$18.76

Attachment: 5/17/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92582	05/17/2019			HUB INTERNATIONAL	\$1,051.68
	Invoice	Date	Description		Amount
	HUB050619	05/06/2019	Skate-tola event insurance		\$1,051.68
92583	05/17/2019			HUMBOLDT PETROLEUM LLC	\$32.50
	Invoice	Date	Description		Amount
	088280	04/30/2019	April car wash services		\$32.50
92584	05/17/2019			HYDROSCIENCE ENGINEERS INC.	\$2,987.50
	Invoice	Date	Description		Amount
	331016003	05/01/2019	#18-0508 523 Burlingame Ave. stormwater review		\$2,987.50
92585	05/17/2019			ICMA RETIREMENT TRUST 457	\$5,970.89
	Invoice	Date	Description		Amount
	41757149	05/10/2019	457 contributions PPE 5/4/19 1001 - Payroll Payables		\$5,970.89
92586	05/17/2019			JAMES P ALLEN	\$720.00
	Invoice	Date	Description		Amount
	050319	05/03/2019	#19-0168 1600 49th Ave. coast redwood consulting services		\$720.00
92587	05/17/2019			JOHNSON ROBERTS & ASSOCIATES INC.	\$15.00
	Invoice	Date	Description		Amount
	139381	05/06/2019	PD employee background check		\$15.00
92588	05/17/2019			KBA Document Solutions LLC	\$43.81
	Invoice	Date	Description		Amount
	INV792771	05/13/2019	Recreation copier usage charges		\$11.35
	INV792770	05/13/2019	City Hall copier usage charges		\$32.46
			1000 - General Fund	\$11.35	
			2211 - ISF - Info Tech	\$32.46	
92589	05/17/2019			KINGS PAINT AND PAPER INC.	\$51.86
	Invoice	Date	Description		Amount
	A0282258	04/30/2019	Painting supplies		\$51.86
92590	05/17/2019			LABORMAX STAFFING	\$4,252.68
	Invoice	Date	Description		Amount
	26-106381	05/03/2019	Public works seasonal labor 4/27 - 5/3/19		\$2,100.08
	26-106672	05/10/2019	Public works seasonal labor 5/4 - 5/10/19		\$2,152.60

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City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92591	05/17/2019			LP POLICE	\$500.00
	Invoice	Date	Description		Amount
	419LP31150	04/30/2019	6 month LP police plan fee		\$500.00
92592	05/17/2019			MACKAY METERS INC	\$437.98
	Invoice	Date	Description		Amount
	1053285	03/31/2019	March meter and credit card transaction fees		\$219.21
	1052989	02/28/2019	February meter and credit card transaction fees		\$218.77
92593	05/17/2019			MARINE RESCUE PRODUCTS	\$3,578.00
	Invoice	Date	Description		Amount
	89327A	05/09/2019	Rescue tubes, CPR mask, swim fins		\$3,578.00
92594	05/17/2019			MASTER CLEANERS	\$1,272.17
	Invoice	Date	Description		Amount
	MC043019	04/30/2019	April uniform cleaning service		\$1,272.17
92595	05/17/2019			MID COUNTY AUTO SUPPLY	\$230.93
	Invoice	Date	Description		Amount
	MID-294792	05/07/2019	303 protectant 16 oz (10)		\$139.50
	MID-295248	05/07/2019	Water blades		\$51.00
	MID-294798	05/07/2019	Upholstery cleaner		\$6.95
	MID-303176	05/13/2019	Brake clean		\$33.48
92596	05/17/2019			MILLER'S TRANSFER & STORAGE CO.	\$240.45
	Invoice	Date	Description		Amount
	91063	05/06/2019	May record storage and April warehouse handling		\$240.45
92597	05/17/2019			MISSION LINEN SUPPLY	\$349.03
	Invoice	Date	Description		Amount
	509783408	05/01/2019	Corp. yard linen service		\$88.14
	509828081	05/08/2019	Fleet uniform service and shop towels		\$36.16
	509828082	05/08/2019	Corp. yard linen service		\$91.44
	509512066	03/25/2019	Recreation mats and mops		\$78.06
	509859039	05/13/2019	PD mat service		\$55.23
92598	05/17/2019			NICHOLE BRYANT LEBLOND	\$91.13
	Invoice	Date	Description		Amount
	NB050719	05/07/2019	Supplies reimbursement		\$91.13
92599	05/17/2019			NORTH BAY FORD	\$10.93
	Invoice	Date	Description		Amount
	272027	05/08/2019	Door handle assembly		\$10.93

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City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92600	05/17/2019			NUZ Inc. dba GOOD TIMES	\$1,532.00
	Invoice	Date	Description		Amount
	2019-330318	05/01/2019	Skate-tola advertising		\$766.00
	2019-330317	04/24/2019	Skate-tola advertising		\$766.00
92601	05/17/2019			O'REILLY AUTO PARTS	\$222.23
	Invoice	Date	Description		Amount
	2763-451352	05/08/2019	Protectant (12)		\$222.23
92602	05/17/2019			PAJARO VALLEY PRINTING	\$719.96
	Invoice	Date	Description		Amount
	38326	04/24/2019	Cannabis retail application binders		\$719.96
92603	05/17/2019			PALACE OFFICE SUPPLIES	\$170.93
	Invoice	Date	Description		Amount
	532950-0	05/07/2019	Pens, paper		\$50.16
	C531051-0	04/30/2019	Return desktop copy holder		(\$18.33)
	532852-0	05/07/2019	Laminator thermal pouches		\$41.54
	9601755-0	05/10/2019	Paper for budget books		\$51.72
	533748-0	05/13/2019	Document flags		\$6.25
	533683-0	05/13/2019	Specialty paper		\$39.59
			1000 - General Fund	\$74.93	
			2210 - ISF - Stores Fund	\$96.00	
92604	05/17/2019			PHIL ALLEGRI ELECTRIC INC.	\$1,805.23
	Invoice	Date	Description		Amount
	25147	02/21/2019	Lawn way pump repair, replacement and parts		\$1,805.23
92605	05/17/2019			ROBERT M PATTERSON	\$150.00
	Invoice	Date	Description		Amount
	RMP050919	05/09/2019	May administrative citation hearings		\$150.00
92606	05/17/2019			SAN LORENZO LUMBER	\$109.02
	Invoice	Date	Description		Amount
	55-0452314	05/01/2019	Safety glasses		\$18.54
	55-0453659	05/06/2019	Nitrile gloves, glasses, bucket, lumber		\$80.66
	55-0454607	05/09/2019	Lumber		\$9.82
92607	05/17/2019			SANTA CRUZ CHILDREN'S MUSEUM OF DISCOVERY	\$6,000.00
	Invoice	Date	Description		Amount
	MOD042119	04/21/2019	Youth & early childhood program funding		\$6,000.00

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City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92608	05/17/2019			SOFTWARE ONE INC	\$330.51
	Invoice	Date	Description		Amount
	US-PSI-789532	05/08/2019	Adobe creative cloud 4 month team subscription 2211 - ISF - Information Technology		\$330.51
92609	05/17/2019			SOQUEL CREEK WATER DISTRICT	\$6,560.96
	Invoice	Date	Description		Amount
	SCWD043019	04/30/2019	April water usage and irrigation fees 1000 - General Fund \$5,784.64 1311 - Wharf \$776.32		\$6,560.96
92610	05/17/2019			SPORT ABOUT GRAPHICS	\$2,631.90
	Invoice	Date	Description		Amount
	7867deposit	05/14/2019	Junior guard captain corps. t-shirt deposit		\$240.46
	7868deposit	05/14/2019	Camp Capitola t-shirt deposit		\$548.11
	7869deposit	05/14/2019	Camp Capitola junior leaders t-shirt deposit		\$342.31
	7870deposit	05/14/2019	Junior guard participant t-shirt deposit		\$1,104.52
	7871deposit	05/14/2019	Camp Capitola staff t-shirt deposit		\$396.50
92611	05/17/2019			SUMMIT UNIFORMS	\$184.63
	Invoice	Date	Description		Amount
	58323	04/09/2019	Holster		\$184.63
92612	05/17/2019			SUPPLYWORKS	\$1,974.77
	Invoice	Date	Description		Amount
	489344713	04/26/2019	Public restroom supplies		\$1,169.74
	490458957	05/02/2019	Hand wash for public restrooms		\$325.95
	489766071	04/30/2019	Hand wash, nitrile gloves		\$212.99
	489517375	04/26/2019	Hand wash for public restrooms		\$162.98
	489517367	04/26/2019	Nitrile gloves		\$103.11
92613	05/17/2019			TPX COMMUNICATIONS	\$1,984.86
	Invoice	Date	Description		Amount
	115908985-0	04/23/2019	April phone service 1000 - General Fund \$1,079.57 2211 - ISF - Info Tech \$905.29		\$1,984.86
92614	05/17/2019			UNITED PARCEL SERVICE	\$29.85
	Invoice	Date	Description		Amount
	0000954791189	05/04/2019	PD shipping charges		\$24.05
	0000954791199	05/11/2019	PD shipping charges		\$5.80

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City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92615	05/17/2019			US BANK EQUIPMENT FINANCE	\$288.85
	Invoice	Date	Description		Amount
	384236881	05/03/2019	PD copier lease		\$288.85
92616	05/17/2019			US BANK EQUIPMENT FINANCE	\$481.78
	Invoice	Date	Description		Amount
	384236840	05/03/2019	City Hall & Recreation copier leases		\$481.78
			1000 - General Fund	\$25.80	
			2210 - ISF - Stores Fund	\$455.98	
92617	05/17/2019			US BANK EQUIPMENT FINANCE	\$103.55
	Invoice	Date	Description		Amount
	384236824	05/03/2019	Recreation copier lease		\$103.55
92618	05/17/2019			US BANK PARS Acct 6746022400	\$392.04
	Invoice	Date	Description		Amount
	PARS051019	05/10/2019	PARS contributions PPE 5/4/19		\$392.04
			1001 - Payroll Payables		
92619	05/17/2019			WELLS FARGO BANK	\$2,166.16
	Invoice	Date	Description		Amount
	WF050319	05/03/2019	April credit card transactions		\$2,166.16
			Purchase over \$500 threshold:		
			Standing desk converter	\$535.18	
92620	05/17/2019			WESTERN EXTERMINATOR COMPANY	\$121.00
	Invoice	Date	Description		Amount
	6957527	04/30/2019	City Hall rodent control		\$60.50
	6957526	04/30/2019	Turnouts rodent control		\$60.50
92621	05/17/2019			ZEP SALES & SERVICE	\$259.68
	Invoice	Date	Description		Amount
	9004213833	04/25/2019	Write away, glass cleaner		\$259.68
92622	05/17/2019			Donald or Debra Foster	\$36.00
	Invoice	Date	Description		Amount
	233125509	05/10/2019	Citation refund		\$36.00
92623	05/17/2019			Kevin Peterson	\$96.00
	Invoice	Date	Description		Amount
	233124133	05/03/2019	Citation refund		\$96.00

Attachment: 5/17/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 17, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92624	05/17/2019			Mary or Richard Castillo	\$50.00
	Invoice	Date	Description		Amount
	MRC050619	05/06/2019	Parking permit refund		\$50.00
92625	05/17/2019			Peggy Pascoe	\$36.00
	Invoice	Date	Description		Amount
	233125575	05/09/2019	Citation refund		\$36.00
92626	05/17/2019			Silvana Patricia Vivenzi	\$17.00
	Invoice	Date	Description		Amount
	244579reissue	05/09/2019	Re-issue citation refund		\$17.00
Type Check Totals:					\$86,716.92
EFT					
773	05/13/2019			EMPLOYMENT DEVELOPMENT DEPT	\$7,088.67
	Invoice	Date	Description		Amount
	1-739-230-400	05/13/2019	State taxes PPE 5/4/19 1001 - Payroll Payables		\$7,088.67
774	05/13/2019			INTERNAL REVENUE SERVICE	\$25,823.77
	Invoice	Date	Description		Amount
	95713102	05/13/2019	Federal & Medicare taxes PPE 5/4/19 1001 - Payroll Payables		\$25,823.77
775	05/13/2019			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice	Date	Description		Amount
	OYSNF7V6657	05/13/2019	Employee garnishments PPE 5/4/19 1001 - Payroll Payables		\$1,232.76
776	05/13/2019			WELLS FARGO BANK	\$579.50
	Invoice	Date	Description		Amount
	WF051319	05/13/2019	Client analysis service charges		\$579.50
777	05/16/2019			CalPERS Member Services Division	\$50,131.50
	Invoice	Date	Description		Amount
	1001320618-23	05/16/2019	PERS contributions PPE 5/4/19 1000 - General Fund (\$0.23) 1001 - Payroll Payables \$50,131.73		\$50,131.50
Type EFT Totals:					\$84,856.20
CITY - Main City Totals				Count:	Total:
Checks				70	\$86,716.92
EFTs				5	\$84,856.20
All				75	\$171,573.12

Attachment: 5/17/19 City Check Register (Approval of City Check Registers)

City main account checks dated May 24, 2019, numbered 92627 to 92663, totaling \$58,883.37, 2 Library checks, totaling \$477,520.10, and 9 Payroll checks, plus 107 EFTs, totaling \$244,813.98, for a grand total of \$781,217.45, have been reviewed and authorized for distribution by the City Manager.

As of May 24, 2019, the unaudited cash balance is \$6,719,513.45

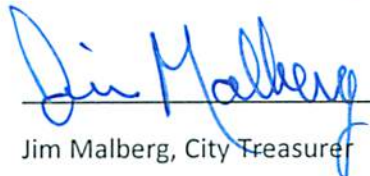
CASH POSITION - CITY OF CAPITOLA 5/24/19	
	Net Balance
General Fund	\$2,312,213.96
Payroll Payables	\$195,938.27
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$404,433.06
Capital Improvement Fund	\$1,179,671.30
Stores Fund	\$38,926.18
Information Technology Fund	\$139,983.67
Equipment Replacement	\$257,311.91
Self-Insurance Liability Fund	\$52,377.71
Workers' Comp. Ins. Fund	\$155,437.54
Compensated Absences Fund	(\$53,125.81)
TOTAL UNASSIGNED GENERAL FUNDS	\$6,719,513.45
The <u>Emergency Reserve Fund</u> balance is \$1,344,205.54 (not included above).	
The <u>PERS Contingency Fund</u> balance is \$845,131.93 (not included above).	
The <u>Library Fund</u> balance is \$2,717,234.51 (not included above).	



 Jamie Goldstein, City Manager

5/24/19

 Date



 Jim Malberg, City Treasurer

5/24/19

 Date

Attachment: 5/24/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 24, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92627	05/24/2019			ADRIENNE HARRELL	\$873.60
	Invoice	Date	Description		Amount
	AH052019	05/20/2019	Instructor payment		\$873.60
92628	05/24/2019			AIMEE FITZGERALD	\$52.00
	Invoice	Date	Description		Amount
	AF051419	05/14/2019	Instructor payment		\$52.00
92629	05/24/2019			BECKY ADAMS	\$358.15
	Invoice	Date	Description		Amount
	BA052019	05/20/2019	Instructor payment		\$358.15
92630	05/24/2019			BOWMAN & WILLIAMS INC.	\$437.50
	Invoice	Date	Description		Amount
	13631	05/14/2019	Rispin/Peery park engineering services 1200 - Capital Improvement Fund		\$437.50
92631	05/24/2019			CARIN HANNA	\$511.34
	Invoice	Date	Description		Amount
	CH051419	05/14/2019	BIA shipping, email service, storage, domain registration 1321 - BIA - Capitola Village-Wharf BIA		\$511.34
92632	05/24/2019			CHARMAINE MONIZ	\$29.90
	Invoice	Date	Description		Amount
	CM052019	05/20/2019	Instructor payment		\$29.90
92633	05/24/2019			CHUCK DICKS	\$284.05
	Invoice	Date	Description		Amount
	CD052019	05/20/2019	Instructor payment		\$284.05
92634	05/24/2019			CLAUDIO FRANCA	\$97.50
	Invoice	Date	Description		Amount
	CF051419	05/14/2019	Instructor payment		\$97.50
92635	05/24/2019			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$789.25
	Invoice	Date	Description		Amount
	2660	05/16/2019	April televised meetings		\$789.25
92636	05/24/2019			DAVID SCOTT COBABE	\$1,491.00
	Invoice	Date	Description		Amount
	DC052019	05/20/2019	Instructor payment		\$1,491.00

Attachment: 5/24/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 24, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92637	05/24/2019			EMPLOYMENT DEVELOPMENT DEPT	\$3,352.00
	Invoice	Date	Description		Amount
	L1714857568	05/07/2019	Quarterly unemployment claims 2213 - ISF - Self-Insurance Liability		\$3,352.00
92638	05/24/2019			FRED C. BEYERS	\$195.00
	Invoice	Date	Description		Amount
	FB051719	05/17/2019	Softball official services 5/6 - 5/14		\$195.00
92639	05/24/2019			HELEN KLEE	\$202.80
	Invoice	Date	Description		Amount
	HK052019	05/20/2019	Instructor payment		\$202.80
92640	05/24/2019			JANICE THERESA ENSMINGER	\$192.40
	Invoice	Date	Description		Amount
	JE052019	05/20/2019	Instructor payment		\$192.40
92641	05/24/2019			JEANI MITCHELL	\$460.20
	Invoice	Date	Description		Amount
	JM052019	05/20/2019	Instructor payment		\$460.20
92642	05/24/2019			JODI CHRISTIANSEN DESIGNS	\$447.20
	Invoice	Date	Description		Amount
	JC051419	05/14/2019	Instructor payment		\$447.20
92643	05/24/2019			JOHANNA WEINSTEIN	\$497.25
	Invoice	Date	Description		Amount
	JA052019	05/20/2019	Instructor payment		\$497.25
92644	05/24/2019			KIMLEY HORN AND ASSOCIATES INC	\$1,812.50
	Invoice	Date	Description		Amount
	13666596	04/30/2019	Brommer St. project management, construction documents 1309 - RTC Streets		\$1,812.50
92645	05/24/2019			LLOYDS TIRE SERVICE	\$42.50
	Invoice	Date	Description		Amount
	316363	05/13/2019	2018 Ford Explorer tire mounting, balancing		\$42.50
92646	05/24/2019			LORRAINE KINNAMON	\$51.35
	Invoice	Date	Description		Amount
	LK052019	05/20/2019	Instructor payment		\$51.35

Attachment: 5/24/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 24, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92647	05/24/2019			MARQUIS BOOTH	\$939.87
	Invoice	Date	Description		Amount
	MB050819	05/14/2019	SBSLI leadership training POST funded		\$939.87
92648	05/24/2019			MICHAEL G LEW	\$304.20
	Invoice	Date	Description		Amount
	ML052019	05/20/2019	Instructor payment		\$304.20
92649	05/24/2019			MICHAEL KILROY	\$88.16
	Invoice	Date	Description		Amount
	MK050719	05/14/2019	Firearms training mileage reimbursement		\$88.16
92650	05/24/2019			MICHELE FAIA	\$1,001.00
	Invoice	Date	Description		Amount
	MF052019	05/20/2019	Instructor payment		\$1,001.00
92651	05/24/2019			MID COUNTY AUTO SUPPLY	\$307.10
	Invoice	Date	Description		Amount
	MID-286629	05/01/2019	Palm sander		\$199.95
	MID-305905	05/14/2019	Polisher/sander, swirl remover, car glaze		\$107.15
92652	05/24/2019			MOFFATT AND NICHOL	\$8,383.90
	Invoice	Date	Description		Amount
	740331	03/13/2019	Groin & flume permitting, meetings, CEQA review 1200 - Capital Improvement Fund		\$8,383.90
92653	05/24/2019			NORTH BAY FORD	\$28,000.00
	Invoice	Date	Description		Amount
	97207	05/10/2019	2016 Ford Explorer VIN 66872 for Police Chief 2212 - ISF - Equipment Replacement		\$28,000.00
92654	05/24/2019			PAT EVANS	\$284.05
	Invoice	Date	Description		Amount
	PE052019	05/20/2019	Instructor payment		\$284.05
92655	05/24/2019			REGISTER-PAJARONIAN	\$599.00
	Invoice	Date	Description		Amount
	289545	04/30/2019	BIA advertising 1321 - BIA - Capitola Village-Wharf BIA		\$599.00
92656	05/24/2019			SANDY MARRUJO	\$546.00
	Invoice	Date	Description		Amount
	SM052019	05/20/2019	Instructor payment		\$546.00

Attachment: 5/24/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 24, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92657	05/24/2019			SARA CLEVENGER	\$600.00
	Invoice	Date	Description		Amount
	9	05/15/2019	BIA consulting services 1321 - BIA - Capitola Village-Wharf BIA		\$600.00
92658	05/24/2019			SESE EGAN GEDDES	\$140.40
	Invoice	Date	Description		Amount
	SE051419	05/14/2019	Instructor payment		\$140.40
92659	05/24/2019			THE CLEANING MACHINE INC.	\$2,680.00
	Invoice	Date	Description		Amount
	6324	04/29/2019	Sidewalk cleaning		\$2,680.00
92660	05/24/2019			TRACIE HERNANDEZ	\$189.96
	Invoice	Date	Description		Amount
	TH043019	05/14/2019	RMS site visit travel reimbursement		\$189.96
92661	05/24/2019			TRENISE POT	\$2,024.75
	Invoice	Date	Description		Amount
	TP052019	05/20/2019	Instructor payment		\$2,024.75
92662	05/24/2019			TRUDIE RANSOM	\$131.95
	Invoice	Date	Description		Amount
	TR051419	05/14/2019	Instructor payment		\$131.95
92663	05/24/2019			GEORGE McMENAMIN	\$485.54
	Invoice	Date	Description		Amount
	2019-11	05/21/2019	Riparian restoration services		\$485.54
Type Check Totals:					\$58,883.37
Library - Library					
<u>Check</u>					
126	05/24/2019			JOHN F OTTO INC ESCROW NO 02-701154	\$23,876.01
	Invoice	Date	Description		Amount
	13132retainer	05/10/2019	April library construction retainage 1360 - Library Fund		\$23,876.01
127	05/24/2019			OTTO CONSTRUCTION INC.	\$453,644.09
	Invoice	Date	Description		Amount
	13132	05/10/2019	Library concrete reinforcement, architectural wall, earthwork 1360 - Library Fund		\$453,644.09
Type Check Totals:					\$477,520.10

Attachment: 5/24/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 24, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals				Count:	Total:
Checks				37	\$58,883.37
EFTs				0	\$0.00
All				37	\$58,883.37
Library - Library Totals					
Checks				2	\$477,520.10
EFTs				0	\$0.00
All				2	\$477,520.10
WELLS - Payroll Totals					
Checks				9	\$9,532.80
EFTs				107	\$235,281.18
All				116	\$244,813.98
Grand Totals:					
Checks				48	\$545,936.27
EFTs				107	\$235,281.18
All				155	\$781,217.45

Attachment: 5/24/19 City Check Register (Approval of City Check Registers)


City main account checks dated May 31, 2019, numbered 92664 to 92738 plus 5 EFTs, totaling \$213,555.62, and 1 Library check totaling \$560.00, for a grand total of \$214,115.62, have been reviewed and authorized for distribution by the City Manager.

As of May 31, 2019, the unaudited cash balance is \$6,527,187.93.

CASH POSITION - CITY OF CAPITOLA 5/31/19

	<u>Net Balance</u>
General Fund	\$2,375,798.64
Payroll Payables	\$62,480.20
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$404,433.06
Capital Improvement Fund	\$1,161,237.07
Stores Fund	\$38,913.25
Information Technology Fund	\$136,210.12
Equipment Replacement	\$257,311.91
Self-Insurance Liability Fund	\$52,004.01
Workers' Comp. Ins. Fund	\$155,437.54
Compensated Absences Fund	<u>(\$152,983.53)</u>
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$6,527,187.93</u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$845,131.93 (not included above).
The Library Fund balance is \$2,716,674.51 (not included above).

 _____ Jamie Goldstein, City Manager	6/3/19 _____ Date
 _____ Jim Malberg, City Treasurer	6/5/19 _____ Date

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92664	05/25/2019			LA County Surf Lifesaving Association	\$110.00
	Invoice	Date	Description		Amount
	CSLSA040618	04/06/2018	CA Surf Lifesaving Association board meeting		\$110.00
92665	05/31/2019			AFLAC	\$1,705.46
	Invoice	Date	Description		Amount
	795994	05/25/2019	May supplemental insurance 1001 - Payroll Payables		\$1,705.46
92666	05/31/2019			ALEX P HOEGN LUCERO	\$1,000.00
	Invoice	Date	Description		Amount
	AL060519	05/14/2019	Twilight concert performance 6/5/19		\$1,000.00
92667	05/31/2019			ALLSAFE LOCK COMPANY	\$2.45
	Invoice	Date	Description		Amount
	51490	05/03/2019	Key		\$2.45
92668	05/31/2019			ALVAREZ TECHNOLOGY GROUP INC	\$237.50
	Invoice	Date	Description		Amount
	51342	05/24/2019	Antivirus subscription 2211 - ISF - Info Tech		\$237.50
92669	05/31/2019			ARCHIVES & ARCHITECTURE LLC	\$1,500.00
	Invoice	Date	Description		Amount
	AA051719	05/17/2019	529 Capitola Ave. historic review #19-0014		\$1,500.00
92670	05/31/2019			AT&T/CALNET 3	\$544.29
	Invoice	Date	Description		Amount
	000013049963	05/13/2019	May telephone service 1000 - General Fund 2211 - ISF - Info Tech		\$544.29 \$527.64 \$16.65
92671	05/31/2019			AT&T/CALNET 3	\$889.28
	Invoice	Date	Description		Amount
	000013050631	05/13/2019	May T-1 access		\$889.28
92672	05/31/2019			BELLOWS PLUMBING HEATING & SEWER	\$906.75
	Invoice	Date	Description		Amount
	88459	05/03/2019	Hydrojet drains at Esplanade bathrooms		\$906.75
92673	05/31/2019			BTJ ENTERPRISES	\$1,745.78
	Invoice	Date	Description		Amount
	1905013	05/22/2019	Summer events postcard mailing		\$1,745.78

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92674	05/31/2019			CALE AMERICA INC.	\$3,600.40
	Invoice	Date	Description	Amount	
	154043	04/25/2019	Paystation bill validators (5), LTE antennas (3)	\$3,600.40	
92675	05/31/2019			CALIFORNIA COAST UNIFORM COMPANY	\$528.60
	Invoice	Date	Description	Amount	
	7162	05/17/2019	Tacshell jacket, softshell fleece	\$528.60	
92676	05/31/2019			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,724.00
	Invoice	Date	Description	Amount	
	POA052419	05/24/2019	POA and gym dues PPE 5/18/19 1001 - Payroll Payables	\$1,724.00	
92677	05/31/2019			COASTAL WATERSHED COUNCIL	\$508.00
	Invoice	Date	Description	Amount	
	1727	05/10/2019	Soquel Creek pollution prevention	\$508.00	
92678	05/31/2019			COMMUNITY TREE SERVICE INC	\$2,550.00
	Invoice	Date	Description	Amount	
	10978	05/13/2019	City Hall tree stumps chemical treatment	\$2,550.00	
92679	05/31/2019			DELL COMPUTERS	\$3,129.40
	Invoice	Date	Description	Amount	
	10315508969	05/14/2019	Optiplex 3060 i5-8500 computers (5) 2211 - ISF - Information Technology	\$3,129.40	
92680	05/31/2019			EARTHWORKS PAVING CONTRACTORS INC	\$6,420.00
	Invoice	Date	Description	Amount	
	18084	05/10/2019	Jewel Box traffic calming speed tables retention 1000 - General Fund \$2,200.00 1200 - Cap Improvement \$4,220.00	\$6,420.00	
92681	05/31/2019			FEDERAL EXPRESS	\$65.82
	Invoice	Date	Description	Amount	
	6-555-30390	05/17/2019	Shoe return and HdL document shipping	\$65.82	
92682	05/31/2019			FLYERS ENERGY LLC	\$3,700.22
	Invoice	Date	Description	Amount	
	19-905074	05/09/2019	428 gallons gasoline	\$1,874.31	
	19-905075	05/09/2019	67 gallons diesel	\$292.01	
	19-874594	03/21/2019	364 gallons gasoline	\$1,236.00	
	19-874593	03/21/2019	80 gallons diesel	\$297.90	

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92683	05/31/2019			HENDERSON MARINE SUPPLY	\$907.46
	Invoice	Date	Description		Amount
	41456	05/17/2019	Wharf boat bumpers 1311 - Wharf		\$907.46
92684	05/31/2019			HO KUK MU SUL CORPORATION	\$31.85
	Invoice	Date	Description		Amount
	HKMSC052819	05/28/2019	Instructor payment		\$31.85
92685	05/31/2019			HOME DEPOT CREDIT SERVICES	\$1,007.04
	Invoice	Date	Description		Amount
	9610561	05/14/2019	Rake, shovel, towel, gloves, loppers, hedge shears, primer		\$158.64
	8510318	05/15/2019	Painting supplies, hedge shears, pruner, bucket, ratchet drive		\$216.08
	7644761	05/16/2019	Rake, broom, car charger		\$60.95
	7633204	05/16/2019	Tarp, waste basket		\$85.99
	6510405	05/17/2019	City Hall water leak supplies		\$81.48
	5623327	05/08/2019	Water cannon		\$21.77
	4013666	05/09/2019	Tape measure		\$19.59
	3624808	05/20/2019	Parking meter repair supplies		\$143.39
	3014794	05/20/2019	Gloves (5)		\$54.34
	1611271	05/22/2019	Bessey bar clamps (4)		\$114.32
	0620022	05/23/2019	Fleet supplies		\$50.49
92686	05/31/2019			HOSE SHOP	\$285.32
	Invoice	Date	Description		Amount
	416182	05/16/2019	Auto hose		\$18.26
	415968	05/09/2019	Sewer hose		\$267.06
92687	05/31/2019			HUMBOLDT PETROLEUM LLC	\$19.50
	Invoice	Date	Description		Amount
	088315	05/16/2019	PD car washes		\$19.50
92688	05/31/2019			ICMA RETIREMENT TRUST 457	\$11,694.37
	Invoice	Date	Description		Amount
	41760572	05/24/2019	457 contributions PPE 5/18/19 1001 - Payroll Payables		\$11,694.37
92689	05/31/2019			INTERSTATE BATTERY SYSTEM OF SAN JOSE INC	\$129.57
	Invoice	Date	Description		Amount
	50277943	05/20/2019	Auto battery		\$129.57

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92690	05/31/2019			INTERSTATE TRAFFIC CONTROL PRODUCTS	\$360.53
	Invoice	Date	Description	Amount	
	231650	05/16/2019	Glass beads for road work	\$360.53	
92691	05/31/2019			JOHNSON ROBERTS & ASSOCIATES INC.	\$45.00
	Invoice	Date	Description	Amount	
	139557	05/22/2019	Employee background check	\$15.00	
	139578	05/23/2019	Employee background check	\$15.00	
	139603	05/28/2019	Employee background check	\$15.00	
92692	05/31/2019			KIMLEY HORN AND ASSOCIATES INC	\$600.00
	Invoice	Date	Description	Amount	
	13630058	04/30/2019	115 San Jose Ave. #19-0134 determination letter	\$600.00	
92693	05/31/2019			LABORMAX STAFFING	\$3,228.90
	Invoice	Date	Description	Amount	
	26-106957	05/17/2019	Public works seasonal labor	\$3,228.90	
92694	05/31/2019			LESLIE POTENZO	\$54.38
	Invoice	Date	Description	Amount	
	LP051719	05/17/2019	Museum book	\$54.38	
92695	05/31/2019			LIFE INSURANCE CO OF NORTH AMERICA-CIGNA	\$2,424.53
	Invoice	Date	Description	Amount	
	CIGNA052019	05/28/2019	May life, STD, LTD, AD&D insurance	\$2,424.53	
			1000 - General Fund	(\$0.12)	
			1001 - Payroll Payables	\$2,424.65	
92696	05/31/2019			LIUNA PENSION FUND	\$979.20
	Invoice	Date	Description	Amount	
	DL1066	05/31/2019	May LIUNA pension dues	\$979.20	
			1001 - Payroll Payables		
92697	05/31/2019			MADELINE C HORN	\$637.50
	Invoice	Date	Description	Amount	
	033	05/21/2019	Cataloging and organizing museum artifacts - Begonia festival	\$150.00	
	032	05/21/2019	Cataloging and organizing museum artifacts	\$487.50	
92698	05/31/2019			MICHAEL ARNONE	\$6,361.25
	Invoice	Date	Description	Amount	
	201503-5	05/22/2019	Rispin Park plan development services	\$6,361.25	
			1200 - Capital Improvement Fund		

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92699	05/31/2019			MID COUNTY AUTO SUPPLY	\$37.18
	Invoice	Date	Description	Amount	
	MID-315431	05/21/2019	Combination wrenches (4)	\$37.18	
92700	05/31/2019			MISSION LINEN SUPPLY	\$160.46
	Invoice	Date	Description	Amount	
	509926564	05/22/2019	Fleet linen service	\$36.16	
	509879615	05/15/2019	Corp Yard linen service	\$88.14	
	509879614	05/15/2019	Fleet linen service, shop towels	\$36.16	
92701	05/31/2019			MOFFATT AND NICHOL	\$2,277.98
	Invoice	Date	Description	Amount	
	741725	05/14/2019	Wharf design, groin permitting, flume permitting, mileage 1200 - Capital Improvement Fund	\$2,277.98	
92702	05/31/2019			MONTEREY BAY AREA SELF INSURANCE AUTHORITY	\$373.70
	Invoice	Date	Description	Amount	
	MBA16-1218	05/09/2019	Liability claim 2213 - ISF - Self-Insurance Liability	\$373.70	
92703	05/31/2019			MV TRANSPORTATION INC.	\$434.50
	Invoice	Date	Description	Amount	
	100907	05/14/2019	Transportation for Skate-Tola event	\$434.50	
92704	05/31/2019			NATIONAL DATA & SURVEYING SERVICES	\$3,375.00
	Invoice	Date	Description	Amount	
	19-8226	05/22/2019	Jewel Box traffic monitoring survey 1200 - Capital Improvement Fund	\$3,375.00	
92705	05/31/2019			NIELS KISLING	\$32.11
	Invoice	Date	Description	Amount	
	NK052319	05/23/2019	History Fair refreshments	\$32.11	
92706	05/31/2019			NORTH BAY FORD	\$309.38
	Invoice	Date	Description	Amount	
	334354	05/15/2019	2017 Ford F250 brake calipers cleaned and reassembled	\$150.00	
	272179	05/21/2019	Ford F250 window regulator	\$148.45	
	272043	05/09/2019	Door handle assembly	\$10.93	
92707	05/31/2019			PACIFIC MONARCH	\$1,750.00
	Invoice	Date	Description	Amount	
	51952	03/25/2019	Natural history museum & Toyon Camp transportation	\$1,750.00	

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92708	05/31/2019			PACIFIC YACHTING AND SAILING	\$169.00
	Invoice	Date	Description		Amount
	PS052819	05/28/2019	Instructor payment		\$169.00
92709	05/31/2019			PALACE OFFICE SUPPLIES	\$31.69
	Invoice	Date	Description		Amount
	C530809-0	04/30/2019	Returned monitor filter		(\$200.69)
	534046-0	05/15/2019	Paper		\$95.90
	534049-0	05/15/2019	Headset lifter		\$69.71
	9603619-0	05/17/2019	Museum architect frame, markers		\$25.60
	9603020-0	05/15/2019	Museum supplies		\$28.24
	533809-0	05/14/2019	Document flags		\$12.93
			1000 - General Fund	\$18.76	
			2210 - ISF - Stores Fund	\$12.93	
92710	05/31/2019			PEAK COMMUNICATIONS	\$390.00
	Invoice	Date	Description		Amount
	05242019B	05/24/2019	New phone system testing		\$390.00
			2211 - ISF - Information Technology		
92711	05/31/2019			PHIL ALLEGRI ELECTRIC INC.	\$8,236.93
	Invoice	Date	Description		Amount
	25584	05/17/2019	Lower village parking lot light pole repaired		\$8,236.93
92712	05/31/2019			PHOENIX GROUP INFORMATION SYSTEMS	\$4,981.65
	Invoice	Date	Description		Amount
	042019070	05/16/2019	April citation processing		\$4,981.65
92713	05/31/2019			PREFERRED BENEFIT INSURANCE ADMIN.	\$5,121.70
	Invoice	Date	Description		Amount
	EIA28240	05/01/2019	May dental & vision insurance		\$5,121.70
			1000 - General Fund	\$7.10	
			1001 - Payroll Payables	\$5,114.60	
92714	05/31/2019			ROYAL WHOLESALE ELECTRIC	\$95.60
	Invoice	Date	Description		Amount
	7719-645153	05/15/2019	Parking lot lightbulbs		\$95.60

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92715	05/31/2019			SAN LORENZO LUMBER	\$402.55
	Invoice	Date	Description		Amount
	55-0456071	05/14/2019	Adjustable framer		\$283.51
	55-0456210	05/15/2019	Sun glasses, tooth saw		\$49.03
	55-0456660	05/16/2019	Lumber for Depot Hill fence		\$48.47
	55-0456491	05/16/2019	Lumber for wharf		\$21.54
			1000 - General Fund	\$381.01	
			1311 - Wharf	\$21.54	
92716	05/31/2019			SANTA CRUZ SENTINEL	\$390.04
	Invoice	Date	Description		Amount
	SCS051519	05/15/2019	Newspaper subscription		\$390.04
92717	05/31/2019			SKATEDOGS	\$1,657.50
	Invoice	Date	Description		Amount
	SD052819	05/28/2019	Instructor payment		\$1,657.50
92718	05/31/2019			SOUTH BAY REGIONAL TRAINING	\$186.00
	Invoice	Date	Description		Amount
	219612	05/07/2019	Patrol rifle user firearms class		\$186.00
92719	05/31/2019			STATE CONTROLLERS OFFICE	\$396.61
	Invoice	Date	Description		Amount
	FTB-00000963	05/15/2019	2018 debtor offset program		\$396.61
92720	05/31/2019			STATE STEEL COMPANY	\$599.15
	Invoice	Date	Description		Amount
	125536	05/21/2019	Sheet metal for wharf gate		\$122.73
	125520	05/15/2019	Sheet metal for wharf ramp		\$476.42
			1311 - Wharf		
92721	05/31/2019			SUPERIOR PRESS	\$39.86
	Invoice	Date	Description		Amount
	3999848	05/30/2019	Bank deposit slip book		\$39.86
92722	05/31/2019			SUPPLYWORKS	\$1,439.23
	Invoice	Date	Description		Amount
	491717922	05/10/2019	Public restroom supplies		\$1,439.23
92723	05/31/2019			T MOBILE	\$344.36
	Invoice	Date	Description		Amount
	20190420	04/21/2019	April cell phone usage		\$344.36

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92724	05/31/2019			TRANSPORTATION ALLIANCE BANK INC.	\$1,795.19
	Invoice	Date	Description		Amount
	650590	05/17/2019	Rubber chain for street sweeper 1310 - Gas Tax		\$1,795.19
92725	05/31/2019			UNITED PARCEL SERVICE	\$10.74
	Invoice	Date	Description		Amount
	0000954791209	05/18/2019	Document shipping		\$10.74
92726	05/31/2019			UNITED WAY OF SANTA CRUZ COUNTY	\$30.00
	Invoice	Date	Description		Amount
	UW052019	05/28/2019	May employee United Way contributions 1001 - Payroll Payables		\$30.00
92727	05/31/2019			UNITED WAY OF SANTA CRUZ COUNTY	\$2,425.00
	Invoice	Date	Description		Amount
	000361	05/16/2019	Cost share for Homeless Action Partnership biennial census		\$2,425.00
92728	05/31/2019			UPEC LIUNA LOCAL 792	\$1,235.00
	Invoice	Date	Description		Amount
	UPEC052019	05/28/2019	May UPEC dues 1001 - Payroll Payables		\$1,235.00
92729	05/31/2019			US BANK PARS Acct 6746022400	\$820.45
	Invoice	Date	Description		Amount
	PARS052419	05/18/2019	PARS contributions PPE 5/18/19 1001 - Payroll Payables		\$820.45
92730	05/31/2019			ZUMAR INDUSTRIES INC.	\$520.21
	Invoice	Date	Description		Amount
	83555	05/15/2019	Street signs		\$520.21
92731	05/31/2019			Carla Hill	\$200.00
	Invoice	Date	Description		Amount
	2003657.002	05/28/2019	Jr. guards fee refund		\$200.00
92732	05/31/2019			Mark Peterson	\$2,000.00
	Invoice	Date	Description		Amount
	18-0444	05/22/2019	204 Hollister Ave. deposit refund		\$2,000.00
92733	05/31/2019			Mike and Sharon Hadley	\$1,996.00
	Invoice	Date	Description		Amount
	19-0048	05/22/2019	700 A Bay Ave. conditional use permit refund		\$1,996.00

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
92734	05/31/2019			Minna Najm	\$153.00
	Invoice	Date	Description		Amount
	2003641.002	05/14/2019	Class refund		\$153.00
92735	05/31/2019			The California Peace Officers Association	\$250.00
	Invoice	Date	Description		Amount
	164850	05/23/2019	Public records act course		\$250.00
92736	05/31/2019			The California Peace Officers Association	\$250.00
	Invoice	Date	Description		Amount
	164590	05/17/2019	Public records act course		\$250.00
92737	05/31/2019			Toyota of Santa Cruz	\$535.00
	Invoice	Date	Description		Amount
	19-0070	05/22/2019	835 Bay Ave. conditional use permit deposit refund		\$535.00
92738	05/31/2019			Unsophisticated Builders LLC	\$603.40
	Invoice	Date	Description		Amount
	18-0628	05/22/2019	322 Capitola Ave. deposit refund		\$603.40
Type Check Totals:					\$105,690.52
<u>EFT</u>					
778	05/30/2019			CalPERS Member Services Division	\$50,020.25
	Invoice	Date	Description		Amount
	1001329136	05/30/2019	PERS contributions PPE 5/18/19		\$50,020.25
			1000 - General Fund (\$0.24)		
			1001 - Payroll Payables \$50,020.49		
779	05/28/2019			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice	Date	Description		Amount
	PFF08626657	05/28/2019	Employee garnishments PPE 5/18/19		\$1,232.76
			1001 - Payroll Payables		
780	05/24/2019			DISCOVERY BENEFITS	\$135.00
	Invoice	Date	Description		Amount
	0001008523-IN	04/30/2019	April COBRA admin.		\$135.00
781	05/29/2019			EMPLOYMENT DEVELOPMENT DEPT	\$13,252.79
	Invoice	Date	Description		Amount
	1-712-417-984	05/29/2019	State taxes PPE 5/18/19		\$13,252.79
			1001 - Payroll Payables		

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)

City Checks Issued May 31, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
782	05/29/2019			INTERNAL REVENUE SERVICE	\$43,224.30
	Invoice	Date	Description		Amount
	70992128	05/29/2019	Federal taxes & Medicare PPE 5/18/19 1001 - Payroll Payables		\$43,224.30
Type EFT Totals:					\$107,865.10

Library - Library

Check	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
128	05/31/2019			BUTANO GEOTECHNICAL ENGINEERING	\$560.00
	Invoice	Date	Description		Amount
	4204	05/15/2019	Library engineering services 1360 - Library Fund		\$560.00
Type Check Totals:					\$560.00

CITY - Main City Totals

	Counts:	Totals:
Checks	75	\$105,690.52
EFTs	5	\$107,865.10
All	80	\$213,555.62

Library - Library Totals

	Counts:	Totals:
Checks	1	\$560.00
EFTs	0	\$0.00
All	1	\$560.00

Grand Totals:

	Counts:	Totals:
Checks	76	\$106,250.52
EFTs	5	\$107,865.10
All	81	\$214,115.62

Attachment: 5/31/19 City Check Register (Approval of City Check Registers)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Finance Department

SUBJECT: Consider a Funding Agreement with the Capitola Chamber of Commerce

RECOMMENDED ACTION: Authorize the City Manager to enter into a Funding Agreement with the Capitola Soquel Chamber of Commerce.

BACKGROUND: The City of Capitola (City) annual budget has historically included funding for the Capitola Soquel Chamber of Commerce (Chamber) to assist with the coordination of special events and promotion of the Capitola business community. The amount of funding has fluctuated over the years but has consistently been \$30,000 annually since Fiscal Year (FY) 2011/12 with that funding coming from the City's General Fund. In November 2018, Capitola voters passed Measure J, which increased the City's Transient Occupancy Tax (TOT) rate from 10 percent to 12 percent and dedicated 0.40 percent for local business groups including the Chamber.

DISCUSSION: On February 28, 2019, the City Council unanimously agreed that the Chamber would receive 50 percent of the TOT revenues dedicated to local business groups for the remainder of FY 2018/19 (January–June). The Council also requested that local business groups receiving TOT revenues budget a minimum of 25 percent of these funds towards community improvements, which could include tangible items as well as non-tangible items such as special events. Additionally, the recently adopted FY 2019/20 budget includes 50 percent of the TOT revenues dedicated to local business groups as grant funding for the Chamber.

The City and Chamber both acknowledge that public trust requires the City to closely monitor the Chamber's administration of the improvements for which restricted public funds are expended to assure that the funds were appropriated in compliance with Measure J. The Funding Agreement (Attachment 1) defines the roles and responsibilities of the City and the Chamber as well as the requirements associated with the utilization and accurate accounting of restricted TOT revenues.

Attachment 2 is the Chamber's unaudited accounting for the FY 2018/19 TOT revenues and the proposed FY 2019/20 budget for TOT revenues. Since the Chamber operates on a calendar year as opposed to the July 1– June 30 fiscal year that the City operates under, staff suggests that the Chamber provide an annual report to the City Council on the prior year's TOT expenditures before the April 15 deadline to submit the annual spending plan for the subsequent year.

Chamber Grant Agreement
June 27, 2019

FISCAL IMPACT: The passage of Measure J provides the City with a dedicated revenue source that should grow over time to support the local business community. Additionally, using dedicated TOT revenues to provide for continued funding for the Chamber allows the City to re-program the \$30,000 that was annually allocated to the Chamber to other areas of need.

ATTACHMENTS:

1. Chamber Funding Agreement
2. Chamber budget

Report Prepared By: Mark Sullivan
Senior Accountant

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/21/2019



**CITY OF CAPITOLA AND CAPITOLA SOQUEL
CHAMBER OF COMMERCE
FUNDING AGREEMENT**

This Agreement, effective as of _____, 2019, is made by and between the CITY OF CAPITOLA, hereinafter referred to as CITY, and Capitola Soquel Chamber of Commerce, hereinafter referred to as CHAMBER (referred to collectively as the “Parties”).

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. AGREEMENT TERM

This Agreement shall become effective as of _____, 2019 and shall continue in effect indefinitely subject to the City Council’s adoption of the annual operating budget and the availability of funds as described in Section 4, and unless otherwise terminated in accordance with Section 5.

2. BASIS OF PAYMENT:

- A. CITY may decide to pay CHAMBER a portion of CITY’S annual Transient Occupancy Tax (TOT) revenues, which have been dedicated to local business groups for marketing and community improvements, in an amount to be determined annually by the CITY during its annual budget adoption process.
- B. CHAMBER shall submit a spending plan/budget to CITY annually, and CITY may make an appropriation of the TOT revenues based on this budget, to be used for marketing and community improvements as described in CHAMBER’s annual plan/budget (hereinafter “Improvements”).
- C. Payments by CITY to CHAMBER shall be made quarterly, based on actual TOT payments received by the CITY and the portion of TOT the CITY decides to dedicate during its annual budget adoption process.

3. DUTIES AND RESPONSIBILITIES:

- A. CHAMBER shall submit an annual spending plan to the CITY no later than April 15th for the following Fiscal Year.
- B. CHAMBER shall submit to the City, evidence of incorporation by the State of California.
- C. If CHAMBER fails to submit any required documentation by April 15th each year, CHAMBER shall forfeit all rights to any payments and/or possible future FUNDING awards.
- D. CHAMBER acknowledges and agrees that the Capitola Soquel Chamber of Commerce Board of Directors shall be vested with responsibility for the administration of the Improvements to be conducted under this Agreement and



**CITY OF CAPITOLA AND CAPITOLA SOQUEL
CHAMBER OF COMMERCE
FUNDING AGREEMENT**

shall review all monitoring reports and notices or corrective actions/recommendations provided by the CITY.

4. AVAILABILITY OF FUNDS:

This Agreement is valid and enforceable only if sufficient funds are available to the CITY for the purposes of these Improvements, as determined in the CITY's sole discretion and subject to City Council's adoption of the annual operating budget. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted either by state, federal or CITY statutes or ordinances, which may affect the provisions, terms or funding of this Agreement in any manner. It is mutually agreed that if the CITY determines there are not sufficient funds or if CITY does not approve CHAMBER's annual spending plan/budget, this Agreement shall be of no further force and effect, and the CITY has no liability to pay any funds whatsoever to CHAMBER or to furnish any other consideration under this Agreement.

5. TERMINATION:

- A. CITY may terminate the Agreement for convenience by providing written notice to CHAMBER not less than ninety (90) days prior to an effective termination date.
- B. In the event that CITY determines that CHAMBER substantially failed to fulfill its obligations as provided under this Agreement, CITY shall provide CHAMBER with written notice of termination detailing the specific obligations which CITY claims CHAMBER failed to fulfill and notify CHAMBER of the breach of the Agreement. If the breach is not cured within 60 days from the date of issuance of the notice, or if the CITY and CHAMBER cannot agree on a schedule for curing the breach, the Agreement will be deemed terminated on a date specified by the CITY.

6. FISCAL, ADMINISTRATIVE AND PROGRAM RECORDS:

- A. CHAMBER shall keep and maintain accurate records pertaining to the Improvements approved under this Agreement. Fiscal records shall be available to CITY or any authorized representatives thereof at any time, and CHAMBER shall retain records for three years after the expiration of this Agreement unless permission to destroy them is granted by the CITY in writing. CHAMBER agrees to make all fiscal, administrative, program and client records available to the CITY's Finance Director upon request, for the purpose of an audit and for verifying CHAMBER's compliance with the terms of this Agreement.
- B. CHAMBER and the CITY both acknowledge that the public trust requires the CITY to closely monitor CHAMBER's administration of the Improvements for which public funds are being expended, in order to assure that the public purposes for which the funds were appropriated are being advanced accordingly. At any time during the term of this Agreement, upon reasonable notice, CHAMBER shall permit any City Council subcommittee, or any other body or person appointed by the City



CITY OF CAPITOLA AND CAPITOLA SOQUEL CHAMBER OF COMMERCE FUNDING AGREEMENT

Council or Finance Director, including auditors, to review, examine, observe and audit CHAMBER's Improvements and/or CHAMBER's administration of the Improvements in order to assure that the public purpose for which public funds were appropriated has been, and continues to be, advanced by these Improvements. Should it be determined that the Improvements are not achieving that public purpose, or that the public funds are not being used in a cost-effective manner to achieve that purpose, or that the public funds are not otherwise being used to provide the services for which they were intended, the body or person reviewing the Improvements may recommend changes designed to assure that remaining public fund appropriations are used to achieve that public purpose or alternatively the CITY, in its sole discretion, may withdraw public funding and terminate this Agreement in accordance with Section 5.

7. INDEMNIFICATION FOR DAMAGES, TAXES AND CONTRIBUTIONS:

To the fullest extent permitted by law, CHAMBER agrees to indemnify, defend, and hold harmless CITY (which shall include without limitation, its officials, officers, agents, employees and volunteers) from and against:

- A. Any and all claims, demands, actions, losses, damages, defense costs, expenses (including attorneys' fees and costs) or liability of any kind or nature which CITY may sustain or incur or which may be imposed upon them, arising from the acts or omissions of CHAMBER, or CHAMBER's employees or agents, in any way related to this Agreement, except where caused by the sole or active negligence, or willful misconduct of CITY. Such indemnification includes any damage to the person (s), or property(ies) of CHAMBER and third persons.
- B. Any and all federal, state, and local taxes, charges, fees or contributions required to be paid with respect to CHAMBER and CHAMBER's officers, employees, and agents engaged in the performance of this Agreement (including, without limitation, unemployment insurance, social security and payroll tax withholding).

8. INSURANCE

Throughout the term of this Agreement, for the life of any asset funded by the funds awarded pursuant to this Agreement, or for any period of project implementation after the termination date of this Agreement, CHAMBER shall maintain insurance, as specified in this section.

CITY will be issued a Certificate of Insurance with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Capitola, [420 Capitola Ave. Capitola, CA 95010],
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show CITY, its officers, officials, employees, and volunteers as additional insureds.

Attachment: Chamber Funding Agreement (Chamber Grant Agreement)



CITY OF CAPITOLA AND CAPITOLA SOQUEL CHAMBER OF COMMERCE FUNDING AGREEMENT

MINIMUM SCOPE AND LIMITS OF INSURANCE

CHAMBER acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. CITY will be entitled to coverage for the highest limits maintained by CHAMBER. Coverage will be at least as broad as:

- **COMMERCIAL GENERAL LIABILITY (CGL): \$1,000,000 PER OCCURRENCE**

Proof of coverage for \$1 Million per occurrence including products and completed operations, property damage, bodily injury, personal and advertising injury will be provided on Insurance Services Office (ISO) Form CG 00 01 covering CGL. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location or the general aggregate limit will be at least twice the required occurrence limit.

- **AUTOMOBILE LIABILITY:**

Proof of coverage for \$1,000,000 provided on ISO Form Number CA 00 01 covering any auto (Code 1), or if CHAMBER has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.

- **WORKERS' COMPENSATION AS REQUIRED BY THE STATE OF CALIFORNIA, WITH STATUTORY LIMITS, AND EMPLOYER'S LIABILITY INSURANCE: \$1,000,000 per accident for bodily injury or disease. Must include a waiver of subrogation.**

OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **ADDITIONAL INSURED STATUS**

CITY, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of CHAMBER including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage will be provided in the form of an endorsement to CHAMBER's insurance at least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of both CG 20 10 and CG 20 37 (if a later edition is used).

- **PRIMARY COVERAGE**

For any claims related to this Agreement, CHAMBER's insurance coverage will be primary insurance as respects CITY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or volunteers will be excess of CHAMBER's insurance and will not contribute with it.

- **NOTICE OF CANCELLATION**

Each insurance policy required above shall state that the coverage shall not be canceled, except with notice to CITY.

- **WAIVER OF SUBROGATION**

CHAMBER hereby grants to CITY a waiver of any right to subrogation which any insurer of said CHAMBER may acquire against CITY by virtue of the payment of any loss, including attorneys' fees, under such insurance. CHAMBER agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not CITY has received a waiver of subrogation endorsement from the insurer. The Worker's Compensation policy will be endorsed with a waiver of subrogation in favor of CITY

Attachment: Chamber Funding Agreement (Chamber Grant Agreement)



CITY OF CAPITOLA AND CAPITOLA SOQUEL CHAMBER OF COMMERCE FUNDING AGREEMENT

for all work performed by CHAMBER and its employees.

• DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by CITY. CITY may require CHAMBER to purchase coverage with a lower retention or provide proof of ability to pay losses and related expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or CITY.

• ACCEPTABILITY OF INSURERS

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

• VERIFICATION OF COVERAGE

CHAMBER will furnish CITY with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by CITY before work commences. However, failure to obtain the required documents prior to the work beginning will not waive CHAMBER's obligation to provide them. CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

• SUBCONTRACTORS

CHAMBER shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and CHAMBER shall ensure that CITY is an additional insured on insurance required from subconsultant/subcontractors.

• SPECIAL RISKS/CIRCUMSTANCES

CITY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

9. NON-DISCRIMINATION PROVISIONS:

- A. CHAMBER agrees that in the performance of this Agreement, CHAMBER shall not discriminate against any employee or subcontractor employed or selected to perform work or services pursuant to this Agreement or against any applicant for employment in the performance of this Agreement because of race, color, religion, age, disability (mental and physical), national origin, sex, marital status, ancestry, medical condition, or any other consideration made unlawful by local, state or federal law. This requirement shall apply to, but not be limited to, the following: employment, upgrading, demotion, transfers, recruitment, recruitment advertising, layoff, termination, rates of pay, other forms of compensation, and selection for training, including apprenticeship.
- B. No person shall, on the grounds of color, religion, age, handicap, national origin, sex, marital status, ancestry or medical condition, be excluded from participation, be denied the benefits of, or be subjected to discrimination in any program conducted under this Agreement.
- C. CHAMBER shall require any subcontractor or assignee, per Section 12, to comply

Attachment: Chamber Funding Agreement (Chamber Grant Agreement)



**CITY OF CAPITOLA AND CAPITOLA SOQUEL
CHAMBER OF COMMERCE
FUNDING AGREEMENT**

with these non-discrimination provisions.

10. PARTISAN POLITICAL ACTIVITIES:

No monies, property or services received by CHAMBER under this Agreement shall be used in the performance of any non-partisan or partisan political activity, or to further the election or defeat of any proposition, measure or candidate for public office.

11. COMPLIANCE WITH APPLICABLE LAWS:

CHAMBER shall comply with all applicable laws, ordinances and codes of the federal, state and local governments in operating the work described herein.

12. SUBCONTRACT AND ASSIGNMENT OF CONTRACT:

- A. CHAMBER may not assign this Agreement or subcontract any portion thereof without the prior written consent of the CITY. Any attempt to assign or subcontract under this Agreement without such consent shall be void and of no effect and shall be grounds for immediate termination of the Agreement at CITY's option.
- B. In the event any subcontractor is approved for any portion of the activities carried out under this Agreement, CHAMBER retains the primary responsibility for carrying out all terms of this Agreement, including the responsibility for ensuring the availability and retention of records of subcontractors. It shall be the responsibility of CHAMBER to monitor all activities of the subcontractor to assure services set forth herein are adequately performed. CHAMBER shall assure the proper administration of all services provided by the subcontractor. CHAMBER's required reports referenced throughout this Agreement shall include information on all subcontractor activities. CHAMBER shall be held responsible by the CITY for the performance of any subcontractor.
- C. No subcontract utilizing funds from this Agreement shall be entered into which has a term extending beyond the ending date of this Agreement as set forth in herein.

13. CONFLICT OF INTEREST:

CHAMBER and its employees and members, including officers of its governing board, shall avoid any actual, apparent, or potential conflicts of interest pertaining to services provided under this Agreement.

14. INDEPENDENT CONTRACTOR STATUS:

CHAMBER and CITY agree that CHAMBER is an independent contractor and not an employee of CITY. CHAMBER is responsible for all insurance (worker's compensation,



**CITY OF CAPITOLA AND CAPITOLA SOQUEL
CHAMBER OF COMMERCE
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unemployment, etc.) and all payroll related taxes.

15. OTHER STATUS:

Nothing in this Agreement shall be deemed or construed as creating a partnership or joint venture between the CHAMBER and the CITY and any other party or causing the CITY to be responsible or liable in any way for the contracts or for intentional or negligent acts of CHAMBER or its officers, agents, or employees.

16. MAXIMIZING USE OF FUNDS:

It is the intent of this Agreement and understood that CHAMBER shall use the funds as described in this Agreement and CHAMBER's approved annual spending plan/budget. It is recognized that it is in the interest of both Parties that the funding to CHAMBER be used to maximize the use and value. As such the CITY understands and encourages the use of its funds as matching funds for any Improvements recognized by the CHAMBER in this instrument or its annual spending plan/budget.

17. GOVERNING LAW:

This Agreement shall be governed by and construed in accordance with the laws of the State of California.

18. NOTICES:

If either party shall desire or is required to give notice to the other, such notice shall be given in writing, addresses to recipient as follows:

CITY:
City of Capitola
420 Capitola Ave
Capitola, CA 95010

CHAMBER:
Capitola-Soquel Chamber of Commerce
716 Capitola Ave
Capitola, CA 95010

19. WAIVER:

No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any right or remedy that party may have hereunder; nor does waiver of a breach of default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

20. ATTORNEYS' FEES:

If any action at law or in equity is brought to enforce or interpret the provisions of this

Attachment: Chamber Funding Agreement (Chamber Grant Agreement)



**CITY OF CAPITOLA AND CAPITOLA SOQUEL
CHAMBER OF COMMERCE
GRANT AGREEMENT**

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which he or she may be entitled.

21. SEVERABILITY:

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.

22. ENTIRE AGREEMENT:

This Agreement constitutes the entire agreement between the Parties and supersedes any prior agreement or understanding. No modification, waiver, or amendment of this Agreement is effective unless made in writing and signed by both Parties.

23. COUNTERPARTS:

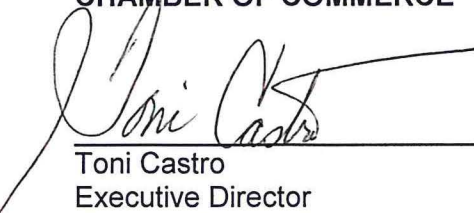
The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. Electronic signatures and fully executed copies of this Agreement are deemed valid as originals.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the day and year first above written.

CITY OF CAPITOLA

**CAPITOLA SOQUEL
CHAMBER OF COMMERCE**

Jamie Goldstein
City Manager
City of Capitola



Toni Castro
Executive Director
Capitola-Soquel Chamber of Commerce

Attachment: Chamber Funding Agreement (Chamber Grant Agreement)

	FY 18-19	
	January - June	FY 19-20 Budget
	Budget	
Beginning Fund Balance	\$ -	\$ 7,325
Revenues		
City of Capitola	15,000	30,000
Total Revenues	<u>15,000</u>	<u>30,000</u>
Total Source of Funds	<u>\$ 15,000</u>	<u>\$ 37,325</u>
Expenditures		
Marketing & Community Improvements	\$ 6,475	\$ 29,300
Permit Fees & Supplies	800	2,800
Liability Insurance	400	900
Total Expenditures	<u>7,675</u>	<u>33,000</u>
Ending Fund Balance	<u>\$ 7,325</u>	<u>\$ 4,325</u>

Attachment: Chamber budget (Chamber Grant Agreement)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: City Manager Department

SUBJECT: Schedule an Appeal of Selection Committee's Decision to Not Issue a Cannabis License to Embarc Capitola, LLC

RECOMMENDED ACTION: Schedule the appeal for the regular meeting of July 25, 2019.

BACKGROUND/DISCUSSION: With the passage of Measure I: Cannabis Business Tax in November 2018, the City's retail cannabis license ordinance became effective allowing up to two retail cannabis operations in the City of Capitola. The application period for retail cannabis license permits closed on April 2, 2019, with 14 applications received.

Pursuant to the requirements of 5.36, the City reviewed the applications, and ultimately issued the two preliminary retail cannabis licenses on May 28, 2019, to the top two applications, Apothecarium Capitola and Tree House Capitola. On June 13 the City Clerk received an appeal of that decision by Embarc Capitola, LLC, an unsuccessful applicant (Attachment 1).

Capitola Municipal Code §2.52.030 requires the City Council either to hear or schedule the appeal at its next regular meeting following receipt of the appeal and fee. Staff recommends scheduling the appeal hearing for the regular meeting of July 25, 2019.

ATTACHMENTS:

1. Embarc Capitola cannabis appeal

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

6/21/2019



CITY OF CAPITOLA APPEAL APPLICATION FORM

JUN 13 2019

TYPE OF APPEAL (check one)	APPEAL FEE
<input checked="" type="checkbox"/> Administrative - Staff Determination	\$500 <i>514</i>
<input type="checkbox"/> Planning Commission Decision	\$500
<input type="checkbox"/> Code Enforcement Action	\$500
<input type="checkbox"/> Building Code Interpretation	\$500
<input type="checkbox"/> Coastal Appeal	\$0

APPELLANT INFORMATION

Name: Embarc Capitola, LLC

Address: 7552 Soquel Drive City Aptos Zip 95003

Phone: 831-688-2799

Email: mark@areiasjewelers.com

APPEAL INFORMATION

Project Address: NA

Property Owner: NA

Application Number: _____

REASONS FOR APPEAL

Please note the reasons and grounds for your appeal. Attach additional pages as necessary.

Embarc Capitola, LLC appeals the decisions of the Cannabis Licensing Team/Selection Panel related to its application for a City of Capitola Retail Cannabis License, pursuant to municipal code section 5.36.030. See attached Appeal Addendum for details.

SIGNATURE *Mark Lewis* DATE 6/12/19

Attachment: Embarc Capitola cannabis appeal (Schedule Appeal of Cannabis Retail Permit)

Background

On April 2, 2019, Embarc Capitola, LLC (“Appellant”) submitted an application to the City of Capitola (“City”) seeking a retail cannabis license pursuant to Capitola Municipal Code (“CMC”) Section 5.36.030. Its application was crafted to address the factors specified in CMC Section 5.36.030(A)(5), “Competitive, Merit-Based License Review,” and in part focused on Appellant’s proposed location and site plan.

Appellant partnered with Jason Sweatt on its incipient retail cannabis business in Capitola. Mr. Sweatt is a local resident with cannabis dispensary expertise who assisted with application support, management, staffing and hiring, and compliance. Unbeknownst to Appellant, Mr. Sweatt had entered into a similar agreement with a rival applicant, The Apothecarium.

CMC Section 5.36.030(A)(6) states that “All complete applications received prior to the application deadline shall be reviewed by a panel of no fewer than three non-conflicted individuals as selected by the City Manager. . . .” Appellant understands and believes that City Manager Jamie Goldstein chose the Chief of Police Terry McManus, Police Captain Andy Dally, and the City’s Director of Finance Jim Malberg as the “non-conflicted” panel (the “Selection Panel”). It is unclear on which date the City Manager chose the Selection Panel, and subsequent interactions between Appellant and the City Manager lead Appellant to believe that the City Manager is perhaps also a member of the Selection Panel; although this is not what is contemplated by CMC Section 5.36.030(A)(6).

Following Appellant’s application submittal, its CEO – Mark Areias - was informed by City staff that of the fourteen (14) applications received six (6) were selected to participate in an interview with the Selection Panel. Up and until this phone call, Appellant believed the Selection Panel would reach its decision May 2, 2019 as disclosed in a scheduled provided to the Appellant. Neither the CMC nor any published materials by the City ever mentioned or contemplated an interview as a part of the application process. Prior to the interview, Appellant was also contacted by Mr. Sweatt. Mr. Sweatt informed him that a member of the Selection Panel or member of City staff had reached out to Mr. Sweatt and disclosed that Appellant was going into the interview in “first place.” Other than the above information, neither Appellant nor the public at large was ever informed or provided documentation or support regarding the Selection Panel’s decision making process, ranking, or scoring, if any, for its supposed merit-based process.

Appellant was interviewed by the City’s Selection Panel, including the City Manager on May 20, 2019, at 1:00 p.m., for the purpose of determining whether to select Appellant as a potential retail cannabis license holder; the preliminary step in granting an applicant’s license pursuant to the CMC. Mr. Areias, Jared Ficker and Mr. Sweatt attended and participated in the interview on behalf of Appellant. Unbeknownst to Mr. Ficker and Mr. Areias, Mr. Sweatt had also attended and participated in the interview that competing applicant The Apothecarium had earlier that same morning with the identical Selection Panel. At no time during or prior to the interview did Mr. Sweatt, the City Manager or any of the Selection Panel disclose to Appellant that Mr. Sweatt was, in effect, participating in ownership and/or operational roles for two separate applicants. Appellant did not become aware of Mr. Sweatt’s involvement with The Apothecarium until after completion of the selection process.

On May 23, 2019, the “Cannabis Licensing Team “issued a letter to Appellant, indicating that its application had not been selected as a potential retail cannabis license holder. It did not provide any details as to what – if any – criteria were utilized in making the decision or how it weighed such criteria.

During subsequent verbal communications between Appellant’s principals and the City Manager, Appellant learned the following information:

1) Prior to their in-person interview, Appellant had, in fact, been tied for first place with The Apothecarium for consideration for a retail cannabis license. How it was determined that Appellant was tied for first place, how ahead of the other applicants they were in “rankings”, and which criteria were used to make this determination is unknown and was never disclosed by the City;

2) The Selection Panel had – in its internal deliberations – discussed the fact of and potential impropriety of Mr. Sweatt participating in two licenses (i.e. that Appellant and The Apothecarium could not both move forward in the licensing process while Mr. Sweatt remained involved with both companies);

3) The Apothecarium was chosen as one of the two applicants to proceed in the retail cannabis license process;

4) The Selection Panel had not given any consideration to Appellant’s proposed location (or, by implication, its site plan, security plan, visibility of public entryway from the street, or the proposed location’s distance from any area of increased or high crime activity; all factors for consideration pursuant to CMC 5.36.030(A)(5)). While Appellant’s location was discussed during the interview with the Selection Panel and made prominent in its application materials, neither the City staff nor the Selection Panel disclosed to Appellant that the location would not be considered;

5) Another applicant misrepresented it would use the same location as proposed by Appellant for its operations despite the fact Appellant had leased the location.

6) Appellant finished in 4th place. The reasoning provided by the City Manager was vague and partially had to do with the belief that Appellant was not transparent about the precise interests of its owners. Appellant had provided extensive information about its owners in its application and had provided the Selection Panel with further details about its business in the interview. At no time did the City specifically ask about Mr. Sweatt’s involvement or give Appellant an opportunity to respond to its concerns about Mr. Sweatt’s involvement with two competing applicants. Appellant provided information in its application regarding “[a]pplicant’s experience in retail sales and legal cannabis sales” and “applicant’s residency and local enterprise within the region” per CMC Section 5.36.030(A)(5).

Standing to Appeal

CMC Section 5.36.030(A)(5) requires a “Competitive, Merit-Based License Review” conducted by a “panel of no fewer than three non-conflicted individuals as selected by the city manager.” CMC Section 5.36.030(14) states decisions pursuant to CMC Chapter 5.36 are appealable to the City Council in accordance with the requirements of Chapter 2.52. “[A]ll appeals to the city council from a decision of any city employee, board, or commission shall be conducted as set out “ in CMC Chapter 2.52. CMC

2.52.010. “The council may refuse to hear an appeal by a person whom the council determines does not have a significant interest in the matter.” CMC Section 2.52.040.

The Capitola “Cannabis Licensing Team” consists of City employees. Appellant has an interest in the decision it seeks to appeal: the denial of Appellant’s application and approval of applications by others, as those decisions denied it the opportunity to seek a license to operate the business that is central to its existence. Therefore Appellant has standing to have its appeal heard by the Capitola City Council.

Grounds for Appeal

1) The City Did Not Proceed in a Manner Required By Law

An administrative body must proceed in a manner required by law, or its decision is an abuse of discretion. CMC Chapter 5.36 sets out a process and criteria which the City did not follow.

(a) The City’s Process was Vague, Misleading, and Inconsistent with the Requirements of the Municipal Code

The City’s application of CMC Chapter 5.36 was contradictory, misleading, vague and confusing. The CMC identifies six factors that the City may consider in reviewing an application. CMC 5.36.030(A)(5)(a) includes the proposed location for the retail establishment; subsection (f) includes a site plan, as well as operations and security plans. The Code further provides that the Retail Cannabis License Application “*shall specify all*” submittal requirements including documentation, plans, and materials.” (CMC Section 5.36.030(A)(4); emphasis added)

This language creates the reasonable assumption that the application must clearly address location, site plan, and accompanying security for the location. However, because this language is inconsistent with other documents purporting to delineate applications, it instead injects confusion into the process.

Although the checklist of required documents contained in the application form specifically lists an “Operations and Security Plan” (which is by necessity site specific), the application also states that the Security Plan would be reviewed prior to the issuance of a *conditional use* permit (rather than as part of the license selection process). Page 6 of the application instructs applicants to attach a security plan that complies with the “requirements set forth in Section 5.36.030(A)(5)(f), which refers to a site plan.” An applicant cannot attach a site plan without having secured a property.

Further adding to the confusion, Section 5.36.030(A)(6) states that the panel shall consider factors listed in “subsection 5.B.” No such subsection exists.

Because the process purporting to implement the statute was inconsistent with the statute’s stated criteria, and because that process inconsistently identified which criteria would be utilized by the Selection Panel, the City did not proceed in a manner required by law.

(b) The City Ignored Important and Seemingly Required Criteria

Available evidence suggests that the Selection Panel deliberately refrained from considering Appellant’s proposed location or site plan. Appellant focused on those criteria, along with the others,

under the entirely reasonable belief that the Selection Panel would give them due consideration. Appellant is informed and believes it is not the only applicant that included location and site plan information on its application. Thus, not only did the City seemingly require a location and accompanying site plan, it then ignored such information submitted by the Appellant and possibly others.

In addition, the Selection Panel never disclosed the fact that it would not consider location in its decision-making. The lack of any disclosed written documentation, rankings or explanation by which either Appellant or the public can review the basis for the Selection Panel's ultimate decision has resulted in an utterly opaque process through which it is currently impossible to verify whether the Selection Panel did in fact treat all applicants consistently by, e.g., refraining from considering locations disclosed by all applicants. In the event the Selection Panel intentionally ignored the two factors related to location and identified in the CMC, the Selection Panel did not proceed as required by law, and thereby abused its discretion.

(c) The Selection Panel Utilized Criteria Not Identified in the Capitola Municipal Code

The Applicant is informed and believes that the Selection Panel rejected its application due to a failure to disclose the *exact* percentages of entity ownership held by the individual owners and Mr. Sweatt's involvement in two separate applications. The precise ownership interests of partners to Appellant are not one of the six factors that, pursuant to CMC 5.36.030(A)(5), the Selection Panel "may" consider. Accordingly, the Selection Panel did not proceed as required by law and abused its discretion.

(d) The City Published a Schedule and Application Process it Did Not Follow

The Capitola Police Department published a "Cannabis License Timeline" which detailed the specific milestones in the application process that both the City and an applicant had to meet. Nowhere in either this document or the CMC, is an in-person interview identified or authorized; yet one was held. Moreover, while the Code authorizes the Chief of Police to establish additional rules, such additional requirements must be published on the City's website. Applicant is informed and believes that this significant change to the approval process was not published as the statute requires. Therefore, the City did not proceed as required by law.

2) Because the Statute Does Not Mandate Consistent Application of its Review Standards, it Violates Due Process

As previously noted, CMC 5.35.030(A)(5) provides six criteria the Selection Panel "may consider" (emphasis added). This phrasing invites the Selection Panel to pick and choose which criteria to consider, based on its own subjective impressions, without regard to consistency or objectivity. The lack of transparency in the City's deliberative process makes it impossible to determine whether the Selection Panel used consistent standards or applied them fairly and consistently.

Due process requires an administrative review that is based on the consistent application of objective criteria. See, e.g., *Saleeby v. State Bar of Calif.* (1985) 39 C3d 547, 563-566, 216 CR 367, 376-378. Under the California Constitution, procedural due process protections are afforded to any aggrieved party who can identify "a statutorily conferred benefit or interest of which he has been deprived." *Barri v. Worker's Comp. Appeals Bd.*, 28 Cal.App.5th 428, 463 (2018)(Internal Citations Omitted). In this case, CMC grants authority to grant or deny a retail cannabis license to appellant. This is undeniably a

statutorily conferred benefit within the meaning of relevant precedent. See, e.g., *Ryan v. California Interscholastic Federation-San Diego Section*, 94 Cal.App.4th 1048, 1072-1073 (2002).

Due process requires – at a minimum - reasonable notice and an opportunity to be heard. For notice and a hearing to be reasonable, and meaningful, both must also be substantive. If Appellant cannot – as is the case here –reasonably ascertain in advance what will be relevant to the Selection Panel’s decision making, it has been robbed of both notice and an opportunity to be heard. See, e.g., *American Tower Corp. v. City of San Diego* (9th Cir. 2014) 763 F3d 1035.

3) The Selection Panel’s Decision Was Based on Information of Which Appellant Was Not Apprised and Had No Opportunity to Controvert and Appellant Was Denied a Meaningful Hearing.

California law requires that administrative board hearings be fair. See, e.g., Code Civ.Proc. §1094.5.

“The action of such an administrative board exercising adjudicatory functions when based upon information of which the parties were not apprised and which they had no opportunity to controvert amounts to a denial of a hearing.... A hearing requires that the party be apprised of the evidence against him so that he may have an opportunity to refute, test, and explain it, and the requirement of a hearing necessarily contemplates a decision in light of the evidence there introduced.” *Clark v. City of Hermosa Beach*, 48 Cal.App.4th 1152, 1171 (1996), quoting *English v. City of Long Beach* (1950) 35 Cal.2d 155, 158-159, 217 P.2d 22, internal citations omitted.

The Selection Panel and City staff knew that Mr. Sweatt was identified as involved with two applicants. The currently available evidence suggests that the decision to deny Appellant’s application was made in part because of that fact. It did not disclose its knowledge of Mr. Sweatt’s dual allegiance, nor did it give Appellant an opportunity to address concerns.

Because the City’s process was neither open nor transparent, neither Appellant, nor the public, was ever provided any information regarding what selection criteria was actually used, or how the information provided in Appellant and others’ applications was weighed. No written explanation was provided regarding the decision to reject Appellant’s application, let alone an explanation that provided sufficient detail for anyone – be it an applicant or the citizens of Capitola – to establish what factors the City considered or how it weighed those factors.

As such, Appellant was denied a fair hearing.

4) The Panel’s Selection Process was Tainted by the Consideration of False, Fraudulent or Misleading Information.

As discussed above, Appellant is informed and believes that at least one other applicant provided the Selection Panel with location and site plan information for the location that Appellant has an existing, exclusive right to use. This false information was provided to the panel either fraudulently (with the intent that the panel should rely on it in its decision-making process) or with reckless disregard for the truth (because a reasonable investigation would have shown that the site was unavailable for use by

anyone other than Appellant). Any such disclosures would have been “fraudulent, unfair or [constitute] deceptive business acts or practices” as clearly contemplated by CMC 5.36.030(A)(5)(b).

To the extent that the Panel relied on information it now knows to be false, the selection process was irredeemably tainted, and therefore invalid.

Remedies

For the reasons discussed above, Appellant requests the City Council: (1) set aside the Selection Panel’s findings and determinations; and (2) instruct the Selection Panel to conduct a new application selection process based upon specified and consistently applied criteria.

Appellant requests the City Council also consider the importance of ensuring the Cannabis Retail License process be conducted in an open and transparent manner going forward. Applications must be evaluated fairly and consistently. A stay should be placed on the Retail License process until the City Council can ensure that objective criteria are applied and Appellant and other applicants were provided a fair and open process.

The lack of information and transparency in this process is a primary basis of this appeal. Appellant filed a public records request for the purpose of obtaining any records in the possession of the City that might bear on the Selection Panel’s decision and the licensing process. Accordingly, Appellant reserves the rights to supplement its appeal with any documents gained via its records request– as well as arguments relating to those documents – once they have been acquired and reviewed.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Public Works Department

SUBJECT: Consider an Agreement between the City of Capitola, the County of Santa Cruz and Zone 5 of the Santa Cruz County Flood Control and Water Conservation District Regarding Repairs and Maintenance of Various Storm Drain Systems

RECOMMENDED ACTION: Approve the proposed agreement between the City of Capitola, County of Santa Cruz, and Zone 5 of the Santa Cruz County Flood Control and Water Conservation District regarding drainage facilities.

BACKGROUND: The operation and maintenance of various storm drain systems throughout the City of Capitola has been a point of contention with the County of Santa Cruz for many years. The attached cooperative agreement between the parties has been prepared to allow each agency the opportunity to study, maintain, and respond during emergencies to the various drainage systems without such actions being used by the other party as evidence of ownership.

DISCUSSION: This agreement has the following terms that will improve the operation and maintenance of key drainage infrastructure:

1. Requires the joint funding for the inspection of the Noble Gulch storm drain pipe that flows from Noble Gulch Park to Soquel Creek, running under the lower Beach and Village Parking Lot, Capitola Avenue, and several houses prior to reaching the creek.
2. Facilitates opportunities to identify and pursue funding for improvement and repairs of storm drainage systems.
3. Allows either party to maintain or provide emergency work on any drainage system.

Prior to this agreement both parties have been hampered in their ability to take the actions specified above. While final and complete resolution of the control of the drainage systems in the city will take significantly longer to resolve, this agreement may lead to opportunities to provide long term funding for improvements and maintenance of the drainage infrastructure.

FISCAL IMPACT: The only direct cost of approving this agreement would be the cost share for the inspection of the Noble Gulch storm drain pipe. This inspection is estimated to cost \$30,000. The City's share would be paid from the Public Works budget.

ATTACHMENTS:

Zone 5 Maintenance Agreement
June 27, 2019

1. Cooperative Agreement with County

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/21/2019

COOPERATIVE AGREEMENT AND RESERVATION OF RIGHTS BETWEEN THE CITY OF CAPITOLA, THE SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, AND THE COUNTY OF SANTA CRUZ

THIS COOPERATIVE AGREEMENT AND RESERVATION OF RIGHTS is made and entered into on the date by which it has been executed by and between the City of Capitola, a municipal corporation ("City"), the Santa Cruz County Flood Control and Water Conservation District ("District"), and the County of Santa Cruz ("County"), with reference to the Recitals set forth below. City, District, and County may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, in 1949, the City was incorporated in Santa Cruz County.

WHEREAS, in 1955, the State of California created the District for purposes of controlling, diverting, and disposing of flood waters in Santa Cruz County. The District has the statutory power to create "zones" wherein property owners in a set locality are taxed to create a local fund to construct and maintain specific drainage facilities.

WHEREAS, the District is a legal entity that is separate and distinct from the County.

WHEREAS, in 1969, the District created Zone 5 to cover 8.75 square miles within the County, including in Live Oak, Capitola, and Soquel. Zone 5 facilities include certain ditches, culverts, pipes, and water storage basins.

WHEREAS, the District and the City have a dispute as to whether and to what extent the District or the City have legal control over or responsibility for certain drainage facilities that exist in the City. Moreover, the County contends that it has no responsibility for flood control within the City.

WHEREAS, Noble Creek is a natural watercourse that runs through the County until it reaches the City; it thereafter continues through the City, draining into Soquel Creek and flowing on to the Pacific Ocean. The creek consists of both natural channel and piped sections. The creek runs through a portion of natural channel before it gets to Noble Gulch Park, a city park adjacent to Bay Avenue. There, the creek is diverted underground through a series of corrugated metal pipes and concrete box culverts.

WHEREAS, the Parties recognize that critical system improvements may be required to maintain adequate storm drainage systems throughout the District, including within the geographical boundaries of the City.

WHEREAS, the Parties recognize and acknowledge that concerns about potential liability for the failure of storm drainage systems throughout the City and District and uncertainty as to whether the City or District is legally responsible for the maintenance thereof could operate as a disincentive to the City or District to undertake maintenance or repair of certain facilities, and that

Attachment: Cooperative Agreement with County (Zone 5 Maintenance Agreement)

this is particularly a concern if maintenance or repair could later be used as evidence of “ownership and control” for purposes of establishing liability for the future failure of said facilities.

WHEREAS, the Parties now wish to work cooperatively toward an approach that facilitates completion of necessary storm drain and flood control system improvements and maintenance projects in the City, while preserving their respective rights as to whether the City or the District bears ultimate legal responsibility or liability for damages or loss caused by potential failure of such facilities.

TERMS OF AGREEMENT

NOW, THEREFORE, in light of the foregoing Recitals, and in consideration of the mutual promises, covenants, and stipulations hereinafter contained, the Parties agree as follows:

SECTION 1 CITY/DISTRICT FUNDING FOR INSPECTION

Within six months of the effective date of this agreement, the City and the District will jointly fund an inspection of the corrugated metal pipe carrying Noble Creek under the former Pacific Cove Mobile Home Park to identify any necessary maintenance issues. The consultant engaged to perform such inspection shall be jointly selected by the City and the District. The consultant shall be engaged by the City Attorney’s office and all information obtained from said inspection shall be treated by the Parties as confidential attorney work product. Upon completion of the inspection, a copy of any concluding report shall be delivered to and maintained by the respective legal counsel for the Parties.

SECTION 2 FUNDING COOPERATION

On or after the effective date of this Agreement, the City and the District will work cooperatively toward identifying and pursuing sources of funding for any necessary repairs/replacements/maintenance of storm drain infrastructure within the City, including but not limited to that identified in the inspection referenced in Section 1. Future actions could include, for example, jointly or individually applying for grants or loans, or cooperating in the establishment of an assessment district or some other financing mechanism. Nothing herein shall obligate any Party to complete any future actions or work whatsoever.

SECTION 3 RESERVATION OF RIGHTS

The Parties agree that neither the terms of this Agreement, nor any activity undertaken by the City or the District to implement this Agreement, may be utilized by any Party against another as evidence of ownership, control or responsibility for purposes of establishing liability. “Activity undertaken by the City or the District to implement this Agreement” includes, but is not limited to, emergency responses during rain events and any activities to maintain drainage infrastructure of disputed ownership within the boundaries of the City, performed by City or District personnel,

provided that notice of maintenance work shall be given before the activity begins and notice of emergency responses shall be given within a reasonable time after the work occurs, and provided the Party engaging in the activity shall indemnify the other Parties from any claims or liability to the extent arising from the performance of the activity. Moreover, the Parties agree that they are prohibited from using this Agreement or any actions completed to implement it as proof or evidence that any Party has a duty or responsibility to maintain or replace any drainage infrastructure in the City. Each of the Parties expressly reserves its rights to introduce any other evidence, including evidence of its or any other Parties' actions or activities, prior or subsequent to the term of this Agreement, in order to establish another Party's liability, or its non-liability.

SECTION 4
MISCELLANEOUS PROVISIONS

A. Complete Agreement. This Agreement, along with any attachments, is the full and complete integration of the Parties' agreement with respect to the matters addressed herein and supersedes any previous written or oral agreements between the Parties with respect to the matters addressed herein.

B. Severability. The unenforceability, invalidity, or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.

C. Waiver. Waiver by any Party of any portion of this Agreement shall not constitute a waiver of the entire Agreement.

D. Venue, Governing Law, and Jurisdiction. The law of the State of California shall govern this Agreement. In the event that a Party to this Agreement brings any action against another under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Santa Cruz or in the United States District Court for the Northern District of California.

E. Amendments. This Agreement may be amended only by mutual written agreement executed by duly authorized representatives of all Parties.

F. Term. The Parties agree that the term of this Agreement is 7 years. However, in no case shall the expiration of this Agreement's term allow any Party to introduce any activity undertaken by the City or the District during the effective term of this Agreement to effectuate its purpose as evidence of ownership, control or responsibility for purposes of establishing liability.

G. Notices. Notices required under this Agreement shall be deemed fully given if they are sent via regular U.S. mail, and addressed to the respective Party as follows:

CITY:
City of Capitola
Jamie Goldstein, City Manager
420 Capitola Avenue
Capitola, California 95010

COUNTY:
Santa Cruz County
Attention: County Administrative Officer
701 Ocean Street, Suite 520
Santa Cruz, California 95060

Attachment: Cooperative Agreement with County (Zone 5 Maintenance Agreement)

DISTRICT:
Santa Cruz County Flood Control
& Water Conservation District, Zone 5
Attention: District Engineer
701 Ocean Street, Room
Santa Cruz, California 95060

H. Contract Construction. Each Party acknowledges that it has reviewed this Agreement and that the normal rules of construction to the effect that any ambiguities are to be resolved against the drafting party shall not apply to the interpretation of this Agreement.

I. Counterparts. The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument.

This AGREEMENT is effective as of the date last written below.

Dated: _____

CITY OF CAPITOLA

By _____
Jamie Goldstein
City Manager

Dated: _____

COUNTY OF SANTA CRUZ

By _____
Carlos Palacios
County Administrative Officer

Dated: _____

SANTA CRUZ COUNTY FLOOD CONTROL &
WATER CONSERVATION DISTRICT

By _____
Ryan Coonerty
Chairperson, Zone 5

Attachment: Cooperative Agreement with County (Zone 5 Maintenance Agreement)

Approved As To Form:

Anthony Condotti
City Attorney

Jason M. Heath
Chief Assistant County Counsel

District Legal Counsel

Attachment: Cooperative Agreement with County (Zone 5 Maintenance Agreement)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Public Works Department

SUBJECT: Consider Authorizing the City Manager to Sign a Letter Regarding Traffic Studies for a Proposed Medical Office Building on Soquel Avenue

RECOMMENDED ACTION: Authorize and direct the City Manager to sign a letter regarding the traffic studies underway for the proposed medical office building at 5940 Soquel Avenue in the County of Santa Cruz.

BACKGROUND: Pacific Medical Builders has proposed a 160,000-square-foot specialty medical office Building at 5940 Soquel Ave. in the unincorporated County of Santa Cruz. It is envisioned the project will be occupied by Kaiser Permanente. The facility will include advanced medical services, an urgent care clinic and medical offices. It is an outpatient facility, not a hospital. The 4.98-acre site is currently used as open storage. The project will include 720 parking spaces in a parking garage.

DISCUSSION: As part of the project application, a traffic study is in progress. Staff believes that study should analyze all feasible measures to mitigate traffic impacts and facilitate regional traffic flow, including evaluating the impacts of opening 40th Avenue at Deanes Lane to relieve congestion at the Gross Road and 41st Avenue intersection.

City staff believes this option should be included in the analysis and has drafted the attached letter to the County Planning Department requesting that it be included in the study.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Draft Letter to County of Santa Cruz

Report Prepared By: Steve Jesberg
Public Works Director

Kaiser Project Letter - 40th Avenue
June 27, 2019

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/21/2019

Kathleen Molloy, Director
Santa Cruz County Planning Department
701 Ocean St, Room 400
Santa Cruz, CA 95060

Subject: Medical Office Building at 5490 Soquel Avenue
Scope of Work of Environmental Review

Dear Ms. Molloy,

The City of Capitola has been provided an opportunity to meet with members of the project development team for the Medical Office Building located at 5490 Soquel Avenue. City staff appreciates the opportunity to provide early feedback into this important project, and its potential regional traffic impacts.

As you are aware, during the afternoon commute there is substantial queuing of cars along Soquel Avenue and Gross Road in the eastbound direction as cars seek access to 41st Avenue, Highway 1, Soquel Drive and other destinations. The proposed project will result in increased impacts to intersections along this route.

One mitigation measure that could help alleviate traffic impacts would be the removal of the road closure along 40th Avenue at County/City boundary at Deanes Lanes. Removing this closure along with other improvements in the area of Clares Street and 41st Avenue may be able to provide substantial relief and should be studied in the project's traffic analysis.

On behalf of the City Council of the City of Capitola, we ask that an analysis of opening 40th Avenue to through traffic be evaluated in the traffic mitigation analysis for this project.

Yours truly,

Jamie Goldstein
City Manager



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Public Works Department

SUBJECT: Consider Awarding a Contract to Anderson Pacific for the Park Avenue Sidewalk Project

RECOMMENDED ACTION: Award a contract to Anderson Pacific Engineering Construction, Inc., in the amount of \$907,600 for construction of the Park Avenue Sidewalk Project.

BACKGROUND: On June 19, 2019, the City received eight bids for the Park Avenue Sidewalk Project. The low bid was from Anderson Pacific Engineering Construction, Inc., from Santa Clara with a base bid in the amount of \$907,600. A bid tabulation is included as Attachment 1. The bid amount was \$33,000 (4 percent) over the engineer's estimate of \$874,600.

DISCUSSION: Anderson Pacific recently completed sidewalk projects along Stockton Avenue and Capitola Avenue in the City. Pursuant to City purchasing policy, the award of contract must be made by the City Council if the low bid is over the engineer's estimate.

Previously allocated funding for the project is sufficient to authorize the contract without any additional appropriation.

This project will construct a new sidewalk from McCormick Avenue to Cabrillo Street and include a crosswalk on Park Avenue at Cabrillo Street. Anderson Pacific has indicated it is prepared to begin work once the contract documents have been finalized, bonds received, and material submittals approved.

The estimated start date is July 29, 2019, and the project is scheduled to take up to 90 days to complete, although it is anticipated work will be finished earlier.

FISCAL IMPACT: Funding for this project is listed below:

General Fund	\$ 250,000
Measure D	\$ 300,000
RMRA	\$ 345,000 (Road Maintenance Rehabilitation Account, SB 1)
TDA	\$ 200,000 (Transportation Development Account Funds)
Total	\$1,095,000

The projected final costs are:

Engineering Design	\$ 111,000
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Park Avenue Sidewalk Award of Contract
June 27, 2019

Construction	\$ 907,600
Total	\$1,018,600

Contingencies \$ 76,400.

Any funds remaining following completion of the project will be available for future project funding.

ATTACHMENTS:

1. Park Avenue Sidewalk Bid Results_6-19-19

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/21/2019

Project Title : Park Avenue Sidewalks
Bid Opening : June 19, 2019 @3:00pm

ESTIMATE					Anderson Pacific		F. Loduca Co.		Monterey Peninsula Eng.		Graniterock		
					Bid 1		Bid 2		Bid 3		Bid 4		
	UNITS	QTY	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Mobilization	LS	1	\$73,500	\$73,500	\$31,526	\$31,526	\$40,000	\$40,000	\$75,000	\$75,000	\$91,400	\$91,400
2	Construction Area Signs	LS	1	\$5,000	\$5,000	\$6,500	\$6,500	\$7,500	\$7,500	\$7,000	\$7,000	\$8,500	\$8,500
3	Traffic Control	LS	1	\$20,000	\$20,000	\$42,000	\$42,000	\$50,000	\$50,000	\$60,000	\$60,000	\$73,150	\$73,150
4	Survey and Construction Staking	LS	1	\$12,500	\$12,500	\$15,000	\$15,000	\$10,000	\$10,000	\$11,000	\$11,000	\$13,700	\$13,700
5	Survey Monumentation	LS	1	\$12,500	\$12,500	\$6,000	\$6,000	\$1,200	\$1,200	\$5,000	\$5,000	\$3,600	\$3,600
6	Temporary Water Pollution Control and Erosion Control	LS	1	\$5,000	\$5,000	\$8,000	\$8,000	\$20,000	\$20,000	\$19,000	\$19,000	\$8,000	\$8,000
7	Lead Compliance Plan	LS	1	\$5,000	\$5,000	\$2,015	\$2,015	\$2,000	\$2,000	\$6,000	\$6,000	\$2,530	\$2,530
8	Clearing and Grubbing	LS	1	\$30,000	\$30,000	\$11,000	\$11,000	\$30,000	\$30,000	\$40,000	\$40,000	\$12,250	\$12,250
9	Remove Thermoplastic Traffic Stripe	LF	7,694	\$1	\$7,694	\$2	\$15,388	\$2	\$15,388	\$1	\$7,694	\$2	\$15,388
10	Remove Thermoplastic Pavement Marking	SQFT	134	\$3	\$402	\$4	\$536	\$10	\$1,340	\$6	\$804	\$4	\$536
11	Relocate Roadside Sign	EA	11	\$250	\$2,750	\$250	\$2,750	\$300	\$3,300	\$300	\$3,300	\$250	\$2,750
12	Relocate Mailbox	EA	15	\$400	\$6,000	\$150	\$2,250	\$365	\$5,475	\$300	\$4,500	\$800	\$12,000
13	Relocate Bench – Bus Stop	EA	1	\$1,000	\$1,000	\$650	\$650	\$1,000	\$1,000	\$650	\$650	\$1,000	\$1,000
14	Relocate Water Valve / Water Meter Box	EA	3	\$2,000	\$6,000	\$900	\$2,700	\$2,500	\$7,500	\$5,000	\$15,000	\$3,200	\$9,600
15	Adjust Water Valve / Water Meter Box Cover to Grade	EA	10	\$480	\$4,800	\$500	\$5,000	\$200	\$2,000	\$500	\$5,000	\$430	\$4,300
16	Remove Inlet	EA	3	\$1,250	\$3,750	\$900	\$2,700	\$2,000	\$6,000	\$2,000	\$6,000	\$1,750	\$5,250
17	Remove Pipe	LF	178	\$52	\$9,256	\$30	\$5,340	\$50	\$8,900	\$90	\$16,020	\$33	\$5,874
18	Roadway Excavation	CY	602	\$200	\$120,400	\$161	\$96,922	\$80	\$48,160	\$120	\$72,240	\$324	\$195,048
19	Hot Mix Asphalt (Type A)	TON	133	\$330	\$43,890	\$220	\$29,260	\$289	\$38,437	\$350	\$46,550	\$287	\$38,171
20	Aggregate Base (Class 2)	CY	450	\$127	\$57,150	\$170	\$76,500	\$100	\$45,000	\$150	\$67,500	\$285	\$128,250
21	Minor Concrete (Curb and Gutter)	LF	1,079	\$38	\$41,002	\$40	\$43,160	\$65	\$70,135	\$85	\$91,715	\$45	\$48,555
22	Minor Concrete (Cross Gutter)	SQFT	209	\$16	\$3,344	\$20	\$4,180	\$30	\$6,270	\$45	\$9,405	\$31	\$6,479
23	Minor Concrete (Driveway Conform)	SQFT	688	\$6	\$4,128	\$12	\$8,256	\$15	\$10,320	\$40	\$27,520	\$15.50	\$10,664
24	Minor Concrete (Retaining Curb)	LF	122	\$40	\$4,880	\$55	\$6,710	\$100	\$12,200	\$140	\$17,080	\$76	\$9,272
25	Minor Concrete (Sidewalk)	SQFT	5,086	\$7	\$35,602	\$13	\$66,118	\$12	\$61,032	\$14	\$71,204	\$10	\$50,860
26	Minor Concrete (Depressed Driveway)	SQFT	4,199	\$10	\$41,990	\$15	\$62,985	\$7	\$29,393	\$17	\$71,383	\$14	\$58,786
27	Minor Concrete (Standard Driveway)	SQFT	1,551	\$10	\$15,510	\$13	\$20,163	\$15	\$23,265	\$22	\$34,122	\$14	\$21,714
28	Minor Concrete (Curb Ramp)	SQFT	1,561	\$13	\$20,293	\$13	\$20,293	\$25	\$39,025	\$40	\$62,440	\$37	\$57,757
29	Storm Drain Manhole	EA	1	\$8,000	\$8,000	\$8,500	\$8,500	\$10,000	\$10,000	\$10	\$10	\$9,350	\$9,350
30	Modify Drainage Inlet (Manhole top slab on existing inlet)	EA	1	\$6,000	\$6,000	\$6,000	\$6,000	\$4,000	\$4,000	\$4,000	\$4,000	\$6,400	\$6,400
31	Minor Structure (Type GO Inlet)	EA	2	\$8,000	\$16,000	\$3,500	\$7,000	\$8,500	\$17,000	\$4,000	\$8,000	\$5,180	\$10,360
32	Minor Structure (Type OS Inlet)	EA	1	\$8,000	\$8,000	\$3,500	\$3,500	\$8,500	\$8,500	\$5,000	\$5,000	\$5,180	\$5,180
33	Minor Structure (Type G3 Inlet)	EA	1	\$8,000	\$8,000	\$3,500	\$3,500	\$8,500	\$8,500	\$4,600	\$4,600	\$5,180	\$5,180
34	18" Reinforced Concrete Pipe	LF	36	\$180	\$6,480	\$120	\$4,320	\$505	\$18,180	\$250	\$9,000	\$273	\$9,828
35	24" Reinforced Concrete Pipe	LF	164	\$220	\$36,080	\$150	\$24,600	\$167	\$27,388	\$200	\$32,800	\$179	\$29,356
36	Retaining Wall Type 1 (Cast In Place)	LF	161	\$325	\$52,325	\$1,080	\$173,880	\$915	\$147,315	\$900	\$144,900	\$1,226	\$197,386
37	Retaining Wall Formliner	SQFT	715	\$50	\$35,750	\$11	\$7,865	\$25	\$17,875	\$20	\$14,300	\$16	\$11,440
38	Detectable Warning Surface	SQFT	201	\$36	\$7,236	\$55	\$11,055	\$45	\$9,045	\$30	\$6,030	\$22	\$4,422
39	Roadside Sign (One Post – Metal)	EA	12	\$315	\$3,780	\$350	\$4,200	\$300	\$3,600	\$250	\$3,000	\$385	\$4,620
40	Thermoplastic Traffic Stripe	LF	7,694	\$2	\$15,388	\$2	\$15,388	\$4	\$30,776	\$3	\$23,082	\$4	\$26,929
41	Thermoplastic Pavement Marking	SQFT	1,289	\$6	\$7,734	\$10	\$12,890	\$8	\$10,312	\$6	\$7,734	\$6	\$7,734
42	Rectangular Rapid Flashing Beacon (RRFB) Assembly	LS	1	\$25,000	\$25,000	\$22,500	\$22,500	\$15,000	\$15,000	\$29,000	\$29,000	\$24,000	\$24,000
43	Reconstruct Fire Hydrant Valve	EA	1	\$3,838	\$3,838	\$8,500	\$8,500	\$5,000	\$5,000	\$4,500	\$4,500	\$6,500	\$6,500
	Subtotal			\$832,952		\$907,600		\$927,331		\$1,149,083		\$1,254,069	
	5% Contingency			\$41,648		\$45,380		\$46,367		\$57,454		\$62,703	
	Total Cost			\$874,600		\$952,980		\$973,698		\$1,206,537		\$1,316,772	

Attachment: Park Avenue Sidewalk Bid Results_6-19-19 (Park Avenue Sidewalk Award of Contract)

Project Title : Park Avenue Sidewalks
Bid Opening : June 19, 2019 @3:00pm

		Precision Grade Inc.				Don Chapin Company		Earthworks Paving Contractors		Granite Construction		
		Bid 5				Bid 6		Bid 7		Bid 8		
		UNITS	QTY	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
1	Mobilization	LS	1	\$75,800	\$75,800	\$40,000	\$40,000	\$71,000	71,000	160,000	\$160,000	
2	Construction Area Signs	LS	1	\$20,340	\$20,340	\$6,000	\$6,000	\$24,000	24,000	3,000	\$3,000	
3	Traffic Control	LS	1	\$145,300	\$145,300	\$140,000	\$140,000	\$48,000	48,000	136,915	\$136,915	
4	Survey and Construction Staking	LS	1	\$13,000	\$13,000	\$30,000	\$30,000	\$20,000	20,000	20,000	\$20,000	
5	Survey Monumentation	LS	1	\$6,400	\$6,400	\$13,000	\$13,000	\$3,880	3,880	1,300	\$1,300	
6	Temporary Water Pollution Control and Erosion Control	LS	1	\$19,020	\$19,020	\$8,000	\$8,000	\$21,000	21,000	22,000	\$22,000	
7	Lead Compliance Plan	LS	1	\$2,200	\$2,200	\$3,000	\$3,000	\$2,500	2,500	1,300	\$1,300	
8	Clearing and Grubbing	LS	1	\$12,902	\$12,902	\$58,000	\$58,000	\$131,262	131,262	90,000	\$90,000	
9	Remove Thermoplastic Traffic Stripe	LF	7,694	\$1.50	\$11,541	\$2	\$15,388	\$2	15,388	5.50	\$42,317	
10	Remove Thermoplastic Pavement Marking	SQFT	134	\$5	\$670	\$5	\$670	\$4	536	15	\$2,010	
11	Relocate Roadside Sign	EA	11	\$484	\$5,324	\$325	\$3,575	\$250	2,750	250	\$2,750	
12	Relocate Mailbox	EA	15	\$575	\$8,625	\$700	\$10,500	\$240	3,600	800	\$12,000	
13	Relocate Bench – Bus Stop	EA	1	\$1,620	\$1,620	\$1	\$1	\$1,200	1,200	2,500	\$2,500	
14	Relocate Water Valve / Water Meter Box	EA	3	\$2,700	\$8,100	\$4,600	\$13,800	\$3,000	9,000	4,000	\$12,000	
15	Adjust Water Valve / Water Meter Box Cover to Grade	EA	10	\$410	\$4,100	\$850	\$8,500	\$1,700	17,000	1,600	\$16,000	
16	Remove Inlet	EA	3	\$1,820	\$5,460	\$2,000	\$6,000	\$3,200	9,600	2,700	\$8,100	
17	Remove Pipe	LF	178	\$29	\$5,162	\$40	\$7,120	\$54	9,612	50	\$8,900	
18	Roadway Excavation	CY	602	\$359	\$216,118	\$300	\$180,600	\$400	240,800	170	\$102,340	
19	Hot Mix Asphalt (Type A)	TON	133	\$267	\$35,511	\$470	\$62,510	\$400	53,200	350	\$46,550	
20	Aggregate Base (Class 2)	CY	450	\$249	\$112,050	\$300	\$135,000	\$300	135,000	265	\$119,250	
21	Minor Concrete (Curb and Gutter)	LF	1,079	\$69	\$74,451	\$30	\$32,370	\$55	59,345	69	\$74,451	
22	Minor Concrete (Cross Gutter)	SQFT	209	\$29	\$6,061	\$39	\$8,151	\$18	3,762	57	\$11,913	
23	Minor Concrete (Driveway Conform)	SQFT	688	\$14	\$9,632	\$13	\$8,944	\$15	10,320	26	\$17,888	
24	Minor Concrete (Retaining Curb)	LF	122	\$88	\$10,736	\$124	\$15,128	\$185	22,570	150	\$18,300	
25	Minor Concrete (Sidewalk)	SQFT	5,086	\$13	\$66,118	\$13	\$66,118	\$12	61,032	14	\$71,204	
26	Minor Concrete (Depressed Driveway)	SQFT	4,199	\$16	\$67,184	\$13	\$54,587	\$15	62,985	18	\$75,582	
27	Minor Concrete (Standard Driveway)	SQFT	1,551	\$17	\$26,367	\$13	\$20,163	\$15	23,265	22	\$34,122	
28	Minor Concrete (Curb Ramp)	SQFT	1,561	\$35	\$54,635	\$13	\$20,293	\$22	34,342	35	\$54,635	
29	Storm Drain Manhole	EA	1	\$15,090	\$15,090	\$11,000	\$11,000	\$10,000	10,000	6,000	\$6,000	
30	Modify Drainage Inlet (Manhole top slab on existing inlet)	EA	1	\$12,400	\$12,400	\$20,000	\$20,000	\$4,800	4,800	3,000	\$3,000	
31	Minor Structure (Type GO Inlet)	EA	2	\$9,605	\$19,210	\$6,000	\$12,000	\$6,600	13,200	4,000	\$8,000	
32	Minor Structure (Type OS Inlet)	EA	1	\$19,300	\$19,300	\$9,000	\$9,000	\$8,900	8,900	4,000	\$4,000	
33	Minor Structure (Type G3 Inlet)	EA	1	\$15,860	\$15,860	\$6,000	\$6,000	\$8,900	8,900	4,000	\$4,000	
34	18" Reinforced Concrete Pipe	LF	36	\$303	\$10,908	\$220	\$7,920	\$625	22,500	555	\$19,980	
35	24" Reinforced Concrete Pipe	LF	164	\$194	\$31,816	\$174	\$28,536	\$350	57,400	280	\$45,920	
36	Retaining Wall Type 1 (Cast In Place)	LF	161	\$650	\$104,650	\$1,300	\$209,300	\$692	111,412	1,700	\$273,700	
37	Retaining Wall Formliner	SQFT	715	\$12	\$8,580	\$6	\$4,290	\$12	8,580	40	\$28,600	
38	Detectable Warning Surface	SQFT	201	\$46	\$9,246	\$30	\$6,030	\$35	7,035	50	\$10,050	
39	Roadside Sign (One Post – Metal)	EA	12	\$601	\$7,212	\$500	\$6,000	\$385	4,620	350	\$4,200	
40	Thermoplastic Traffic Stripe	LF	7,694	\$1.50	\$11,541	\$4	\$30,776	\$3.50	26,929	2	\$15,388	
41	Thermoplastic Pavement Marking	SQFT	1,289	\$5	\$6,445	\$8	\$10,312	\$6	7,734	11	\$14,179	
42	Rectangular Rapid Flashing Beacon (RRFB) Assembly	LS	1	\$32,000	\$32,000	\$40,000	\$40,000	\$34,000	34,000	26,500	\$26,500	
43	Reconstruct Fire Hydrant Valve	EA	1	\$12,500	\$12,500	\$8,000	\$8,000	\$4,600	4,600	6,000	\$6,000	
					Subtotal	\$1,341,185	Subtotal	\$1,376,582	Subtotal	1,427,559.00	Subtotal	\$1,636,844
					5% Contingency	\$67,059	5% Contingency	\$68,829	5% Contingency	71,377.95	5% Contingency	\$81,842
					Total Cost	\$1,408,244	Total Cost	\$1,445,411	Total Cost	1,498,936.95	Total Cost	\$1,718,686

Attachment: Park Avenue Sidewalk Bid Results_6-19-19 (Park Avenue Sidewalk Award of Contract)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Capitola Police Department

SUBJECT: Introduce an Ordinance Amending Title 5, Business Taxes, Licenses and Regulations, and Title 8, Health and Safety, of the Capitola Municipal Code Pertaining to Prohibiting Sales of Flavored Tobacco Products

RECOMMENDED ACTION: Approve the first reading of an Ordinance adding Municipal Code Chapter 5.38 Tobacco Retailer License Required, amending 8.38.120, and relocating 8.38.130 Regulating the Sale of Tobacco Products.

BACKGROUND: Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. It causes or contributes to many forms of cancer, as well as heart disease and respiratory diseases, among other health disorders. Each day, approximately 2,500 children in the United States try their first cigarette; and another 8,400 children under 18 years of age become new regular, daily smokers. Among youth who have used a tobacco product, 81 percent report that the first tobacco product they used was flavored. Flavored tobacco products promote youth initiation of tobacco and cause young occasional tobacco users to become daily users by reducing or masking the natural harshness and taste of tobacco smoke, thereby increasing the appeal of tobacco products.

During its April 25, 2019, public hearing, the City Council directed staff to prepare an ordinance creating Capitola Municipal Code (CMC) Chapter 5.38 - Tobacco Retailer License (TRL) regulating retail sales of tobacco products and banning the sale of all flavored tobacco and flavored tobacco products in the City of Capitola. At the same time Council supported an update to related current municipal code definitions.

DISCUSSION: According to official records provided by the California Department of Tax and Fee Administration, the City of Capitola has 16 cigarette and tobacco retailers. Staff has determined that nine of the retailers sell flavored tobacco only, three sell flavored tobacco and flavored vape liquids only, two sell flavored vape liquids only, and two do not sell flavored tobacco or flavored vape liquid.

The proposed ordinance amends CMC Chapter 8.38 to update language for section 8.38.120 and relocate section 8.38.130 to the new portion of Chapter 5. Specifically, on June 19, 2016, California increased the minimum age to purchase tobacco from 18 years or greater to 21 years old. In addition, the term "minor" will be changed to "youth."

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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The ordinance also introduces a new local TRL program. Chapter 5.38 - Tobacco Retailer License will govern the specific rules and regulations surrounding all retail tobacco sales within the city and will ban the sale of all flavored tobacco and flavored tobacco products. If adopted, staff recommends this ordinance take effect January 1, 2020.

FISCAL IMPACT: None.

Report Prepared By: Andrew Dally
Police Captain

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/20/2019

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 8.38.120 OF THE CAPITOLA MUNICIPAL CODE, REPEALING SECTION 8.38.130 OF THE CAPITOLA MUNICIPAL CODE AND ADDING CHAPTER 5.38 OF THE CAPITOLA MUNICIPAL CODE (TOBACCO RETAILING LICENSING)

The Capitola City Council hereby finds and declares the following:

WHEREAS, approximately 480,000 people die in the United States from smoking-related diseases and exposure to secondhand smoke every year, making tobacco use the nation's leading cause of preventable death; and

WHEREAS, tobacco use continues to be an urgent public health issue, as evidenced by the following:

- 40,000 California adults die from their own smoking annually;
- More than 25% of all adult cancer deaths in California are attributable to smoking;
- Smoking costs California \$13.29 billion in annual health care expenses, \$3.58 billion in Medicaid costs, and \$10.35 billion in productivity losses;
- Tobacco use can cause disease in nearly all of the organs of the body and is responsible for 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all cases of chronic obstructive pulmonary disease in the United States; and

WHEREAS, the federal Family Smoking Prevention and Tobacco Control Act ("Tobacco Control Act"), enacted in 2009, prohibited candy- and fruit-flavored cigarettes, largely because these flavored products are marketed to youth and young adults, and younger smokers were more likely than older smokers to have tried these products; and

WHEREAS, flavored tobacco products are commonly sold by California tobacco retailers. For example: 97.4% of stores that sell cigarettes sell menthol cigarettes; 94.5% of stores that sell little cigars sell them in flavored varieties; 84.2% of stores that sell electronic smoking devices sell flavored varieties; and 83.8% of stores that sell chew or snuff sell flavored varieties; and

WHEREAS, each day, approximately 2,500 children in the United States try their first cigarette; and another 8,400 children under 18 years of age become new regular, daily smokers. 81% of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Candy flavored tobacco products promote youth initiation of tobacco and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products; and

WHEREAS, data from the National Youth Tobacco Survey indicates that more than two-fifths of U.S. middle school and high school smokers report using flavored little cigars or flavored cigarettes. Further, the Centers for Disease Control and Prevention has reported a more than 800% increase in electronic cigarette use among middle school and high school students between 2011 and 2015. Nicotine solutions, which are consumed via electronic smoking devices

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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such as electronic cigarettes, are sold in thousands of flavors that appeal to youth, such as cotton candy, and bubble gum; and

WHEREAS, it is appropriate to repeal Section 8.38.130 (Regulating the Sale of Tobacco Products) of the Capitola Municipal Code, and address the issues covered by that section in Chapter 5.38 (Tobacco Retailing License); and

WHEREAS, it is appropriate to include certain provisions of Chapter 5.38 of the Capitola Municipal Code to restrict the sale of flavored tobacco products;

NOW THEREFORE the City Council of the City of Capitola hereby ordains as follows:

SECTION I

Section 8.38.120 of the Capitola Municipal Code is hereby amended to read as follows:

F. Businesses that sell tobacco products shall visibly post signs at each entrance to any premises on which any tobacco product is offered for sale, plainly visible from outside the premises, which state the current fine for buying tobacco or e-cigarettes for anyone under 21 in letters at least one-half inch tall, and which cite California Penal Code Section 308(a). These signs shall be updated to conform to any subsequent state or federal requirements and/or amendments to Penal Code Section 308(a). (Ord. 1000 § 1 (part), 2015; Ord. 980 § 4, 2013; Ord. 771, 1994. Formerly 8.38.110)

SECTION 2

Section 8.38.130 of the Capitola Municipal Code is hereby repealed.

SECTION 3

Chapter 5.38 of the Capitola Municipal Code is hereby added to read as follows:

Chapter 5.38 TOBACCO RETAILER LICENSE

Sections:

- 5.38.010 Definitions.
- 5.38.020 Tobacco retailer license – Violations.
- 5.38.030 Limits on tobacco retail license.
- 5.38.040 Application procedure.
- 5.38.050 Issuance of tobacco retail license.
- 5.38.060 License renewal and expiration.
- 5.38.070 License nontransferable.
- 5.38.080 License Fee.
- 5.38.090 Penalty assessment or license revocation by Chief of Police.
- 5.38.100 Notice of intended decision.
- 5.38.110 Procedure for hearing before the City Manager.
- 5.38.120 Decision of the City Manager.
- 5.38.130 Appeal to Council.
- 5.38.140 Tobacco retailing without a license – Seizure.
- 5.38.150 Enforcement.
- 5.38.160 Notice.

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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5.38.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) "Characterizing flavor" means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that a tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or the provision of ingredient information.
- (b) "Drug paraphernalia" shall have the definitions set forth in California Health and Safety Code Section [11014.5](#), as that section may be amended from time to time.
- (c) "Electronic smoking device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.
- (d) "Flavored Tobacco Product" means any tobacco product or tobacco paraphernalia that imparts a characterizing flavor.
- (e) "Person" shall mean any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- (f) "Proprietor" shall mean a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten (10%) percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.
- (g) "Tobacco paraphernalia" shall mean cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.
- (h) "Tobacco product" shall mean:
 - i. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
 - ii. Any electronic smoking device.
 - iii. Notwithstanding any provision of subsections (i) and (ii) to the contrary, "tobacco product" includes any component, part, or accessory intended or reasonably

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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expected to be used with a tobacco product, whether or not sold separately. "Tobacco product" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration.

- (i) "Tobacco retailer" shall mean any person or business who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low-cost samples of tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

5.38.020 Tobacco retailer license – Violations.

- (a) It shall be unlawful for any person to act as a tobacco retailer, or to display or advertise the sale of tobacco products or tobacco paraphernalia, without obtaining and maintaining a valid tobacco retailer's license pursuant to this chapter for each location at which that activity is to occur.
- (b) Tobacco retailing by persons on foot or from vehicles is prohibited.
- (c) Each tobacco retailer license shall be prominently displayed in a publicly visible location at the licensed location.

5.38.030 Limits on tobacco retail license.

- (a) No license shall be issued to authorize tobacco retailing at other than a fixed business place.
- (b) No license shall be issued to authorize tobacco retailing at any location during a period of ineligibility following a revocation.
- (c) It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product.
 1. There shall be a rebuttable presumption that a tobacco retailer in possession of four or more flavored tobacco products, including, but not limited to, individual flavored tobacco products, packages of flavored tobacco products, or any combination thereof, possesses such flavored tobacco products with intent to sell or offer for sale.
 2. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a tobacco retailer, manufacturer, or any employee or agent of a tobacco retailer or manufacturer has:
 - a. made a public statement or claim that the tobacco product imparts a characterizing flavor,
 - b. used text and/or images on the tobacco products' labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a characterizing flavor; or
 - c. taken action directed to consumers that would be reasonably expected to cause consumers to believe the tobacco product imparts a characterizing flavor.

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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(d) No tobacco retailer shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser's age as twenty-one years or greater unless the seller has some other clear and convincing basis for knowing the buyer's age.

(e) No tobacco retailer shall be permitted to sell tobacco products from a location within one thousand feet of a school and/or a public library, as measured by the shortest distance traveled from any entrance of the proposed location for tobacco retailing to the parcel boundary of the school; provided, however, that the prohibition contained in this subsection shall not apply to the following:

1. A tobacco retailer selling tobacco products that was in operation lawfully on the date immediately prior to the ordinance codified in this chapter becoming effective; and
2. Any lawfully operating business that sells tobacco products that would otherwise become ineligible to receive or renew a tobacco retailer permit due to the creation or relocation of a school.

5.38.040 Application procedure.

(a) Application for a tobacco retailer's license shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales and shall be signed by each proprietor or an authorized agent thereof.

(1) A statement signed by each proprietor that no drug paraphernalia is or will be sold at the location for which the license is sought.

(b) It is the responsibility of each proprietor to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer's license.

(c) No proprietor may rely on the issuance of a license as a determination by the City that the proprietor has complied with all laws applicable to tobacco retailing.

(d) A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to Section 5.38.090.

(e) Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco retailer's license any status or right to act as a tobacco retailer in contravention of any provision of law.

(f) All applications shall be submitted on a form supplied by the Chief of Police or designee and shall contain the following information:

(1) The name, address, and telephone number of each proprietor of the business that is seeking a license.

(2) The business name, address, and telephone number of the single fixed location for which a license is sought.

(3) A single name and mailing address authorized by each proprietor to receive all communications and notices (the "authorized address") required by, authorized by, or

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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convenient to the enforcement of this chapter. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subsection (f)(2) of this section.

(4) Proof that the location for which a tobacco retailer's license is sought has been issued a valid state tobacco retailer's license by the California State Board of Equalization.

(5) Whether a proprietor has previously been issued a license pursuant to this chapter that was revoked and, if so, the dates and locations of all such revocations.

(6) Such other information as the Chief of Police or designee deems reasonably necessary for the administration or enforcement of this chapter.

(7) All information required to be submitted to apply for a tobacco retailer's license shall be updated with the Chief of Police or designee whenever the information changes. A tobacco retailer shall provide the Chief of Police or designee with any updates within ten (10) business days of a change.

5.38.050 Issuance of tobacco retail license.

Upon the receipt of a complete application for a tobacco retailer's license and the license fee required by this chapter, the Chief of Police or designee shall issue a tobacco retail license unless one (1) or more of the following exists:

(a) The application seeks authorization for tobacco retailing at a location for which a license has been revoked pursuant to this chapter, or for which this chapter otherwise prohibits issuance of tobacco retailer licenses;

(b) The application seeks authorization for tobacco retailing for a proprietor whose license has been revoked pursuant to this chapter for the subject location or another location, or to whom this chapter otherwise prohibits a tobacco retailer license to be issued;

(c) The City has information that the proprietor or his or her agent or employee has violated any local, State or Federal tobacco control law, including this chapter, within the preceding twelve (12) months; or

(d) The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter, that is otherwise unlawful pursuant to this code, or that is unlawful pursuant to any other local, State, or Federal law.

(e) Any denial of an application shall be in writing setting forth the reasons for denial of the permit. Such denial shall be subject to appeal in accordance with Section 5.38.130.

5.38.060 License renewal and expiration.

(a) A tobacco retailer license is invalid unless the appropriate fee has been paid in full and the term of the license has not expired. The term of a tobacco retailer license is one (1) year beginning each calendar year on January 1st and ending on December 31st of the following year. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer's license and submit the license fee no later than thirty (30) days prior to expiration of the term.

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(b) A tobacco retailer's license that is not timely renewed shall expire at the end of its term. To reinstate a license that has expired, or to renew a license not timely renewed pursuant to subsection (a) of this section, the proprietor must:

- (1) Submit the license fee plus a reinstatement fee of ten (10%) percent of the license fee; and
- (2) Submit a signed affidavit affirming that the proprietor has not sold and will not sell any tobacco product or tobacco paraphernalia after the license expiration date and before the license is renewed.

5.38.070 License non-transferable.

(a) A tobacco retailer's license may not be transferred from one person to another or from one location to another. Whenever a tobacco retailing location has a change in proprietors a new tobacco retailer's license is required.

(b) Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless:

- (1) The location has been fully transferred to a new proprietor or fully transferred to entirely new proprietors; and
- (2) The new proprietor(s) provides the City with clear and convincing evidence that the new proprietor(s) has acquired or is acquiring the location in an arm's length transaction. As used in this section, the term "arm's length transaction" shall mean a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm's length transaction.

5.38.080 License Fee

The fee to issue or to renew a tobacco retailer's license shall be set by resolution of the City Council from time to time. The fee shall be calculated so as not to exceed that amount which would recover the total cost of both license administration and license enforcement, including, for example, issuing the license, administering the licensed program, retailer education, retailer inspection, and compliance checks, documentation of violations, and prosecution of violators. All fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

5.38.090 Penalty assessment, suspension, and license revocation by Chief of Police.

(a) In addition to any other remedy authorized by law, penalties will be assessed and licenses will be suspended if the Chief of Police or designee finds pursuant to this chapter that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 5.38.020.

(b) Suspension

- (1) Upon the first finding, as determined by the Chief of Police or designee, as set forth

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
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- in subsection (a) of this section, the tobacco retailer's license shall be suspended for up to thirty days.
- (2) Upon the second finding, as set forth in subsection (a) of this section and within six months of the first determination, the tobacco retailer's license shall be suspended for ninety days.
 - (3) Upon the third finding, as set forth in subsection (a) of this section and within six months of the prior determination, the tobacco retailer's license shall be revoked and no new license issued for the location until one year has passed from the date of revocation.
- (c) Penalties.
- (1) Upon the first time that the Chief of Police or designee makes a finding as set forth in subsection (a) of this section, a fine of one hundred dollars;
 - (2) Upon the second time that the Chief of Police or designee makes a finding as set forth in subsection (a) of this section within six months of the first determination, a fine of two hundred dollars;
 - (3) Upon the third time that the Chief of Police or designee makes a finding as set forth in subsection (a) of this section within six months of the prior determination, a fine of four hundred dollars;
 - (4) Upon the fourth and each subsequent time that the Chief of Police or designee makes a finding as set forth in subsection (a) of this section within six months of the prior determination, a fine of eight hundred dollars.
- (d) Revocation of License Issued in Error. A tobacco retailer's license shall be revoked if the Chief of Police or designee finds, after written notice and opportunity to be heard, that one (1) or more of the bases for denial of a license under Section 5.38.050 existed at the time the application was made or at any time before the license was issued. The decision by the Chief of Police or designee shall be final. The revocation shall be without prejudice to the filing of a new application for license.

5.38.100 Notice of intended decision.

- (a) Upon determining the existence of any of the grounds for revocation of a license, the Chief of Police or designee shall issue to the license holder a notice of intended decision.
- (b) The notice of intended decision shall state all the grounds upon which the revocation is based.
- (c) The notice of intended decision shall advise the licensee that the revocation shall become final unless the licensee files a written request for appeal before the City Manager or designee within ten (10) calendar days of the date of service of the notice of intended decision.
- (d) The notice of intended decision shall specify the effective date of the revocation.

5.38.110 Procedure for appeal hearing before the City Manager.

- (a) The written request for a hearing before the City Manager or designee must be received by the City Manager's Office within ten (10) calendar days of the date of service of the notice of intended decision.

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
June 27, 2019

- (b) Upon timely receipt of a written request for a hearing, the City Manager or designee shall schedule a hearing which shall be held no later than thirty (30) calendar days after receipt of a timely request for hearing.
- (c) The City Manager or designee shall serve a notice of hearing on the licensee at least ten (10) calendar days prior to the scheduled date of the hearing.
- (d) At the appeal hearing before the City Manager, designee, or before a hearing officer at the City Manager's option, the licensee shall be given the opportunity to present witnesses and relevant documentary evidence.
- (e) The hearing will be conducted informally, and the technical rules of evidence shall not apply. Any and all evidence which the City Manager, designee or hearing officer deems reliable, relevant and not unduly repetitious may be considered.

5.38.120 Decision of the City Manager.

- (a) The City Manager, designee or hearing officer shall serve on the licensee a written decision sustaining, reversing or modifying the intended decision.
- (b) The decision by the City Manager, designee or hearing officer after appeal shall become final unless the licensee files an appeal within the time period specified in Section 5.38.130.

5.38.130 City Council Appeal.

- (a) A licensee whose appeal is denied by the City Manager may appeal to the city council in accordance with Chapter [2.52](#) of this code. The city council's decision with regard to the appeal shall be final.

5.38.140 Tobacco retailing without a license – Seizure.

- (a) Tobacco products and tobacco paraphernalia offered for sale or exchange in violation of this chapter are subject to seizure by the Chief of Police, designee or any peace officer and shall be forfeited after the owner of the tobacco products and tobacco paraphernalia seized is given reasonable notice and an opportunity to demonstrate that the tobacco products and tobacco paraphernalia were not offered for sale or exchange in violation of this chapter.
- (b) Forfeited tobacco products and tobacco paraphernalia shall be maintained and destroyed pursuant to the Chief's or designee's policy for seized evidence.

5.38.150 Enforcement.

- (a) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- (b) Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen (18) years old, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.
- (c) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- (d) Violations of this chapter are hereby declared to be public nuisances.

Amend Chapter 8.38 and add Capitola CMC 5.38 "Tobacco Retailer License."
June 27, 2019

(e) In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney.

5.38.160 Notice.

Whenever a notice is required to be given under this chapter, it shall be made as provided in this code, and addressed to such person to be notified at the authorized address provided in the application for a tobacco retail license pursuant to Section 5.38.040(f)(3) or, if an authorized address is not supplied, to the business address provided pursuant to Section 5.38.040(f)(2).

Section 4. Effective Dates. This ordinance shall be in full force and effect beginning January 1, 2020.

This ordinance was introduced on the 27th day of June, 2019, and was passed and adopted by the City Council of the City of Capitola on the _____, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Jacques Bertrand, Mayor

ATTEST:

Linda Fridy, City Clerk



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Finance Department

SUBJECT: Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2019/2020

RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2019-2020 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget.

BACKGROUND: On June 23, 2005, the City Council adopted Ordinance No. 889 adding Chapter 5.10 to the Capitola Municipal Code establishing the Capitola Village and Wharf Business Improvement Area (CVWBIA). The CVWBIA assessments fund various programs that benefit the businesses within the CVWBIA district boundaries and are renewed annually.

DISCUSSION: On June 13, 2019, the City Council adopted Resolution No. 4150, Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2019/2020, which set a public hearing for June 27, 2019, in accordance with state law and Chapter 5.10 of the Capitola Municipal Code. Notice of this public hearing was published in the *Santa Cruz Sentinel* newspaper and was mailed to affected business owners by the CVWBIA.

The CVWBIA is a business-based, self-imposed assessment district in which the assessments are paid by the business owners within the district boundary for improvements and activities that support and revitalize business, and to attract tourists. The amount and levy of assessments must be consistent with the rate and method of assessment authorized when the district was established in 2005 and must be approved annually by the City Council. Additionally, each business may make "in-lieu" assessment payments in the form of gift certificates for use by the CVWBIA in connection with its promotional activities. The amount of gift certificates that can be issued as in-lieu payments is limited per business within each business category as approved by the City Manager and is listed on page 4 of Attachment 1.

The billing for City services identified in the CVWBIA plan was based on past agreements. The current billing rates are \$3,000 for public works and \$4,200 for accounting services. The annual report and budget are included as Attachment 1.

During the public comment portion of this hearing, written and oral protests may be made pertaining to the proposed levy of assessments, the amount of the proposed assessments, and the proposed improvements and activities in accordance with California Streets & Highways Code §36524 and §36525.

In November 2018, voters approved Measure J, which increased the transient occupancy tax

CVWBIA Assessments for FY 19/20
June 27, 2019

(TOT) from 10% to 12%. 20% of the TOT increase is designated for local business groups for marketing and community improvements. In February 2019 City Council directed that the restricted TOT funding would be split evenly between the Capitola-Soquel Chamber of Commerce and the CVWBIA in FY 2019-20. The City Council also requested that a minimum of 25% of restricted TOT revenues be allocated towards community improvements which may include special events. The proposed CVWBIA budget includes \$29,000 of TOT revenues for FY 2019-20.

Staff recommends the Council adopt the proposed Resolution confirming the Fiscal Year 2019/2020 CVWBIA Assessments and adopting the Annual Plan and Fiscal Year 2019/2020 budget, as approved by the Council on June 13, 2019, unless it receives oral and written protests from the owners of businesses that will pay 50 percent or more of the assessments.

FISCAL IMPACT: There is no fiscal impact to the City. All administrative costs for billing and collections incurred by the City are reimbursed by the CVWBIA.

ATTACHMENTS:

1. Exhibit A 19-20 (PDF)

Report Prepared By: Mark Sullivan
Senior Accountant

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/21/2019

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
CONFIRMING THE FISCAL YEAR 2019/2020 CAPITOLA VILLAGE AND WHARF BUSINESS
IMPROVEMENT AREA ASSESSMENTS AND ADOPTING THE ANNUAL PLAN
AND FISCAL YEAR 2019/2020 CVWBIA BUDGET**

WHEREAS, the Capitola Village and Wharf Business Improvement Area (CVWBIA) has prepared a report to the City of Capitola for Fiscal Year 2019/2020 pertaining to the Business Improvement Area assessments for the CVWBIA under California Streets and Highways Code §36533; and

WHEREAS, that report was filed with the City Clerk on June 7, 2019; and

WHEREAS, Capitola Municipal Code §5.10.050 requires annual assessments to be imposed within the CVWBIA pursuant to a formula set forth in City Council Resolution No. 3453 referenced in Capitola Municipal Code §5.10.030, and later amended by Resolution No. 3546 and Resolution No. 4023; and

WHEREAS, on June 13, 2019, the City Council adopted Resolution No. 4150 stating its intention to levy business improvement assessments for Fiscal Year 2019/2020, receiving the Annual Report and Fiscal Year 2019/2020 Budget, and approving the CVWBIA Assessment Basis/Business Addresses and Assessment Method; and

WHEREAS, pursuant to Resolution No. 4150 the City Council, in accordance with California Streets and Highways Code Section §36535, held a public hearing on June 27, 2019, as provided for in Streets and Highways Code Sections §36524 and §36525, at which time it considered the annual report, the levy of business improvement assessments for Fiscal Year 2019/2020, and received oral and written protests and endorsements to the regularity or sufficiency of the proposed business improvement assessments.

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

1. The Fiscal Year 2019/2020 Capitola Village and Wharf Business Improvement Area Annual Report, including the Fiscal Year 2019/2020 budget, as filed with the City Clerk on June 7, 2019, and received by the City Council on June 13, 2019, as part of Resolution No. 4150, is hereby confirmed and adopted.

2. The adoption of this Resolution shall constitute the Fiscal Year 2019/2020 levy of assessments provided for in Chapter 5.10 of the Capitola Municipal Code pertaining to the Capitola Village and Wharf Business Improvement Area zone and rate of assessments adopted by the City Council on June 27, 2019.

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 June, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

EXHIBIT A
Resolution No. 4150

Annual Report & Proposed Fiscal Year 2019-2020 Budget
CVWBIA Assessment Basis
CVWBIA Business Listing and Assessment Method

Mission Statement

The objective of the CVWBIA is to provide a unified organization to promote, stimulate and improve the business conditions in the designated area, primarily during the shoulder season, September – May. The belief is that if the lodging properties and short-term rentals are full, the rest of the businesses in the area will benefit.

This can be achieved by the CVWBIA continuing to fund activities and projects that will:

- Improve access to information regarding the businesses and services provided by the Village and Wharf BIA to likely visitors to the area via newsletters, the internet and print advertising.
- Provide fun, family-oriented events throughout the year emphasizing the attributes of the Village and Wharf, by working in partnership with the Capitola/Soquel Chamber of Commerce.
- Improve and enhance the appearance of the Village and Wharf in partnership with the City of Capitola.
- Enhance the ability of the CVWBIA to serve as a liaison between the business community and local governments.

As the CVWBIA begins its fourteenth year, we will continue and expand successful programs from prior years, which include the following:

1. **Website** – We maintain an up to date, mobile compatible, website (www.capitolavillage.com) for ease of use and connectivity to BIA member’s businesses, lodging and short-term rentals. Each member has a unique page with links to their individual websites. There is a schedule of events and other helpful features. Visitors can sign up on the site to receive newsletters and enter contests to win gift certificates from member businesses.
2. **Social Media** – The Communications Manager creates a monthly newsletter, manages all our social media channels, maintains our website, and tracks performance. Our email newsletters are sent to over 7,000 subscribers each month. Our Facebook page has over 14,000 fans with our top 5 cities being: San Jose, Santa Cruz, Modesto, Sacramento, and Capitola. Our Instagram is growing the fastest with over 8,000 active followers with an average of 500 profile visits to our account every week. Our newest channel, Twitter, currently has almost 700 followers and continues to grow each month. The purpose of the Communication Manager is to collectively promote the Capitola Village businesses and to be a resource for ongoing growth.
3. **Print Advertising** – While placing an emphasis on our social media development, there is still a need for carefully placed advertising in quality visitor publications. We are constantly monitoring these publications for the ones with the most effective online presence. The

CVWBIA will continue to co-op with Visit Santa Cruz to promote Capitola Village and Wharf in their visitor magazine, their map and on their website.

4. **Village Brochures** – We print 25,000 brochures and distribute them throughout Santa Cruz County. We contract with Certified Display Service. This company has exclusive rights to lobby racks in the hotels, resorts and visitor centers in the county. These brochures are also available in various places of business throughout the Village and Wharf. We feel it is important to make visitors to other areas in the county aware of Capitola Village and Wharf through these brochures. This year we are adding 3 distribution locations: the new Gilroy Visitors Center on Hwy 101, San Jose Airport and the Monterey Airport.
5. **Branding and Logo Development** – Our new Communications Manager, Ben Kelly of Authentic Approach, has been updating the look of our print advertising.
6. **Sip and Stroll** – In February we held our first Sip and Stroll. We sold out 240 tickets with 13 tasting stations and food from food service members. The event is self-supporting and produced a profit of over \$1,400, which was donated to the Capitola Public Safety Foundation. This event benefited all the businesses in the village. We will be holding 3 Sip and Stroll events in February, May and October. We will grow the event incrementally and choose a project to support with the profits from the events.
7. **Winter Festivities** – Every year we plan to improve the decorations in the village to further our brand as the Holiday Village of Lights, with a consistent theme and increased location of specialty lighting. A tree lighting ceremony, community caroling and window decorating contest are components of the winter festivities with other events in the planning stages.
8. **Membership Breakfast** – These breakfasts, hosted by Paradise Beach Grille, are an opportunity to inform members about current activities and receive valuable input. Educational presentations, as well as reports by city representatives, are given at these breakfasts.
9. **Public Works** – The CVWBIA contributes annually to the City of Capitola Public Works Department. Our contribution is used to help maintain the Village and Wharf.
10. **Chamber of Commerce** – The CVWBIA contributes annually to support community interest projects and events in the Village.

Capitola Village & Wharf Business Improvement Area Assessment Basis

The method of assessment classifies businesses within the CVWBIA boundaries into nine categories:

1. Retail / Service businesses
2. Restaurant - Full Bar
3. Restaurant - Beer and Wine
4. Restaurant - No Alcohol
5. Wine Tasting & Sales
6. Seasonal Food Service
7. Office and Professional businesses / Specialty
8. Short-term Rental businesses
9. Hotel / Motel / Inn businesses

Assessment fees are assigned to these nine business categories by number of full-time equivalent employees, a flat rate, and a per unit amount. Registered non-profits are exempt from assessment fees.

The following table shows the assessment fees for the proposed CVWBIA.

Business Category	Number of Full-Time Equivalent Employees*		
	0 – 5 employees	6 – 10 employees	More than 10 employees
Retail / Service	\$420	\$840	N/A
Restaurant Full Bar	N/A	\$960	\$1,440
Restaurant Beer and Wine	\$490	\$910	\$1,390
Restaurant No Alcohol	\$420	\$840	N/A
	Flat Fee		
Wine Tasting & Sales	\$420		
Office / Professional / Specialty	\$120		
Short-term Rental**	\$180		
Seasonal Food Service	\$280		
	Per Unit Fee		
Hotel / Motel / Inn	\$360 per unit		

Footnote* “Full-time employee” is an employee who works 2,000 hours per year or more. Multiple part-time employees are combined into a single full-time employee for the basis of this assessment calculation. (i.e. “fulltime equivalents”)

Footnote** “Short-term rental” businesses are defined as those dwellings which, at least once per fiscal year, are rented to a tenant for a tenancy of less than thirty days.

In-Lieu Payments/Trades. The City Manager is authorized to approve “in lieu” assessment payments in the form of Gift Certificates from CVWBIA retail, food or lodging business members whereby these businesses tender retail, restaurant and lodging gift certificates for use by the CVWBIA in connection with its promotional activities. The amount of “in lieu” assessment payments will be fixed per category, with exceptions that may be authorized by the City Manager.

Business Category	Assessment if paid after 8/31/19	10% Late fee	Amount due WITHOUT In-lieu/trade	In-lieu/trade for timely payment	Amount due paid by 8/31/19
Retail/Service (0 - 5 Employees)	\$462	\$42	\$420	\$75	\$345
Retail/Service (6 - 10 Employees)	\$924	\$84	\$840	\$150	\$690
Restaurant Full Bar (0 - 10 Employees)	\$1,056	\$96	\$960	\$150	\$810
Restaurant Full Bar (11+ Employees)	\$1,584	\$144	\$1,440	\$250	\$1,190
Restaurant Beer & Wine (0 - 5 Employees)	\$539	\$49	\$490	\$75	\$415
Restaurant Beer & Wine (6 - 10 Employees)	\$1,001	\$91	\$910	\$150	\$760
Restaurant Beer & Wine (11+ Employees)	\$1,529	\$139	\$1,390	\$250	\$1,140
Restaurant No Alcohol (0 - 5 Employees)	\$462	\$42	\$420	\$75	\$345
Restaurant No Alcohol (6 - 10 Employees)	\$924	\$84	\$840	\$150	\$690
Wine Tasting & Sales	\$462	\$42	\$420	\$75	\$345
Office / Professional /Specialty	\$132	\$12	\$120	\$0	\$120
Hotel / Motel / Inn	\$396 per unit	\$36 per unit	\$360 per unit	50%	\$180 per unit
Short-term Rental	\$198	\$18	\$180	\$0	\$180
Seasonal Food Service	\$308	\$28	\$280	\$0	\$280

Associate Membership. CVWBIA is authorized to accept “associate membership” financial contributions from businesses outside the CVWBIA, which may wish to participate in the CVWBIA’s promotional activities, but are not subject to the CVWBIA assessments.

New Business Assessment. Assessments will be prorated by the quarter in which a business opens. “In Lieu” payments will be accepted.

Business Closing. A business notifying the CVWBIA before the end of the first quarter of the fiscal year (September 30th) that it will close before December 31st will be exempt from paying the assessment for that fiscal year. If the business does not close before December 31st, it must pay the year’s assessment in full.

Late Charge. A late charge of 10% will be assessed on dues not paid by August 31, 2019.

Delinquencies. CVWBIA has a clear policy relative to delinquent assessments. Businesses that have not paid their assessment by October 31, 2019, will be removed from the CVWBIA website and brochure. Assessments that have not been paid by January 31, 2020, will be sent to collections.

Attachment: Exhibit A 19-20 (CVWBIA Assessments for FY 19/20)

Capitola Village & Wharf Business Improvement Area

Estimated Actual for FY 2018-2019 and Proposed Budget for FY 2019-2020

	FY 17/18 Actual	FY 18/19 Assessment Budget	FY 18/19 TOT Budget	FY 18/19 Total Budget	FY 19/20 Assessment Budget	FY 19/20 TOT Budget	FY 19/20 Total Budget
Beginning Fund Balance	\$ 11,848	\$ 22,241		\$ 22,241	\$ 9,864	\$ (1,910)	\$ 7,954
Revenues							
BIA Assessment Revenues - Village*	59,028	60,000		60,000	60,000		60,000
Assessment Associate	-	1,450		1,450	1,450		1,450
BIA Assessment Revenues - Trade**	13,230	13,000		13,000	13,000		13,000
BIA Assessment Late Fees	824	150		150	150		150
TOT Revenue	-	-	15,000	15,000		29,000	29,000
Interest Revenue	517	150		150	400		400
Misc. Revenue (iSkate)	3,189	-		-			-
Total Revenues	76,788	74,750	15,000	89,750	75,000	29,000	104,000
Total Source of Funds	\$ 88,636	\$ 96,991	\$ 15,000	\$ 111,991	\$ 84,864	\$ 27,090	\$ 111,954
Expenditures							
Chamber Services	\$ 3,000	\$ 3,000		\$ 3,000	\$ 3,000		\$ 3,000
CDS Direct Distribution	1,830	1,830		1,830	2,780		2,780
Doubtful Accounts	2,888	3,000		3,000	2,000		2,000
Insurance		2,500	300	2,800	2,000	500	2,500
Office Supplies	981	400	200	600	500	500	1,000
Storage Unit		-	1,560	1,560	-	1,600	1,600
Renewal		800	-	800	800		800
Total Administration	\$ 8,700	\$ 11,530	\$ 2,060	\$ 13,590	\$ 11,080	\$ 2,600	\$ 13,680
City Accounting Services	4,200	4,200		4,200	4,200		4,200
City Public Works	3,000	3,000		3,000	3,000		3,000
Total City Services	\$ 7,200	\$ 7,200		\$ 7,200	\$ 7,200	\$ -	\$ 7,200
Ambassador		\$ 6,500		\$ 6,500	\$ 7,500		\$ 7,500
Communications Manager	9,441	6,500		6,500	18,000		18,000
Directories Printing	3,299	2,624	1,700	4,324	-		-
VSC TV Partnership	3,030	-	2,500	2,500	-		-
VSC Newsletter				-	2,000		2,000
VSC Travel Guide		2,623		2,623	2,800		2,800
VSC Map		450		450	500		500
Trade Certificates Used	13,230	13,000		13,000	13,000		13,000
Holiday - Advertising	8,702	1,500		1,500	1,500		1,500
ABC TV				-	5,000		5,000
Miscellaneous TV/theater				-	4,000		4,000
Miscellaneous Print		1,000		1,000	3,000		3,000
Monterey Travel Magazine		600		600	600		600
Print Google Ads		-	2,000	2,000	-		-
Print Explore	1,000	1,000		1,000	1,000		1,000
Print Summer Magazine		600		600	-	600	600
Print Directories Printing				-	4,600		4,600
Radio/TV/Print Advertising-Misc.	7,874			-	-		-
Social Media Boost	92	2,400		2,400	-	4,600	4,600
Unanticipated Events	937			-	-		-
Website Management	2,890	1,000	1,000	2,000	-	500	500
Yellow Bus Market Identification		20,000	-	20,000	-		-
Village Enhancement		-	5,000	5,000		10,000	10,000
Welcome Baskets		400		400	-		-
Total Marketing	\$ 50,496	\$ 60,197	\$ 12,200	\$ 72,397	\$ 63,500	\$ 15,700	\$ 79,200
Holiday - Events/Décor		\$ 5,000	\$ 500	\$ 5,500	\$ -	\$ 4,500	\$ 4,500
Holiday Trees		1,200	150	1,350	-	1,200	1,200
Sip N' Stroll - Cookie Walk		-	2,000	2,000	2,000		2,000
Total Special Events	\$ -	\$ 6,200	\$ 2,650	\$ 8,850	\$ 2,000	\$ 5,700	\$ 7,700
Light Pole Banners		2,000		2,000	-	3,000	3,000
Total Expenditures	66,395	87,127	16,910	104,037	83,780	27,000	110,780
Ending Fund Balance	\$ 22,241	\$ 9,864	\$ (1,910)	\$ 7,954	\$ 6,044	\$ 13,998	\$ 1,174

Attachment: Exhibit A 19-20 (CVWBIA Assessments for FY 19/20)

Capitola Village & Wharf Business Improvement Area Budget Discussion

The CVWBIA will begin Fiscal Year 2019-2020 with an estimated fund balance of \$18,500.

Revenues: The proposed revenue is derived from the CVWBIA business roster and corresponding assessment rates. Starting in FY 19-20, a portion of the proceeds of the Transient Occupancy Tax increase will go to the CVWBIA. In FY 19-20 the amount is expected to be \$29,000. The allocation of cash and in-lieu revenue is based upon FY 2018-2019 actuals.

Expenditures:

Summary. The proposed expenditures are divided into these categories: Administration \$13,680; City Services \$7,200; Marketing \$79,200; Special Events \$7,700; and Fixed Assets \$3,000.

The following is a roster of open businesses in the assessment area as of June 1, 2019.

Capitola Village & Wharf Business Improvement Area Business Listing and Assessment Method

Business Type	Assessment Method	Estimate Assessment	
AM = Associate Member	Associate Member	AM	\$1,440
F1 = Restaurant Full Bar	Per employee category: 6-10 EEs, >10 EEs	F1	\$11,040
F2 = Restaurant Beer & Wine	Per employee category: 0-5 EEs, 6-10 EEs, >10 EEs	F2	\$4,410
F3 = Restaurant No Alcohol	Per employee category: 0-5 EEs, 6-10 EEs	F3	\$4,550
F4 = Wine Tasting	Flat fee	F4	\$1,260
F5 = Seasonal Food	Flat fee	F5	\$280
H = Hotel/Motel/Inn	Flat fee per unit or room	H	\$18,360
O = Office/Professional	Flat fee	O	\$3,000
R = Retail/Service	Per employee category: 0-5 EEs, 6-10 EEs	R	\$18,480
SR = Short Term Rental	Flat fee per unit	SR	\$12,600
Total			\$75,420

Business Address	Business Name	TYPE	FY19/20 Est. Size	FY19/20 Est. Amt Due
504 Bay Avenue	Gayle's Bakery & Rosticceria	AM	> 10	\$1,440
1400 Wharf Road	Wharf House Restaurant	F1	0 - 10	\$960
209B Esplanade	Bay Bar & Grill	F1	0 - 10	\$960
211 Esplanade	The Sand Bar	F1	0 - 10	\$960
231 Esplanade Suite 102	Sotola Bar & Grill	F1	0 - 10	\$960
215 Esplanade	Paradise Beach Grille	F1	11+	\$1,440
1750 Wharf Road	Shadowbrook Restaurant	F1	11+	\$1,440
203 Esplanade	Zelda's	F1	11+	\$1,440
110 Monterey Avenue	Britannia Arms Pub & Rest.	F1	11+	\$1,440
231 Esplanade #101	Margaritaville	F1	11+	\$1,440

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY19/20 Est. Size</u>	<u>FY19/20 Est. Amt Due</u>
316 Capitola Avenue	Bella Roma Café	F2	0 - 5	\$490
123 Monterey Avenue	El Toro Bravo	F2	0 - 5	\$490
200 Monterey Avenue #3	Geisha Japanese Restaurant & Tea House	F2	0 - 5	\$490
207 Esplanade	Sea Side Siam	F2	0 - 5	\$490
115 San Jose Avenue Ste #6	Caruso's Tuscan Cuisine	F2	0 - 5	\$490
427 Capitola Avenue	Avenue Café	F2	0 - 5	\$490
201 Esplanade Unit A	Taco Moreno 3	F2	0 - 5	\$490
210 Monterey Avenue #1	Thai Basil	F2	0 - 5	\$490
201 Monterey Avenue #C	Castagnola Deli & Café	F2	0 - 5	\$490
231 Esplanade #100	Mr. Toots Coffee & Tea	F3	0 - 5	\$420
200 Monterey Avenue #1	Souza's Ice Cream & Candy	F3	0 - 5	\$490
200 Monterey Avenue #2	Mijos Taqueria	F3	0 - 5	\$490
115 San Jose Avenue	Santa Cruz Poke	F3	0 - 5	\$490
110 Stockton Avenue	Sandcastle Café	F3	0 - 5	\$490
311 Capitola Avenue	Steamin' Hot Coffee & Espresso	F3	0 - 5	\$490
209A Esplanade	Pizza My Heart	F3	6 - 10	\$840
104 Stockton	Beach Break by Marianne's	F3	6 - 10	\$840
103 Stockton Avenue	Armida Winery	F4		\$420
115 San Jose Avenue Suite #G	Capitola Wine Bar & Merchants	F4		\$420
312-B Capitola Avenue	Cork and Fork LLC	F4		\$420
107 San Jose Avenue Suite #8	Left Coast Sausage Worx	F5		\$280
5000 Cliff Drive	Capitola Beach Suites aka Harbor Lights	H	10	\$3,600
210 Esplanade	Capitola Hotel	H	10	\$3,600
250 Monterey Avenue	Inn at Depot Hill	H	12	\$4,320
1500 Wharf Road	Venetian Hotel	H	19	\$6,840
321 Capitola Avenue	Vice Salon	O		\$120
312E Capitola Avenue	57 Design Inc.	O		\$120
312D Capitola Avenue	Beach House Rentals	O		\$120
301 Capitola Avenue	David Lyng & Associates	O		\$120
411 Capitola Avenue	Fuse Architects	O		\$120
415 Capitola Avenue	James B. Colip Insurance	O		\$120
201 Monterey Avenue Suite H	Landmark Properties	O		\$120
425 Capitola Avenue #3	Kathy Macdonald Association	O		\$120
314 Capitola Avenue	Katz & Lapides	O		\$120
331 Capitola Avenue #B	Michael Lavigne Real Estate	O		\$120
331 Capitola Avenue Suite K	Newman & Marcus, LLP	O		\$120
413 Capitola Avenue	Richard Emigh, Land Use	O		\$120
331 Capitola Avenue #D	Suess Insurance Agency	O		\$120
208 San Jose Avenue	Capitola Surf & Paddle	O		\$120
220 Capitola Avenue	Psychic Mermaid	O		\$120
331 Capitola Avenue	Capitola Village Real Estate	O		\$120
314 Capitola Ave	Law Offices of Sam Storey	O		\$120
425 Capitola Avenue Suite #1	Bodhi Addiction Treatment and Wellness	O		\$120
314 Capitola Avenue	John H. McSpadden	O		\$120
314 Capitola Avenue	Miles J. Dolinger, Attorney at Law	O		\$120
112 Stockton Avenue Suite B	Visions by Sheena	O		\$120
331 Capitola Avenue	Capitola Village Massage	O		\$120
207 Monterey Avenue Suite 100	Yellow Bus	O		\$120
107 Stockton Avenue	Dream Catch Properties	O		\$120

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY19/20 Est. Size</u>	<u>FY19/20 Est. Amt Due</u>
200 Monterey Avenue Suite 1A	Seachange	O		\$120
1400 Wharf Road	JFS Inc. dba Capitola Boat & Bait	R	0 - 5	\$420
131 Monterey Avenue	MRA Sales, dba Capitola Beach Co.	R	0 - 5	\$420
417 Capitola Avenue	Betsy's Summerhouse Antiques	R	0 - 5	\$420
217 Capitola Avenue	Big Kahuna Hawaiian Shirts	R	0 - 5	\$420
209 Capitola Avenue	Craft Gallery	R	0 - 5	\$420
207 Capitola Avenue	Craft Gallery Annex	R	0 - 5	\$420
114 Stockton Avenue	Euphoria Rio Mix	R	0 - 5	\$420
110 Capitola Avenue #2	Free to Ride	R	0 - 5	\$420
212 Capitola Avenue	Gaia Earth Treasures	R	0 - 5	\$420
219 Capitola Avenue	Hot Feet	R	0 - 5	\$420
201 Monterey Avenue #B	Kickback	R	0 - 5	\$420
120 Stockton Avenue	Latta	R	0 - 5	\$420
202 Capitola Avenue	Nubia Swimwear	R	0 - 5	\$420
204 Capitola Avenue	Oceania	R	0 - 5	\$420
107 Capitola Avenue	Phoebe's	R	0 - 5	\$420
116 San Jose Avenue	Rainbow City Limit	R	0 - 5	\$420
216 Capitola Avenue	Slap Happy	R	0 - 5	\$420
214 Capitola Avenue	Super Silver	R	0 - 5	\$420
117 Capitola Avenue	Surf n Shack	R	0 - 5	\$420
120 San Jose Avenue	Sweet Asylum	R	0 - 5	\$420
122 Capitola Avenue	Yvonne	R	0 - 5	\$420
115 San Jose Avenue	Southstar PM, Inc. - Parking at the Mercantile	R	0 - 5	\$420
120 Monterey Avenue	Uchiyama - Swenson - Parking at the Theater	R	0 - 5	\$420
201 Monterey Avenue #A	Village Sea Glass	R	0 - 5	\$420
112 Capitola Avenue Suite, 100	Lumen Gallery	R	0 - 5	\$420
115 Capitola Avenue	Capitola Reef	R	0 - 5	\$420
409 Capitola Avenue	Art Inspired	R	0 - 5	\$420
115 San Jose Avenue	Om Rhythms	R	0 - 5	\$420
224 Esplanade	RNTF LLC dba Bedroom Desserts	R	0 - 5	\$420
112 Stockton Avenue	Sea Level T's	R	0 - 5	\$420
115 San Jose Avenue	Carousel Taffy & Treats	R	0 - 5	\$420
215 Capitola Avenue	Vanity by the Sea	R	0 - 5	\$420
116 Stockton Avenue	Xandra Swimwear	R	0 - 5	\$420
300 Capitola Avenue	Quality Market	R	0 - 5	\$420
109 Capitola Avenue	Capitola Seashells	R	0 - 5	\$420
110 Capitola Avenue Unit 3	Carmel Bay Company	R	0 - 5	\$420
309 Capitola Avenue	Jackson Simmons Gallery	R	0 - 5	\$420
208 Monterey Avenue	Jade Allen	R	0 - 5	\$420
205 Capitola Avenue	Capitola Candy Company	R	0 - 5	\$420
126 San Jose Avenue	Pueblo Viejo Imports	R	0 - 5	\$420
110 Capitola Avenue	Mia Bella Boutique	R	0 - 5	\$420
105 Stockton Avenue	A Personal Care	R	0 - 5	\$420
101 Capitola Avenue	The Zero Shop	R	0 - 5	\$420
210 Capitola Avenue	Cotton + Rye	R	0 - 5	\$420
222 San Jose Avenue	Avonne Stone Jacobs, Judy Jacobs	SR	1	\$180
303 Cherry Way	Cal & Carla Cornwell	SR	1	\$180
305 Riverview Avenue	Capitola Pelican House	SR	1	\$180
1500 Wharf Road #5	Colleen Merle Lund	SR	1	\$180

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY19/20 Est. Size</u>	<u>FY19/20 Est. Amt Due</u>
1500 Wharf Road #14	Erline Mello	SR	1	\$180
318 Capitola Avenue #2	Fred & Sharon Andres	SR	1	\$180
215 Monterey Avenue #A	Greg & Maxine Sivaslian	SR	1	\$180
206 Monterey Avenue	Jay & Pamela Chesavage	SR	1	\$180
5005 Cliff Drive #3	Jean Ladoucour	SR	1	\$180
301 Cherry Way	Jeff & Kathie Gaylord	SR	1	\$180
208 Monterey Avenue C	Pat Castagnola	SR	1	\$180
327 Riverview Avenue A	Paulo Franca	SR	1	\$180
109 Monterey Avenue #4	Sharon Dougan	SR	1	\$180
1500 Wharf Road #7	Viola M. Carr	SR	1	\$180
1500 Wharf Road #1	Bob Coe	SR	1	\$180
1500 Wharf Road #20	Leonard Tyson	SR	1	\$180
4960 Cliff Drive #2	Tim & Stacy Hopkins	SR	1	\$180
1500 Wharf Road #11	Jeri Chestnut	SR	1	\$180
225 San Jose Avenue	Michelle & Stephen Murphy	SR	1	\$180
318 Capitola Avenue #1	Janet Lau	SR	1	\$180
1500 Wharf Road #2	Albert Ribisi & Mary Scolari	SR	1	\$180
109 Cherry Avenue Units A & B	Bill & Julie Kenney	SR	2	\$360
5005 Cliff Drive Unit 1	Tom & Susan Baines	SR	1	\$180
318 Capitola Avenue #4	Deborah Cohen	SR	1	\$180
206 California Avenue	Vito Mazzarino	SR	1	\$180
409 Riverview Avenue	Creekside Cottage	SR	1	\$180
417 Riverview Avenue	Bridget Taylor	SR	1	\$180
309 Cherry Avenue	Pan American Investments	SR	1	\$180
102 Lawn Way	Craig & Mimi French	SR	1	\$180
5005 Cliff Drive #6	Alanna Harvey	SR	1	\$180
1500 Wharf Road #9	Grandma's Nest	SR	1	\$180
109 Monterey Avenue #10	Kelli Aita	SR	1	\$180
211 Stockton Avenue #1	Bookman Rental Property	SR	1	\$180
317 Riverview Avenue	BHR Property Management	SR	1	\$180
112 Capitola Avenue #200	BHR Property Management	SR	1	\$180
208 Stockton Avenue	John McEnery	SR	1	\$180
105 Park Place	Capitola Village Deco Beach House	SR	1	\$180
214 California Avenue	Talbot Family	SR	1	\$180
4995 Cliff Drive #A	Chris Rasmussen	SR	1	\$180
1500 Wharf Road #16	Jacqui Rice Property Management	SR	1	\$180
115 San Jose Avenue	BHR Property Management	SR	1	\$180
318 Riverview Avenue	JDT Capital, LLC	SR	1	\$180
105 Lawn #4	105 Lawn Way #4	SR	1	\$180
4995 Cliff Drive #B	Jennifer Rayborn	SR	1	\$180
317 & 327 Riverview Avenue B	Steve & Linda Woodside	SR	2	\$360
5005 Cliff Dr #4, 314 Riverview Ave	Sue Norris	SR	2	\$360
1500 Wharf Road #3,4	Watson Family Limited Partnership (Mike Newell)	SR	2	\$360
209 Stockton Avenue A & B	Castillo Properties	SR	2	\$360
4980 Cliff Drive Unit A & B	Steve Pericone	SR	2	\$360
207 San Jose Avenue A & B	Surf City Rentals	SR	2	\$360
397 & 399 Riverview Avenue	Castellanos Properties - Windmill Properties	SR	2	\$360
402 Bluegum Avenue A & B	Autumn Troung	SR	2	\$360

<u>Business Address</u>	<u>Business Name</u>	<u>TYPE</u>	<u>FY19/20 Est. Size</u>	<u>FY19/20 Est. Amt Due</u>
119 Lawn Way	BHR Property Management	SR	2	\$360
207 Monterey Avenue #200 & 201	207 Monterey Avenue #200 & 201	SR	2	\$360
201 Monterey Avenue #1 & #2	Beach House Rentals	SR	2	\$360
212 Monterey Avenue #1, 3, 4	Joseph Minigione	SR	3	\$540
				\$75,420

Attachment: Exhibit A 19-20 (CVWBIA Assessments for FY 19/20)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: Community Development

SUBJECT: Continue Discussion of the Revised Zoning Code for Coastal Commission Certification - City Attorney Review

RECOMMENDED ACTION: Accept staff presentation and continue the discussion to the meeting of August 22, 2019.

BACKGROUND: The City Council adopted a new zoning code on January 25, 2018. The zoning code must be adopted by the Coastal Commission prior to taking effect in the coastal zone, which makes up two-thirds of the land area in Capitola.

Capitola staff has been working with Coastal Commission staff toward certification over the past year. The Coastal Commission staff-recommended modifications were presented to the Planning Commission during a special meeting on February 21, 2019, and a regularly scheduled meeting on March 7, 2019. The Planning Commission provided recommendations for the Council regarding which Coastal Commission revisions to accept.

On April 5, 2019, staff published an updated draft of the zoning code that included all Planning-Commission-accepted Coastal Commission modifications in redlines. Due to the large size of the document, a printed copy of the April 5, 2019 code is available at the City Hall for public review and a digital copy is available on the City's website (see below).

On April 11, 2019, the City Council received updates on the Coastal Commission redlines and requested further review by the legal counsel. On May 9, 2019, the City Council received an overview of the general Coastal Commission certification process. On May 23, 2019, the City Council reviewed updates to the code that were initiated by City staff, not the Coastal Commission staff. The City Council accepted the staff recommended changes as presented. A summary to the City Council direction is included as Attachment 3.

DISCUSSION: On June 27, 2019, Council will receive an overview of the proposed revisions to the Zoning ordinance from City staff, along with input from the City Attorney's office regarding the proposed Coastal Commission staff edits. Staff's proposed version is Attachment 1, which include extensive edits to Chapter 17.44 Coastal Overlay Zone. The City Attorney's observations and comments will be provided separately as additional materials distributed prior to the meeting.

Next Steps

August 22, 2019 Discussion on Village Hotel, Monarch Cove Inn, and Parking in the

Revised Zoning Code for Coastal Commission Certification
June 27, 2019

Central Village.

After the August meeting, the City Council may continue the hearing for further discussion or direct staff to prepare the document for adoption. An updated version with all City Council recommendations will be prepared and published for adoption hearings. Due to the extensive changes during the review by City Council, the updated draft shall be reviewed by Planning Commission for recommendation and adopted by ordinance by City Council.

Future Zoning Code Updates

Chapter 17.68 (Geologic Hazards) and Chapter 17.92 (Non-conforming Parcels, Uses, and Structures) will not be included in the current Local Coastal Program amendment submittal to the Coastal Commission. Extensive public outreach is necessary regarding geological hazards, sea level rise, and non-conforming structures. The Coastal Commission staff expressed support for submitting the two chapters after certification of the current chapters under review. The existing chapters will be renumbered in the meantime. Chapter 17.48 Geologic Hazards will be renumbered to Chapter 17.68 and Chapter 17.72: Nonconforming Uses to Chapter 17.92.

Zoning Code Webpage

The April 5, 2019, updated draft of the zoning code that included all Planning-Commission-accepted Coastal Commission modifications in redlines is available online at <https://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

Modifications that were not accepted by the Planning Commission are highlighted within the draft with a graphic of a pointing finger followed by an explanation of the Coastal Commission-requested modification and the Planning Commission's reason for not accepting it. For example:



Note: Coastal Commission staff requested adding to 17.44.010.B "This chapter shall be given the broadest interpretation possible so as to protect, restore, and enhance coastal resources, including that public access to the navigable waters shall be provided and protected..." The Planning Commission recommends not accepting this language due to concerns over regulatory overreach.

CEQA: An Addendum to the General Plan Update Environmental Impact Report (EIR) was adopted with the Zoning Code update on January 25, 2018, and continues to be applicable.

FISCAL IMPACT: None.

ATTACHMENTS:

1. 17.44_Coastal Overlay Zone

Report Prepared By: Katie Herlihy
Community Development Director

Revised Zoning Code for Coastal Commission Certification
June 27, 2019

Reviewed and Forwarded by:

Chapter 17.44 – COASTAL OVERLAY ZONE

Sections:

- 17.44.010 Purpose
- 17.44.020 Local Coastal Program Components
- 17.44.030 Definitions
- 17.44.040 Relationship to Base Zoning Districts
- 17.44.050 Allowed Land Uses
- 17.44.060 Development Standards
- 17.44.070 Coastal Development Permit Requirements
- 17.44.080 Coastal Development Permit Exemptions
- 17.44.090 De Minimus Waiver of Coastal Development Permit
- 17.44.100 Challenges to City Coastal Development Permit Determinations
- 17.44.110 Application Submittal
- 17.44.120 Public Notice and Hearing
- 17.44.130 Findings for Approval
- 17.44.140 Notice of Final Action
- 17.44.150 Appeals
- 17.44.160 Coastal Development Permit Issuance
- 17.44.170 Emergency Coastal Development Permits
- 17.44.180 Coastal Development Permit AmendmentsViolations

17.44.010 Purpose

A. This~~The purpose of this chapter establishes requirements~~is to establish review and permit procedures for the Coastal (-CZ) overlay zone which applies to all areas within the City of Capitola coastal zone. The CZ overlay zone implement's the City's Local Coastal Program (LCP) in a manner consistent with the requirements~~implementation of the California Coastal Act and all associated State regulations. This chapter contains requirements for Coastal Permits-Capitola's Local Coastal Program. This chapter, and to~~ensures that all private and public development projects in~~within the -City's coastal zone (as depicted by the (-CZ) coastal overlay zone-are) is consistent with the City's certified Local Coastal Program Land Use Plan and Local Coastal Implementation Program (LCIP),,~~which together constitute the City's certified Local Coastal Program (LCP)-,~~including~~and:

1. To achieve the basic~~State~~ goals of maximizing public access to the coast and public recreational opportunities, as set forth in the California Coastal Act and codified in Sections 30000 through 30900 of the California Public Resources Code. Section 30001.5(c) states that public access both to and along the shoreline shall be maximized consistent with sound resource conservation principles and constitutionally protected rights of private property owners; and
2. To implement the public access and recreational policies of Chapter 3 of the Coastal Act (Sections 30210- 30224).

A-B. In achieving these purposes, this chapter shall be consistent with the goals, objectives and policies of the California Coastal Act and Article X, Section 4, of the California Constitution.



Note: Coastal Commission staff requested adding to 17.44.010.B “This chapter shall be given the broadest interpretation possible so as to protect, restore, and enhance coastal resources, including that public access to the navigable waters shall be provided and protected...” The Planning Commission recommends not accepting this language due to concerns over regulatory overreach.

17.44.020 Local Coastal Program Components

The City of Capitola LCP consists of the Land Use Plan (LUP) and Implementation Plan (IP) as described below.

A. **Land Use Plan.** The LCP Land Use Plan (LUP);) generally consists of ~~the policy descriptive~~ text and policies as well as the adopted land use, resource, constraint, and shoreline access maps, graphics, and charts. ~~The City’s LUP (originally certified LUP~~ in June 1981) is divided into six components as follows:

1. Locating and Planning New or Intensified Development and Public Works Facilities Component.
2. Public Access Component.
3. Visual Resources and Special Communities Component.
4. Recreation and Visitor-Serving Facilities Component.
5. Natural Systems Component.
6. Natural Hazards Component.

~~B. Implementation Plan.~~ The Implementation Plan (IP) (first certified in January 1990), consists of the following implementing ordinances of the City’s Municipal Code:

~~C-B. Zoning Code (Title 17) chapters and Municipal Code cChapters~~ as identified in Section 17.04.040 (Relationship to the Local Coastal Program);) as well as the zoning districts and maps.

17.44.030 Definitions (see also Chapter 17.160 - Glossary)

Specialized terms as used in this chapter are defined as follows:

A. **Aggrieved Person.** Any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action on a Coastal Development Permit that is appealed, or who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. “Aggrieved Person” includes the applicant for a ~~Coastal Permit~~ CDP.

B. Coastal Bluff.

Attachment: 17.44_Coastal Overlay Zone (Revised Zoning Code for Coastal Commission Certification)

~~1. A high bank landform that includes a scarp or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking coastal water. A bluff may consist of a steep cliff face below face of rock adjacent to the bay or ocean and meeting one of the following two parameters:~~

- ~~a. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.~~
- ~~b. The toe of which lies within an area otherwise identified in Public Resources Code Sections 30603(a)(1) or (a more sloping)(2).~~

~~1.2. Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff above line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a step-like feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.~~

~~C. Coastal-Dependent Development or Use. Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.~~

~~D. Coastal-Related Development. Any use that is dependent on a coastal-dependent development or use~~

~~B-E. Coastal Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.~~

~~F. Coastal Resources. Coastal Hazards. Include, but are not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction, sea level rise, and the interaction of same.~~

~~E-G. Coastal Resources. Coastal resources include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological ~~or~~and paleontological resources.~~

~~D-H. Development. Any of the following, whether on land or in or under water:~~

- ~~1. The placement or erection of any solid material or structure;~~

2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste;
3. Grading, removing, dredging, mining or extraction of any materials;
4. Change in the density or intensity of use of land, including, but not limited to, subdivisions, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;
5. Change in the intensity of use of water, or access thereto;
6. Construction, reconstruction, demolition or alteration in the size of any structure, including any facility of any private, public or municipal utility;
7. The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973.

~~E. **Environmentally Sensitive Area.** Environmentally sensitive areas include, but are not limited to, wetlands, riparian corridors, Monarch butterfly habitats, and upland areas supporting significant populations of state or federally listed rare, threatened or endangered species.~~

~~I. **Energy Facility.** Any public or private processing, producing, generating, storing, transmitting or receiving facility for electricity, natural gas, petroleum, coal, or other source of energy. A "major energy facility" means any of the previously listed facilities that costs more than \$275,882 as of 2017 with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611, or 30624.~~

~~J. **Environmentally Sensitive Habitat Areas.** Environmentally sensitive habitat areas (ESHA) are any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. ESHA includes wetlands, coastal streams and riparian vegetation, and terrestrial ESHA, including habitats of plant and animal species listed under the Federal or California Endangered Species Act. In addition, the following areas are categorically ESHA as identified in Capitola's LCP:~~

- ~~1. 4. Soquel Creek, Lagoon, and Riparian Corridor~~
- ~~2. 2. Noble Gulch Riparian Corridor~~
- ~~3. 3. Tannery Gulch Riparian Corridor~~
- ~~4. 4. Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch~~

~~F.K. **Feasible.** That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and~~

technological factors.

G.L. Local Coastal Program (LCP). The City's Land Use Plan and Implementation Plan (including land use and zoning maps) certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

~~**H. Energy Facility.** Any public or private processing, producing, generating, storing, transmitting or receiving facility for electricity, natural gas, petroleum, coal, or other source of energy. A "major energy facility" means any of the previously listed facilities that costs more than \$100,000 with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611, or 30624.~~

I.M. Public Works Facility.

1. Any of the following:
 - a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
 - b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
 - c. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
 - d. All community college facilities.
2. A "major public works facility" means any of the above listed facilities that costs more than ~~\$100,000~~275,882 as of 2017, with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611, or 30624. Notwithstanding the above criteria, a "major public works facility" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

J.N. Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding ~~non-estuarine~~non-estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

K.O. Shoreline Protective Device. "Shoreline protective device" means any ~~device, such as~~structure (including but not limited to a seawall, revetment, riprap, bulkhead, deep pier/caissonretention deviceretaining walls, groins, etc., built for the purpose of serving a.) designed as protection against coastal-dependent use, hazards or protecting an existing structure or public beachresulting in danger from erosion impacts

to shoreline processes.

L.P. Stream. Streams in the coastal zone, perennial or intermittent, which are mapped by the United States Geological Survey (USGS) in the National Hydrographic Dataset).

M.Q. Structure. ~~Any improvement permanently attached to the ground, including, but~~ As used in this chapter, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line.

N.R. Wetland. "Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

17.44.040 Relationship to Base Zoning Districts

The -CZ overlay zone applies to property in conjunction with the base zoning districts. In case of a conflict between regulations, the regulations in this chapter shall take precedence over those of the base zoning district.

17.44.050 Allowed Land Uses

Allowed land uses in the -CZ overlay zone are the same as in the underlying base zoning district. Permits required for these uses (e.g., Conditional Use Permit, Administrative Permit) are the same as in the underlying base zoning district, and are required in addition to any required Coastal Development Permit.

17.44.060 Development Standards

General. Development standards (e.g., structure height, setbacks) that apply to property in the -CZ overlay zone are the same as in the underlying base zoning district.



Note: Coastal Commission staff requested adding the following to 17.44.060:

“All standards (including with respect to height, setbacks, density, coverage, etc.) shall be interpreted as maximums (or minimums as applicable) that shall be reduced (or increased as applicable) to protect and enhance coastal resources and meet LCP objectives to the maximum extent feasible depending on the facts presented. Protection of coastal resources shall be a priority in all City actions and decisions for development within the –CZ overlay zone, and such development must conform to all applicable LCP policies related to hazards, water and marine resources, scenic resources, biological resources and environmentally sensitive habitat areas, cultural resources, and public access and recreation.”

The Planning Commission recommends not accepting this request as the Planning Commission always may require more stringent standards if circumstances warrant.

17.44.070 Coastal Development Permit Requirements

- A. **Permit Required.** ~~All~~ Notwithstanding any other exemptions for other permits or authorizations, all activities that constitute development, as defined in 17.44.020030.HF, within the -CZ overlay zone requires a Coastal Development Permit except as specified in Section 17.44.080 (Coastal Development Permit Exemptions).
- B. **Review Authority.**
- ~~1. The Planning Commission shall take action on all Coastal Permit applications that require other discretionary approval by the City.~~
 1. The Community Development Director shall take action on all Coastal Development Permit applications for projects that are not appealable to the Coastal Commission and do not require other discretionary approval by the Planning Commission or City Council.
 2. The Community Development Director shall, in a properly noticed public hearing, take action on all Coastal Development Permit applications for projects that are appealable to the Coastal Commission and do not require ~~no~~ other discretionary approval by the Planning Commission or City Council.
 3. The ~~City Council may~~ Planning Commission shall, in a properly-noticed public hearing, take action on all Coastal Development Permit applications that are appealable and/or ~~that~~ require other discretionary approval by the City.
 - ~~3.4.~~ The Planning Commission or the City Council shall, in a properly-noticed public hearing, take action on Coastal Development Permit applications for public works projects that require no other discretionary permit approvals from the City other than funding approval.
 - ~~4.5.~~ Development already authorized by a Coastal Commission-issued Coastal Development Permit, Amendment, or Waiver remains under the jurisdiction of the Coastal Commission for the purposes of condition compliance, amendment and revocation. Any additional development proposed on a parcel with a Coastal Commission-~~issued Coastal Permit authorization~~ shall be reviewed by the City pursuant to an application for a new Coastal Permit CDP, provided that the Coastal Commission determines that the development is not contrary to any terms or conditions of the Commission-~~issued permit authorization or would not be more~~ appropriately processed through a Commission authorization.
- C. **Additional Permits.** The review of a Coastal Development Permit application shall be processed concurrently with any other discretionary permit applications required by the City. The City may not grant any other discretionary ~~approval~~ approvals for a proposed project that ~~conflicts~~ conflict with this chapter. ~~Discretionary~~ Other discretionary approvals become effective only after a ~~Coastal Permit~~ CDP is approved and becomes effective as required by this chapter.
- D. **Legal Development and Permitting Processes.** Development that was legally ~~occurred~~ established prior to the effective date of Proposition 20 (i.e., February 1, 1973) for property within 1,000 yards of the mean high tide or the Coastal Act of 1976 (i.e.,

~~January 1, 1977) for all coastal zone property, whichever is applicable, is considered lawfully established development. Improvements, repair, modification, or additions subject to such existing that does not require a Coastal Development Permit in order to continue as it legally existed prior to those dates. Any additional development since those dates (including improvements, repair, modification, and/or additions) may have requires required a Coastal Permit CDP in accordance with the provisions of this chapter. The Coastal Permit may be approved if the proposed development is consistent with the policies and standards of the City's LCP.~~

- E. **Illegal Development and Permitting Processes.** ~~Development that occurred was not legally established (i.e. with a Coastal Development Permit) after the effective date of Proposition 20 (i.e., February 1, 1973) for property within 1,000 yards of the mean high tide, or the Coastal Act of 1976 and that did not receive a Coastal Permit or was not otherwise authorized under the Coastal Act, is (i.e., January 1, 1977) for all coastal zone property, whichever is applicable, constitutes "unpermitted development". In addition, development undertaken inconsistent with the terms and conditions of an approved CDP (or an approved waiver or amendment) is also not lawfully established or authorized development. No improvements, repair, modification, or additions to such existing development (i.e., it constitutes unpermitted development). Both categories of unpermitted development may be subject to enforcement action by the City of Capitola and/or the Coastal Commission. If development is proposed on a site with unpermitted development, then such application may be approved unless a Coastal Permit is approved that authorizes the existing development, and any violations are abated. The Coastal Permit shall only be approved if the existing it resolves all permitting and proposed development is coastal resource issues associated with the unpermitted development, including through removal or retention of all or part of the unpermitted development if it can be found consistent with the policies and standards of the City's LCP, and the public access and recreation policies of the Coastal Act if applicable. If the unpermitted development cannot be found consistent, the unpermitted development must be abated and any affected areas restored to at least the condition before the unpermitted development was undertaken if not better.~~

17.44.080 Coastal Development Permit Exemptions

The following projects are exempt from the requirement to obtain a Coastal ~~Permit~~ Development Permit unless any one of the criteria listed in subsections A (1 through 6), B (1 through 8), ~~and C (1 through 4), or F (1 through 4) in Sections D through G~~ are met, in which case a CDP is required.

- A. Improvements to Existing Single-Family Residences.** In accordance with PRC Section 30610(a) and 14 CCR Section 13250, ~~improvements to where there is an existing single-family residence, including residential structure, the following shall be considered as part of that structure:~~ fixtures and structures directly attached to a residence; landscaping; and structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds, but not including guest houses or

self-contained residential units. This exemption also applies to replacement of a mobile home with one which is not more than ten percent larger in floor area, ~~nor~~ equipping a mobile home with removable fixtures such as a porch, the total area of which does not exceed ten percent of the square-footage of the mobile home itself. ~~This exemption does not include:~~ Improvements to existing single-family residences do not require a Coastal Development Permit except for the following classes of development, which require a CDP because they involve a risk of adverse environmental effects:

1. Improvements to a single-family residence if the residence and/or improvement is located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area, in an area designated highly scenic in the LCP, or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property not included in Subparagraph A.1 above that is located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated within the Capitola Land Use Plan, when one of the following circumstances apply:
 - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or
 - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or
 - c. An increase in height by more than ten percent of an existing structure and/or any significant non-attached structure such as garages, shoreline protective works or docks.
5. In areas which the Coastal Commission has previously declared by resolution, after public hearing, as having a critically short water supply as declared by resolution that must be maintained for the protection of the Coastal Commission, coastal resources or public recreational use, ~~the~~ construction of any specified major water-using development not essential to residential use ~~such as including, but not limited to,~~ swimming pools; or the construction or extension of landscape irrigation systems.
6. Any improvement to a single-family residence where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Permit CDP.

- B. Improvements to Other Existing Structures.** In accordance with PRC Section 30610(b) and 14 CCR Section 13253, ~~improvements to where there is~~ an existing structure, other than a single-family residence or public works facility, ~~including landscaping, and the~~

following shall be considered part of the structure: aAll fixtures and other structures directly attached to the structure. ~~This exemption does; landscaping on the lot. Improvements to other existing structures do not includerequire a Coastal Development Permit except for the following classes of development, which require a CDP because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use:~~

1. Improvements to a structure if the structure and/or improvement is located on a beach;~~;~~ in a wetland;~~;~~ or stream;~~;~~ seaward of the mean high-tide line;~~;~~ in an area designated highly scenic in ~~the LCP~~ the certified Land Use Plan; or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation;~~;~~ on a beach or sand dune;~~;~~ in a wetland or stream;~~;~~ within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property not included in subparagraph B.1 above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated in the certified Land Use Plan, when one of the following circumstances apply:
 - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure;
 - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or
 - c. An increase in height ~~by more than 10 percent~~ of an existing structure ~~or any significant non-attached structure such as garages, shoreline protective works or docks of more than 10 percent.~~
5. In areas which the Coastal Commission has previously declared by resolution, after public hearing, as having a critically short water supply ~~as declared by resolution of the Coastal Commission that must be maintained for the protection of coastal recreation or public recreational use, the~~ construction of any specified major water-using development ~~such as including, but not limited to,~~ swimming pools; or the construction or extension of any landscape irrigation ~~systems~~system.
6. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a ~~Coastal Permit~~CDP.
7. Any improvement to a structure which changes the intensity of use of the structure.
8. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee

ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

~~C. Maintenance Dredging of Navigation Channels. In accordance with PRC Section 30610(c), maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers:~~

~~1. Any method of routine maintenance dredging that involves:~~

- ~~a. The dredging of 100,000 cubic yards or more within a twelve month period;~~
- ~~b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or~~
- ~~c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.~~

~~D.C. Repair and Maintenance Activities.~~

1. Repair and maintenance of existing public roads, including resurfacing and other comparable development necessary to maintain the existing public road facility as it was constructed, provided that:
 - a. There is no excavation or disposal of fill outside the existing roadway prism; and
 - b. There is no addition to and no enlargement or expansion of the existing public road.
2. Routine maintenance of existing public parks, including repair or modification of existing public facilities and landscaping where the level or type of public use or the size of structures will not be altered.
3. Repair, maintenance, replacement, and minor alterations of existing public water, sewer, natural gas, electrical, telephone, television, and flood control infrastructure.
4. ~~In accordance with PRC Section 30610(d) and 14 CCR §13252, No Coastal Development Permit shall be required for~~ repair ~~or~~and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. ~~This exemption does not include, except that (in accordance with PRC Section 30610(d) and 14 CCR Section 13252) the following extraordinary methods of repair or maintenance shall require a Coastal Development Permit because they involve a risk of substantial adverse environmental impact:~~
 - a. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

- (1) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - (2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
 - (3) The replacement of ~~twenty~~20 percent or more of the materials of an existing structure with materials of a different kind; or
 - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within ~~twenty~~20 feet of coastal waters or streams.
- b. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
- (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
or
 - (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
- c. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure ~~that~~ is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a Coastal Development Permit.
- d. The provisions of this section shall not be applicable to those activities specifically described in the document entitled "Repair, Maintenance and Utility Hookups," adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, an environmentally sensitive habitat area, wetlands, or public views to the ocean.
5. **Public Roads** . Repair and maintenance of existing public roads, including resurfacing and other comparable development necessary to maintain the existing public road facility as it was constructed, provided that:
- a. There is no excavation or disposal of fill outside the existing roadway prism; and
 - b. There is no addition to and no enlargement or expansion of the existing public road.

6. **Public Parks.** Routine maintenance of existing public parks, including repair or modification of existing public facilities and landscaping where the level or type of public use or the size of structures will not be altered.
7. **Public Utilities.** Repair, maintenance, replacement, and minor alterations of existing public water, sewer, natural gas, electrical, telephone, television, and flood control infrastructure.

E.D. Replacement of Destroyed Structures. ~~The No Coastal Development Permit shall be required for the~~ replacement of any structure, other than a public works facility, destroyed by a disaster ~~that meets the following criteria:~~ The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; “bulk” means total interior cubic volume as measured from the exterior surface of the structure.

F.E. Conversion of Existing Multi-Unit Residential Structures. ~~The No Coastal Development Permit shall be required for the~~ conversion of any existing multi-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this chapter, no ~~Coastal Permit~~ CDP is required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multi-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, is ~~be~~ considered a time-share project, estate, or use for purposes of this paragraph.

G.E. Temporary Events. ~~Temporary No Coastal Development Permit is required for~~ temporary events as described in this subsection and which meet all of the following criteria:

1. The event will not occur between the Saturday of Memorial Day weekend through Labor Day, or if proposed in this period will be of less than two days in duration including setup and take-down; ~~and~~
2. The event will not occupy any portion of a publicly or privately ~~owned~~ sandy beach or park area, public pier, public beach parking area and there is no potential for adverse effect on sensitive coastal resources; ~~and~~
3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use; and
4. The proposed event has been reviewed in advance by the City and it has been determined that it meets the following criteria:

- a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or cumulatively considered together with other development or temporary events scheduled before or after the particular event;
- b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; and
- c. The event has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

H.G. Emergency Work. ~~Immediate emergency work-Work~~ necessary to ~~protect life~~ abate a sudden, unexpected occurrence that demands immediate action to prevent or mitigate loss or damage to life, health property, or ~~immediate emergency repairs to essential~~ public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed ~~services may be undertaken without a regular Coastal Development Permit. However, such work must be authorized by the Governor~~ an Emergency Coastal Development Permit and a follow-up regular CDP, pursuant to ~~Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code:~~ 17.44.170 (Emergency Coastal Development Permits):

17.44.090 De ~~Minimus~~ Minimis Waiver of Coastal Development Permit

The Community Development Director may waive the requirement for a Coastal Development Permit through a De Minimis ~~Coastal Permit~~ CDP Waiver in compliance with this sSection upon a written determination that the development meets all of the criteria and procedural requirements set forth in subsections A through G below:

- A. **No Adverse Coastal Resource Impacts.** The development has no potential for adverse effects, either individually or cumulatively, on coastal resources.
- B. **LCP Consistency.** The development is consistent with the certified Capitola Local Coastal Program.
- C. **Not Appealable to Coastal Commission.** The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission.
- D. **Notice.** Public notice of the proposed De Minimis CDP Waiver ~~of Coastal Permit~~ and opportunities for public comment shall be provided as required by Section 17.44.120 (Public Notice and Hearing), including provision of notice to the Coastal Commission.
- E. **Executive Director Determination.** The Community Development Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the required waiver being reported at a City public hearing- (see subsection F below). If the Executive

Director notifies the Community Development Director that a waiver should not be issued, the applicant shall be required to obtain a Coastal Development Permit if the applicant wishes to proceed with the development.

- F. **Review and Concurrence.** The Community Development Director's determination to issue a De Minimis ~~Waiver~~ CDP waiver shall be subject to review and concurrence by the ~~Community Development Director,~~ decision makers (i.e. Planning Commission or City Council, as applicable). The Community Development Director shall not issue a De Minimis CDP Waiver until the public comment period, including at a minimum through and including the required reporting of the waiver at a public hearing, has expired. ~~No De Minimis Waiver may be issued unless it has been reported to decision makers at a regularly scheduled meeting where~~ At such public hearing, the public shall have the opportunity to testify and otherwise participate in a hearing on the De Minimis CDP Waiver. If two or more decision makers ~~so request at this hearing~~ object to the waiver, the De Minimis CDP Waiver shall not be issued and, instead, an application for a Coastal Development Permit shall be required and processed in accordance with the provisions of this chapter. Otherwise, the De Minimis CDP Waiver shall be deemed approved, effective, and issued the day of the public hearing. In addition to the noticing requirements above, within seven calendar days of effective date of a De Minimis CDP Waiver ~~of Coastal Permit~~, the Community Development Director shall ~~notify~~ send a Notice of Final Action (via first class mail) describing the issuance and effectiveness of the De Minimis CDP waiver to the Coastal Commission and any persons who specifically requested notice of such action ~~via first class mail, a Notice of Final Action describing the issuance and effectiveness of the De Minimis Waiver.~~
- G. **Waiver Expiration.** A De ~~Minimus~~ Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular Coastal Development Permit shall be required for the development.

17.44.100 Challenges to City Coastal Development Permit Determinations

A. **General.**

1. The determination of whether a development is ~~nonappealable~~ exempt, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Community Development Director at the time the Coastal Development Permit application is submitted or as soon thereafter as possible, and in all cases prior to the application being deemed complete for processing.
2. This determination shall be made with reference to the certified Local Coastal Program, including any maps, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program.

- B. **Procedure.** Where an applicant, interested person, ~~or~~ the Community Development Director, or the Executive Director of the Coastal Commission has a question as to the appropriate designation for ~~the proposed~~ development, the following procedures shall

establish whether ~~that~~ development is ~~nonappealable~~~~exempt, non-appealable,~~ or appealable:


1. The Community Development Director shall make ~~it~~~~his or her~~ a determination as to what type of development is being proposed and shall inform the applicant ~~and the Coastal Commission's Executive Director~~ of the notice and hearing requirements for that particular development (i.e., ~~exempt, appealable,~~ or ~~nonappealable~~~~non-appealable~~).
2. If the determination of the local government is challenged by the applicant, ~~the Coastal Commission's Executive Director,~~ or an interested person, or if the Community Development Director wishes to have a Coastal Commission determination as to the appropriate designation, the Community Development Director shall notify the Coastal Commission ~~by telephone~~ of the dispute/question and shall request an Executive Director's opinion.
3. The Executive Director shall, within ~~two~~~~ten~~ working days of the request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is ~~nonappealable~~~~exempt, non-appealable,~~ or appealable.
4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the Community Development Director's determination, the Coastal Commission ~~shall~~~~will~~ hold a hearing for purposes of determining the appropriate designation for the ~~area. The Commission shall schedule proposed development, if so requested by the hearing on the determination for the next Commission meeting following the applicant, interested person, or Community Development Department request.~~Director.

17.44.110 Application Submittal

A. Submittal Requirements. ~~Coastal permit applications shall be filed and reviewed in compliance with Chapter 17. (Development Permit Application and Review). The application submittals shall include all the information and materials required by the Community Development Department, together with all required application fees. It is the responsibility of the applicant to provide all necessary and requested evidence in support of the to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the LCP, including with respect to the findings required by Section 17.44.130 (Findings for Approval).~~

A-B. Concurrent with other permits. ~~The application for a CDP shall be made concurrently with application for any other non-CDP permits or approvals required by the Zoning Code City.~~

~~B. At time of submittal of Coastal Permit application, the City shall make a determination of whether the development is appealable or non-appealable in accordance with Section~~

~~17.44.080.~~**17.44.120 Public Notice and Hearings**


Note: This section is updated to match general public notice in Chapter 17.148 so that Chapter 17.148 can be kept outside of the LCP.

~~A. **Planning Commission Review.** The Planning Commission shall review and act on a Coastal Permit application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). However, processing at levels other than the Planning Commission shall apply in the following cases:~~

- ~~1. **City Council Review.** The proposed development does not require any other discretionary permit approvals to be reviewed and acted upon by the Planning Commission, in which case the Coastal Permit application will be reviewed and acted on by the City Council; or~~
- ~~2. **Minor Development.** The City may waive the public hearing requirement for appealable development that qualifies as “minor development”. Such development shall require no other discretionary approval by the City. A public hearing may be waived if the project has no potential for adverse effects on coastal resources or public access to the shoreline, is consistent with the certified LCP, and if the following apply:~~
 - ~~a. Notice that a public hearing would be held upon request is sent to all persons who would otherwise be required to be notified of a public hearing and any other persons who have shown interest;~~
 - ~~b. No request for a public hearing is received within fifteen working days from the date notice was mailed out; and~~
 - ~~c. The notice discloses that the failure to request a public hearing triggers the loss of appeal power on the matter being considered for administrative approval.~~

A. **Public Hearing Required.** All Planning Commission and City Council actions on Coastal Development Permit applications require a noticed public hearing.

B. **Content of Notice.** The notice of public hearing may be combined with other required project permit notice and shall include the following information:

1. A statement that the project is within the coastal zone, and that the project decision will include a determination on a Coastal Development Permit.
2. The name of the applicant, the City’s file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.
3. A determination of whether the project is appealable to the Coastal Commission and why or why not.
4. The date, time and place of the hearing and/or decision on the application, and the

- phone number, email address, and street address of the Community Development Department where an interested person could call or visit to obtain additional information or to input on the project.
5. A statement that the proposed project is determined to be exempt from the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.
- C. **Posting.** A printed notice shall be posted at the project site at least ten calendar days prior to the hearing.
- D. **Mailing.** Notice shall be mailed at least 10 calendar days prior to the hearing to:
1. The owner(s) and owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;
 2. Each local agency expected to provide essential facilities or services to the project;
 3. Any person who has filed a request for notice (e.g., for the site or for the particular development with the Community Development Director;
 4. All owners and all occupants of parcels of real property located within 100 feet (not including roads) of the perimeter of the real property on which the development is proposed, but at a minimum all owners and all occupants of real property adjacent to the property on which the development is proposed; and
 5. The California Coastal Commission Central Coast office.
 6. Any other person whose property, in the judgment of the Community Development Department, might be affected by the proposed project.
- E. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection D above is more than 1,000, the Community Development Department may choose to provide notice by placing a display advertisement of at least one-eighth page in one or more local newspapers of general circulation at least ten days prior to the hearing.
- F. **Newspaper Publication.** Notice shall be published in at least one newspaper of general circulation at least ten calendar days before the hearing.
- G. **Drive-Through Facilities.** Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, notice procedures shall incorporate the blind, aged, and disabled communities in order to facilitate their participation.
- H. **Additional Notice.** In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.

I. Failure to Receive Notice. The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.

17.44.130 Findings for Approval

- A. Conformance with LCP Required. ~~To approve a~~ Coastal Development Permit, ~~the review authority shall make all~~ be granted only upon finding that the proposed project is consistent with the certified Local Coastal Program. As applicable to the proposed project, ~~the review authority shall consider whether the project:~~
1. The project is consistent with the General LCP Land Use Plan, ~~the LUP,~~ and the Local Coastal LCP Implementation Program.
 2. The project maintains or enhances public views ~~between the sea and the first public roadway parallel to the sea.~~
 3. The project ~~protects~~ maintains or enhances vegetation, natural habitats and natural resources ~~consistent with LCP.~~
 4. ~~The~~ The project maintains or enhances low-cost public recreational access, including to the beach and ocean.
 5. The project maintains or enhances opportunities for visitors.
 6. The project maintains or enhances coastal resources.
 - 4.7. The project, including its design, location, size, and operating characteristics ~~of the proposed development,~~ is consistent with any applicable design plans and/or area plans incorporated into the LCP.
 5. ~~The project maintains public access to the coast along any coastline as set forth in the LCP.~~
 6. ~~The project supports the LCP goal of providing visitor serving needs as appropriate.~~
 7. ~~The project is consistent with the LCP goal of encouraging appropriate coastal development uses.~~
 8. ~~The proposed and uses, including coastal priority~~ development protects and where feasible enhances coastal resources and uses (i.e., visitor-serving development and public access and recreation).

B. **Basis for Decision.** The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record.

17.44.140 Notice of Final Action

The City's action on a Coastal Development Permit shall become final when all local rights of appeal have been exhausted per Section 17.44.~~130~~150.A (Local Appeals). Within seven calendar days of a final decision on a ~~Coastal Permit~~CDP application, the City shall provide notice of its action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested ~~such notice by submitting a self-addressed, stamped envelope to the City to be noticed.~~ The notice shall contain the City's approved staff report, plans, adopted findings, conditions of approval, indication of whether the project, at a minimum the following:

A. **Cover Sheet/Memo.** The cover sheet/memo shall be dated and shall clearly identify the following information:

1. All project applicants and project representatives, their address(es), and other contact information.
2. Project description and location.
3. All local appeal periods and disposition of any local appeals filed.
4. Whether the City's decision is appealable to the Coastal Commission ~~and~~, the reasons for why it is or is not, and procedures for appeal to the Coastal Commission. ~~The City's decision on a~~
5. A list of all additional supporting materials provided to the Coastal Commission (see Subsection B below).
6. All recipients of the notice.

B. **Additional Supporting Materials to the Coastal Permit application shall be deemed Commission.** The additional supporting materials shall include at a minimum the following:

1. The final ~~when all local rights of appeal have been exhausted as defined~~ adopted findings and final adopted conditions.
2. The final adopted staff report.
3. The approved project plans.
- ~~4.~~ 4. All other substantive documents cited and/or relied upon in Section 17.44.150 (Appeals) the decision including CEQA documents, technical reports (e.g.: geologic, geotechnical, biological, etc.), correspondence, etc.

17.44.150 Appeals

A. **Local Appeals.** Community Development Director decisions on Coastal Development Permits may be appealed to the Planning Commission and Planning Commission decisions may be appealed to the City Council as ~~described in Chapter 17.152 (Appeals and Calls for Review)~~. follows:

1. Community Development Director Decisions. Any decision of the Community Development Director may be appealed to the Planning Commission within 10 calendar days of the Community Development Director's decision.
2. Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the City Council within 10 calendar days of the Planning Commission's decision.

B. **Appeals to the Coastal Commission.**

1. In accordance with PRC Section 30603, any final approval decision by the City on a Coastal Development Permit in the geographic areas defined in ~~subsections~~ subsections 3(a-e)-(b), below, or any final approval or denial decision by the City on a ~~Coastal Permit~~ CDP for a major public works project (including a publicly financed recreational facility and/or a special district development), or a major energy facility located anywhere in the coastal zone, may be appealed to the Coastal Commission.
2. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission.
3. The following types of projects may be appealed to the Coastal Commission:
 - a. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
 - ~~e. Projects in a sensitive coastal resource area as defined in the LCP.~~

~~d-c.~~ Any development which constitutes a major public works project or a major energy facility.

4. Appeals must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a complete notice of final action.
5. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals pursuant to Section 17.44.150.A (Local Appeals), except that exhaustion of all local appeals is not required if any of the following occur:

- a. The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for Coastal Development Permits in the coastal zone.
 - b. An appellant was denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision.
 - c. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this title.
 - d. The City required an appeal fee for the filing or processing of the appeal: including any fees associated with accompanying permits (e.g.: a Design Permit, a Conditional Use Permit, etc.).
6. Grounds for appeal of an approved or denied Coastal Development Permit are limited to the following:
- a. ~~The~~For approval, that the development does not conform to the standards set forth in the certified ~~local coastal program or~~ Local Coastal Program, or the development does not conform to the public access policies ~~set forth by~~of the ~~Local Coastal Plan~~Act;
 - b. An appeal of a denial of a permit for a major public works shall be limited to an allegation that the development conforms to the standards set forth in the certified ~~local coastal program~~ Local Coastal Program and the public access policies ~~set forth in~~of the ~~Local Coastal Plan~~Act.

17.44.160 Permit Issuance

A. Effective Date of a Coastal Development Permit.

1. ~~In areas outside~~For City actions on Coastal Development Permits that are not appealable to the Coastal Commission ~~appeal area,~~ a Coastal ~~Permits~~Development Permit shall become effective seven working days after the City's final decision.
2. ~~In areas within~~For City actions on Coastal Development Permits that are appealable to the Coastal Commission ~~appeal area,~~ a Coastal ~~Permits~~Development Permit CDP shall become effective after ten working days of Coastal Commission receipt of a complete notice of final action if no appeal has been filed. The ten-~~working~~-day appeal period shall start the day after the Coastal Commission receives adequate notice of the City's final local action.

~~B. **Expiration of Permits.** A Coastal Permit not exercised within two years shall expire and become void, except where an extension of time is approved as allowed by Section 17.156.080.C (Extension of Time).~~

~~C. **Revocation of Permits.** Coastal permits may be revoked as provided for in Section 17.156.110 (Permit Revocation)~~

B. Expiration of Permits and Extensions.

1. ~~A~~ ~~-Coastal Development Permit not exercised within two years shall expire and become void, unless the permittee applies for an extension of the expiration deadline prior to the expiration of the permit.~~
2. ~~Such~~ ~~An~~ extension request ~~shall~~ ~~may~~ only be granted for good cause, and only if there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). ~~In such~~ cases where an extension is not granted, the CDP shall be considered expired and the applicant shall be required to apply for a new CDP to undertake any such proposed development.
3. ~~Any~~ extension request shall be in writing by the applicant or authorized agent prior to expiration of the two-year period (and if received after the CDP expiration deadline, shall not be considered). Such extensions shall be processed as CDP amendments for purpose of noticed per the requirements of 17.44.120(A) and (B).
4. ~~De Minimis~~ CDP Waivers may not be extended beyond the two-year authorization period.

C. **CDP Amendment.**

1. ~~Provided the CDP has been exercised prior to expiration, or has not yet expired, an applicant may request a CDP amendment by filing an application to amend the CDP pursuant to the requirements of this chapter that apply to new CDP applications, including, but not limited to, public notice and hearing requirements.~~
2. ~~Any~~ approved CDP amendment must be found consistent with all applicable Local Coastal Program requirements and the Coastal Act if applicable.
3. ~~Any~~ CDP amendment shall be processed as appealable to the Coastal Commission if the base CDP was also processed as appealable, or if the development that is the subject of the amendment makes the amended project appealable to the Coastal Commission.

- D. **Revocation of Permits.** ~~Where one or more of the terms and conditions of a CDP have not been, or are not being, complied with, or when a CDP was granted on the basis of false material information, the original review authority (Community Development Director, ~~Planning Commission or City Council~~) may revoke or modify the CDP following a public hearing. Notice of such public hearing shall be the same as would be required for a new CDP application.~~

CDP Application Resubmittals. For a period of twelve months following the denial or revocation of a Coastal Development Permit, the City shall not accept ~~ana~~ CDP application for the same or substantially similar ~~permit~~project for the same site, unless for good cause the denial or revocation ~~was made without prejudice, and so stated in the record~~action includes an explicit waiver of this provision.

17.44.170 Emergency Coastal Development Permits

- A. **Purpose.** Emergency Coastal Development Permits may be granted at the discretion of the Community Development Director ~~or a local official designated by the City Council~~ ~~for~~ ~~for~~ projects normally requiring ~~Coastal Permit~~ CDP approval. To be eligible for an Emergency permit CDP, a project must be undertaken as an emergency measure to prevent loss or damage to life, health or property, or to restore, repair, or maintain public works, utilities and services during and immediately following a natural disaster or serious accident.
- B. **Application.** Application for an Emergency permit CDP shall be made to the City ~~by letter in writing~~ if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an Emergency permit CDP.
- C. **Required Information.** The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:
1. The nature of the emergency.
 2. The cause of the emergency, insofar as this can be established.
 3. The location of the emergency.
 4. The remedial, protective or preventive work required to deal with the emergency.
 5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.
 6. All available technical reports and project plans.
- D. **Verification of Facts.** The Community Development Director ~~or other designated local official~~ shall verify the facts, including the existence and nature of the emergency, as time allows. The Community Development Director may request, at the applicant's expense, verification by a qualified professional the nature of the emergency and the range of potential solutions to the emergency (including identifying how the proposed solutions meet the criteria for granting the emergency Coastal Development Permit). The Community Development Director shall consult with the Coastal Commission as time allows in determining whether to issue an Emergency CDP.
- E. **Public Notice.** ~~If time allows, the~~ The Community Development Director shall provide public notice, ~~including notice to the Coastal Commission, as soon as reasonably possible,~~ of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.
- F. **Criteria for Granting Permit.** The Community Development Director may grant an Emergency permit Coastal Development Permit CDP upon making all of the following findings:
1. An emergency exists and requires action more quickly than permitted by the

procedures for ordinary ~~permits~~Coastal Development Permits.

2. The development can and will be completed within thirty days unless otherwise specified by the terms of the permit.
3. Public comment on the proposed emergency action has been reviewed if time allows.
4. The work proposed ~~would~~will be consistent with the requirements of the certified LCP.

5. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.

G. **Conditions.** The Community Development Director may attach reasonable terms and conditions to the granting of an Eemergency ~~permit~~CDP, including an expiration date and the necessity for a regular ~~permit~~Coastal Development Permit application by a specified date. At a minimum, all Eemergency CDPs shall include the following conditions:

1. The Eemergency CDP shall be voided if the approved activity is not undertaken within 30 days of issuance of the Eemergency CDP.
2. The Eemergency CDP shall expire 60 days following its issuance. Any work completed outside of this time period requires a regular CDP approval unless an extension is granted by the City for good cause.
3. The emergency development authorized by the Eemergency CDP is only temporary, and can only be allowed to remain provided a regular CDP is obtained to recognize it. Absent a regular CDP, the emergency development shall be removed and the affected area restored to pre-emergency conditions or better within 6 months of Eemergency CDP issuance.
4. Within 30 days of completion of construction authorized by the Eemergency CDP, site plans and cross sections shall be submitted to the Community Development Director clearly identifying all development completed under the Eemergency CDP (comparing any previous condition to both the emergency condition and to the post-work condition), along with a narrative description of all emergency development activities undertaken pursuant to the emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by the Eemergency CDP is complete shall also be provided to the Community Development Director.

H. **Limitations.**

1. The emergency work authorized under approval of an Eemergency ~~permit~~CDP shall be limited to activities necessary to protect the endangered structure or essential public ~~structure~~infrastructure.

- 2. The ~~Emergency approval~~ CDP shall be voided if the approved ~~activity~~ ~~Emergency CDP~~ is not exercised within ~~45~~30 days of issuance of the emergency permit.
 - 3. The ~~approval~~ ~~Emergency CDP~~ shall expire 60 days after issuance. Any work completed outside of these time periods requires a regular Coastal Development Permit approval unless an extension is granted by the City for good cause.
- I. **Application for Regular Coastal Development Permit.** Upon the issuance of an ~~Emergency permit~~ CDP, the applicant shall submit a completed ~~Coastal Permit~~ CDP application and any required technical reports within a time specified by the Community Development Director, but not to exceed 30 days. All emergency development approved pursuant to this section is considered temporary and must be removed and the area restored if an application for to recognize the development is not submitted within 6 months of the date of the emergency CDP issuance, unless the Community Development Director authorizes an extension of time for good cause.
- J. **Reporting of Emergency Permits.** The Community Development Director shall ~~report emergency permits to inform (within five working days) the Executive Director of the Coastal Commission and that an emergency CDP has been issued, and shall report the~~ Emergency ECDP to the City Council and Planning Commission at the first scheduled meeting after the Eemergency CDP has been issued.

17.44.180 ~~17.44.180~~ — Coastal Development Permit Amendments(CDP) Violations

- ~~A. New Application. An applicant may request an amendment a Coastal Permit by filing a new application pursuant to the requirements of this chapter.~~
- ~~B. Consistency Required. Any amendment approved for development in the coastal zone shall be found consistent with all applicable local coastal program requirements and this chapter with regards to requirements of jurisdiction, hearings, notices and findings for approval.~~

~~C.A.~~ Enforcement of Violations.

- 1. The City will actively investigate and enforce any development activity that occurs within the coastal zone without a Coastal Development Permit pursuant to the requirements of this LCP. The City will work to resolve any alleged violations of this LCP in a timely manner, including through the use of appropriate enforcement actions.
- 2. In addition to all other available remedies, the City may seek to enforce the provisions of the LCP and the Coastal Act pursuant to the provisions of Public Resources Code sections 30800-30822.
- 3. If the City does not act to resolve such violations in a timely manner, the Coastal Commission retains the authority to enforce the requirements of this LCP through its own enforcement actions pursuant to Coastal Act Sections 30809 and 30810.

- B. Civil Liability.** Any person who performs or undertakes development in violation of the LCP or inconsistent with any coastal development permit previously issued may, in addition to any other penalties, be civilly liable in accordance with the provisions of Public Resources Code section 30820.
- C. Legal Lot Required.** Development may only be undertaken on a legally-established lot.
- D. Removal of Existing Violations.** No Coastal Development Permit application (including CDPs, CDP exclusions and exemptions, and De Minimis CDP waivers) shall be approved unless all unpermitted development on the property that is functionally related to the proposed development is proposed to be removed (and the area restored) or retained consistent with the requirements of the certified LCP.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: City Manager Department

SUBJECT: Consider an Administrative Policy on Social Media Use By City Council and Advisory Body Members

RECOMMENDED ACTION: Approve draft policy I-18 Elected and Appointed Official's Use of Social Media Policy and revoke current administrative policy V-8 Councilmember Online Forums/Web Logs ("Blogs").

BACKGROUND: In May 2019, the Community Development Department received a request to draft a policy regarding appointed officials and their use of social media, specifically for the benefit of the City of Capitola Planning Commission. Upon review, City staff recognized the need for a policy that all elected and appointed officials could follow. In researching policies already in existence for other jurisdictions, it became apparent that most of these policies focus only on potential Brown Act violations that are likely to be caused by council member or commissioner interactions on online media, and that a broader policy that outlines social media best practices would be helpful for Capitola elected and appointed officials.

DISCUSSION: California places a high value on transparency in local government and has enacted many laws related to conducting the public's business in open meetings. The best known of these is the Brown Act. While social media can provide the opportunity to expand outreach and discussion of important topics, those in positions to advise and make decisions must take care to respect the public hearing process.

The Elected and Appointed Official's Use of Social Media Policy (Attachment 1) explains the different ways that City of Capitola officials who are subject to the Brown Act may use and engage with social media, and the best practices of doing so. Outcomes of all such engagement are also presented, so that council, committee, and commission members may make mindful decisions when posting on social media. The difference between quasi-judicial and legislative decisions, and the importance of remaining a neutral and unbiased decision-maker when voting on quasi-judicial matters, is explained. Potential violations of the Brown Act are also clarified along with the importance of disclosing any ex-parte communication for the public record.

A chart that provides a clear framework for the different types of social media engagement, along with the direct outcome of that action, is included for all elected/appointed officials and committee members subject to the Brown Act as guidelines for using social media.

In 2007, administrative policy V-8 "Councilmember Online Forums/Web Logs ("Blogs")" was approved by Capitola City Council (Attachment 2). The proposed Elected and Appointed Official's Use of Social Media Policy expands upon the older one and covers the same points

Administrative Policy on Social Media Use By Board Members
June 27, 2019

while providing further direction and more in-depth discussion of all online engagement. Because of this, Staff recommends revoking policy V-8 if the proposed policy is approved.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Draft I-18 Council & Committee Use of Social Media
2. V-8 Councilmember On-Line Forums Web Logs (Blogs)

Report Prepared By: Chloe Woodmansee
Records Coordinator

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/20/2019



DRAFT ADMINISTRATIVE POLICY

Number: I-18
 Issued: June 2019
 Jurisdiction: City Council

ELECTED/APPOINTED OFFICIALS & SOCIAL MEDIA

I. PURPOSE

The purpose of this policy is to provide guidance for the appropriate use of social media by elected and appointed City of Capitola officials, and members of City committees subject to the Brown Act. The policy will also outline the proper response if elected/appointed officials and Brown Act committee members use social media inconsistently with this policy.

The First Amendment of the United States' Constitution defines every citizens' freedom of religion, speech, press, assembly, and petition. Under this amendment, the exercise of free speech, including on social media outlets, is protected. All Capitola Officials are entitled to this right, and this policy does not revoke it.

II. WHAT IS SOCIAL MEDIA?

Utilizing social media outlets can be useful for elected/appointed officials to engage with the public and present City information. For the purposes of this policy, a social media post includes the creation of any content; either new or linked to another's, on all social media platforms. This includes and is not limited to; information posted on your own social media account in picture or text form, commenting on other posts, re-posting or sharing content by other social media users, liking other's posts, etc. Regardless of username, elected and appointed officials are accountable for their online behavior. Social Media Accounts under private names or dissociated from the City could still come under scrutiny if they are run by an elected or appointed official. For example, Facebook accounts with usernames "Jane Doe" and "Mayor Jane Doe" should both be managed in accordance with this policy. This policy will outline the best practices that should be considered so that all Officials use social media expression in positive ways and avoid potential liability for the City or themselves.

III. TYPES OF CITY HEARINGS

As an elected or appointed official, you will be called upon to render decisions that affect the City of Capitola. The type of these decisions will vary, and their content type should be considered when posting about them on social media.

- A. Quasi-Judicial/Administrative Decisions: "occurs when a) a hearing is held to apply a rule or standard to an individual person, project or circumstance; c) it involves the taking of evidence; d) it results in the rendering or a written decision issued by the hearing officer or tribunal (including adoption of findings); and e) the written decision is based on the facts and arguments submitted at the hearing".

These types of hearings affect individual properties or parties.

1. *Examples*: Planning Commission decisions on project applications

B. Legislative Decisions: Actions include “adoption and amendments to municipal codes, general plans, zoning codes, and personnel regulations”. These types of hearings establish public policy and rules that apply to groups of property or people.

1. *Examples*: Zoning Code updates, Ordinance adoption, changes in policy, approval of the budget, etc.

IV. TYPES OF SOCIAL MEDIA POSTS

	<u>Acceptable</u>	<u>Potentially Acceptable</u>	<u>Discouraged</u>	<u>Against Policy</u>
Action	<ul style="list-style-type: none"> Sharing City-created social media posts Sharing content regarding legislative proceedings, City policy, budget and events Posting self-created content regarding legislative proceedings, City policy, budget and events 	<ul style="list-style-type: none"> Sharing or posting content regarding quasi-judicial City matters in a consistent fashion. 	<ul style="list-style-type: none"> Treating individual quasi-judicial matters differently. For example only sharing content related to selected development projects and not others. 	<ul style="list-style-type: none"> Expressing personal opinions on quasi-judicial matters, prior to voting Violations of the Brown Act
Remedy	<ul style="list-style-type: none"> No additional action 	<ul style="list-style-type: none"> Ex-parte Communications must be submitted to the City for inclusion in the record 	<ul style="list-style-type: none"> Ex-parte Communications must be submitted to the City for inclusion in the record Official may need to recuse from voting 	<ul style="list-style-type: none"> Ex-parte Communications must be submitted to the City for inclusion in the record Official must recuse from voting

V. BEST PRACTICES WHEN POSTING ON SOCIAL MEDIA

The chart above is designed for easy reference to demonstrate the different levels of appropriate and inappropriate social media engagement. Consequences of writing and posting certain types of content are simply stated in the second row, so that Officials understand their responsibilities after engaging in such types of social media engagement.

A. Keep it Neutral: Use caution when expressing yourself online. This is a permanent, public record that may preserve your thoughts on a subject that ends up coming in

- front of the City for a decision. Neutrality can be the easiest way to avoid later recusal and preserve your reputation as an impartial, unbiased decision maker.
- B. Keep it Equal: Treat City Business in a similar way online. This is another way to preserve your neutrality for future decisions.

VI. PROBLEMS WITH POSTING ON SOCIAL MEDIA

Particularly when related to quasi-judicial decisions, social media content posted by elected or appointed officials can be problematic. Online conversation can also easily lead to Brown Act Violations.

- A. Showing Bias on Quasi-Judicial Hearings: Elected and appointed officials are obligated to remain neutral and unbiased regarding quasi-judicial matters prior to their vote on the matter. Officials should use caution when expressing themselves, in all types of communication including on social media outlets, to remain unbiased.
- B. Using Social Media to Gauge Public Opinion: Communicating online about specific upcoming City decisions may result in valuable resources such as public opinion and community input, which then is left out the public record unless action is taken to disclose it. Purposefully gathering information on quasi-judicial decisions prior to their respective public hearings negates the inherent neutrality of a public hearing; where all information is heard at one time and decisions are made based upon the facts and opinions presented in that public forum.
1. *Ex-Parte Communication*: any material or substantive oral or written communication with a decisionmaker that is relevant to the merits of an adjudicatory proceeding, and which takes place outside of a noticed proceeding open to all parties to the matter (Gov. Code 11430.10)
- C. Conversing with Other Officials Online: The Brown Act dictates much of elected and appointed officials' behavior both during and outside of public meetings. Online conversation between multiple elected and appointed officials should not relate to quasi-judicial matters.
1. *Ralph M. Brown Act & Serial Meetings*: The general point of this California State Law is that "California legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly." A serial meeting, expressly prohibited by the Brown Act, is when multiple members of Council or Committee engage in conversation regarding a quasi-judicial matter outside of a duly noticed public meeting. Serial Meetings can occur between elected or appointed officials when two or more comment, post, or engage in online conversation regarding City business. This type of social media use will put officials in violation of the Brown Act.

ADMINISTRATIVE POLICY



Number: V-8
 Issued: April 12, 2007
 Jurisdiction: City Council

Councilmember On-Line Forums/Web Logs ("Blogs")

I. PURPOSE:

The purpose of this policy is to establish procedures whereby Councilmembers who wish to conduct on-line forums with their constituents by way of the internet communication mechanism known as a "blog" may do so while eliminating the possibility that use of this communication mechanism may result in a violation of the Brown Act's open meeting mandate.

II. POLICY:

The California Ralph M. Brown Act requires that all City Council meetings be open and public. The Act expressly prohibits meetings among a quorum of Councilmembers that are not open to the public whether that quorum of Councilmembers communicates directly, through personal intermediaries or through technical devices. The California Attorney General has issued an opinion concluding that a majority of a local legislative body such as a City Council who email each other in order to develop a collective concurrence as to action to be taken by the City Council violates the Brown Act.

Internet web logs, or "blogs", have been recognized by Councilmembers as affording an effective, efficient, convenient and inexpensive means by which Councilmembers might hear from their constituents with respect to issues of local concern and by which Councilmembers, in turn, may communicate with constituents regarding those same issues. In addition, blogs create a forum whereby constituents with varying viewpoints can dialogue with one another concerning issues of interest to them allowing the Councilmember to be privy to an exchange of ideas that is more free-flowing and informal than that which a Councilmember will experience at a more structured, formal City Council meeting. Accordingly, this policy is being promulgated to facilitate Councilmember "on-line forum blogs" while simultaneously assuring that those blogs are conducted in a fashion which eliminates the potential for Brown Act violations.

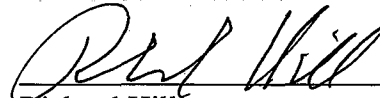
A Councilmember may establish and freely participate in his or her own on-line forum blog. However, while a Councilmember might observe a blog created and conducted by a fellow Councilmember, that Councilmember shall not participate in a fellow Councilmember's blog by posting messages on that blog. Councilmembers shall post messages only on Councilmember blogs that they themselves establish and conduct. In addition, Councilmembers who might participate in blogs concerning City business which are sponsored by non-Councilmembers shall refrain from doing so when another Councilmember has already posted a message on that blog.

Administrative Policy V-8
Councilmember On-Line Forums/Web Logs ("Blogs")
April 12, 2007
Page 2 of 2

At any time there will be only one City of Capitola councilperson that may actively post to the Blog. All Councilpersons can view the Blog, but only one may actively participate.

The City of Capitola Blog will be monitored by the by the Councilperson who is moderating to the Blog. All postings must be approved by the Councilperson monitoring the Blog prior to posting on the Internet and must be considered appropriate as defined by the acceptable use policy of the Blog.

Approved and authorized by the City Council on April 12, 2007.



Richard Hill
City Manager



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 27, 2019

FROM: City Manager Department
SUBJECT: Consider the 2019/2020 Salary Schedule

RECOMMENDED ACTION: Approve the Resolution authorizing the Fiscal Year 2019/2020 annual salary adjustment consistent with existing employee labor agreements.

BACKGROUND: City Council adoption of the salary resolution establishes the legal current salary schedule for each position class of permanent employees. The City Council should adopt the salary resolution annually, upon review and recommendation of the City Manager. California Public Employee's Retirement Law and Section 570.5 of the California Code of Regulations Title 2 requires the "City Pay Rates and Ranges" be approved by the City Council in an open meeting and be publicly posted, which is done annually on the City's website.

Additionally, as required by California Government Code Section 54953(c)(3), an oral report must be made before the City Council takes final action on the salaries, salary schedules, and fringe benefit compensation for the City's management employees, which includes the City Manager and department heads.

The City of Capitola and its bargaining units have existing labor agreements that run through June 30, 2020, or June 30, 2021. As part of those agreements, salary adjustments have been agreed upon.

DISCUSSION: The attached salary schedule will go into effect the first full pay period after July 1, 2019. The salary changes take effect on July 14, 2019, and will be effective until June 30, 2020.

The bargaining groups agreed to a 2.25 percent salary adjustment for the 2019/2020. This is the amount all the permanent positions will be increased.

In addition to the salary adjustments, the City will adjust its health insurance contributions to employees. The following table lists the amounts agreed to, beginning July 14, 2019.

Group	Employee	Employee +1	Employee +2	Cash in-lieu
ACE	\$824.00	\$1250.00	\$1400.00	\$773.00
CPOA	\$825.00	\$1300.00	\$1600.00	\$700.00
Mid-Management	\$824.00	\$1339.00	\$1751.00	\$250.00

2019-2020 Salary Schedule
June 27, 2019

Confidential	\$824.00	\$1339.00	\$1751.00	\$250.00
Captain	\$824.00	\$1339.00	\$1751.00	\$250.00
Management	\$824.00	\$1339.00	\$1751.00	\$250.00

The management employees include the City Manager, Chief of Police, Public Works Director, Community Development Director, and Finance Director and they will see the same salary adjustment as the bargaining groups, 2.25 percent.

FISCAL IMPACT: The anticipated fiscal impact of the salary adjustment in FY 2019/2020 is \$150,000, which is included in the recently adopted Budget.

ATTACHMENTS:

1. 7-1-19 to 6-30-20 2.25% COLA (PDF)

Report Prepared By: Larry Laurent
Assistant to the City Manager

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

6/20/2019

2019-2020 Salary Schedule
June 27, 2019

RESOLUTION NO. _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AUTHORIZING AND APPROVING THE FISCAL YEAR 2019/2020
PAY RATES AND RANGES (SALARY SCHEDULE)

WHEREAS, the City Council establishes the legal current salary range from the salary schedule for each class of position; and

WHEREAS, the California Public Employee's Retirement Law, at Section 570.5 of the California Code of Regulations Title 2, requires the City to publish pay rates and ranges on the City's internet site and the City Council to approve the pay rates and range in its entirety each time a modification is made; and

WHEREAS, the City and its employee groups have existing agreements that include a Cost of Living Adjustment beginning the first full pay period in July 2019 of 2.25 percent; and

WHEREAS, a salary resolution is adopted annually by the City Council upon review and recommendation of the City Manager.

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

Authorize and approve City of Capitola pay rates and ranges (salary schedule) for permanent employees from July 14, 2019, through June 30, 2020, attached as Exhibit A.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 27nd day of June, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Kristen Petersen, Vice Mayor

ATTEST:

Linda Fridy, City Clerk

POA SALARY SCHEDULE													
JULY 1, 2019 - JUNE 30, 2020													
	Monthly						Hourly						
	Step A	Step B	Step C	Step D	Step E	Step F	Step A	Step B	Step C	Step D	Step E	Step F	
Community Service Officer	\$4,928.16	\$5,176.67	\$5,434.32	\$5,706.58	\$5,993.46	\$6,293.14	\$28.43	\$29.87	\$31.35	\$32.92	\$34.58	\$36.31	
Police Officer Trainee	\$5,929.51												
Police Officer	\$6,225.53	\$6,537.99	\$6,863.25	\$7,206.78	\$7,568.58	\$7,946.82	\$35.92	\$37.72	\$39.60	\$41.58	\$43.66	\$45.85	
Records Manager	\$5,679.17	\$5,964.23	\$6,262.07	\$6,574.54	\$6,905.27	\$7,250.63	\$32.76	\$34.41	\$36.13	\$37.93	\$39.84	\$41.83	
Sergeant	\$7,625.22	\$8,007.12	\$8,409.12	\$8,827.57	\$9,271.60	\$9,733.90	\$43.99	\$46.19	\$48.51	\$50.93	\$53.49	\$56.16	

Attachment: 7-1-19 to 6-30-20 2.25% COLA (2019-2020 Salary Schedule)

CAPTAIN													
JULY 1, 2019 - JUNE 30, 2020													
2.25% COLA	Monthly						Hourly						
	Step A	Step B	Step C	Step D	Step E	Step F	Step A	Step B	Step C	Step D	Step E	Step F	
Police Captain	\$9,338.57	\$9,805.84	\$10,295.85	\$10,812.01	\$11,353.18	\$11,921.63	\$53.88	\$56.57	\$59.40	\$62.38	\$65.50	\$68.78	

Attachment: 7-1-19 to 6-30-20 2.25% COLA (2019-2020 Salary Schedule)

ACE SALARY SCHEDULE										
JULY 1, 2019 - JUNE 30, 2020										
2.25% COLA	Monthly					Hourly				
	Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
ACCOUNT TECHNICIAN	\$4,542.05	\$4,768.13	\$5,005.42	\$5,255.78	\$5,519.22	\$26.20	\$27.51	\$28.88	\$30.32	\$31.84
ACCOUNTANT I	\$5,487.46	\$5,762.11	\$6,049.84	\$6,352.52	\$6,668.28	\$31.66	\$33.24	\$34.90	\$36.65	\$38.47
ACCOUNTANT II	\$6,051.71	\$6,354.39	\$6,670.15	\$7,004.59	\$7,355.85	\$34.91	\$36.66	\$38.48	\$40.41	\$42.44
ACCOUNTS CLERK	\$4,121.67	\$4,327.19	\$4,542.05	\$4,770.00	\$5,007.28	\$23.78	\$24.96	\$26.20	\$27.52	\$28.89
ADMINISTRATIVE ASSISTANT	\$4,157.17	\$4,366.43	\$4,585.03	\$4,814.84	\$5,055.86	\$23.98	\$25.19	\$26.45	\$27.78	\$29.17
ADMINISTRATIVE CLERK I	\$3,234.18	\$3,394.86	\$3,563.02	\$3,742.38	\$3,929.22	\$18.66	\$19.59	\$20.56	\$21.59	\$22.67
ADMINISTRATIVE CLERK II	\$3,742.38	\$3,929.22	\$4,125.40	\$4,332.79	\$4,549.53	\$21.59	\$22.67	\$23.80	\$25.00	\$26.25
ADMINISTRATIVE RECORDS ANALYST	\$4,908.26	\$5,153.02	\$5,408.99	\$5,681.77	\$5,963.90	\$28.32	\$29.73	\$31.21	\$32.78	\$34.41
ASSISTANT PLANNER	\$5,298.75	\$5,562.20	\$5,840.59	\$6,132.05	\$6,438.47	\$30.57	\$32.09	\$33.70	\$35.38	\$37.15
BUILDING INSPECTOR I	\$4,641.08	\$4,874.63	\$5,115.65	\$5,373.49	\$5,642.54	\$26.78	\$28.12	\$29.51	\$31.00	\$32.55
BUILDING INSPECTOR II	\$5,414.59	\$5,685.51	\$5,971.37	\$6,268.45	\$6,582.34	\$31.24	\$32.80	\$34.45	\$36.16	\$37.98
DATA ENTRY CLERK	\$3,245.39	\$3,406.07	\$3,577.97	\$3,757.33	\$3,946.04	\$18.72	\$19.65	\$20.64	\$21.68	\$22.77
DEVELOPMENT SERVICES TECHNICIAN	\$4,366.43	\$4,585.03	\$4,814.84	\$5,055.86	\$5,308.09	\$25.19	\$26.45	\$27.78	\$29.17	\$30.62
EQUIPMENT OPERATOR	\$4,349.61	\$4,566.34	\$4,792.42	\$5,033.44	\$5,285.67	\$25.09	\$26.34	\$27.65	\$29.04	\$30.49
MAINTENANCE WORKER I	\$3,094.05	\$3,249.13	\$3,411.68	\$3,583.57	\$3,761.07	\$17.85	\$18.74	\$19.68	\$20.67	\$21.70
MAINTENANCE WORKER II	\$4,142.22	\$4,349.61	\$4,566.34	\$4,796.16	\$5,035.31	\$23.90	\$25.09	\$26.34	\$27.67	\$29.05
MAINTENANCE WORKER III	\$4,349.61	\$4,566.34	\$4,796.16	\$5,035.31	\$5,287.54	\$25.09	\$26.34	\$27.67	\$29.05	\$30.51
MECHANIC	\$4,545.79	\$4,773.73	\$5,011.02	\$5,261.38	\$5,524.83	\$26.23	\$27.54	\$28.91	\$30.35	\$31.87
MUSEUM CURATOR	\$4,121.67	\$4,327.19	\$4,545.79	\$4,771.87	\$5,009.15	\$23.78	\$24.96	\$26.23	\$27.53	\$28.90
PARKING ENFORCEMENT OFFICER	\$3,751.73	\$3,936.70	\$4,134.75	\$4,342.14	\$4,558.87	\$21.64	\$22.71	\$23.85	\$25.05	\$26.30
RECEPTIONIST	\$3,559.28	\$3,736.78	\$3,923.62	\$4,121.67	\$4,327.19	\$20.53	\$21.56	\$22.64	\$23.78	\$24.96
RECORDS COORDINATOR	\$4,157.17	\$4,366.43	\$4,585.03	\$4,814.84	\$5,055.86	\$23.98	\$25.19	\$26.45	\$27.78	\$29.17
RECORDS MNGNT CLERK	\$4,065.62	\$4,269.27	\$4,484.13	\$4,708.34	\$4,943.76	\$23.46	\$24.63	\$25.87	\$27.16	\$28.52
RECORDS TECHNICIAN	\$4,007.70	\$4,207.61	\$4,418.74	\$4,639.21	\$4,870.89	\$23.12	\$24.27	\$25.49	\$26.76	\$28.10
RECREATION ASSISTANT	\$3,043.61	\$3,194.95	\$3,357.50	\$3,523.78	\$3,699.41	\$17.56	\$18.43	\$19.37	\$20.33	\$21.34
RECREATION COORDINATOR	\$3,936.70	\$4,132.88	\$4,340.27	\$4,558.87	\$4,784.95	\$22.71	\$23.84	\$25.04	\$26.30	\$27.61
RECREATION FACILITY CUSTODIAN	\$2,940.84	\$3,088.45	\$3,243.52	\$3,406.07	\$3,577.97	\$16.97	\$17.82	\$18.71	\$19.65	\$20.64
RECREATION RECEPTIONIST	\$3,299.58	\$3,463.99	\$3,637.75	\$3,818.99	\$4,011.43	\$19.04	\$19.98	\$20.99	\$22.03	\$23.14

Attachment: 7-1-19 to 6-30-20 2.25% COLA (2019-2020 Salary Schedule)

CONFIDENTIAL SALARY SCHEDULE											
JULY 1, 2019 - JUNE 30, 2020											
	Monthly					Hourly					
2.25% COLA	A	B	C	D	E	A	B	C	D	E	
ASSIST TO CITY MGR	\$ 7,305.78	\$ 7,670.73	\$ 8,053.86	\$ 8,457.47	\$ 8,880.40	\$ 42.15	\$ 44.25	\$ 46.46	\$ 48.79	\$ 51.23	
CITY CLERK	\$ 6,746.42	\$ 7,084.08	\$ 7,437.66	\$ 7,809.43	\$ 8,200.53	\$ 38.92	\$ 40.87	\$ 42.91	\$ 45.05	\$ 47.31	
EXEC ASSIST TO CITY MGR	\$ 5,279.81	\$ 5,543.57	\$ 5,822.11	\$ 6,113.16	\$ 6,418.99	\$ 30.46	\$ 31.98	\$ 33.59	\$ 35.27	\$ 37.03	
INFORMATION SYSTEMS SPECIALIST	\$ 5,211.59	\$ 5,471.94	\$ 5,744.80	\$ 6,032.44	\$ 6,333.72	\$ 30.07	\$ 31.57	\$ 33.14	\$ 34.80	\$ 36.54	

Attachment: 7-1-19 to 6-30-20 2.25% COLA (2019-2020 Salary Schedule)

MID-MANAGEMENT SALARY SCHEDULE											
JULY 1 2019 - JUNE 30, 2020	Monthly					Hourly					
2.25% COLA	A	B	C	D	E	A	B	C	D	E	
ASSOCIATE PLANNER	\$ 6,177.96	\$ 6,487.20	\$ 6,811.22	\$ 7,152.30	\$ 7,510.42	\$ 35.64	\$ 37.43	\$ 39.30	\$ 41.26	\$ 43.33	
BUILDING OFFICIAL	\$ 8,168.92	\$ 8,578.15	\$ 9,006.99	\$ 9,456.75	\$ 9,930.05	\$ 47.13	\$ 49.49	\$ 51.96	\$ 54.56	\$ 57.29	
CIVIL ENGINEER/PROJECT MANAGER	\$ 7,103.41	\$ 7,459.26	\$ 7,832.17	\$ 8,223.26	\$ 8,634.83	\$ 40.98	\$ 43.03	\$ 45.19	\$ 47.44	\$ 49.82	
ENVIRONMENTAL PROJECTS MANAGER	\$ 6,177.96	\$ 6,487.20	\$ 6,811.22	\$ 7,152.30	\$ 7,510.42	\$ 35.64	\$ 37.43	\$ 39.30	\$ 41.26	\$ 43.33	
MAINTENANCE SUPERINTENDENT	\$ 6,077.87	\$ 6,384.29	\$ 6,701.91	\$ 7,036.35	\$ 7,387.61	\$ 35.06	\$ 36.83	\$ 38.66	\$ 40.59	\$ 42.62	
FIELD SUPERVISOR	\$ 5,663.09	\$ 5,945.21	\$ 6,244.16	\$ 6,556.18	\$ 6,881.28	\$ 32.67	\$ 34.30	\$ 36.02	\$ 37.82	\$ 39.70	
RECREATION SUPERVISOR	\$ 5,476.25	\$ 5,750.90	\$ 6,040.50	\$ 6,343.18	\$ 6,658.94	\$ 31.59	\$ 33.18	\$ 34.85	\$ 36.60	\$ 38.42	
SENIOR PLANNER	\$ 7,103.41	\$ 7,459.26	\$ 7,832.17	\$ 8,223.26	\$ 8,634.83	\$ 40.98	\$ 43.03	\$ 45.19	\$ 47.44	\$ 49.82	
SENIOR ACCOUNTANT	\$ 7,103.41	\$ 7,459.26	\$ 7,832.17	\$ 8,223.26	\$ 8,634.83	\$ 40.98	\$ 43.03	\$ 45.19	\$ 47.44	\$ 49.82	
SENIOR MECHANIC	\$ 5,261.38	\$ 5,524.83	\$ 5,801.35	\$ 6,090.95	\$ 6,395.50	\$ 30.35	\$ 31.87	\$ 33.47	\$ 35.14	\$ 36.90	

Attachment: 7-1-19 to 6-30-20 2.25% COLA (2019-2020 Salary Schedule)

MANAGEMENT SALARY SCHEDULE			
JULY 1, 2019 - JUNE 30, 2020			
2.25% COLA	Annually	Monthly	Hourly
Admin. Services Director	\$103,767.98	\$8,647.33	\$49.89
City Manager	\$202,161.17	\$16,846.76	\$97.19
Chief of Police	\$167,016.76	\$13,918.06	\$80.30
Director of Public Works	\$153,305.39	\$12,775.45	\$73.70
Director of Finance	\$151,607.06	\$12,633.92	\$72.89
Community Development Director	\$134,870.31	\$11,239.19	\$64.84