City of Capitola Agenda

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

REVISED
CAPITOLA CITY COUNCIL
REGULAR MEETING

THURSDAY, JUNE 25, 2020

7 PM

NOTICE OF REMOTE ACCESS ONLY:

In accordance with the current Shelter in Place Order from Santa Cruz County Health Services and Executive Order N-29-20 from the Executive Department of the State of California, the City Council meeting will not be physically open to the public and in person attendance cannot be accommodated.

To watch:

1. Online http://capitolaca.iqm2.com/Citizens/Default.aspx
2. Spectrum Cable Television channel 8
3. Zoom Meeting (link below)

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

1. Zoom Meeting (Via Computer or Phone) Link:
   A. https://us02web.zoom.us/j/89240979503?pwd=RFNrN3lwRTNsTE96S3FnN1QyakFTQT09
      § If prompted for a password, enter 432002

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

B. Dial in with phone:
- § Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one
- § **1 669 900 6833**
  1 408 638 0968
  1 346 248 7799
- § Enter the meeting ID number: **892 4097 9503**
- § When prompted for a Participant ID, press #
- § Press ***9** on your phone to "raise your hand" when the mayor calls for public comment. Once unmuted, you will have up to 3 minutes to speak

2. Send email:
   A. During the meeting, send comments via email to publiccomment@ci.capitola.ca.us
   - § Emailed comments will be accepted for General Government / Public Hearing item.
   - § Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Mayor announces that public comment for that item is closed.
   - § Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
   - § Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
   - § Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

CLOSED SESSION – 6 PM
CITY MANAGER'S OFFICE

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

CONFERENCE WITH LABOR NEGOTIATORS
(Gov't Code § 54957.6)
Negotiators: Jamie Goldstein, Larry Laurent
Employee Organizations: (1) Association of Capitola Employees; (2) Confidential Employees; (3) Mid-Management Group; (4) Department Heads; (5) Capitola Police Officers Association

LIABILITY CLAIM
(Gov't Code § 54956.95)
Claimant: Esther Phillips
Agency claimed against: City of Capitola

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM

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

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

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

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

See page 1 of the agenda for directions on how to submit public comment

6. CITY COUNCIL / STAFF COMMENTS

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

7. CONSENT CALENDAR

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

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

A. Consider Capitola City Council's June 3, 2020, Special Meeting Minutes and the June 11, 2020, Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

B. Approval of City Check Registers Dated May 1, May 8, May 15, May 22 and May 29, 2020.
RECOMMENDED ACTION: Approve check registers.

C. Consider a Resolution Calling the Election for November 3, 2020
RECOMMENDED ACTION: Adopt a Resolution ordering an election, requesting Santa Cruz County Elections to conduct the election, and requesting consolidation of

the Presidential General Election in the City of Capitola on Tuesday, November 3, 2020.

D. Consider a Resolution Amending the Hourly and Seasonal Pay Schedule
RECOMMENDED ACTION: Adopt the proposed resolution amending the Hourly/Seasonal Pay Schedule and creating a Camp Capitola Assistant Coordinator position.

E. Wharf House June Rent Waiver Request
RECOMMENDED ACTION: Approve the proposed resolution waiving June 2020, rent for the Wharf House Restaurant due to economic difficulties brought on by the COVID-19 pandemic.

F. Consider a Resolution to Apply for a U.S. Economic Development Administration Grant
RECOMMENDED ACTION: Adopt the proposed resolution authorizing the City Manager to apply for a grant from the U.S. Department of Commerce, Economic Development Administration, for a revolving loan fund for participating jurisdictions in Santa Cruz County.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

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

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

B. Real Property Negotiations Easement Grant to Pacific Gas and Electric Company 420 Capitola Avenue, Capitola CA 951010 APN: 035-141-35 City Hall Property
RECOMMENDED ACTION: Authorize the City Manager to negotiate the terms and execute an Easement Deed granting Pacific Gas and Electric Company a non-exclusive utility easement for installation of a new underground box and above ground cabinet and antenna on City owned property located at 420 Capitola Avenue, Capitola CA 95010, APN: 035-141-35, City Hall property.

C. Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2020/2021
RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2020/2021 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget.

D. Consider a Resolution Allocating the 2020/21 Road Maintenance and Rehabilitation Account Funds
RECOMMENDED ACTION: Adopt the proposed resolution allocating the 2020/21 Road Maintenance and Rehabilitation Account (RMRA) funds to engineering and

construction of a pavement management program project.

E. Approve the Plans, Specifications and Construction Estimate for the Flume and Jetty Rehabilitation Project
RECOMMENDED ACTION: Approve the plans, specifications, and construction estimate for the Flume and Jetty Rehabilitation Project; authorize the Public Works Department to advertise for construction bids and set the bid opening date for July 29, 2020, at 11:00 a.m.

F. Senate Bill 743 Implementation
RECOMMENDED ACTION: Adopt a resolution establishing City of Capitola CEQA Guidelines and a transportation threshold of significance of fifteen percent below the regional average Vehicle Miles Traveled (VMT) for purposes of complying with Senate Bill 743.

G. Consider Approval of Memoranda of Understanding with Labor Groups and Adopt Salary Schedule for June 28, 2020 - December 26, 2020
RECOMMENDED ACTION:

1. Authorize the City Manager to execute the side letter agreements to existing Memoranda of Understanding (MOU) with negotiated changes from June 26, 2020, through December 28, 2020, for the following:
    a. Capitola Police Officers Association (CPOA).
    b. Mid-Management Employees ′ Bargaining Unit;
    c. Confidential Employees ′ Bargaining Unit;
    d. Police Captains
2. Approve changes to the Management Compensation Plan
3. Approve changes to City Manager Employee Contract
4. Adopt a Resolution approving the new salary schedule
5. Individually attest to receive the same salary reduction as employees

9. ADJOURNMENT

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

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

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

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

are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

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

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

CAPITOLA CITY COUNCIL
AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: City Manager Department

SUBJECT: Consider Capitola City Council's June 3, 2020, Special Meeting Minutes and the June 11, 2020, Regular Meeting Minutes

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RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the special meeting on June 3 and the regular meeting on June 11, 2020.

ATTACHMENTS:

1. 6-3- draft special meeting
2. 6-11 draft

Report Prepared By: Chloe Woodmansee
Interim City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/18/2020

DRAFT CAPITOLA CITY COUNCIL
SPECIAL MEETING MINUTES
WEDNESDAY, JUNE 3, 2020 - 5 PM

SPECIAL MEETING OF THE CAPITOLA CITY COUNCIL

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ADDITIONAL MATERIALS

A. Item 5.A – four public comment emails

3. ADDITIONS AND DELETIONS TO THE AGENDA

4. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Vice-Mayor Brooks asked that the County Health Officer be asked about the current beach closure. The Vice-Mayor also announced her support for the Black Lives Matter movement and the Capitola Police Department.

Mayor Petersen also spoke of support for the Black Lives Matter movement and recognized the current National turmoil.

5. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Hearing on the Implementation of the Soquel Creek Management Plan
RECOMMENDED ACTION: Provide direction to staff on implementation of the Soquel Creek and Lagoon Management Plan for summer 2020 including closure of the Soquel Creek to form the lagoon, grading Capitola Beach and associated changes to the proposed 2020-21 Fiscal Year budget.

Public Works Director Jesberg presented the staff report on the Soquel Creek Management Plan and highlighted why it was not included in the initial budget draft.

Councilmember Storey said he was concerned about enforcement of the beach closure if the beach is made larger and more inviting. He asked if it is likely the closure will be lifted, to which Staff replied there has been no indication that it would be.

Vice-Mayor Brooks asked if the beach would be safe for the Junior Guards program if left ungraded. Director Jesberg said yes, and that the primary part of the Management Plan is filling in the creak and creating the lagoon; sifting of the sand will happen regardless of implementing the Management Plan this year. Vice-Mayor Brooks asked about smells due to not filling the creek; Director Jesberg said the chances of bad smells are higher if the lagoon is not created. In response to a question, Staff explained that under usual circumstances remaining funds would be returned to the General Fund.

Mayor Petersen clarified that the beach would be cleaned even without implementing the usual Management Plan. In response an additional question, Staff said that the Plan could be

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Attachment: 6-3- draft special meeting (Approval of City Council Minutes)

implemented before the start of the Junior Guards program.

During public comment:

A caller asked that Council focus on the environmental benefits of implementing the Plan, not those of recreation. The caller also requested a special meeting on the topic of Police culture in the local area.

Julie Kenney said she cannot walk safely from one end of the beach to the other and urged Council to approve the Management Plan.

There were two public comments emailed to Council advocating for the Creek Management Plan. A third email asked Council to leave the beach and lagoon as is for the season and not move forward with the Plan.

Mayor Petersen asked Staff to clarify that the Junior Guard program would only operate during the hours that the Capitola Beach is considered open under the current Health Order. She also asked if the City owns grading equipment and was told by Staff that City equipment is used, and beach cleaning can be done by Public Works employees at no extra cost. Director Jesberg explained that closing the lagoon would be less effective the longer we wait.

In response to an earlier public comment, the City Manager clarified that the City does not put chemicals in the lagoon.

Councilmember Bottorff addressed the following concerns if the lagoon is not closed: the impact to fish and wildlife and increased odor. He acknowledged the City's financial situation and said that in his opinion, the Management Plan is an essential activity.

Councilmember Bertrand agreed that the Management Plan is necessary for the local community and announced support for moving it forward.

Councilmember Storey explained his opinion that more space on the beach is necessary to encourage social distancing. He recommended using Contingency Funds to pay for the Management Plan.

MOTION:	**APPROVE THE IMPLEMENTATION OF THE SOQUEL CREEK MANAGEMENT PLAN FOR SUMMER 2020, AND THE 2021 COSTS, USING CONTINGENCY RESERVE FUNDS**
RESULT:	**AMMENDED**
MOVER:	Sam Storey
SECONDER:	Jacques Bertrand

Councilmember Bertrand had Director Jesberg confirm that the creek monitoring costs would be truncated since they would be monitoring for a shorter time period than typical.

Vice-Mayor Brooks confirmed that the Park Avenue Sidewalk project has a remaining fund balance of $64,000 and that utilizing those funds would not be taking any away from the project. She proposed an amendment to the motion.

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Attachment: 6-3- draft special meeting (Approval of City Council Minutes)

MOTION:	**APPROVE THE IMPLEMENTATION OF THE SOQUEL CREEK MANAGEMENT PLAN FOR SUMMER 2020, AND THE 2021 COSTS, USING THE CURRENT FUND BALANCE FROM THE PARK AVENUE SIDEWALK CAPITOL IMPROVEMENT PROJECT**
RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Sam Storey
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

6. ADJOURNMENT

The meeting was closed at 6:04 PM.

_____
Kristen Petersen, Mayor

ATTEST:

_____
Chloé Woodmansee, Interim City Clerk

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Attachment: 6-3- draft special meeting (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION MINUTES
THURSDAY, JUNE 11, 2020 - 7 PM

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. REPORT ON CLOSED SESSION

There was no reportable action during closed session.

3. ADDITIONAL MATERIALS

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

Lisa Burkiwitz asked that Council consider the use of CDBG funding to offset funding cuts to nonprofits.

Ray Concino asked the same, and that the City give preferential funding to organizations already serving Capitola.

Kurt Ance reminded Council that previously, Community Bridges “gave Measure D funding back to the City”.

6. CITY COUNCIL / STAFF COMMENTS

Community Development Director Herlihy provided a brief update on CARES Act funding (distributed by CDBG grants) and announced the City has been allocated a total of 168,000 in funding. Two more rounds of funding are expected.

Mayor Petersen addressed the recent death of Sergeant Damon Gutzwiller who was shot on June 6 while responding to a call for service. The Mayor asked for a moment of silence to honor him.

Councilmember Storey also paid tribute to the Sergeant and acknowledged all local first responders. He asked that the Council Meeting be held in Sergeant Damon Gutzwiller’s memory.

Vice-Mayor Brooks echoed the condolences for Sergeant Gutzwiller and spoke her support for the Black Lives Matter movement.

Councilmember Bertrand paid tribute to the Sergeant and spoke of the loss his professional and personal family has suffered. He said that the Council has a commitment to the community and reminded the public that traditionally the City of Capitola is generous to those in need.

Councilmember Bottorff said he agreed with the sentiments expressed by the rest of Council. He spoke about recent Planning Commission decisions and reminded the Commission that their duty is to approve or deny projects as outlined by the current Municipal Code, not to consider their own personal opinions. He asked Commissioners to fulfil their obligation appropriately.

Attachment: 6-11 draft (Approval of City Council Minutes)

7. CONSENT CALENDAR

MOTION:	**APPROVE AND CONFIRM ITEMS 7.A & 7.B AS RECOMMENDED**
RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacques Bertrand
SECONDER:	Ed Bottorff
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

A. Consider the May 28, 2020, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

B. Consider the City's Investment Policy [100-10/350-10]
RECOMMENDED ACTION: Confirm the City's Administrative Policy Number III-1, Investment Policy as recommended by the Finance Advisory Committee.

C. Consider the Adoption of a Resolution Setting the Fiscal Year 2020/2021 Appropriation Limit [330-05]
RECOMMENDED ACTION: Adopt the resolution.

Vice-Mayor Brooks asked this item pulled off the Consent Calendar. She asked Staff if it was ok to approve this item prior to approving the Budget. Finance Director Malberg explained that the appropriation limit is based on a calculation from the State and is required to be complete prior to adopting the proposed budget.

There was no public comment.

MOTION:	**ADOPT THE RESOLUTION**
RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Yvette Brooks
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Petersen, Brooks, Storey

D. Consider a Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2020-21[140-05]
RECOMMENDED ACTION: Adopt the proposed resolution of intention that provides notification of the City's intent to levy business improvement assessments for Fiscal Year 2020/2021; receiving the annual report and proposed budget of the CVWBIA; setting the date for a public hearing to be held on Thursday, June 25, 2020; and outlining noticing requirements.

Vice-Mayor Brooks asked this item pulled off the Consent Calendar. She asked Staff why the BIA's roster seemed to include businesses that have recently closed. Staff responded that the list is not 100% perfect, and that the BIA generally leaves businesses on their roster until their "doors are closed" and they are officially no longer running in Capitola.

There was no public comment.

Attachment: 6-11 draft (Approval of City Council Minutes)

MOTION:	**ADOPT THE RESOLUTION**
RESULT:	**ADOPTED**
MOVER:	Yvette Brooks
SECONDER:	Ed Bottorff
RECUSE:	Sam Storey
AYES:	Bottorff, Bertrand, Petersen, Brooks

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Receive Update on the City's Pandemic Response
RECOMMENDED ACTION:

1. Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.
2. Approve a resolution ratifying Emergency Order 4-2020, which allows for outdoor activities and encroachments for businesses operating in compliance with social distancing requirements.

City Manager Goldstein presented the staff report. He highlighted a recent local spike in COVID-19 cases, and shared progress in the Village regarding outdoor activities allowed under Emergency Order 4-2020.

Councilmember Storey asked for a COVID-19 case update specific to the City of Capitola; Staff said this number is around 8. This figure will be included in future reports. Councilmember Storey asked how the City is encouraging visitors to wear masks and maintain social distance as stores and restaurants open. The City attorney clarified that it is up to the individual business to ensure compliance from customers and that the recent County Health Order no longer requires businesses to post social distancing plans.

Councilmember Bertrand spoke highly of the enthusiasm in the Village due to the outdoor activity permits. He asked that Staff acknowledge individuals that helped create, approve, and implement these permits. Director Herlihy said this was an “all hands on deck” project and that local businesses and volunteers were also involved.

Vice-Mayor Brooks asked about the BIA giving an update on the outdoor dining’s impact in the Village; this will be included on the next Council Meeting’s agenda. She acknowledged many emails from the public worried about safety in the Village and asked how the City is ensuring compliance. Police Chief McManus spoke about the benefit of having Captain Dally and Sergeant Ryan as business liaisons, as it is the businesses role to gain compliance in their establishments. City Manager Goldstein added that the City is contracting with a private security firm to provide extra officials on the beach to gain compliance during the beach closures.

Carin Hanna thanked the City for their quick implementation of the outdoor activity permit process and agreed that the public’s compliance with facial coverings and social distancing requirements is low.

Mayor Petersen thanked Staff and the BIA for their hard work.

Councilmember Storey suggested that Village businesses consider selling facial coverings so they are available to members of the public who may visit Capitola without one.

Councilmember Bertrand asked if lower Monterey will be steam cleaned. Director Jesberg said

Attachment: 6-11 draft (Approval of City Council Minutes)

that the Public Works crew will finish work there soon and reminded the Council that the proposed budget includes cutting the normal funds for steam cleaning in the Village.

Vice-Mayor Brooks asked if there were public cleaning requirements to counteract COVID-19, Staff responded they are unaware of any such requirements or recommendations.

MOTION:	**1) MAKE DETERMINATION THAT HAZARDS STILL EXIST;**
	2) APPROVE RESOLUTION RATIFYING EMERGENCY ORDER 4-2020
RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Ed Bottorff
SECOND:	Yvette Brooks
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

B. Consider the Fiscal Year 2020/2021 Budget and Capital Improvement Program for the City of Capitola [330-05/780-30]
RECOMMENDED ACTION: Approve the Resolution adopting the Fiscal Year 2020/21 City Budget and Capital Improvement Program.

Finance Director Malberg presented the staff report.

Vice-Mayor Brooks asked Community Development Director Herlihy for an overview of the CDBG Grant situation. Director Herlihy explained that the City will receive $168,000 in the first round and that two more rounds are expected.

During public comment:

Raymond Concino asked why the City hasn't considered more revenue generation options and spoke to his dissatisfaction that Community Bridges won't receive funding from the City this year.

Lisa Burkiwitz and Karen Delaney both announce dismay that local nonprofits have had their funding cut by the City due to the pandemic's effect on the City's revenue.

Leah Samuels and Julie Ray Gilberts emailed asking for Council to reconsider cutting the City's community grant program in the coming fiscal year.

Mayor Petersen thanked the public for their comments and noted that the City of Capitola has a small budget and that, compared to other local Cities, Capitola traditionally uses the largest percentage of its budget to fund Community Grants. She also explained that the City is receiving CARES Act funding which will be used to provide for community grant programs.

Councilmember Bottorff agreed that the situation is difficult and new for City Council, as the City is typically generous with community grant funding. He said that Council is juggling possible layoffs of City Staff and represents 10,000 people to balance what the community wants and what is possible. He made a motion, seconded by Councilmember Bertrand.

Councilmember Bertrand said that the Council is trying to support critical portions of the Capitola community and restated that CARES Act funding will be distributed by CDBG for community grants in Capitola.

Councilmember Storey said that he was recused from the Community Grant portion of the budget vote.

Attachment: 6-11 draft (Approval of City Council Minutes)

MOTION:	**APPROVE THE RESOLUTION ADOTPING THE BUDGET AS PROPOSED**
RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Ed Bottorff
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

C. Receive Community Survey Results
RECOMMENDED ACTION: Receive report and provide direction to staff regarding potential measures to place on November 2020 ballot.

City Manager Goldstein introduced Gene Bregman, who presented the results of the community survey.

Mr. Bregman said that the survey was conducted from May 27 to May 31 in response to Councilmember Storey's question. Councilmember Storey asked how likely it is for someone who responded "yes" to a survey to then truly vote "yes". Mr. Bregman said this is generally based on how well a campaign is run, and that he would not recommend going forward with measures due to the data collected by the survey.

There was no public comment.

Councilmember Bottorff thanked Mr. Bregman for the report. He said in the past the City received data that 80% of those surveyed would approve a TOT tax measure, but the measure did not get the required votes to pass during the election. He explained that the City cannot run a campaign for any measures, and even though the City needs revenue he did not believe putting measures on the ballot would be wise.

Councilmember Storey agreed that the survey results were not encouraging. He said the City should keep this information and hold off on placing measures on the ballot.

Councilmember Bertrand also said that the results did not make him feel comfortable with placing any measures on the ballot.

MOTION:	**DIRECT STAFF NOT TO PLACE ANY MEASURES ON THE BALLOT FOR THE NOVEMBER 3, 2020, ELECTION**
RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Yvette Brooks
SECONDER:	Sam Storey
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

D. Consider Fee Schedule for Fiscal Year 2020-21[390-40]
RECOMMENDED ACTION: Conduct the noticed public hearing on the proposed City Fee Schedule for Fiscal Year 2020/2021 and adopt the proposed Resolution amending the current fee schedule.

Finance Director Malberg presented the staff report.

Vice-Mayor Brooks asked about childcare facility permits and if they would still be waived in this fee schedule. Staff responded that those fees are already included in the budget and will not be charged to applicants.

There was no public comment.

Attachment: 6-11 draft (Approval of City Council Minutes)

MOTION:	**ADOPT THE RESOLUTION AMENDING THE CURRENT FEE SCHEDULE**
RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Yvette Brooks
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

E. Continue Zoning Code Update Discussion
RECOMMENDED ACTION: Continue discussion about the Zoning Code and Local Coastal Plan update to the regular City Council meeting on July 23, 2020.

MOTION:	**CONTINUE THE DISCUSSION TO THE REGULAR CITY COUNCIL MEETING ON JULY 23, 2020**
RESULT:	**CONTINUED [JULY 23, 2020]**
MOVER:	Sam Storey
SECONDER:	Jacques Bertrand
AYES:	Bottorff, Bertrand, Storey, Petersen, Brooks

9. ADJOURNMENT

The meeting was closed at 9:40 PM.

_____
Kristen Petersen, Mayor

ATTEST:

_____
Chloé Woodmansee, Interim City Clerk

Attachment: 6-11 draft (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL
AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: Finance Department

SUBJECT: Approval of City Check Registers Dated May 1, May 8, May 15, May 22 and May 29, 2020.

RECOMMENDED ACTION: Approve check registers.

Account: City Main				
Date	**Starting Check #**	**Ending Check #**	**Payment Count**	**Amount**
5/1/2020	95522	95558	43	$ 177,454.70
5/8/2020	95559	95596	42	$ 147,761.77
5/15/2020	95597	95660	69	$ 158,203.16
5/22/2020	95661	95702	43	$ 87,211.33
5/29/2020	95703	95752	56	$ 192,286.49

The main account check register dated April 24, 2020, ended with check #95521.

Account: Library				
Date	**Starting Check #**	**Ending Check #**	**Payment Count**	**Amount**
5/1/2020	192	193	2	$ 144,166.53
5/15/2020	194	195	2	$ 5,845.00
5/22/2020	196	197	2	$ 715,064.29
5/29/2020	198	199	2	$ 8,566.12

The library account check register dated April 24, 2020, ended with check #191.

Account: Payroll				
Date	**Starting Check/EFT #**	**Ending Check/EFT #**	**Payment Count**	**Amount**
5/1/2020	5670	5671	2	$ 33,681.03
5/8/2020	14447	14532	86	$ 158,781.42
5/22/2020	14533	14622	90	$ 229,582.17

The payroll account check register dated April 17, 2020, ended with check #5669.

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

Check/	Issued to	Dept	Description	Amount

Approval of City Check Registers
June 25, 2020

EFT				
95536	Industrial Design Research	PW	Lifeguard tower ramps	$ 15,353.28
95541	Mity Lite	RC	Chairs and seating cart	$ 16,695.72
95543	PG&E	PW	April gas and electricity	$ 12,342.50
932	IRS	FN	Federal taxes and Medicare PPE 4/18/20	$ 27,095.90
933	CalPERS Member Services	CM	PERS contributions PPE 4/18/20	$ 52,232.86
192	Interior Motions	PW	Library furniture deposit	$ 22,812.29
193	One Workplace L. Ferrari	PW	Library furniture deposit	$ 121,354.24
95582	Moffatt and Nichol	PW	Wharf design & permitting, groin & flume biological report	$ 34,746.79
938	CalPERS Health Insurance	CM	May health insurance	$ 59,396.92
95603	Burke Williams and Sorensen LLP	CM	March city attorney services	$ 26,098.00
95626	Moffatt and Nichol	PW	Wharf design & permitting, jetty & flume design	$ 45,611.05
942	IRS	FN	Federal taxes and Medicare PPE 5/2/20	$ 26,400.99
95684	PG&E	PW	May gas and electricity	$ 10,967.24
945	CalPERS Member Services	CM	PERS contributions PPE 5/2/20	$ 52,469.52
196	John F. Otto Escrow	PW	April library construction retainer	$ 35,753.21
197	Otto Construction	PW	April library construction	$ 679,311.08
95703	Wells Fargo Bank	CM	April credit card purchases	$ 10,160.67
95724	Kimley Horn and Associates	PW	Traffic signal adaptive control Cal Trans coordination, Capitola Avenue sidewalk project	$ 19,916.39
946	Employment Development Department	FN	State taxes PPE 5/16/20	$ 13,007.47
947	IRS	FN	Federal taxes and Medicare PPE 5/16/20	$ 44,228.49
948	CalPERS Member Services	CM	PERS contributions PPE 5/16/20	$ 50,439.26
950	Voya Financial	CM	457 contributions PPE 5/16/20	$ 11,190.09

ATTACHMENTS:

1. 5/1/20 City Check Register
2. 5/8/20 City Check Register
3. 5/15/20 City Check Register
4. 5/22/20 City Check Register
5. 5/29/20 City Check Register

Report Prepared By: Maura Herlihy

Approval of City Check Registers
June 25, 2020

Accountant I

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/18/2020

City main account checks dated May 1, 2020, numbered 95522 to 95558 plus 6 EFTs, totaling $177,454.70, 2 library account checks, totaling $144,166.53, and 2 payroll account checks, totaling $33,681.03 for a grand total of $355,302.26, have been reviewed and authorized for distribution by the City Manager.

As of May 1, 2020, the unaudited cash balance is $5,235,270.01.

CASH POSITION - CITY OF CAPITOLA

May 1, 2020

		Net Balance
General Fund	$	(723,660.22)
Payroll Payables	$	68,718.03
Contingency Reserve Fund	$	2,048,845.66
Facilities Reserve Fund	$	475,150.72
Capital Improvement Fund	$	2,357,725.46
Stores Fund	$	53,827.42
Information Technology Fund	$	250,973.34
Equipment Replacement	$	394,482.92
Self-Insurance Liability Fund	$	23,620.95
Workers' Comp. Ins. Fund	$	241,286.54
Compensated Absences Fund	$	44,299.19
TOTAL UNASSIGNED GENERAL FUNDS	$	5,235,270.01

The Emergency Reserve Fund balance is $1,359,205.54 (not included above).
The PERS Contingency Fund balance is $851,625.51 (not included above).
The Library Fund balance is $4,341,508.69 (not included above).

5/12/20

Jamie Goldstein, City Manager — Date

5/5/20

Jim Malberg, City Treasurer — Date

City of Capitola

City Checks Issued May 1, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95522	05/01/2020			A TOOL SHED		$155.00
	Invoice	Date	Description		Amount	
	1412032-5	04/22/2020	Brush cutter rental		$155.00	
95523	05/01/2020			AFLAC		$1,580.86
	Invoice	Date	Description		Amount	
	452767	04/22/2020	April supplemental insurance		$1,580.86	
			1001 - Payroll			
95524	05/01/2020			AT&T/CALNET 3		$572.53
	Invoice	Date	Description		Amount	
	0014612555	04/13/2020	April telephone service		$572.53	
			1000 - General Fund	$526.47		
			2211 - ISF - Info Tech	$46.06		
95525	05/01/2020			AT&T/CALNET 3		$889.28
	Invoice	Date	Description		Amount	
	0014613223	04/13/2020	April T-1 access		$889.28	
95526	05/01/2020			CA DEPARTMENT OF TRANSPORTATION		$4,717.06
	Invoice	Date	Description		Amount	
	SL200764	04/15/2020	Quarterly street signals and lighting		$4,717.06	
			1310 - Gas Tax			
95527	05/01/2020			CAPITOLA PEACE OFFICERS ASSOCIATION		$1,431.50
	Invoice	Date	Description		Amount	
	POA042420	04/24/2020	POA dues PPE 4/18/20		$1,431.50	
			1001 - Payroll			
95528	05/01/2020			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY		$731.00
	Invoice	Date	Description		Amount	
	2795	04/24/2020	March televised meetings		$731.00	
95529	05/01/2020			CVS PHARMACY INC.		$7.37
	Invoice	Date	Description		Amount	
	5093	03/10/2020	Dish brush, bandages		$7.37	
95530	05/01/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT		$150.00
	Invoice	Date	Description		Amount	
	L1858684256-2	07/16/2019	Employee earnings withholding order PPE 4/18/20		$150.00	
			1001 - Payroll			

Attachment: 5/1/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 1, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95531	05/01/2020			EQUITABLE		$2,743.89
	Invoice	Date	Description		Amount	
	104515	03/11/2020	April LTD, STD, AD&D, life insurance		$2,743.89	
			1000 - General Fund	$55.20		
			1001 - Payroll	$2,688.69		
95532	05/01/2020			FLYERS ENERGY LLC		$1,221.65
	Invoice	Date	Description		Amount	
	20-106430	04/23/2020	290 gallons gasoline		$994.89	
	20-106431	04/23/2020	80 gallons diesel		$226.76	
95533	05/01/2020			GENE BREGMAN & ASSOCIATES		$5,000.00
	Invoice	Date	Description		Amount	
	GB042720	04/27/2020	Public opinion survey		$5,000.00	
95534	05/01/2020			GINA ENRIQUEZ		$2,683.20
	Invoice	Date	Description		Amount	
	GE042720	04/27/2020	Instructor payment		$2,683.20	
95535	05/01/2020			GRANICUS LLC		$1,190.70
	Invoice	Date	Description		Amount	
	125830	05/01/2020	May legislative management software		$1,190.70	
			1320 - PEG - Public Education and Govt			
95536	05/01/2020			INDUSTRIAL DESIGN RESEARCH INC.		$15,353.28
	Invoice	Date	Description		Amount	
	IDR200406	04/06/2020	Lifeguard tower ramps		$15,353.28	
			2212 - ISF - Equipment Replacement			
95537	05/01/2020			JIM CLARK		$864.50
	Invoice	Date	Description		Amount	
	31720	03/17/2020	Annual backflow prevention device tests		$679.25	
	4720	04/07/2020	Annual backflow prevention device tests		$185.25	
95538	05/01/2020			MADELINE C HORN		$75.00
	Invoice	Date	Description		Amount	
	47	04/24/2020	Cataloging and organizing museum artifacts		$75.00	
95539	05/01/2020			MID COUNTY AUTO SUPPLY		$37.90
	Invoice	Date	Description		Amount	
	MID-774935	04/24/2020	Drill bits		$37.90	

City of Capitola

City Checks Issued May 1, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95540	05/01/2020			MISSION LINEN SUPPLY		$132.75
	Invoice	Date	Description		Amount	
	512304856	04/22/2020	Fleet linen service		$41.25	
	512208870	04/08/2020	Corporation yard linen service		$91.50	
95541	05/01/2020			MITY LITE INC.		$16,695.72
	Invoice	Date	Description		Amount	
	00111031	11/18/2020	Recreation chairs and seating cart		$16,695.72	
95542	05/01/2020			OUTDOOR SUPPLY HARDWARE		$251.73
	Invoice	Date	Description		Amount	
	A61208	04/27/2020	Bulk fasteners		$20.06	
	A49752	04/08/2020	Work pants		$54.49	
	A49636	04/08/2020	Bulk fasteners		$32.31	
	A49326	04/07/2020	Gorilla tape, coveralls, drop cloth, concrete patch		$69.71	
	A49056	04/06/2020	Aluminum door sweep and threshold		$45.76	
	A48937	04/06/2020	Coveralls, car charger		$29.40	
95543	05/01/2020			PACIFIC GAS & ELECTRIC		$12,342.50
	Invoice	Date	Description		Amount	
	PGE041520-ac	04/15/2020	April gas & electricity		$12,342.50	
			1000 - General Fund	$4,437.31		
			1300 - Supl Law Enfc	$126.87		
			1310 - Gas Tax	$6,538.04		
			1311 - Wharf	$1,240.28		
95544	05/01/2020			PRAXAIR DISTRIBUTION INC.		$124.39
	Invoice	Date	Description		Amount	
	96195344	04/22/2020	Acetylene rental		$124.39	
95545	05/01/2020			PREFERRED BENEFIT INSURANCE ADMIN.		$5,460.00
	Invoice	Date	Description		Amount	
	EIA32165	04/01/2020	April dental and vision insurance		$5,460.00	
			1000 - General Fund	$0.80		
			1001 - Payroll	$5,459.20		
95546	05/01/2020			SANTA CRUZ MUNICIPAL UTILITIES		$430.63
	Invoice	Date	Description		Amount	
	SCMU033120	03/31/2020	March water service for medians		$296.66	
	SCMU043020	02/29/2020	February water service for medians		$133.97	

City of Capitola

City Checks Issued May 1, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95547	05/01/2020			SOQUEL CREEK WATER DISTRICT		$1,174.42
	Invoice	Date	Description		Amount	
	06-14476-00-2(	04/07/2020	06-14476-00 430 Kennedy Drive water service		$109.02	
	08-15299-00-2(	04/16/2020	08-15299-00 Monterey Ave. water		$308.87	
	08-15562-00-2(	04/16/2020	08-15562-00 Cliff and Fairview water service		$40.40	
	09-15964-00-2(	04/16/2020	09-15964-00 Monterey Ave Esplanade water		$373.85	
	13-10919-00-2(	04/21/2020	13-10919-00 2000 Wharf Road water service		$40.40	
	10-16317-00-2(	04/16/2020	10-16317-00 420 Capitola Ave. water service		$162.93	
	10-16315-00-2(	04/16/2020	10-16315-00 504 Beulah Dr. irrigation		$47.82	
	10-16316-00-2(	04/16/2020	10-16316-00 426 Capitola Avenue water service		$91.13	
95548	05/01/2020			THE CLEANING MACHINE INC.		$2,760.00
	Invoice	Date	Description		Amount	
	6410	03/31/2020	Sidewalk cleaning		$2,760.00	
95549	05/01/2020			UNITED WAY OF SANTA CRUZ COUNTY		$40.00
	Invoice	Date	Description		Amount	
	UW043020	04/24/2020	United Way contributions PPE 4/18/20		$40.00	
			1001 - Payroll			
95550	05/01/2020			US BANK PARS Acct 6746022400		$104.73
	Invoice	Date	Description		Amount	
	PARS042420	04/24/2020	PARS contributions PPE 4/18/20		$104.73	
			1001 - Payroll			
95551	05/01/2020			VICTORIA M JOHNSON		$152.10
	Invoice	Date	Description		Amount	
	VJ042720	04/27/2020	Instructor payment		$152.10	
95552	05/01/2020			WESTERN EXTERMINATOR COMPANY		$128.00
	Invoice	Date	Description		Amount	
	7925492	03/31/2020	City Hall rodent control		$64.00	
	7925491	03/31/2020	Turnouts rodent control		$64.00	
95553	05/01/2020			Benjamin Strock		$510.00
	Invoice	Date	Description		Amount	
	2004900.002	04/21/2020	Softball league refund		$510.00	
95554	05/01/2020			Hal De Alvarez		$510.00
	Invoice	Date	Description		Amount	
	2004895.002	04/21/2020	Softball league refund		$510.00	

Attachment: 5/1/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 1, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95555	05/01/2020			John Connery		$510.00
	Invoice	Date	Description		Amount	
	2004898.002	04/21/2020	Softball league refund		$510.00	
95556	05/01/2020			Josh Blick		$510.00
	Invoice	Date	Description		Amount	
	2004897.002	04/21/2020	Softball league refund		$510.00	
95557	05/01/2020			Lucas Allendorf		$510.00
	Invoice	Date	Description		Amount	
	2004896.002	04/21/2020	Softball league refund		$510.00	
95558	05/01/2020			Michael Arnone		$510.00
	Invoice	Date	Description		Amount	
	2004899.002	04/21/2020	Softball league refund		$510.00	
Type Check Totals:						$82,261.69
EFT						
930	04/25/2020			DISCOVERY BENEFITS		$135.00
	Invoice	Date	Description		Amount	
	0001140278-IN	03/31/2020	March COBRA and FSA		$135.00	
931	04/28/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT		$7,593.07
	Invoice	Date	Description		Amount	
	0-400-671-264	04/28/2020	State taxes PPE 4/18/20		$7,593.07	
			1001 - Payroll			
932	04/28/2020			INTERNAL REVENUE SERVICE		$27,095.90
	Invoice	Date	Description		Amount	
	24207988	04/28/2020	Federal taxes and Medicare PPE 4/18/20		$27,095.90	
			1001 - Payroll			
933	04/30/2020			CalPERS Member Services Division		$52,232.86
	Invoice	Date	Description		Amount	
	1001553586-9	04/30/2020	PERS contributions PPE 4/18/20		$52,232.86	
			1000 - General Fund	($0.18)		
			1001 - Payroll	$52,233.04		
934	04/27/2020			STATE DISBURSEMENT UNIT		$1,232.76
	Invoice	Date	Description		Amount	
	SOLZ5Z86657	04/27/2020	Garnishments PPE 4/18/20		$1,232.76	
			1001 - Payroll			

Attachment: 5/1/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 1, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
935	04/30/2020			VOYA FINANCIAL		$6,903.42
	Invoice	Date	Description		Amount	
	042420	04/30/2020	457 contributions PPE 4/18/20		$6,903.42	
			1001 - Payroll			
Type EFT Totals:						$95,193.01
Library - Library						
Check						
192	05/01/2020			INTERIOR MOTIONS		$22,812.29
	Invoice	Date	Description		Amount	
	10653	04/05/2020	Library furniture deposit		$22,812.29	
			1360 - Library			
193	05/01/2020			ONE WORKPLACE L. FERRARI		$121,354.24
	Invoice	Date	Description		Amount	
	22231	04/28/2020	Library furniture deposit		$22,523.87	
	22232	04/28/2020	Library furniture deposit		$14,342.59	
	22233	04/28/2020	Library furniture deposit		$84,487.78	
			1360 - Library			
Type Check Totals:						$144,166.53

CITY - Main City Totals	**Count**	**Total**
Checks	37	$82,261.69
EFTs	6	$95,193.01
All	43	$177,454.70
Library - Library Totals		
Checks	2	$144,166.53
EFTs	0	$0.00
All	2	$144,166.53
WELLS - Payroll Totals		
Checks	2	$33,681.03
EFTs	0	$0.00
All	2	$33,681.03
Grand Totals:		
Checks	41	$260,109.25
EFTs	6	$95,193.01
All	47	$355,302.26

Attachment: 5/1/20 City Check Register (Approval of City Check Registers)

City main account checks dated May 8, 2020, numbered 95559 to 95596 plus 4 EFTs, totaling $147,761.77, and 86 payroll account EFTs, totaling $158,781.42 for a grand total of $306,543.19, have been reviewed and authorized for distribution by the City Manager.

As of May 8, 2020, the unaudited cash balance is $4,994,883.03.

CASH POSITION - CITY OF CAPITOLA

May 8, 2020

	Net Balance
General Fund	$ (995,130.80)
Payroll Payables	$ 134,259.42
Contingency Reserve Fund	$ 2,048,845.66
Facilities Reserve Fund	$ 475,150.72
Capital Improvement Fund	$ 2,322,978.67
Stores Fund	$ 53,827.42
Information Technology Fund	$ 251,262.34
Equipment Replacement	$ 394,482.92
Self-Insurance Liability Fund	$ 23,620.95
Workers' Comp. Ins. Fund	$ 241,286.54
Compensated Absences Fund	$ 44,299.19
TOTAL UNASSIGNED GENERAL FUNDS	$ 4,994,883.03

The Emergency Reserve Fund balance is $1,359,205.54 (not included above).
The PERS Contingency Fund balance is $851,625.51 (not included above).
The Library Fund balance is $4,782,725.56 (not included above).

5/12/20

Jamie Goldstein, City Manager — Date

5/12/20

Jim Malberg, City Treasurer — Date

Attachment: 5/8/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 8, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
95559	05/08/2020			AUTHENTIC APPROACH	$2,500.00
	Invoice	Date	Description		Amount
	11016	05/01/2020	BIA communication, marketing, social media management		$2,500.00
			1321 - Village-Wharf BIA		
95560	05/08/2020			AVENU MUNISERVICES	$5,134.70
	Invoice	Date	Description		Amount
	INV06-008708	04/24/2020	Quarterly district sales tax auditing service		$65.74
	INV06-008707	04/24/2020	Quarterly sales tax auditing services		$5,068.96
95561	05/08/2020			BEAR ELECTRICAL SOLUTIONS INC.	$646.80
	Invoice	Date	Description		Amount
	10159	03/31/2020	March traffic signal maintenance services - routine		$646.80
			1310 - Gas Tax		
95562	05/08/2020			BEN NOBLE URBAN AND REGIONAL PLANNING	$975.00
	Invoice	Date	Description		Amount
	1272	04/13/2020	March revisions to ADU ordinance		$975.00
			1313 - General Plan		
95563	05/08/2020			CALE AMERICA INC.	$3,176.71
	Invoice	Date	Description		Amount
	159105	03/31/2020	Bulk pay station receipt paper		$3,176.71
95564	05/08/2020			CALIFORNIA COAST UNIFORM COMPANY	$217.42
	Invoice	Date	Description		Amount
	7970	04/22/2020	536 uniform		$160.42
	7971	04/22/2020	Uniform tailoring		$32.00
	7972	04/22/2020	Uniform tailoring		$25.00
95565	05/08/2020			CALIFORNIA POLICE CHIEFS ASSOCIATION	$440.00
	Invoice	Date	Description		Amount
	15576	05/01/2020	Police Chiefs Association membership renewal		$440.00
95566	05/08/2020			CAROLYN FLYNN	$3,842.50
	Invoice	Date	Description		Amount
	CBF-04-2020	05/04/2020	Affordable housing program administration		$3,842.50
95567	05/08/2020			COMMUNITY ACTION BOARD	$385.50
	Invoice	Date	Description		Amount
	CAB041620	04/16/2020	March emergency housing assistance program reimbursement claim		$385.50
			5552 - Cap Hsg Succ- PI		

Attachment: 5/8/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 8, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95568	05/08/2020			DUDEK		$1,760.00
	Invoice	Date	Description		Amount	
	202002529	04/20/2020	Capitola Mall redevelopment EIR		$1,760.00	
95569	05/08/2020			GALLS LLC		$35.27
	Invoice	Date	Description		Amount	
	015362485	03/28/2020	Citation holder for uniform		$35.27	
95570	05/08/2020			GARDAWORLD		$22.00
	Invoice	Date	Description		Amount	
	20430063	03/31/2020	Armored vehicle service excess time		$22.00	
95571	05/08/2020			HOME DEPOT CREDIT SERVICES		$54.47
	Invoice	Date	Description		Amount	
	1620680	04/26/2020	Wharf deck screws		$54.47	
			1311 - Wharf			
95572	05/08/2020			JHS CONSULTING LLC		$1,518.75
	Invoice	Date	Description		Amount	
	1172	05/03/2020	Mall project management & environmental consulting		$1,518.75	
95573	05/08/2020			KATIE KELLY		$625.00
	Invoice	Date	Description		Amount	
	003	05/01/2020	BIA village ambassador		$625.00	
			1321 - Village-Wharf BIA			
95574	05/08/2020			KIMLEY HORN AND ASSOCIATES INC		$4,972.50
	Invoice	Date	Description		Amount	
	16314310	03/31/2020	March local hazard mitigation plan update		$4,972.50	
			1314 - Green Building Edu			
95575	05/08/2020			KING'S PAINT AND PAPER INC.		$229.61
	Invoice	Date	Description		Amount	
	A0296679	04/30/2020	Wharf decking paint		$117.07	
	A0296478	04/23/2020	Rust destroyer for wharf		$112.54	
			1311 - Wharf			
95576	05/08/2020			LABORMAX STAFFING		$2,968.44
	Invoice	Date	Description		Amount	
	26-121016	05/01/2020	Seasonal labor 4/25 - 5/1		$742.11	
	26-120625	04/17/2020	Seasonal labor 4/11 - 4/17		$742.11	
	26-120820	04/24/2020	Seasonal labor 4/18 - 4/24		$742.11	
	26-120442	04/10/2020	Seasonal labor 4/4 - 4/10		$742.11	

Attachment: 5/8/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 8, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95577	05/08/2020			LIUNA PENSION FUND		$985.60
	Invoice	Date	Description		Amount	
	DR0491	05/07/2020	April LIUNA pension dues		$985.60	
			1001 - Payroll Payables			
95578	05/08/2020			LP POLICE		$500.00
	Invoice	Date	Description		Amount	
	420LP31150	04/30/2020	LP Police plan fee (6 months)		$500.00	
95579	05/08/2020			MASTER MINDED DISTRIBUTION		$1,125.00
	Invoice	Date	Description		Amount	
	MMD13386	04/02/2020	N95 medical masks (250)		$1,125.00	
95580	05/08/2020			METRO MOBILE COMMUNICATIONS		$42.25
	Invoice	Date	Description		Amount	
	44523	04/30/2020	Holster swivel kit		$42.25	
95581	05/08/2020			MISSION LINEN SUPPLY		$215.36
	Invoice	Date	Description		Amount	
	512304857	04/22/2020	Corporation yard linen service		$91.50	
	512346272	04/29/2020	Corporation yard linen service		$123.86	
95582	05/08/2020			MOFFATT AND NICHOL		$34,746.79
	Invoice	Date	Description		Amount	
	750299	04/22/2020	Wharf design, permitting, groin & flume biological report		$34,746.79	
			1200 - Capital Improvement			
95583	05/08/2020			OUTDOOR SUPPLY HARDWARE		$462.85
	Invoice	Date	Description		Amount	
	A56214	04/20/2020	Batteries, tool box, knife set		$64.28	
	A57301	04/22/2020	Pesticide, hard hat, sun hat		$98.07	
	A57488	04/22/2020	Acrylic glaze City Hall sneeze guard		$141.69	
	A57713	04/22/2020	Drill, chain, s-hooks for City Hall sneeze guard		$48.01	
	A58324	04/23/2020	Wharf fasteners, deck screws		$110.80	
			1000 - General Fund	$352.05		
			1311 - Wharf	$110.80		
95584	05/08/2020			PALACE BUSINESS SOLUTIONS		$88.22
	Invoice	Date	Description		Amount	
	579577-0	04/30/2020	Hand soap, hanging folders, paper		$88.22	
95585	05/08/2020			PHIL ALLEGRI ELECTRIC INC.		$7,449.95
	Invoice	Date	Description		Amount	
	27292	04/28/2020	Jade St. park electrical poles, pole heads		$7,449.95	

Attachment: 5/8/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 8, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95586	05/08/2020			SAN LORENZO LUMBER		$94.46
	Invoice	Date	Description		Amount	
	55-0540363	04/27/2020	Sunglasses, hoe, shovel, rake		$94.46	
95587	05/08/2020			SANTA CRUZ COUNTY INFORMATION SERVICES		$633.68
	Invoice	Date	Description		Amount	
	SCC042720	04/27/2020	May Open Query SCAN charges		$633.68	
95588	05/08/2020			STAPLES ADVANTAGE		$83.83
	Invoice	Date	Description		Amount	
	8058171935	04/18/2020	Disinfecting wipes, label maker tape, headset band		$83.83	
95589	05/08/2020			THE EMBLEM AUTHORITY		$253.00
	Invoice	Date	Description		Amount	
	33066	04/22/2020	Explorer patches (100)		$253.00	
95590	05/08/2020			THE HOME DEPOT PRO		$5,313.26
	Invoice	Date	Description		Amount	
	541895462	03/19/2020	Assorted batteries, cleaner, enzyme digestant		$446.42	
	541895470	03/19/2020	Nitrile gloves, hand sanitizer, dispenser		$106.93	
	541895488	03/19/2020	Hand sanitizer, dispenser, nitrile gloves		$106.93	
	541895496	03/19/2020	Restroom supplies		$783.19	
	542149646	03/19/2020	Assorted batteries		$91.43	
	542218516	03/20/2020	Bleach towels, reinforced wipes		$782.60	
	542675087	03/23/2020	Batteries AAA		$30.07	
	543702070	03/30/2020	Bleach, reinforced wipes, hand sanitizer, disinfectant, gloves		$610.35	
	544433246	04/02/2020	Hand sanitizer		$51.54	
	544433253	04/02/2020	Hand sanitizer		$51.54	
	544433261	04/02/2020	Purell sanitizer, nitrile gloves		$106.93	
	544670466	04/03/2020	Hand sanitizer		$565.45	
	544670474	04/03/2020	Hand sanitizer		$565.45	
	547302976	04/21/2020	Janitorial supplies		$991.02	
	547496513	04/21/2020	Spray bottles		$23.41	
95591	05/08/2020			THE UPS STORE 0285		$76.30
	Invoice	Date	Description		Amount	
	00000012152	02/04/2020	Fingerprinting		$32.00	
	00000012027	01/15/2020	Document shipping		$12.30	
	00000010556	05/20/2019	Fingerprinting		$32.00	
95592	05/08/2020			UNITED PARCEL SERVICE		$61.65
	Invoice	Date	Description		Amount	
	0000954791170	04/25/2020	Document shipping		$55.85	
	0000954791160	04/18/2020	Document shipping		$5.80	

Attachment: 5/8/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 8, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95593	05/08/2020			UPEC LIUNA LOCAL 792		$1,140.00
	Invoice	Date	Description		Amount	
	UPEC040120	04/01/2020	April UPEC dues		$1,140.00	
			1001 - Payroll Payables			
95594	05/08/2020			California Onax Inc.		$1,707.15
	Invoice	Date	Description		Amount	
	19-0534	04/30/2020	1115 41st. Ave. sign deposit refund		$1,707.15	
95595	05/08/2020			Christine Herberg		$595.35
	Invoice	Date	Description		Amount	
	20-0098	04/21/2020	Refund ADU portion of project #20-0098		$595.35	
			1000 - General Fund	$567.00		
			1317 - Tech Fee	$28.35		
95596	05/08/2020			Shirley Flores-Munoz		$500.00
	Invoice	Date	Description		Amount	
	20-0009	05/05/2020	Tree deposit refund #20-0009		$500.00	
Type Check Totals:						$85,579.37
EFT						
936	05/06/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT		$296.08
	Invoice	Date	Description		Amount	
	0-860-254-752	05/06/2020	State taxes for employee final paychecks		$296.08	
			1001 - Payroll Payables			
937	05/06/2020			INTERNAL REVENUE SERVICE		$1,801.20
	Invoice	Date	Description		Amount	
	73466542	05/06/2020	Federal tax & Medicare for employee final paychecks		$1,801.20	
			1001 - Payroll Payables			
938	05/04/2020			CalPERS Health Insurance		$59,396.92
	Invoice	Date	Description		Amount	
	1001554918	05/04/2020	May health insurance		$59,396.92	
			1000 - General Fund	$2,835.12		
			1001 - Payroll Payables	$56,561.80		
939	05/08/2020			VOYA FINANCIAL		$688.20
	Invoice	Date	Description		Amount	
	050120	05/08/2020	457 contributions on employee final check		$688.20	
			1001 - Payroll Payables			
Type EFT Totals:						$62,182.40

Attachment: 5/8/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 8, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount

CITY - Main City Totals	Count	Total
Checks	38	$85,579.37
EFTs	4	$62,182.40
All	42	$147,761.77
WELLS - Payroll Totals		
Checks	0	$0.00
EFTs	86	$158,781.42
All	86	$158,781.42
Grand Totals:		
Checks	38	$85,579.37
EFTs	90	$220,963.82
All	128	$306,543.19

Attachment: 5/8/20 City Check Register (Approval of City Check Registers)

City main account checks dated May 15, 2020, numbered 95597 to 95660 plus 5 EFTs, totaling $158,203.16, and 2 library account checks, totaling $5,845.00, for a grand total of $164,048.16, have been reviewed and authorized for distribution by the City Manager.

As of May 15, 2020, the unaudited cash balance is $4,892,792.20.

CASH POSITION - CITY OF CAPITOLA

May 15, 2020

	Net Balance
General Fund	$ (997,210.55)
Payroll Payables	$ 88,809.57
Contingency Reserve Fund	$ 2,048,845.66
Facilities Reserve Fund	$ 475,150.72
Capital Improvement Fund	$ 2,277,367.62
Stores Fund	$ 53,371.44
Information Technology Fund	$ 246,796.14
Equipment Replacement	$ 394,482.92
Self-Insurance Liability Fund	$ 19,592.95
Workers' Comp. Ins. Fund	$ 241,286.54
Compensated Absences Fund	$ 44,299.19
TOTAL UNASSIGNED GENERAL FUNDS	$ 4,892,792.20

The Emergency Reserve Fund balance is $1,359,205.54 (not included above).
The PERS Contingency Fund balance is $851,625.51 (not included above).
The Library Fund balance is $4,776,828.50 (not included above).

Jamie Goldstein, City Manager — Date 5/20/20

Jim Malberg, City Treasurer — Date 5/15/20

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95597	05/15/2020			ADT SECURITY SERVICES INC.		$213.46
	Invoice	Date	Description		Amount	
	ADT042920	04/29/2020	May corporation yard & museum security monitoring		$213.46	
95598	05/15/2020			AMAZON CAPITAL SERVICES		$1,845.26
	Invoice	Date	Description		Amount	
	1Q6K-M47F-ND3X	05/10/2020	Cloth face masks (18)		$91.53	
	1RQ7-6L1C-LYP6	05/10/2020	Wireless keyboard		$43.59	
	1NVJ-NJRM-3NC6	05/02/2020	Brochure holder		$18.52	
	1LRV-NNH6-31TK	04/29/2020	4 hard drives and rack system		$1,660.02	
	1HJJ-DWQV-1QD7	05/02/2020	Brochure holder		$18.52	
	1Q6K-M47F-FJ4D	05/09/2020	Return wireless earbuds		($35.96)	
	1YWY-9TXH-XDHT	05/08/2020	Wireless earbuds		$49.04	
			1000 - General Fund	$141.65		
			2211 - ISF - Info Tech	$1,703.61		
95599	05/15/2020			AT&T		$9.09
	Invoice	Date	Description		Amount	
	ATT050120	05/01/2020	May long distance charges		$9.09	
			1000 - General Fund	$4.48		
			2211 - ISF - Info Tech	$4.61		
95600	05/15/2020			AXCIENT		$125.00
	Invoice	Date	Description		Amount	
	FY20INEFI045432	04/30/2020	April AppAssure storage		$125.00	
			2211 - ISF - Info Tech			
95601	05/15/2020			B & B SMALL ENGINE REPAIR		$1,002.64
	Invoice	Date	Description		Amount	
	443809	05/06/2020	Kombisystem, cordless string trimmer, pruner attachment		$1,002.64	
95602	05/15/2020			BOBBY'S PIT STOP INC.		$784.48
	Invoice	Date	Description		Amount	
	0368573	03/25/2020	2011 F250 AC repairs, TMPS sensor repairs		$784.48	
95603	05/15/2020			BURKE WILLIAMS AND SORENSEN LLP		$26,098.00
	Invoice	Date	Description		Amount	
	253745	04/28/2020	March city attorney COVID-19 services		$12,584.00	
	253744	04/28/2020	March city attorney labor negotiations services		$3,796.00	
	253743	04/28/2020	March city attorney public works services		$52.00	
	253742	04/28/2020	March city attorney planning services		$3,094.00	
	253740	04/28/2020	March city attorney labor and employment services		$3,192.00	
	253741	04/28/2020	March city attorney general services		$3,380.00	

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
95604	05/15/2020			CAPITOLA PEACE OFFICERS ASSOCIATION	$1,301.50
	Invoice	Date	Description	Amount	
	POA050820	05/08/2020	POA dues PPE 5/2/20	$1,301.50	
			1001 - Payroll		
95605	05/15/2020	VOIDED	05/15/2020	CHARTER COMMUNICATIONS	
	Invoice		Description	Amount	
	0000178050120		May internet service	$3,462.31	
			1000 - General Fund	$1,311.07	
			2211 - ISF - Info Tech	$2,151.24	
95606	05/15/2020			CLEAN BUILDING MAINTENANCE CO.	$3,719.13
	Invoice	Date	Description	Amount	
	24870	04/30/2020	April janitorial services	$3,719.13	
			1000 - General Fund	$3,453.63	
			1311 - Wharf	$265.50	
95607	05/15/2020			CODE PUBLISHING COMPANY INC	$359.50
	Invoice	Date	Description	Amount	
	66697	04/25/2020	Municipal code web update	$359.50	
95608	05/15/2020			CRYSTAL SPRINGS WATER CO.	$241.50
	Invoice	Date	Description	Amount	
	CSW043020	04/30/2020	April drinking water	$241.50	
95609	05/15/2020			D & G SANITATION	$119.90
	Invoice	Date	Description	Amount	
	271378	04/30/2020	Portable hand wash station rental - Esplanade	$119.90	
95610	05/15/2020			ELEVATOR SERVICE COMPANY INC.	$675.00
	Invoice	Date	Description	Amount	
	27739 J6641	04/24/2020	State compliance elevator inspection and service	$675.00	
95611	05/15/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT	$150.00
	Invoice	Date	Description	Amount	
	L18586832556-22	05/08/2020	Earning withholding order PPE 5/2/20	$150.00	
			1001 - Payroll		
95612	05/15/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT	$4,028.00
	Invoice	Date	Description	Amount	
	L0355772128	04/30/2020	January - March unemployment charges	$4,028.00	
			2213 -Self-Ins Liability		

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95613	05/15/2020			EQUITABLE		$2,688.68
	Invoice	Date	Description		Amount	
	110812	04/13/2020	May LTD, STD, AD&D, life, dependent life insurance		$2,688.68	
			1000 - General Fund	$83.77		
			1001 - Payroll	$2,604.91		
95614	05/15/2020			FASTENAL COMPANY		$20.07
	Invoice	Date	Description		Amount	
	CASAT56759	04/26/2020	Fleet fasteners		$20.07	
95615	05/15/2020			FERRARI FLORIST & GIFTS		$84.02
	Invoice	Date	Description		Amount	
	003455	04/30/2020	Flower arrangement		$84.02	
95616	05/15/2020			FIRST SECURITY		$382.50
	Invoice	Date	Description		Amount	
	IN-0039109	05/04/2020	May esplanade patrol service		$382.50	
95617	05/15/2020			FIRST SECURITY		$356.42
	Invoice	Date	Description		Amount	
	IN-0039108	05/04/2020	May skate park patrol service		$356.42	
95618	05/15/2020			FLYERS ENERGY LLC		$3,517.32
	Invoice	Date	Description		Amount	
	20-113452	05/08/2020	100 gallons diesel		$254.75	
	20-113451	05/08/2020	334 gallons gasoline		$1,145.83	
	20-109795	04/30/2020	305 gallons gasoline		$1,046.37	
	20-103209	04/16/2020	312 gallons gasoline		$1,070.37	
95619	05/15/2020			HOME DEPOT CREDIT SERVICES		$248.60
	Invoice	Date	Description		Amount	
	9610450	05/08/2020	Fiber discs, cutoff discs		$121.49	
	3610060	05/04/2020	Screwdrivers, screws		$27.13	
	8524789	05/09/2020	Graffiti cover up supplies		$67.31	
	9613717	04/18/2020	Weed wacker line		$32.67	
95620	05/15/2020			INTERSTATE BATTERY SYSTEM OF SAN JOSE		$129.57
	Invoice	Date	Description		Amount	
	50285169	04/27/2020	Specialty battery		$129.57	

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95621	05/15/2020			KBA Document Solutions LLC		$147.57
	Invoice	Date	Description		Amount	
	55Y1087634	05/06/2020	April City Hall copier usage charges		$76.45	
	55Y1086956	05/01/2020	April City Hall copier usage charges		$64.22	
	55Y1085504	04/29/2020	April recreation copier usage charges		$6.90	
			1000 - General Fund	$6.90		
			2211 - ISF - Info Tech	$140.67		
95622	05/15/2020			MBS BUSINESS SYSTEMS		$838.22
	Invoice	Date	Description		Amount	
	383344	03/27/2020	January - March PD copier usage charges		$838.22	
95623	05/15/2020			MID COUNTY AUTO SUPPLY		$730.55
	Invoice	Date	Description		Amount	
	MID-786726	05/05/2020	Trailer hitch		$203.70	
	MID-786610	05/05/2020	Tie rods, ball joints, control arm		$443.88	
	MID-777899	04/28/2020	Ceramic pads, hardware, rotors		$99.75	
	MID-496094C	12/23/2019	Return alternator, store credit		($32.20)	
	MID-618403	12/23/2019	Air filter		$15.42	
95624	05/15/2020			MILLER'S TRANSFER & STORAGE CO.		$189.50
	Invoice	Date	Description		Amount	
	92094	05/02/2020	May record storage		$189.50	
95625	05/15/2020			MISSION LINEN SUPPLY		$176.00
	Invoice	Date	Description		Amount	
	512391979	05/06/2020	Fleet linen service		$41.25	
	512346271	04/29/2020	Fleet linen service		$41.25	
	512391980	05/06/2020	Corporation yard linen service		$93.50	
95626	05/15/2020			MOFFATT AND NICHOL		$45,611.05
	Invoice	Date	Description		Amount	
	748800	02/24/2020	Wharf design & permitting, jetty specs, flume design/specs		$15,784.50	
	749289	03/17/2020	Wharf design, permitting, contingency, travel expenses		$29,826.55	
			1200 - Capital Impr			
95627	05/15/2020			MONRO INC.		$621.98
	Invoice	Date	Description		Amount	
	201785	03/25/2020	2008 F250 RF sensor labor		$122.19	
	201773	03/23/2020	2014 F250 tires		$499.79	

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95628	05/15/2020			OUTDOOR SUPPLY HARDWARE		$931.27
	Invoice	Date	Description		Amount	
	A61206	04/27/2020	Bulk fasteners		$20.06	
	A48911	04/06/2020	Sprayer, clean linen aerosol, odor eliminator		$38.08	
	A48920	04/06/2020	Hose, blades, tools, trowel, gloves		$223.61	
	A48953	04/06/2020	Broom, hose bibb nokink		$23.96	
	A50380	04/10/2020	Poly varnish brush		$6.53	
	A52605	04/14/2020	Sliding bolt, power strip		$40.31	
	A62075	04/28/2020	Acrylic glazing sheets, knife set,wood putty, carbide scriber		$244.96	
	A66496	05/04/2020	Primer sealer, paint		$148.10	
	A67594	05/05/2020	Rugged flex bib		$98.09	
	A67700	05/05/2020	Key blanks		$40.71	
	A68237	05/06/2020	Step drill		$46.86	
			1000 - General Fund	$924.74		
			1311 - Wharf	$6.53		
95629	05/15/2020			PDM STEEL SERVICE CENTERS INC.		$1,852.44
	Invoice	Date	Description		Amount	
	847994-01	04/15/2020	Tubing, strips		$673.58	
	847664-01	04/08/2020	Tubing, flats		$1,178.86	
95630	05/15/2020			PK SAFETY SUPPLY		$67.54
	Invoice	Date	Description		Amount	
	406783	03/31/2020	Hand sanitizer		$67.54	
95631	05/15/2020			SAN LORENZO LUMBER		$44.60
	Invoice	Date	Description		Amount	
	55-0541793	05/04/2020	Gloves		$44.60	
95632	05/15/2020			SANTA CRUZ COUNTY AUDITOR-CONTROLLEF		$5,164.00
	Invoice	Date	Description		Amount	
	SCC043020	05/04/2020	April citation processing		$5,164.00	

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95633	05/15/2020			SOQUEL CREEK WATER DISTRICT		$2,494.72
	Invoice	Date	Description		Amount	
	06-14476-00-2005	05/06/2020	06-14476-00 430 Kennedy Drive water service		$119.02	
	42-14952-00-2004	04/28/2020	42-14952-00 Cortez Park irrigation		$182.60	
	42-15297-00-2004	04/28/2020	42-15297-00 426 Capitola Ave irrigation		$125.63	
	42-15751-01-2004	04/28/2020	42-15751-01 2005 Wharf Road irrigation		$68.56	
	42-15969-00-2004	04/28/2020	42-15969-00 Lawn Way irrigation		$54.20	
	42-16122-00-2004	04/28/2020	42-16122-00 Esplanade fountain irrigation		$146.59	
	42-10504-00-2004	04/28/2020	42-10504-00 Cliff Drive irrigation		$54.20	
	42-11090-01-2004	04/28/2020	42-11090-01 Capitola Road irrigation		$125.63	
	42-11467-00-2004	04/28/2020	42-11467-00 Jade Street park irrigation		$420.77	
	42-11517-00-2004	04/28/2020	42-11517-00 41st Avenue irrigation		$125.63	
	42-14404.00-2004	04/28/2020	42-14404.00 Monterey Ave Nobel Gulch Park irrigation		$74.21	
	42-16130-00-2004	04/28/2020	42-16130-00 Wharf Road irrigation		$54.20	
	42-16136-00-2004	04/28/2020	42-16136-00 1400 Wharf Road irrigation		$105.75	
	42-16407-00-2004	04/28/2020	42-16407-00 Depot Hill		$57.14	
	34-18508-00-2004	04/29/2020	34-18508-00 1510 McGregor Drive water service		$43.61	
	42-14431-00-4002	04/28/2020	42-14431-00 Monterey Ave irrigation		$625.40	
	42-17688-00-2004	04/28/2020	42-17688-00 Lawn Way irrigation 2		$57.38	
	42-18238-00-2004	04/28/2020	42-18238-00 Capitola Road irrigation		$54.20	
			1000 - General Fund	$2,388.97		
			1311 - Wharf	$105.75		
95634	05/15/2020			SPRINT		$868.89
	Invoice	Date	Description		Amount	
	788070596-033	05/03/2020	April cell phone charges		$434.30	
	788070596-032	04/02/2020	March cell phone charges		$434.59	
95635	05/15/2020			STATE STEEL COMPANY		$812.50
	Invoice	Date	Description		Amount	
	126297	05/04/2020	Custom aluminum floor plate		$693.97	
	126236	03/27/2020	Custom sheet metal		$118.53	
95636	05/15/2020			SUSAN SNEDDON		$425.79
	Invoice	Date	Description		Amount	
	SS051120	05/11/2020	March - May remote election services		$425.79	

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95637	05/15/2020			THELMA FREEMAN		$130.00
	Invoice	Date	Description		Amount	
	0320	05/05/2020	Art and Music on the Beach postcard		$130.00	
95638	05/15/2020			TIRE CHOICE AUTO SERVICE CENTERS		$45.92
	Invoice	Date	Description		Amount	
	202054	04/26/2020	Tire service		$45.92	
95639	05/15/2020			TRANSPORTATION ALLIANCE BANK INC.		$380.72
	Invoice	Date	Description		Amount	
	656318	03/27/2020	Sweeper valve, air filters (2)		$380.72	
95640	05/15/2020			US BANK EQUIPMENT FINANCE		$481.78
	Invoice	Date	Description		Amount	
	413452947	05/01/2020	City Hall & Recreation copier leases		$481.78	
			1000 - General Fund	$25.80		
			2210 - ISF - Stores	$455.98		
95641	05/15/2020			US BANK EQUIPMENT FINANCE		$103.55
	Invoice	Date	Description		Amount	
	413452772	05/01/2020	Recreation copier lease		$103.55	
95642	05/15/2020			US BANK EQUIPMENT FINANCE		$288.85
	Invoice	Date	Description		Amount	
	413453457	05/01/2020	PD copier lease		$288.85	
95643	05/15/2020			US BANK PARS Acct 6746022400		$148.78
	Invoice	Date	Description		Amount	
	PARS050820	05/08/2020	PARS contributions PPE 5/2/20		$148.78	
			1001 - Payroll			
95644	05/15/2020			WATCHGUARD VIDEO		$341.07
	Invoice	Date	Description		Amount	
	CMINV0000408	04/16/2020	January - March cloud storage		$341.07	
			2211 - ISF - Info Tech			
95645	05/15/2020			Ana Marden		$77.65
	Invoice	Date	Description		Amount	
	2004918.002	05/08/2020	Refund class fees		$77.65	
95646	05/15/2020			Brandon Garrett		$20.50
	Invoice	Date	Description		Amount	
	2004901.002	04/28/2020	Refund class fees		$20.50	

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95647	05/15/2020			Carmen Gotliffe		$224.95
	Invoice	Date	Description		Amount	
	2004907.002	05/06/2020	Refund class fees		$224.95	
95648	05/15/2020			Cindy Sebastian		$360.00
	Invoice	Date	Description		Amount	
	2004924.002	05/09/2020	Refund class fees		$360.00	
95649	05/15/2020			Cissy Fitzsimmons		$58.50
	Invoice	Date	Description		Amount	
	2004921.002	05/08/2020	Refund class fees		$58.50	
95650	05/15/2020			Diane Weil		$54.08
	Invoice	Date	Description		Amount	
	2004925.002	05/11/2020	Refund class fees		$54.08	
95651	05/15/2020			Hannah Lyon		$120.94
	Invoice	Date	Description		Amount	
	2004777.002	04/03/2020	Refund class fees		$120.94	
95652	05/15/2020			Judy Christierson		$108.85
	Invoice	Date	Description		Amount	
	2004908.002	05/06/2020	Refund class fees		$108.85	
95653	05/15/2020			Natalain Schwartz		$148.60
	Invoice	Date	Description		Amount	
	2004909.002	05/08/2020	Refund class fees		$148.60	
95654	05/15/2020			Patricia Getchell		$68.00
	Invoice	Date	Description		Amount	
	2004917.002	05/07/2020	Refund class fees		$68.00	
95655	05/15/2020			Patty Hannegan		$56.57
	Invoice	Date	Description		Amount	
	2004919.002	05/08/2020	Refund class fees		$56.57	
95656	05/15/2020			Peggy Kenny		$77.65
	Invoice	Date	Description		Amount	
	2004920.002	05/08/2020	Refund class fees		$77.65	
95657	05/15/2020			Rosemarie Healy		$58.50
	Invoice	Date	Description		Amount	
	2004915.002	05/06/2020	Refund class fees		$58.50	

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95658	05/15/2020			Sharon Richards		$55.80
	Invoice	Date	Description		Amount	
	2004906.002	05/06/2020	Refund class fees		$55.80	
95659	05/15/2020			Tianfei Xu		$224.95
	Invoice	Date	Description		Amount	
	2004916.002	05/06/2020	Refund class fees		$224.95	
95660	05/15/2020			CHARTER COMMUNICATIONS		$3,462.31
	Invoice	Date	Description		Amount	
	0000178050120	05/01/2020	May internet service		$3,462.31	
			1000 - General Fund	$1,311.07		
			2211 - ISF - Info Tech	$2,151.24		
Type Check Totals:						$116,174.78
EFT						
940	05/11/2020			WELLS FARGO BANK		$783.72
	Invoice	Date	Description		Amount	
	WF051120	05/11/2020	May client analysis charges		$783.72	
941	05/12/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT		$7,395.69
	Invoice	Date	Description		Amount	
	0-519-252-512	05/12/2020	State taxes PPE 5/2/20		$7,395.69	
			1001 - Payroll			
942	05/11/2020			INTERNAL REVENUE SERVICE		$26,400.99
	Invoice	Date	Description		Amount	
	51791250	05/11/2020	Federal taxes and Medicare PPE 5/2/20		$26,400.99	
			1001 - Payroll			
943	05/12/2020			STATE DISBURSEMENT UNIT		$1,232.76
	Invoice	Date	Description		Amount	
	KQVLGUH6657	05/12/2020	Employee garnishments PPE 5/2/20		$1,232.76	
			1001 - Payroll			
944	05/12/2020			VOYA FINANCIAL		$6,215.22
	Invoice	Date	Description		Amount	
	050820	05/12/2020	457 contributions PPE 5/2/20		$6,215.22	
			1001 - Payroll			
Type EFT Totals:						$42,028.38

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 15, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
Library - Library						
Check						
194	05/15/2020			BOGARD CONSTRUCTION INC.		$4,980.00
	Invoice	Date	Description		Amount	
	160707-44	04/30/2020	Library construction project management services		$4,980.00	
			1360 - Library Fund			
195	05/15/2020			BUTANO GEOTECHNICAL ENGINEERING		$865.00
	Invoice	Date	Description		Amount	
	4759	05/08/2020	Library compaction testing, data entry - update dailies		$865.00	
			1360 - Library Fund			
Type Check Totals:						$5,845.00

	Count:	Total:
CITY - Main City Totals		
Checks	64	$116,174.78
EFTs	5	$42,028.38
All	69	$158,203.16
Library - Library Totals		
Checks	2	$5,845.00
EFTs	0	$0.00
All	2	$5,845.00
Grand Totals:		
Checks	66	$122,019.78
EFTs	5	$42,028.38
All	71	$164,048.16

Attachment: 5/15/20 City Check Register (Approval of City Check Registers)

City main account checks dated May 22, 2020, numbered 95661 to 95702 plus 1 EFT, totaling $87,211.33, 2 library account checks, totaling $715,064.29, and 90 payroll account EFTs, totaling $229,582.17, for a grand total of $1,031,857.79, have been reviewed and authorized for distribution by the City Manager.

As of May 22, 2020, the unaudited cash balance is $4,908,076.79.

CASH POSITION - CITY OF CAPITOLA

May 22, 2020

	Net Balance
General Fund	$ (1,080,515.79)
Payroll Payables	$ 190,340.75
Contingency Reserve Fund	$ 2,048,845.66
Facilities Reserve Fund	$ 475,150.72
Capital Improvement Fund	$ 2,274,548.42
Stores Fund	$ 53,249.29
Information Technology Fund	$ 246,796.14
Equipment Replacement	$ 394,482.92
Self-Insurance Liability Fund	$ 19,592.95
Workers' Comp. Ins. Fund	$ 241,286.54
Compensated Absences Fund	$ 44,299.19
TOTAL UNASSIGNED GENERAL FUNDS	$ 4,908,076.79

The Emergency Reserve Fund balance is $1,359,205.54 (not included above).
The PERS Contingency Fund balance is $889,385.95 (not included above).
The Library Fund balance is $4,923,799.50 (not included above).

6/1/20

Jamie Goldstein, City Manager — Date

5/27/20

Jim Malberg, City Treasurer — Date

Attachment: 5/22/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 22, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95661	05/19/2020			Benjamin Strock		$510.00
	Invoice	Date	Description		Amount	
	2004900.002	04/21/2020	Softball league refund		$510.00	
95662	05/22/2020			ADRIENNE HARRELL		$526.50
	Invoice	Date	Description		Amount	
	AH051820	05/18/2020	Instructor payment		$526.50	
95663	05/22/2020			AMAZON CAPITAL SERVICES		$482.32
	Invoice	Date	Description		Amount	
	1TVX-WMVH-9YLM	05/07/2020	DC charger		$14.85	
	1D34-Y6KJ-YDNH	05/17/2020	Silicone travel bottle sets (5)		$107.90	
	1FK3-LWW1-F4DJ	05/14/2020	No touch thermometers (2)		$159.11	
	1VF3-PWVH-GDNR	05/14/2020	Bulk hand sanitizer		$100.23	
	1VWP-6PTL-FFWV	05/12/2020	Bulk hand sanitizer		$100.23	
95664	05/22/2020			ARCHIVES & ARCHITECTURE LLC		$2,205.00
	Invoice	Date	Description		Amount	
	2005	04/03/2020	Wharf standards review		$2,205.00	
			1200 - Capital Improv			
95665	05/22/2020			ARMAND RUBY CONSULTING		$2,062.50
	Invoice	Date	Description		Amount	
	250102	05/08/2020	Soquel Creek pollution prevention consulting		$2,062.50	
95666	05/22/2020			B & B SMALL ENGINE REPAIR		$75.28
	Invoice	Date	Description		Amount	
	443241	04/30/2020	Trimmer line, starter cord, starter handle		$75.28	
95667	05/22/2020			BEAR ELECTRICAL SOLUTIONS INC.		$646.80
	Invoice	Date	Description		Amount	
	10373	04/30/2020	April traffic signal maintenance services - routine		$646.80	
			1310 - Gas Tax			
95668	05/22/2020			BEN'S MOTORCYCLE WORKS		$610.39
	Invoice	Date	Description		Amount	
	6728	05/07/2020	2019 BMW tires and service		$610.39	
95669	05/22/2020			CALE AMERICA INC.		$1,905.00
	Invoice	Date	Description		Amount	
	159190	04/30/2020	April active meters		$1,829.00	
	159127	04/26/2020	Parking meter programming		$76.00	

Attachment: 5/22/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 22, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95670	05/22/2020			CALIFORNIA COAST UNIFORM COMPANY		$37.49
	Invoice	Date	Description		Amount	
	7969	04/22/2020	535 uniform pants		$37.49	
95671	05/22/2020			DEMSEY FILLIGER & ASSOCIATES LLC		$4,000.00
	Invoice	Date	Description		Amount	
	20200517coc	05/17/2020	GASB 75 actuarial valuation		$4,000.00	
95672	05/22/2020			EWING IRRIGATION		$99.66
	Invoice	Date	Description		Amount	
	11578418	05/12/2020	Shovels, staples		$99.66	
95673	05/22/2020			FIRST SECURITY		$344.93
	Invoice	Date	Description		Amount	
	IN-0039086	05/04/2020	May community center foot patrol		$344.93	
95674	05/22/2020			GALLS LLC		$339.46
	Invoice	Date	Description		Amount	
	015574714	04/29/2020	Patrol bag		$107.04	
	015542359	04/24/2020	Posse boxes		$77.05	
	015502846	04/20/2020	Patrol latent print kit		$155.37	
95675	05/22/2020			GARDAWORLD		$209.67
	Invoice	Date	Description		Amount	
	10562401	05/01/2020	May armored vehicle service		$209.67	
95676	05/22/2020			HOME DEPOT CREDIT SERVICES		$242.72
	Invoice	Date	Description		Amount	
	9633838	05/08/2020	Corp yard shop supplies		$49.87	
	7621088	04/30/2020	Gorilla glue		$10.87	
	6643872	05/01/2020	Sandpaper, spackling, scraper tool		$18.67	
	2622956	05/15/2020	Hex bit socket set		$17.41	
	1633575	05/06/2020	Impact drill bit set		$30.47	
	0623238	05/17/2020	Wet patch, trowels		$115.43	
95677	05/22/2020			HUMBOLDT PETROLEUM LLC		$45.50
	Invoice	Date	Description		Amount	
	089113	04/30/2020	Vehicle car washes		$45.50	
95678	05/22/2020			INTERSTATE TRAFFIC CONTROL PRODUCTS		$1,201.75
	Invoice	Date	Description		Amount	
	238047	05/19/2020	Traffic cones (100)		$1,201.75	

Attachment: 5/22/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 22, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95679	05/22/2020			KIMLEY HORN AND ASSOCIATES INC		$614.20
	Invoice	Date	Description		Amount	
	16058800	02/29/2020	Roundabout PG&E coordination		$614.20	
			1200 - Capital Improv			
95680	05/22/2020			KING'S PAINT AND PAPER INC.		$151.02
	Invoice	Date	Description		Amount	
	A0297182	05/14/2020	Graffiti cover up supplies		$151.02	
95681	05/22/2020			LUXLAUNDER		$710.19
	Invoice	Date	Description		Amount	
	LL043020	04/30/2030	April PD mat cleaning		$98.56	
	LL04302020	05/01/2020	April uniform cleaning		$611.63	
95682	05/22/2020			MASTER CLEANERS		$256.56
	Invoice	Date	Description		Amount	
	04302020	04/29/2020	April uniform cleaning		$256.56	
95683	05/22/2020			METRO MOBILE COMMUNICATIONS		$707.32
	Invoice	Date	Description		Amount	
	44537	05/11/2020	Helmet and install kit		$707.32	
			1300 - Supl Law Enfc			
95684	05/22/2020			PACIFIC GAS & ELECTRIC		$10,967.24
	Invoice	Date	Description		Amount	
	PGE051420-acct9	05/14/2020	May gas & electricity		$10,967.24	
			1000 - General Fund	$3,502.12		
			1300 - Supl Law Enfc	$99.65		
			1310 - Gas Tax	$6,394.96		
			1311 - Wharf	$970.51		
95685	05/22/2020			PALACE BUSINESS SOLUTIONS		$239.67
	Invoice	Date	Description		Amount	
	580522-0	05/13/2020	Spray bottle		$7.41	
	580102-0	05/06/2020	PD break room supplies		$33.10	
	579820-0	05/04/2020	PD break room supplies		$77.01	
	580742-0	05/15/2020	Folders, paper, envelopes, labels, glue, note pads		$122.15	
			1000 - General Fund	$117.52		
			2210 - ISF - Stores	$122.15		

Attachment: 5/22/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 22, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95686	05/22/2020			PK SAFETY SUPPLY		$1,141.67
	Invoice	Date	Description		Amount	
	408780	05/08/2020	N95 respirators		$569.42	
	408534	05/05/2020	Disposable masks		$572.25	
95687	05/22/2020			REPUBLIC SERVICES		$763.71
	Invoice	Date	Description		Amount	
	5127-000035363	05/15/2020	Removal of wharf pilings		$763.71	
			1311 - Wharf			
95688	05/22/2020			ROYAL WHOLESALE ELECTRIC		$10.46
	Invoice	Date	Description		Amount	
	7719-658950	05/15/2020	Gloves		$10.46	
95689	05/22/2020			SANDY MARRUJO		$263.25
	Invoice	Date	Description		Amount	
	SM051820	05/18/2020	Instructor payment		$263.25	
95690	05/22/2020			SERVPRO OF SANTA CRUZ		$194.41
	Invoice	Date	Description		Amount	
	1300	05/15/2020	Biohazard cleanup vehicle #182		$194.41	
95691	05/22/2020			STAPLES ADVANTAGE		$47.94
	Invoice	Date	Description		Amount	
	8058291954	05/02/2020	PD office supplies		$47.94	
95692	05/22/2020			THE HOME DEPOT PRO		$952.86
	Invoice	Date	Description		Amount	
	549420933	05/05/2020	Janitorial supplies		$952.86	
95693	05/22/2020			UNITED PARCEL SERVICE		$35.35
	Invoice	Date	Description		Amount	
	0000954791180	05/02/2020	Document shipping		$35.35	
95694	05/22/2020			WE ALL RIDE SANTA CRUZ		$56.11
	Invoice	Date	Description		Amount	
	4165390	05/14/2020	Motorcycle cleaning supplies		$56.11	
95695	05/22/2020			WEBER HAYES & ASSOCIATES INC.		$1,200.00
	Invoice	Date	Description		Amount	
	12516	11/26/2019	Brookvale drainage repair site inspection and review		$1,200.00	

Attachment: 5/22/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 22, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95696	05/22/2020			WESTERN EXTERMINATOR COMPANY		$128.00
	Invoice	Date	Description		Amount	
	8008213	04/30/2020	City Hall rodent control		$64.00	
	8008214	04/30/2020	Turnouts rodent control		$64.00	
95697	05/22/2020			ZEP SALES & SERVICE		$221.63
	Invoice	Date	Description		Amount	
	9005162200	05/07/2020	Graffiti cover up supplies		$221.63	
95698	05/22/2020			Christine Price		$198.79
	Invoice	Date	Description		Amount	
	2004927.002	05/18/2020	Refund class fees		$198.79	
95699	05/22/2020			Deirdre McRobie		$150.80
	Invoice	Date	Description		Amount	
	2004611.002	03/25/2020	Refund class fees		$150.80	
95700	05/22/2020			Ilene Hertz		$58.50
	Invoice	Date	Description		Amount	
	2004929.002	05/18/2020	Refund class fees		$58.50	
95701	05/22/2020			Rosemary McCoy		$58.50
	Invoice	Date	Description		Amount	
	2004930.002	05/18/2020	Refund class fees		$58.50	
95702	05/22/2020			Sheila Burt		$68.66
	Invoice	Date	Description		Amount	
	2004928.002	05/18/2020	Refund class fees		$68.66	
Type Check Totals:						$34,741.81
EFT						
945	05/22/2020			CalPERS Member Services Division		$52,469.52
	Invoice	Date	Description		Amount	
	1001568737-42	05/22/2020	PERS contributions PPE 5/2/20		$52,469.52	
			1000 - General Fund	($0.18)		
			1001 - Payroll Payables	$52,469.70		
Type EFT Totals:						$52,469.52

City of Capitola

City Checks Issued May 22, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
Library - Library						
Check						
196	05/22/2020			JOHN F OTTO INC ESCROW NO 02-701154		$35,753.21
	Invoice	Date	Description		Amount	
	13537	05/19/2020	April library construction retainer		$35,753.21	
			1360 - Library			
197	05/22/2020			OTTO CONSTRUCTION INC.		$679,311.08
	Invoice	Date	Description		Amount	
	13537	05/19/2020	April library construction services		$679,311.08	
			1360 - Library			
Type Check Totals:						$715,064.29

	Count	Total
CITY - Main City Totals		
Checks	42	$34,741.81
EFTs	1	$52,469.52
All	43	$87,211.33
Library - Library Totals		
Checks	2	$715,064.29
EFTs	0	$0.00
All	2	$715,064.29
WELLS - Payroll Totals		
Checks	0	$0.00
EFTs	90	$229,582.17
All	90	$229,582.17
Grand Totals:		
Checks	44	$749,806.10
EFTs	91	$282,051.69
All	135	$1,031,857.79

Attachment: 5/22/20 City Check Register (Approval of City Check Registers)

City main account checks dated May 29, 2020, numbered 95703 to 95752 plus 6 EFTs, totaling $192,286.49, and 2 library account checks, totaling $8,566.12, for a grand total of $200,852.61, have been reviewed and authorized for distribution by the City Manager.

As of May 29, 2020, the unaudited cash balance is $5,329,539.37.

CASH POSITION - CITY OF CAPITOLA

May 29, 2020

		Net Balance
General Fund	$	(498,964.21)
Payroll Payables	$	59,475.69
Contingency Reserve Fund	$	2,048,845.66
Facilities Reserve Fund	$	475,150.72
Capital Improvement Fund	$	2,252,175.28
Stores Fund	$	53,046.60
Information Technology Fund	$	240,148.03
Equipment Replacement	$	394,482.92
Self-Insurance Liability Fund	$	19,592.95
Workers' Comp. Ins. Fund	$	241,286.54
Compensated Absences Fund	$	44,299.19
TOTAL UNASSIGNED GENERAL FUNDS	$	5,329,539.37

The Emergency Reserve Fund balance is $1,359,205.54 (not included above).
The PERS Contingency Fund balance is $889,385.95 (not included above).
The Library Fund balance is $4,915,233.38 (not included above).

6/1/20

Jamie Goldstein, City Manager — Date

5/29/20

Jim Malberg, City Treasurer — Date

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95703	05/23/2020			WELLS FARGO BANK		$10,160.67
	Invoice	Date	Description		Amount	
	WF050320	05/03/2020	April credit card purchases		$10,160.67	
			Purchases over $500 threshold:			
			Signs for beach closure	$1,600.00		
			Signs for beach closure	$1,650.00		
			Desktop computers	$1,602.57		
			Laptops for remote work	$1,936.04		
			Laptops for remote work	$2,503.80		
			1000 - General Fund	$3,683.88		
			2211 - ISF - Info Tech	$6,476.79		
95704	05/29/2020			AFLAC		$1,444.18
	Invoice	Date	Description		Amount	
	870395	05/25/2020	May supplemental insurance		$1,444.18	
			1001 - Payroll			
95705	05/29/2020			AMAZON CAPITAL SERVICES		$323.68
	Invoice	Date	Description		Amount	
	131P-LJDY-13HD	05/21/2020	Printer toner		$95.80	
	1DK6-6XLL-16JP	05/20/2020	Headphones		$14.70	
	191D-63KM-FHN9	05/24/2020	Re-usable travel bottles		$38.80	
	1K7P-NR4J-P3DV	05/24/2020	No contact thermometers		$174.38	
			1000 - General Fund	$213.18		
			2211 - ISF - Info Tech	$110.50		
95706	05/29/2020			AT&T/CALNET 3		$593.60
	Invoice	Date	Description		Amount	
	000014754895	05/13/2020	May telephone service		$593.60	
			1000 - General Fund	$547.54		
			2211 - ISF - Info Tech	$46.06		
95707	05/29/2020			AT&T/CALNET 3		$747.88
	Invoice	Date	Description		Amount	
	000014755563	05/13/2020	May T-1 access		$747.88	
95708	05/29/2020			AXCIENT		$0.25
	Invoice	Date	Description		Amount	
	FY19INEFI028040	09/01/2019	Finance charge		$0.25	
			2211 - ISF - Info Tech			

Attachment: 5/29/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95709	05/29/2020			B & B SMALL ENGINE REPAIR		$338.94
	Invoice	Date	Description		Amount	
	440637	03/25/2020	Mower blade		$93.92	
	444987	05/19/2020	Tree pruner, saw blade, carabiners, pulley		$245.02	
95710	05/29/2020			BAY PHOTO LAB		$54.20
	Invoice	Date	Description		Amount	
	15498508	03/16/2020	Museum digital capture of painting		$54.20	
95711	05/29/2020			CAPITOLA PEACE OFFICERS ASSOCIATION		$1,301.50
	Invoice	Date	Description		Amount	
	POA052220	05/22/2020	POA dues PPE 5/16/20		$1,301.50	
			1001 - Payroll			
95712	05/29/2020			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY		$666.50
	Invoice	Date	Description		Amount	
	2807	05/21/2020	April televised meetings		$666.50	
95713	05/29/2020			DISCOVERY BENEFITS		$0.70
	Invoice	Date	Description		Amount	
	0000015411	05/12/2020	May COBRA adjustment		$0.70	
95714	05/29/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT		$150.00
	Invoice	Date	Description		Amount	
	L1858684256-23	05/22/2020	Employee earnings withholding order PPE 5/16/20		$150.00	
			1001 - Payroll			
95715	05/29/2020			EWING IRRIGATION		$65.42
	Invoice	Date	Description		Amount	
	11674248	05/22/2020	PVC, purple primer		$14.91	
	11674222	05/22/2020	PVC fittings		$50.51	
95716	05/29/2020			FIRST ALARM		$215.16
	Invoice	Date	Description		Amount	
	541789	05/15/2020	Community Center quarterly intrusion system monitoring		$215.16	
95717	05/29/2020			FLYERS ENERGY LLC		$2,695.62
	Invoice	Date	Description		Amount	
	20-120400	05/21/2020	125 gallons diesel		$330.27	
	20-120399	05/21/2020	304 gallons gasoline		$962.20	
	20-116606	05/14/2020	409 gallons gasoline		$1,403.15	

Attachment: 5/29/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95718	05/29/2020			GINA ENRIQUEZ		$3,088.80
	Invoice	Date	Description		Amount	
	GE052620	05/26/2020	Instructor payment		$3,088.80	
95719	05/29/2020			HOME DEPOT CREDIT SERVICES		$586.33
	Invoice	Date	Description		Amount	
	3034881	05/14/2020	Nuts, bolts		$2.30	
	2622936	05/15/2020	Spray paint, gloves		$24.83	
	1054764	05/06/2020	Hack saw, blades		$225.50	
	9525644	05/18/2020	Wet patch, taping knives		$90.38	
	5611990	05/22/2020	Lightning chargers, lightning cable		$70.85	
	8012254	05/19/2020	Mortar tub, sakrete, bucket, trowel, anvil, cement		$94.10	
	5630420	05/22/2020	Weed wacker blade, scraper grip, weed wacker line, goggles		$78.37	
95720	05/29/2020			HUMBOLDT PETROLEUM LLC		$13.00
	Invoice	Date	Description		Amount	
	089146	05/15/2020	May car wash service		$13.00	
95721	05/29/2020			InnerWorkings		$749.75
	Invoice	Date	Description		Amount	
	5276074-1	05/26/2020	Parking violation tickets		$749.75	
95722	05/29/2020			INTERSTATE TRAFFIC CONTROL PRODUCTS		$688.28
	Invoice	Date	Description		Amount	
	238046	05/19/2020	Wood barricades (20)		$688.28	
95723	05/29/2020			KBA Document Solutions LLC		$14.51
	Invoice	Date	Description		Amount	
	55Y1088894	05/13/2020	May copier usage charges		$14.51	
			2211 - ISF - Info Tech			
95724	05/29/2020			KIMLEY HORN AND ASSOCIATES INC		$19,916.39
	Invoice	Date	Description		Amount	
	097763118-0220	03/24/2020	Traffic signal adaptive control CalTrans coordination, expenses		$2,455.49	
	097763118-0320	04/15/2020	Traffic signal adaptive control CalTrans coordination, expenses		$1,770.36	
	16189556	02/29/2020	Capitola Avenue sidewalk improvements		$15,690.54	
			1200 - Capital Impr			
95725	05/29/2020			LABORMAX STAFFING		$3,477.30
	Invoice	Date	Description		Amount	
	26-121399	05/15/2020	Seasonal labor 5/9 - 5/15		$1,159.10	
	26-121587	05/22/2020	Seasonal labor 5/16 - 5/22		$1,159.10	
	26-121213	05/08/2020	Seasonal labor 5/2 - 5/8		$1,159.10	

Attachment: 5/29/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95726	05/29/2020			LIUNA PENSION FUND		$985.60
	Invoice	Date	Description		Amount	
	DR0492	05/22/2020	May LIUNA pension dues		$985.60	
			1001 - Payroll			
95727	05/29/2020			MID COUNTY AUTO SUPPLY		$204.61
	Invoice	Date	Description		Amount	
	MID-806473	05/20/2020	Coolant		$77.70	
	MID-806463	05/20/2020	Coolant		$77.70	
	MID-805688	05/20/2020	Brass fittings, heater hose		$7.00	
	MID-800539	05/15/2020	Coolant overhaul kit		$16.95	
	MID-799147	05/14/2020	High heat auto repair paint		$25.26	
95728	05/29/2020			MISSION LINEN SUPPLY		$411.30
	Invoice	Date	Description		Amount	
	512482809	05/20/2020	Fleet linen service		$41.25	
	512438699	05/13/2020	Fleet linen service		$41.25	
	512482810	05/20/2020	Corp. yard linen service, mats, towels		$138.25	
	512438700	05/13/2020	Corp yard linen service, towels		$190.55	
95729	05/29/2020			OUTDOOR SUPPLY HARDWARE		$290.71
	Invoice	Date	Description		Amount	
	A83783	05/26/2020	Concrete patching supplies		$197.77	
	A79930	05/22/2020	Valve, adapters, brass pipe		$24.79	
	A78243	05/19/2020	Monograms		$5.00	
	A78115	05/19/2020	Spool insert		$35.94	
	A73370	05/12/2020	Masking tape, marking spray		$27.21	
95730	05/29/2020			PALACE BUSINESS SOLUTIONS		$202.69
	Invoice	Date	Description		Amount	
	578829-0	04/22/2020	Headset		$22.73	
	C580389-0	05/13/2020	Return headset		($22.73)	
	581066-0	05/20/2020	Paper, protector sheets		$202.69	
			2210 - ISF - Stores			
95731	05/29/2020			PARS		$137.50
	Invoice	Date	Description		Amount	
	45374	05/11/2020	2019 PARS fees		$137.50	
95732	05/29/2020			PHOENIX GROUP INFORMATION SYSTEMS		$2,551.70
	Invoice	Date	Description		Amount	
	042020070	05/15/2020	April citation processing		$2,551.70	

Attachment: 5/29/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95733	05/29/2020			PREFERRED BENEFIT INSURANCE ADMIN.		$5,564.10
	Invoice	Date	Description		Amount	
	EIA32557	05/01/2020	May dental and vision insurance		$5,564.10	
			1000 - General Fund			
			1001 - Payroll			
95734	05/29/2020			PROFORCE LAW ENFORCEMENT		$1,890.00
	Invoice	Date	Description		Amount	
	408311	04/24/2020	Tasers (5) with 4-year extended warranty		$1,890.00	
			1300 - Supl Law Enfc			
95735	05/29/2020			RDO EQUIPMENT CO.		$154.86
	Invoice	Date	Description		Amount	
	P0925739	03/25/2020	Bowl, drain valve, filter elements		$154.86	
95736	05/29/2020			SAN LORENZO LUMBER		$24.51
	Invoice	Date	Description		Amount	
	55-0547151	05/26/2020	Safety glasses		$24.51	
95737	05/29/2020			SANTA CRUZ COUNTY-CLERK OF THE BOARD		$2,456.75
	Invoice	Date	Description		Amount	
	SCC052820	05/28/2020	Wharf CEQA notice of determination filing fees		$2,456.75	
			1200 - Capital Impr			
95738	05/29/2020			SANTA CRUZ SENTINEL		$924.80
	Invoice	Date	Description		Amount	
	0001249698	04/30/2020	April public notices		$924.80	
95739	05/29/2020			SOQUEL CREEK WATER DISTRICT		$1,731.46
	Invoice	Date	Description		Amount	
	08-15299-00-2005	05/19/2020	08-15299-00 Monterey Ave		$414.10	
	08-15562-00-2005	05/19/2020	08-15562-00 Cliff and Fair View water service		$40.40	
	09-15964-00-2005	05/19/2020	09-15964-00 Monterey Ave Esplanade		$905.03	
	13-10919-00-2005	05/21/2020	13-10919-00 2000 Wharf Road water service		$40.40	
	10-16317-00-2005	05/19/2020	10-16317-00 420 Capitola Ave water service		$183.05	
	10-16315-00-2005	05/19/2020	10-16315-00 504 Beulah irrigation		$57.35	
	10-16316-00-2005	05/19/2020	10-16316-00 426 Capitola Avenue water service		$91.13	
95740	05/29/2020			STAPLES ADVANTAGE		$64.30
	Invoice	Date	Description		Amount	
	8058356256	05/09/2020	Logitech mouse and keyboard		$64.30	

Attachment: 5/29/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95741	05/29/2020			T MOBILE		$193.65
	Invoice	Date	Description		Amount	
	20200420	04/21/2020	April cell phone usage		$193.65	
95742	05/29/2020			THE HOME DEPOT PRO		$954.68
	Invoice	Date	Description		Amount	
	551845522	05/19/2020	Nitrile gloves		$106.93	
	551208531	05/15/2020	Janitorial supplies		$847.75	
95743	05/29/2020			TRANSPORTATION ALLIANCE BANK INC.		$1,347.96
	Invoice	Date	Description		Amount	
	657239	05/14/2020	Sweeper filaments, G.B. set		$1,347.96	
			1310 - Gas Tax			
95744	05/29/2020			UNITED WAY OF SANTA CRUZ COUNTY		$35.00
	Invoice	Date	Description		Amount	
	UW052220	05/22/2020	May United Way contributions		$35.00	
			1001 - Payroll			
95745	05/29/2020			UPEC LIUNA LOCAL 792		$1,092.50
	Invoice	Date	Description		Amount	
	UPEC050120	05/22/2020	May UPEC dues		$1,092.50	
			1001 - Payroll			
95746	05/29/2020			US BANK PARS Acct 6746022400		$201.02
	Invoice	Date	Description		Amount	
	PARS052220	05/22/2020	PARS contributions PPE 5/16/20		$201.02	
			1001 - Payroll			
95747	05/29/2020			VERIZON WIRELESS		$3,016.87
	Invoice	Date	Description		Amount	
	9854346624	05/10/2020	May telephone charges		$3,016.87	
95748	05/29/2020			Adrianna Giannola		$36.00
	Invoice	Date	Description		Amount	
	300124785	04/29/2020	Citation refund		$36.00	
95749	05/29/2020			Andrea Jordan Porras		$96.00
	Invoice	Date	Description		Amount	
	300123882	04/27/2020	Citation refund		$96.00	

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
95750	05/29/2020			Dania Moss		$96.19
	Invoice	Date	Description		Amount	
	2004936.002	05/22/2020	Refund class fees		$96.19	
95751	05/29/2020			Scott Lorne or Briana Fields		$10.00
	Invoice	Date	Description		Amount	
	249140	04/28/2020	Citation dismissed		$10.00	
95752	05/29/2020			Theresa Gonzales		$86.00
	Invoice	Date	Description		Amount	
	233124553	04/27/2020	Citation refund		$86.00	
Type Check Totals:						$72,053.42
EFT						
946	05/27/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT		$13,007.47
	Invoice	Date	Description		Amount	
	1-650-481-696	05/27/2020	State taxes PPE 5/16/20		$13,007.47	
			1001 - Payroll			
947	05/26/2020			INTERNAL REVENUE SERVICE		$44,228.49
	Invoice	Date	Description		Amount	
	72289387	05/26/2020	Federal taxes and Medicare PPE 5/16/20		$44,228.49	
			1001 - Payroll			
948	05/28/2020			CalPERS Member Services Division		$50,439.26
	Invoice	Date	Description		Amount	
	1001570684-7	05/28/2020	PERS contributions PPE 5/16/20		$50,439.26	
			1000 - General Fund	($0.19)		
			1001 - Payroll	$50,439.45		
949	05/26/2020			STATE DISBURSEMENT UNIT		$1,232.76
	Invoice	Date	Description		Amount	
	BHZ7DST6657	05/26/2020	Garnishments PPE 5/16/20		$1,232.76	
			1001 - Payroll			
950	05/27/2020			VOYA FINANCIAL		$11,190.09
	Invoice	Date	Description		Amount	
	052220	05/27/2020	457 contributions PPE 5/16/20		$11,190.09	
			1001 - Payroll			
951	05/26/2020			DISCOVERY BENEFITS		$135.00
	Invoice	Date	Description		Amount	
	0001153258-IN	04/30/2020	April COBRA and FSA		$135.00	

Attachment: 5/29/20 City Check Register (Approval of City Check Registers)

City of Capitola

City Checks Issued May 29, 2020

Check Number	Invoice Number	Invoice Date	Description	Payee Name		Transaction Amount
Type EFT Totals:						$120,233.07
Library - Library						
Check						
198	05/29/2020			BOGARD CONSTRUCTION INC.		$5,340.00
	Invoice	Date	Description		Amount	
	160707-43	03/31/2020	March library project management services		$5,340.00	
			1360 - Library			
199	05/29/2020			CONSOLIDATED ENGINEERING LABORATORIES		$3,226.12
	Invoice	Date	Description		Amount	
	174235	04/27/2020	Library construction inspection & materials testing		$3,226.12	
			1360 - Library			
Type Check Totals:						$8,566.12

CITY - Main City Totals	Count	Total
Checks	50	$72,053.42
EFTs	6	$120,233.07
All	56	$192,286.49
Library - Library Totals		
Checks	2	$8,566.12
EFTs	0	$0.00
All	2	$8,566.12
Grand Totals:		
Checks	52	$80,619.54
EFTs	6	$120,233.07
All	58	$200,852.61

Attachment: 5/29/20 City Check Register (Approval of City Check Registers)

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: City Manager Department

SUBJECT: Consider a Resolution Calling the Election for November 3, 2020

RECOMMENDED ACTION: Adopt a Resolution ordering an election, requesting Santa Cruz County Elections to conduct the election, and requesting consolidation of the Presidential General Election in the City of Capitola on Tuesday, November 3, 2020.

BACKGROUND/DISCUSSION: Capitola Municipal Code Chapter 1.30 requires general municipal elections to be held on the same day as statewide general elections. The 2020 election will be held in Capitola on Tuesday, November 3, 2020. The purpose of the 2020 General Municipal Election will be to elect two members of the City Council for the full term of four years. An information sheet regarding the offices to be filled and nomination procedure is included as Attachment 1.

The City's elections have traditionally been consolidated with other local elections and conducted by Santa Cruz County Elections Department, at the City's request. The County requires that the City Council adopt a resolution ordering an election, requesting consolidation, and requesting County Elections to conduct the election. The City must also publish a Notice of Election between June 29 and July 13, 2020.

Following Council direction given on June 11, 2020, the City will not be submitting any measures to be voted on in the November 3, 2020 election.

FISCAL IMPACT: The County estimates that costs for the consolidated election will be up to $2.50 per voter.

ATTACHMENTS:

1. Capitola General Municipal Election info sheet (PDF)

Report Prepared By: Chloe Woodmansee
Interim City Clerk

Call the November 3, 2020, Election
June 25, 2020

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/18/2020

Call the November 3, 2020, Election
June 25, 2020

RESOLUTION NO. ----

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ORDERING AN ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE GENERAL MUNICIPAL ELECTION IN THE CITY OF CAPITOLA ON TUESDAY, NOVEMBER 3, 2020

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any City may by Resolution request the Board of Supervisors of the County to permit the County Elections Official to render specified services to the City relating to the conduct of an election; and

WHEREAS, the Resolution of the governing body of the City shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the City shall reimburse the County in full for the services performed upon presentation of a bill to the City; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional District, Public District, City, County, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot, acknowledging that the consolidation election will be held and conducted in the manner prescribed in Section 10418. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or special election, or the election held pursuant to Section 1302 or 1303, as applicable.

WHEREAS, the Resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the Ordinance, Resolution, or order calling the election; and

WHEREAS, various District, County, State and other political subdivision elections may be or have been called to be held on November 3, 2020; and

Call the November 3, 2020, Election
June 25, 2020

WHEREAS, the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this Resolution; and

WHEREAS, the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council of the City of Capitola hereby orders an election be called and consolidated with any and all elections also called to be held on November 3, 2020, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Capitola and requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Sections 10401, 10403 and 10418.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the City Council of the City of Capitola hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services; and

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department conduct the election for the following offices to be voted on at the November 3, 2020, election:

Seats Open	Office	Term
Two (2)	Member of the City Council	Four (4) Years

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 25th day of June, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kristen Petersen, Mayor

ATTEST:

_____
Chloé Woodmansee, Interim City Clerk

Capitola General Municipal Election

The City of Capitola will hold its General Municipal Election concurrently with the November 3, 2020, statewide election. Two of the five City Council at-large seats are up for election. These are currently held by:

- Kristen Petersen
- Ed Bottorff (cannot run again; termed out)

Terms are for four years, from December 2020 through December 2024. Council members can only hold office for two consecutive terms before “terming out”.

The nomination period runs from **July 13 to August 7, 2020.** Candidates for City office must be nominated by not less than 20 nor more than 30 Capitola voters. Nomination documents are obtained from and filed with the City Clerk. The nomination papers include an affidavit of the nominee (candidate) stating that he or she will accept the office if elected.

If you would like to run for a Council seat, please **schedule an appointment** to receive and review the required paperwork. Candidates must be registered voters of the City at the time they pull nomination papers. Please provide your name and address as it appears on your voter registration at the time you make an appointment, so that staff can confirm qualifications and prepare nomination documents.

Potential candidates who wish to raise or spend money must also file paperwork with the Fair Political Practices Commission (FPPC) **before** taking any financial action, even if no other papers have been filed. The City will be using NetFile, and electronic filing resource, to file campaign reports for this election cycle. Capitola has a $200 per person limit on campaign contributions.

Information and links are available on Capitola’s website, CityofCapitola.org

Important Dates:
June 29: Virtual Candidate Information Meeting
August 7: Last day to turn in nomination papers
September 16 (tentative): City Council Candidates’ Orientation
October (date TBD): Chamber of Commerce Candidates’ Forum

Please call ahead or email to make an appointment.

Interim City Clerk, Chloé Woodmansee
cwoodmansee@ci.capitola.ca.us
(831) 475-7300, ext. 220

CAPITOLA CITY COUNCIL
AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: City Manager Department

SUBJECT: Consider a Resolution Amending the Hourly and Seasonal Pay Schedule

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RECOMMENDED ACTION: Adopt the proposed resolution amending the Hourly/Seasonal Pay Schedule and creating a Camp Capitola Assistant Coordinator position.

BACKGROUND: The City's hourly and seasonal employees primarily work in the Recreation Division, but also include part-time positions such as interns, reserve officers, and annuitant officers which are employed by other departments. Seasonal and hourly employees work either part-time or on a seasonal basis and are not considered regular employees. Part-time, seasonal, positions are not represented by any labor union and are not subject to any existing memorandum of understanding. For this reason, any wage increases are done by separate City Council action.

DISCUSSION: The City Council adjusted the Hourly and Seasonal Employees Pay Schedule in November 2019. Staff inadvertently failed to include a Camp Capitola position change in the proposed update.

The Recreation Division is requesting a position change for the Camp Capitola program. In the past, the position has been a Camp Capitola Junior Leader Coordinator. The primary duty of that position was to supervise the Junior Leader Program. Recreation staff believes that eliminating the Junior Leader Coordinator position and adding a new Camp Assistant Coordinator position will better serve the Division. The Assistant Coordinator position will continue to supervise the Junior Leader Program and will additionally assist in planning and coordination of daily activities and field trips. The position will replace the Junior Leader Coordinator and will receive the same compensation.

This amended hourly and seasonal pay schedule (Exhibit A to the proposed resolution) reflects the eliminated Camp Capitola Junior Leader Coordinator position and the added Camp Capitola Assistant Coordinator position.

FISCAL IMPACT: No Fiscal Impact

Report Prepared By: Larry Laurent
Assistant to the City Manager

Update Hourly and Seasonal Pay Schedule
June 25, 2020

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/19/2020

Update Hourly and Seasonal Pay Schedule
June 25, 2020

RESOLUTION NO. ___
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE HOURLY/SEASONAL EMPLOYEE PAY SCHEDULES EFFECTIVE JULY 1, 2020, TO ELIMINATE THE POSITION OF CAMP CAPITOLA JUNIOR LEADER COORDINATOR AND ADD THE POSITION OF CAMP CAPITOLA ASSISTANT COORDINATOR

WHEREAS, the City Council sets the compensation rates for hourly and seasonal employment positions; and

WHEREAS, the City Council last amended the Seasonal/Hourly Pay Schedule (Pay Schedule, attached as Exhibit "A") by Resolution No. 4161 on November 26, 2019. That amended Pay Schedule included the newly added position of Junior Leader Coordinator; and

WHEREAS, since November 26, 2019, City staff has determined that the Recreation Division would be better served by a Camp Capitola Assistant Coordinator position, instead of a Camp Capitola Junior Leader Coordinator position; and

WHEREAS, the duty of the Camp Capitola Junior Leader Coordinator position was to supervise the Junior Leader Program, and the duties of the Camp Capitola Assistant Coordinator position will include those duties as well as other Camp Capitola functions; and

WHEREAS, the Hourly/Seasonal Pay Schedule adopted on November 26, 2019, in Resolution No. 4161 must be amended to not include the Junior Leader Coordinator position, and to include the Camp Capitola Assistant Coordinator. The Camp Capitola Assistant Coordinator job description is included as Exhibit "B."

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Capitola approves as follows:

1. The Camp Capitola Junior Leader Coordinator position is eliminated.
2. The Camp Capitola Assistant Coordinator position is created.
3. The Hourly/Seasonal Pay Schedule attached hereto as Exhibit "A," is amended as shown in the Exhibit.
4. The new job description for the classification of Camp Capitola Assistant Coordinator, attached hereto as Exhibit "B."
3. The Camp Capitola Assistant Coordinator position will be a Part-Time/ Seasonal position and will be non-exempt and at will
5. The City Manager is authorized to hire persons to fill these positions within the limitations set forth on the attached schedule and budget.

BE IT FURTHER RESOLVED that this Resolutions becomes effective on July 1, 2020.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 25th day of June 2020, by the following vote:

AYES:
NOES:
ABSENT:

Update Hourly and Seasonal Pay Schedule
June 25, 2020

ABSTAIN:

Kristen Petersen, Mayor

ATTEST:

Chloé Woodmansee, Interim City Clerk

Exhibit A

HOURLY/SEASONAL PAY SCHEDULE

Updated July 1, 2020 (Minimum wage $13.00/hour)				
POSITION	0	1	2	3
Afterschool Leader	$15.02	$15.77	$16.56	$17.39
Afterschool Coordinator	$22.20	$23.31	$24.47	$25.70
Camp Capitola Assistant Leader	$13.00	$13.65		
Camp Capitola Leader	$14.31	$15.02	$15.77	$16.56
~~Camp Capitola Jr. Leader Coordinator~~	~~$17.39~~	~~$18.26~~	~~$19.17~~	~~$20.13~~
Camp Capitola Assistant Coordinator	$17.39	$18.26	$19.17	$20.13
Camp Capitola Coordinator	$21.14	$22.20	$23.31	$24.47
Intern	$15.71	$16.49	$17.32	$18.18
Junior Lifeguard Instructor	$15.67	$16.45	$17.28	$18.14
Junior Lifeguard Assistant Coordinator	$18.59	$19.52	$20.50	$21.53
Junior Lifeguard Coordinator	$22.06	$23.17	$24.33	$25.54
Recreation Facility Assistant	$14.16	$14.87	$15.61	$16.39
Seasonal Maintenance	$14.16	$14.87	$15.61	$16.39
Sports Scorekeeper	$14.16	$14.87	$15.61	$16.39
POSITION				
Retired Annuitant Officer	Salary will be equivalent to the position for which the individual is working in as per the CALPERS regulations.			
	However, retired Capitola Police Officers who apply and are accepted as Annuitant Officers will be paid an hourly wage consistent with Step F of the Police Officer salary range.			
Reserve Officer Level I	Automatically adjusts to 20% below the Police Officer Pay Scale			
Reserve Officer Level II	Automatically adjusts to 20% below the Level I Reserve Officer Pay Scale			
Seasonal Recreation Assistant	Salary will be equivalent to the position of Recreation Assistant			
Part-Time Parking Enforcement Officer	Salary will be equivalent to the position of Parking Enforcement Officer			
Art and Cultural Assistant	Salary will be equivalent to the position of Administrative Assistant			

Update Hourly and Seasonal Pay Schedule
June 25, 2020

Exhibit B

CAMP CAPITOLA ASSISTANT COORDINATOR JOB DESCRIPTION
Part-Time/Seasonal

GENERAL PURPOSE

In collaboration with the Camp Coordinator, the Assistant Coordinator will assist in planning and implementation of Camp Capitola, a youth summer recreation program at Jade Street Park, under the supervision of the Capitola Recreation Division administration. The Assistant Coordinator will assist in scheduling and supervision of Camp Leaders and assist in coordination of daily activities and field trips. The Assistant Coordinator will directly supervise the Junior Leader program and create valuable enrichment education and opportunities for leadership while assisting with activities.

REQUIRED QUALIFICATIONS

- Any combination of education and/or background in recreational or educational programs for children and teenagers
- Experience in designing and implementing relevant activities and workshops that provide work-training experience
- Must be 18 years of age or older
- Experience in working in a Camp environment
- Be a role model and provide leadership for Leaders, Assistant Leaders and Junior Leaders
- Ability to understand and carry out oral and written directions
- Ability to communicate effectively with the youth, parents, and recreation staff
- Perform effectively in situations requiring disciplinary or emergency action
- All applicants must be fingerprinted.
- Proof of negative tuberculosis test or clear chest X-ray must be presented within 14 days of hire - No exceptions.

DESIRABLE QUALIFICATIONS

- Current Basic First Aid and C.P.R. certification or ability to obtain
- Possess a valid California driver’s license.
- Ability to be versatile, flexible, friendly, cooperative, and willing to learn new skills.

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: City Manager Department

SUBJECT: Wharf House June Rent Waiver Request

RECOMMENDED ACTION: Approve the proposed resolution waiving June 2020, rent for the Wharf House Restaurant due to economic difficulties brought on by the COVID-19 pandemic.

BACKGROUND: The City of Capitola rents the restaurant space on the Capitola Wharf to the Wharf House restaurant. Due to the Wharf's closure for repairs, and the onset of the COVID-19 public health crisis, Capitola Wharf has only recently reopened to the public. The Wharf House is scheduled to reopen on June 19, 2020.

Willie Case, owner of the Wharf House, has requested the City waive June rent.

DISCUSSION: The current agreement with the Wharf House does not allow Staff to waive rent unless the Wharf or business is closed due to repairs. Repairs were completed in the middle May, but the businesses were not allowed to reopen due to Public Health orders until the beginning of June.

Staff is requesting approval from Council to waive the June rent for the Wharf House.

FISCAL IMPACT: The fiscal impact for the rent waiver is $4,229.00.

ATTACHMENTS:

1. June 2020 Wharf House rent waiver request
2. 2016-wharf house lease with changes

Report Prepared By: Larry Laurent
Assistant to the City Manager

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/19/2020

Laurent, Larry (llaurent@ci.capitola.ca.us)

From: williecase@aol.com
Sent: Tuesday, June 16, 2020 8:32 AM
To: Laurent, Larry (llaurent@ci.capitola.ca.us)
Subject: waiver of June rent

The Wharf House Restaurant was closed due to covid19 on March 15th and as of this date is still closed. The purpose of this communication is to request a waiver of rent for the month of June 2020. Pending a response to this request we will delay payment of the June invoice until we hear your reply. Thank you for your consideration of this request.

WHARF RESTAURANT LEASE

BETWEEN

CITY OF CAPITOLA

AND

WILLIE CASE

FROM May 21, 2001 TO MAY 10, 2006

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

WHARF RESTAURANT LEASE

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WHARF RESTAURANT LEASE

Recitals: City of Capitola, as Lessor, hereby leases to Willie Case, as Lessee, the premises described in Exhibit A attached hereto.

1. Term. ~~This lease shall be effective on the date last below executed and end on May 10, 2006.~~

(a) Initial Term. The initial term of this Lease shall commence on May 21, 2001 and end on May 10, 2017 ("Initial Term"), unless sooner terminated or extended under the terms of this Lease.

(b) For purposes of this Lease, all references to the "Term" shall be construed to include the Initial Term and the Extended Term(s) (as defined below) as the options to extend are exercised, unless the context clearly and unequivocally requires otherwise.

(c) Option to Extend Term.

(i) If Lessee fully and faithfully performs all of the terms and conditions of this Lease, Lessee shall have the option, subject to and only with the mutual consent of Lessor, to extend the Initial Term of this Lease for four (4) consecutive additional periods of one (1) year each immediately following the then current Term (the "Extended Term"). Except to the extent otherwise provided in this Lease, at the end of the Initial Term and each successive Extended Term, Lessee will be presumed to have exercised its option to extend and the Term of this Lease will automatically extend for such one (1) year Extended Term (subject to the termination provisions set forth below), unless either Party provides written notice to the other of such Party's intent not to extend the Lease ("Notice of Non-Extension") by no later than ninety (90) days before the scheduled expiration of the Initial Term or, if applicable, the Extended Term. If either Party timely delivers such Notice of Non-Extension, the Lease will expire at the end of the Initial Term or then current Extended Term, the option to extend

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

shall terminate and be null and void, and Lessee shall have no other rights to extend the Lease Term. The Extended Term will be subject to all terms, conditions, and covenants set forth in this Lease, except that the monthly base rent for each such Extended Term shall be adjusted in accordance with the provisions of Sections 4(a) and 30(g). Lessee's option(s) to extend are further subject to the terms and conditions set forth below.

(ii) Lessee may not exercise the options granted herein during any time Lessee is in default of any provision of this Lease or in the event that Lessee has been in default in the performance of any of the terms and/or conditions of this Lease on two (2) or more separate occasions during the twelve (12) months prior to exercising an option and has been notified of such defaults by Lessor. If Lessee is in default under this Lease on the date that Lessee exercises an option to extend, then Lessor may elect to (i) allow Lessee to exercise such option notwithstanding the breach or default of Lessee (which acceptance shall not waive or otherwise relieve Lessee of its obligations to promptly correct such default and fully comply with all terms and conditions of this Lease); or (ii) rescind Lessee's option right, and Lessee's efforts to exercise the option to extend shall be totally ineffective, null and void, the subject Extended Term shall not commence and this Lease shall expire at the end of the Initial Term or applicable Extended Term.

(iii) Any option granted to Lessee in this Lease is personal to the original Lessee and cannot be assigned or exercised by anyone other than said original Lessee without Lessor's prior written consent, which may be given or withheld in Lessor's sole and absolute discretion, and only while the original Lessee is in full possession of the Premises and, if requested by Lessor, with Lessee certifying that Lessee has no intention of thereafter assigning or subletting.

(d) Right to Terminate. Lessor may terminate this Lease for any reason by providing Lessee with written notice (delivered in accordance with Section 15, Notice) at least ninety (90)

days prior to the effective date of termination, without any liability to Lessee by virtue of such termination.

2. Business. On the leased premises, Lessee shall engage only in the restaurant business, and no other businesses except upon prior written consent of the City Manager of the City of Capitola.

3. Licenses and Permits. It shall be Lessee's responsibility, at Lessee's sole cost and expense, to obtain all necessary licenses and permits to operate the businesses above-mentioned on the leased premises.

4. Rental and Payment of Taxes and Assessments.

(a) Through December 2001 Lessee agrees to and shall pay to Lessor a monthly base rent of $2,621.85, (prorated the first month). Thereafter rent shall be the greater of: 1) an annual fixed base rent at the beginning rate above-stated together with the cost of living adjustment set forth in Section 30(g) below, or 2) an annual percentage equal to five percent (5%) of Lessee's gross sales and business transacted, as hereinafter defined. On or before January 31 of each year Lessee shall furnish a true and accurate statement of all sales and business transacted during the previous calendar year. The statement shall show the refunds and returns deducted in computing the amount of such gross sales and business transacted and shall be certified to be correct by Lessee or Lessee's principal agent. Concurrent with submitting the computation, Lessee shall adjust the total Fixed rents and total annual percentage rent and remit the balance due.

(b) The next cost of living adjustment set forth in Section 30(g) shall first be made for the month of January, 2002.

(c) Rent is deemed late if not received by Lessor by the 15th day of each month. Rent not paid when due shall bear interest from the date due until paid at the rate of 8/10ths of one percent per month. If any installment of rent, or any statement of sales and business transacted, is not received by Lessor when due, for any cause, Lessee shall pay to Lessor an additional sum of $100 as a late charge and penalty. Acceptance of any partial rent payment shall not constitute a waiver of Lessee's default with respect to the overdue amount, or prevent Lessor from exercising any of the other rights and remedies available to Lessor.

(d) "Gross Sales and Business Transacted" shall include:

1. The entire amount of the price charged, whether wholly or partially for cash or on credit, or otherwise, for all commodities, goods, wares, merchandise, foods, beverages, services, sales of every kind and description, or other consideration of value sold, leased, licensed, served, or delivered, and all charges for services sold or performed in, at, upon, or from any part of, or through the substantial use of, the premises by Lessee or any other person, firm, or corporation, or by means of any mechanical or other vending device;

2. All gross income of Lessee or any other person, firm, or corporation from any operations in, at upon, or from the premises which are neither included in nor excluded from gross sales by other provisions of this Lease, but without duplication;

3. Without limitation, all deposits received and not refunded to the purchaser in connection with any transaction; and

4. All orders secured or received in the premises by telephone, mail, house-to-house, or other canvassing by personnel operating from, reporting to, or under supervision of any employee, agent, or representative located at or operating out of the premises or which Lessee, in the normal and customary course of its operation, would credit or attribute to its business in the premises, or by other means, whether or not filled elsewhere.

(e) "Gross Sales and Business Transacted" shall not include, or if included there shall be deducted (but only to the extent they have been excluded), the following:

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

1. The net amount of cash or credit refunds in fact made upon sales from the premises, where the merchandise sold or some part of it is returned by the purchaser to and accepted by Lessee (but not exceeding, in any instance, the selling price of the item in question);

2. Returns to suppliers, shippers or manufacturers;

3. The amount of any City, County, State, or Federal sales, luxury, or excise taxes on sales from the premises where such taxes are both added to the selling price (or absorbed therein) and paid to the taxing authorities by Lessee (but not by any vendor of Lessee).

(f) Lessee shall keep in the premises, or at another location approved in writing by Lessor, true and complete records and accounts of all sales and business transacted, including daily bank deposits and sales tax returns to the State Board of Equalization, and shall give Lessor access, during reasonable hours, to such records and accounts.

(g) Lessee shall keep and preserve for at least forty-eight (48) months after the end of each lease year all sales slips, cash register tape readings, sales books, sales tax returns, bank books, and duplicate deposit slips, and other evidence of gross sales and business transacted for such year.

(h) Lessor shall, after 48 hour notice, have the right at any time and from time to time to audit all the books of account, bank statements, documents, records, all Federal and State tax returns, papers and files of Lessee relating to gross sales and business transacted, and, on request by Lessor, Lessee shall make all such matters available for examination at the premises. If Lessor should have an audit made for any year and the gross sales and business transacted shown by Lessee's statement for such quarter should be found to be understated by more than three percent (3%), Lessee shall immediately pay to Lessor the cost of such audit as well as the additional rent payable by Lessee to Lessor, plus interest and late charges payable. Otherwise, the cost of such audit shall be paid by Lessor. Lessor's right to have such an audit made with respect to any year shall expire forty-eight (48) months after Lessee's statement for

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

such year.

(i) Any information obtained by Lessor pursuant to the provisions of this paragraph shall be treated as confidential, except in any litigation or arbitration proceedings between the parties, and except further that Lessor may divulge such information to a serious prospective Lessee or encumbrancer of the premises in a general manner, without revealing the exact nature of Lessee's business without prior permission.

(j) Additionally, Lessee agrees to pay before delinquency all lawful taxes, assessments, fees, and or charges which at any time may be levied by the State, County, or any tax or assessment levying body other than the City of Capitola upon any interest in this lease or any possessory right which Lessee may have in or to the premises covered hereby or to the improvements thereon by reason of its ownership, use, or occupancy thereof or otherwise, as well as all taxes, assessments, fees, and charges on commodities, goods, merchandise, foods, beverages, fixtures, appliances, equipment and property owned by it in, on, or about said premises. If such items are not timely paid, Lessor, at its sole option, may pay any such amounts as it reasonably believes are due. All amounts so paid shall, five days after Lessor mails notice of payment, constitute delinquent rent subject to rent and penalties as above-provided.

(k) The Lessee agrees to use a cash register acceptable to the Lessor to record sales. The Lessor may, at its option, maintain control over the audit tape in the cash register.

(l) Lessee shall receive a pro rata reduction of rent in situations where the Public Works Department, the Police Department, or the Building Department closes (i.e., shuts and padlocks the gate that controls public access to the wharf) the public access to the wharf for four or more daylight hours. Lessee is advised to, in writing, specify all days that Lessee contends the wharf has been closed in this manner. Such adjustments shall be effectuated by credits computed by the Finance Department. Lessee shall pay the amounts specified above for rent, without reduction for such closures, until such time as Lessee receives, in writing, a statement of the relevant rent adjustment.

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

Each year, Lessor may host the annual Monte Foundation Fireworks show, during which the Capitola Wharf, including, but not limited to, the Premises, must be closed (i.e. the gate that controls public access to the Wharf is shut and padlocked) to public access for several days ("Annual Fireworks Closure"). Lessee receives advanced notice of such Annual Fireworks Closure. If and when such Annual Fireworks Closure occurs, Lessee (as Lessee's sole and exclusive remedy for the entire period of disruption, restricted occupancy, and/or closure and any and all impacts [including, without limitation, any costs incurred, loss of use, lost profits, loss of business, etc.] relating to the Annual Fireworks Closure) shall receive a one-time annual credit equal to one month's fixed base rent (at the then current rate), which, as of May 1, 2016, equals three thousand, six hundred, eighty-three and 00/100 dollars ($3,683), as full and complete compensation for the Annual Fireworks Closure ("Annual Fireworks Rent Credit"). Such adjustment shall be effectuated by a one-time credit, applied against rent due during the subject Lease year, and computed by the Finance Department. Lessee shall pay the amounts specified in the Lease for rent, without reduction for such Annual Fireworks Closure, until such time as Lessee receives, in writing, a statement of the relevant Annual Fireworks Rent Credit. Thus, for example, if the Annual Fireworks Closure occurred on May 20, 2016, Lessee would receive one Annual Fireworks Rent Credit of $3,683 for the entire Annual Fireworks Closure, which credit would be calculated by the Finance Department, applied against rent due by Lessee to the Lessor during the May 11, 2016 through May 10, 2017 Lease year, and reflected in a written rent adjustment notice issued by Lessor to Lessee after conclusion of the Annual Fireworks Closure. Lessee will receive no more than one such credit per Lease year. Other than the Annual Fireworks Rent Credit described herein, Lessee will not receive any rent credit, adjustment, reduction, or abatement or any other compensation for any Annual Fireworks Closure.

5. **Inspection.** Lessor and the agents and employees of Lessor shall have the right to enter upon said premises at all reasonable times to inspect the same, to see that no damage has been or is done, and to protect any and all rights of Lessor and to post such reasonable notices as

Lessor may desire to protect the rights of Lessor.

6. Condition of Premises; Capitola Wharf Rules and Regulations. ~~Lessee agrees to take the premises in their present condition.~~ Lessee acknowledges and agrees that Lessor has made no representations as to the condition of the Capitola Wharf or Premises or the suitability or safety of the Capitola Wharf or Premises for any purpose whatsoever. Lessee is accessing, occupying and using the Premises in its "AS IS" condition and at Lessee's own risk. Lessor makes no warranties, expressed or implied to Lessee.

(a) Lessee agrees to accept possession of the Premises in the condition existing as of the date Lessee executes this Lease **and again, as of the date Lessee executes the 2nd Amendment (in May 2016)**, and, subject to the terms and conditions of this Lease. Lessee represents that it has inspected the Premises and agrees to accept them in their present "AS IS, WHERE IS, IN ITS CURRENT CONDITION, WITH ALL FAULTS" condition as of the date Lessee executes the Lease and **again as of the date Lessee executes the 2nd Amendment in May 2016**, with no representation as to the fitness for a particular use, physical condition, zoning, environmental conditions, etc. Lessee acknowledges that no representations, express or implied, with respect to the condition of the Premises or the Capitola Wharf have been made to the Lessee by the Lessor. Lessor does not warrant or guarantee the Premises (or the Capitola Wharf) as being suitable for Lessee's purposes. Lessee is responsible for determining whether or not the building codes, applicable permits, laws, covenants or restrictions of record, regulations, and ordinances ("Applicable Requirements"), and the zoning, are appropriate for Lessee's intended use, and acknowledges that past uses of the Premises may no longer be allowed. Correction of any item of non-compliance with an Applicable Requirements shall be the obligation of Lessee at Lessee's sole cost and expense. Any work required by Lessee to prepare the Premises for its occupancy and use (including, but not limited to, any repairs and/or improvements, structural or otherwise, needed for the Premises to comply with applicable requirements of the Americans with Disabilities Act (ADA)) shall be paid for by Lessee and shall be subject to all of the terms and

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

conditions set forth in this Lease.

(b) Lessee acknowledges that: (a) it has been advised by Lessor to satisfy itself with respect to the condition of the Premises (including, but not limited to the electrical, security, environmental aspects, and compliance with Applicable Requirements and the Americans with Disabilities Act), and their suitability for Lessee's intended use; (ii) Lessee has made such investigation as it deems necessary with reference to such matters and assumes all responsibility therefore as the same relate to its occupancy and use of the Premises; and (iii) neither Lessor, nor Lessor's employees, representatives, or agents have made any oral or written representations or warranties with respect to said matters other than as expressly set forth in this Lease. This Lease is subject to all matters of public record (including, but not limited to, the Capitola Wharf Condition Assessment and Resiliency Study (dated April 6, 2016) and the related public presentation and discussions that occurred during the April 14, 2016 Capitola City Council meeting, at which Lessee was in attendance) and such other matters as are apparent from an inspection of the Premises, including, but not limited to, existing easements, leases, licenses, servitudes and right-of-ways for roads, telephone, and electric power lines and facilities, pipelines, and other purposes whether recorded or not.

(c) Lessee acknowledges and understands that Lessor is in the process of evaluating and assessing the Capitola Wharf and preparing a ten-year improvement plan, which will likely include various Wharf projects during the Term of the Lease. As part of this process, certain Wharf improvement projects, including, but not limited to, pile repair and replacement, have been recommended. Accordingly, Lessee further acknowledges and understands that during the Term of this Lease, Lessor will likely be engaging in and performing various projects on the Capitola Wharf, which may include significant structural changes to the Capitola Wharf and/or Premises that could necessitate closure of the Capitola Wharf (and/or Premises) and/or termination of this Lease. Lessee enters into this Lease with full knowledge of the existing conditions of the Capitola Wharf (including, but not limited to, the need for ongoing repair and improvements) and the understanding that at any point during the Lease Term, the Lessor may

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

substantially change the Capitola Wharf and/or Premises, close the Capitola Wharf and/or Premises, and/or terminate this Lease, without any liability to Lessee by virtue of such actions and/or termination.

(d) Lessee acknowledges and expressly accepts full responsibility and shall incur all costs and expenses for compliance with the requirements of the Americans with Disabilities Act (ADA) and any other local, state or federal law or regulation regarding the accessibility of the Premises by disabled individuals. Lessee agrees to release, indemnify, defend and hold harmless Lessor (and its officials, officers, directors, employees, agents, representatives, independent contractors, successors and assigns) from and against any claim, loss, expense or liability arising from Lessee's failure to fully comply with all such laws or regulations.

(e) This Lease is made subject to the provisions of California Civil Code Section 718, and it is agreed that if at any time the leasing of the Premises herein described shall interfere with the use of the Capitola Wharf for navigation, fishing and/or commerce, then this Lease shall terminate, without any liability to Lessee my virtue of such termination.

(f) Lessor shall not be liable for any damage or injury to the person, business (or any loss of income therefrom), goods, wares, merchandise or other property of Lessee, or Lessee's officers, employees, invitees, customers, agents, representatives, servants, contractors, clients, guests, or any other person in, on, at, or about the Premises, unless (and only to the extent) caused by Lessor's sole negligence or willful misconduct.

(g) The foregoing acknowledgements, assurances, representations, and understandings by Lessee and Lessee's agreement to accept the Premises in their "AS IS, WHERE IS, IN ITS CURRENT CONDITION, WITH ALL FAULTS" condition as of the date Lessee executes the 2nd Amendment, are material conditions and inducements to Lessor entering into the 2nd Amendment and agreeing to extend the Lease as provided in the 2nd Amendment.

7. Maintenance of Building. Lessee agrees to assume full responsibility for the operation and maintenance of the Premises throughout the Term of this Lease at its sole expense. Lessee agrees to perform all repairs and replacements and construct any improvements necessary

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to maintain and preserve the Premises in a decent, safe, healthy and sanitary condition in a manner satisfactory to Lessor and in compliance with all applicable laws, regulations and requirements of any governmental entity and insurance company insuring all or any part of the Premises. Lessee agrees that Lessor shall not be required to perform any maintenance, repairs or services or to assume any expense not specifically assumed herein in connection with the Premises and Lessee hereby waives all rights to make repairs or to cause any work to be performed at the expense of Lessor as provided for in Section 1941 et seq. of the California Civil Code. The exterior wall maintenance, including windows, and roof maintenance is the responsibility of Lessor. Lessor shall maintain the existing heating and cooling systems in reasonable order. Lessor shall maintain electrical wiring and plumbing elements (excluding the sewage line to and from the Premises, the maintenance and repair of which shall be Lessee's responsibility) located within walls to their level of adequacy as of the effective date of the within lease. In all other respects Lessee shall, at Lessee's own cost and expense, keep the leased premises (including, without limitation structural and nonstructural features, as well as, fixtures, furnishings, systems, facilities, and equipment) in good condition and repair. The water purifier and the walk-in refrigerator are fixtures owned by Lessee and may be removed by Lessee at the end of the term. Lessee shall maintain at its sole cost and expense the walk-in refrigerator, and if necessary, replace it.

Grease and oil generated from and/or used in Lessee's business operations at the Premises can place a significant burden on the sewer line servicing the Premises and have, on occasion, formed blockages in the sewer pipes. Accordingly, Lessee shall also maintain and repair, at its sole cost and expense, the sewer pipelines from the Premises to the sewage pump station on the Wharf and be responsible for repairing and clearing any clogs caused by Lessee's operations at and/or use of the Premises. Should a blockage be determined by Lessor to be caused by use of the public restrooms, the Lessor will reimburse the Lessee for the direct costs of the repairs, but only to the extent such repair costs are solely and directly caused by the use of

the public restrooms.

Excepting such normal maintenance and repair work as is required hereunder, the premises shall not be altered, repaired, or changed, no signs shall be attached to, painted upon, or otherwise affixed to the exterior of a building, nor shall any changes be made in the exterior of a building so as to alter the color, finish or other architectural or aesthetic features of said building without obtaining the prior written approval of Lessor. Lessee agrees that all alterations, additions and improvements, including, but not limited to, fixtures, made or affixed in, to, or on the premises, except such unattached movable business fixtures as have been described in a written inventory filed by Lessee prior to placement of said fixtures on the leased premises and approved by Lessor for removal upon the expiration of the term hereof, shall be the property of Lessor, and shall remain upon and be surrendered with the premises. Any improvements to the interior of the premises, including, but not limited to, fixtures, requires the advance approval of the Lessor. Such improvements shall be of a quality acceptable to the Lessor and in keeping with the decor established for the wharf. Lessee further agrees not to overload the said premises or to install any machinery therein without the written consent of the Lessor, and that any damage or injury done to the premises by the Lessee or by any person who may be in or upon said premises shall be paid for by Lessee. Lessee agrees, at the expiration of the term of this lease, or upon the earlier termination thereof for any reason, to quit and surrender said premises in good condition and repair; reasonable wear and tear and damages by acts of God, or fire, excepted.

8. **Assignment.** Lessee may not assign or encumber his interest in the Lease or in the premises, or sublet all or any part of the premises, or allow any other person or entity to occupy or use all or any part of the premises unless the written consent of the Lessor.

It is specifically intended that neither this Lease, nor any interest therein, shall be assigned by action or by operation of law, including, without limitation, testacy or intestacy, and no trustee, Sheriff, creditor or purchaser at any judicial sale, or any officer of any court or receiver (unless appointed by the request of the Lessor) shall acquire any right under this Lease, or the

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possession or use of the premises, or any part thereof, without the written consent of Lessor.

9. **Lessee's Default.** The occurrence of any of the following shall constitute a default by Lessee:

(a) Failure to pay rent when due.

(b) Abandonment and vacation of the premises (failure to occupy and operate the premises for seven (7) consecutive days shall be deemed an abandonment and vacation, unless expressly authorized by Lessor).

(c) Failure to perform any other provision of this Lease if the failure to perform is not cured within ten (10) days, or such additional time as may be authorized by Lessor, after notice has been given to Lessee.

10. Remedies. Lessor shall have the following remedies if Lessee commits a default. These remedies are not exclusive; they are cumulative and in addition to any remedies now or later allowed by law, or otherwise provided by this Lease.

(a) Lessee agrees that if Lessor is involuntarily made a party defendant to any litigation concerning this lease or the demised premises, or the premises of which the demised premises are a part, by reason of any act or omission of Lessee, and not because of any act or omission of Lessor, then Lessee shall indemnify and hold harmless the Lessor from all loss, cost, liability and expense by reason thereof, including reasonable attorney's fees and court costs incurred by Lessor in such litigation.

(b) If Lessee breaches this lease or abandons the premises before the end of the term, or if its right to possession is terminated by Lessor because of Lessee's breach of this lease, this lease terminates. On such termination, Lessor may recover from Lessee:

1. The worth, at the time of the award, of the unpaid rent which has been earned at the time of the termination;

2. The worth, at the time of the award, of the amount by which the unpaid rent which would have been earned after the date of termination until the time of award

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exceeds the amount of such rental loss that Lessee proves could have been reasonably avoided;

3. The worth, at the time of the award, of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for such period that Lessee proves could have been reasonably avoided; and

4. Any other amount, including court costs, necessary to compensate Lessor for all the detriment proximately caused by Lessee's failure to perform its obligations under this lease, or which in the ordinary course of things would be likely to result therefrom;

5. "The worth at the time of award," as referred to in subparagraphs 1 and 2, is to be computed by allowing interest at the maximum rate the City is permitted by law to charge.

6. Lessor may relet this property prior to the time of any award for breach of this lease and such reletting does not waive Lessor's right to recover damages.

(c) In the event that either party hereto shall commence any legal action or proceeding, including any action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any term, covenant, or condition of this lease by him to be performed or kept, the party prevailing in said action or proceeding shall be entitled to recover, in addition to his court costs, a reasonable attorney's fees to be fixed by the court, and such recovery shall include court costs and attorney's fees on appeal, if any. As used herein, the "party prevailing" means the party in whose favor final judgment is rendered.

11. **Waivers.** The subsequent acceptance of rent hereunder by Lessor shall not be deemed a waiver of any preceding breach of any obligation hereunder by Lessee other than the failure to pay the particular rental so accepted; and the waiver of any breach of any covenant or condition by Lessor herein shall not constitute a waiver of any other breach regardless of knowledge thereof. Any waiver by Lessor of any default must be in writing.

12. Indemnification and Liability Insurance.

(a) Lessor shall not be liable to Lessee for any damage or injury to the person,

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business, or property of Lessee (or Lessee's officers, employees, invitees, customers, agents, representatives, servants, contractors, clients, or guests) from any cause, which is not the result of Lessor's sole negligence or willful misconduct. Lessee agrees to indemnify, release, defend (with counsel reasonably satisfactory to Lessor), and hold harmless Lessor, and its officials, officers, employees, representatives, agents, successors and assigns (collectively "Indemnified Parties" and individually "Indemnified Party"), from and against any and all losses, claims, demands, actions, penalties, fines, judgments, costs and expenses (including, but not limited to, reasonable attorneys' fees and investigation costs), liabilities, and/or damages, of any kind or nature, whether for any injury or damage to person or property, or any other damage, as a result of, or arising out of this Lease, Lessee's occupancy and/or use of the Premises, any breach or default of Lessee's obligations to be performed under the terms of this Lease, any activity, work, or other thing done, permitted, or suffered by Lessee in, on or about the Premises (including, but not limited to, claims arising from the Lessee's use of any facilities on the Premises), and/or arising from any reason or cause whatsoever in connection with the use or occupancy of the Premises by Lessee (and/or any officer, representative, agent, employee, servant, contractor, client, guest, customer, or invitee of Lessee) during the Term and such longer period of time thereafter as Lessee or any third party continues to occupy or be in possession of the Premises or any facility thereon (the "Indemnity Period"). This indemnification by Lessee shall not include indemnity for the sole negligence or intentional misconduct of Lessor. In any case, action, or proceeding brought against Lessor (and/or another Indemnified Party) by reason of any such claim, Lessee shall defend the same at Lessee's expense by counsel reasonably satisfactory to Lessor. Lessee shall not settle any claim relating to, involving, or affecting the Lessor without the Lessor's prior written consent. Lessee, as a material part of the consideration to Lessor, hereby assumes all risk of damage to property or injury to persons in, upon, or about the Premises from any cause other than the sole negligence or intentional misconduct of Lessor, and Lessee hereby waives all claims in respect thereof against Lessor (and/or the Indemnified Parties). Lessee's obligations under this Article shall survive the expiration or earlier termination of this Lease.~~This lease is made upon the express condition that~~

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~~Lessor is to be free from all liability and claim for damages by reason of any injury to, or death of, any person or persons, including Lessee, and Lessee's agents and employees, or property of any kind whatsoever and to whomsoever belonging except for damages caused by the Lessor, its agents or employees, from any cause or causes whatsoever in any way connected with the Lessee's business operations during the term of this lease or any extension thereof or any occupancy hereunder, Lessee hereby covenanting and agreeing to indemnify and save harmless Lessor from all liability, loss, cost, and obligations on account of or arising out of any such injuries or losses however occurring.~~

(b) Lessee shall maintain the insurance required in Attachment 1 (attached hereto and incorporated herein). Upon execution of this Lease and the 2nd Amendment, and, in any event, before Lessee enters the Premises (or any portion thereof), Lessee shall, at its sole cost and expense, procure and maintain in full force and effect, so long as may be necessary to fully protect Lessor and, in any event, at least through the end of the Lease Term, Worker's Compensation Insurance in accordance with the laws of the state in which the Premises is located; Employers' Liability Insurance; "All Risk" Property Insurance; Commercial General Liability Insurance on an occurrence basis only, insuring Lessor and Lessee against any liability arising out of the use, occupancy or maintenance of the Premises and all areas appurtenant thereto, including completed operations, contractual liability, and Lessor's Protective Liability Insurance; Comprehensive Automobile Liability Insurance on an "Any Auto" basis covering any and all owned, non-owned and hired automobiles used in connection with the Premises and such other coverage and in the minimum limits as specified in Attachment 1. Lessor may require reasonable increases in the minimum limits for the Commercial General Liability and Automobile Liability coverages. If Lessee's existing coverage does not meet the requirements set forth herein, Lessee agrees to amend, supplement or endorse the existing coverage to do so at no additional cost to Lessor. Compliance in full with the insurance requirements stated in this Lease is understood to be a condition precedent to Lessor's obligations under this Lease~~Lessee~~

~~further agrees to take out and keep in force during the life hereof, at Lessee's expense, public liability and property damage insurance, and products liability insurance, with a company or companies satisfactory to Lessor to protect Lessor against any liability to the public incident to the use of, or resulting from, any accident or occurrence in or about said premises, with a single combined liability limit of at least One Million Dollars ($1,000,000) for any one accident or occurrence, and property damage limit of not less than Three Hundred Thousand Dollars ($300,000) for any one accident or occurrence. All public liability insurance and property damage insurance shall insure performances by Lessee of the indemnity provision of paragraph 12(a). The said policy or policies shall require that in the event of modification or cancellation of any policy, the insurance carrier shall notify Lessor in writing at least thirty (30) days prior thereto, and Lessee agrees, if Lessee does not keep such insurance in full force and effect, that Lessor may, at its option either terminate this lease, or take out the necessary insurance and pay the premium, and the repayment thereof shall be deemed to be part of the rental and payable as such on the next day upon which rent becomes due. Lessee agrees that Lessor shall be named on said policy as an additional insured party in accordance with the foregoing covenants. Said policy or policies shall further provide that any other insurance carried by Lessor shall be excess insurance only, as to the liability insured thereby~~.

(c) All insurance required to be carried by Lessee pursuant to this Section 12 and Attachment 1 (excluding Workers' Compensation) shall be subject to the Lessor's reasonable approval and shall: (i) be endorsed to (A) name the Lessor, its City Council members, boards, commissions, officers, officials, employees, agents, and volunteers as additional insureds in accordance with the requirements in Attachment 1 of this Lease, and (B) state that the insurance provided by the Lessee shall apply as primary insurance without qualification and that any other insurance maintained by Lessor shall be in excess only and shall not be called upon to contribute with the insurance of Lessee; (ii) be carried with a company(ies) duly licensed to do business in the State of California and bearing a rating of "A" or better; and (iii) contain a waiver by the

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insurer of any right to subrogation against the Lessor, its City Council members, boards, commissions, officers, officials, employees, agents, and volunteers. The Commercial General Liability, Automobile Liability and Employer's Liability coverages required may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess and/or umbrella liability policies.

(d) A certificate of the insurance (ACORD form 25S), satisfactory to Lessor, evidencing that the coverage required under this Lease is in place, stating policy numbers, dates of expiration and limits of liability thereunder, containing the provisions specified herein, and further providing that such policies shall not be subject to cancellation, lapse or change except after at least thirty (30) days' prior written notice to the Lessor, shall be delivered to Lessor on or before the effective date of the 2nd Amendment, and thereafter upon renewal of such policies prior to the expiration of the term of such coverage.

~~(b)~~(e) If Lessee fails to procure, maintain or show evidence of insurance as required by this Lease, Lessor shall have the right, but not the obligation, to procure and maintain the required insurance for the benefit of Lessee and Lessor. The premiums paid by Lessor shall be treated as additional rent due from Lessee, to be paid on the first day of the month following the date on which the premiums were paid.

13. Utilities. Lessee, by direct contract with the provider, shall pay for garbage and natural gas. Lessee will pay its share of the Sanitation District billing for sewer to the City in accordance with the District's breakdown of charges, which shall not include the restroom. Exhibit **"B"** is a sample of such a breakdown. Regarding electricity, the parties will continue the present practice whereby a commercial testing service periodically measures existing consumption of both Lessee and the other wharf tenant, and correspondingly apportions electricity charges between them. City will expeditiously install a water meter that will measure the water used by the restaurant and the bathroom.Thereafter, lessee will pay 61 % of the cost of the restaurant/restroom water. Until such meter is operational Lessee will continue to pay the

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same proportion of the cost of all water supplied to the wharf as the restaurant's proportionate share of sewer service to the entire wharf (56% on the March 2001 Sanitation District invoice.) Such sewer, electricity, and/or water payments are due within thirty (30) days of City's invoice to Lessee, whereupon they shall become an additional element of rent, subject to the interest and penalty provisions of Section 4 of this lease and of California law.

14. Conduct of Business. Lessee agrees that the said Lessee's business shall be established and conducted throughout the term hereof in a first-class manner and that Lessee will not use the demised premises for, or carry on or permit upon said premises, any offensive, noisy, or dangerous trade, business, manufacture, or occupation, or any nuisance, and Lessee further agrees that the herein demised premises shall not be used or permitted to be used in whole or in part during the said term of this lease for any purpose or use in violation of any of the laws, ordinances, regulations, or rules or any public authority at any time applicable thereto; and Lessee expressly agrees at all times during the term of this lease at Lessee's own cost to construct, repair, maintain, and do all things necessary to maintain the herein demised premises in a clean, neat, and sanitary manner and in compliance with any and all laws, ordinances, rules and regulations of any public authority in force during the term of this lease.

15. Notice. Any notice, demand, or communication under or in connection with this lease may be served upon Lessor by personal service, or by mailing the same by registered mail in the United States Post Office, postage thereon fully prepaid and directed to the Lessor as follows:

LESSOR: City Clerk
420 Capitola Avenue
Capitola, CA 95010

LESSEE: Willie Case
1400 Wharf Road, Suite
B Capitola, CA 95010

and may likewise be served on Lessee at the address above written. Either Lessor or Lessee may change such address by notifying the other party in writing as to such new address as

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Lessee or Lessor may desire used, and which same shall continue as the address until further written notice. Mailed notice shall be deemed delivered on the next day following the date of the date registered with the Post Office.

16. Operation of Business: Usage and Care of Premises. Lessee further agrees not to leave said premises, or the building thereon, unoccupied or vacant during the term hereof. Lessee shall provide the following for a reasonable time span and at competitive prices: Breakfast, beginning at 8:00 a.m. (9:00 a.m. between November 1 and the end of February), lunch, and dinner--all such meals on Saturday, Sunday and at least four weekdays of each week. Lessor may, at its option, in writing and for good cause, permit Lessee to temporarily close down said business.

Lessee acknowledges that the City's interest is not merely to receive revenue from the premises, but of greater importance is that the wharf and the businesses located thereon are operated in such a way that the public enjoys maximum benefits therefrom. Maximum public benefit is not possible unless the businesses and concessions located upon the Wharf are operated fully, efficiently, and courteously. Businesses or concessions that are run in a mediocre fashion will tend to detract from the public's enjoyment of the Wharf (which has been very expensive for the City to renovate and maintain). Lessee agrees that its businesses must be operated in a way which satisfies the duties and interests described in this paragraph. Failure to operate in such manner is a material breach of this lease agreement.

Lessee shall maintain adequate personnel for the efficient serving of its customers. Lessee shall use only such space in the premises for office, clerical, and other non-service or non-selling purposes as is reasonably required for Lessee's business on the premises, and is approved by Lessor.

Lessee agrees that no goods, merchandise, or materials shall be kept, stored, or sold on said demised premises which are in any way hazardous, and further agrees not to suffer any act or omission or commission on the premises which will increase the rate of any insurance to be paid

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by Lessor. Fuel and oil in Fire Marshal-approved containers is permitted. If the said insurance rate is increased by such an act, then the increased cost to Lessor of such insurance on the premises of which the herein demised premises are a part shall be paid by Lessee and as rental on the next day succeeding said payment upon which rent becomes due and as a part thereof.

17. Rights and Options. The failure to exercise any right or option or privilege hereunder by Lessor shall not exclude Lessor from exercising any right, option, or privilege hereunder, and shall not be deemed a waiver of said right, option, or privilege, nor shall it relieve Lessee from lessee's obligation to perform each and every covenant and condition on Lessee's part to be performed hereunder not from damages or other remedy for failure to perform or meet the obligations of this lease.

18. **Rules and Regulations; Compliance with Laws**. ~~Lessee further agrees that such directives, rules, regulations, ordinances and conditions as may be imposed by the City of Capitola through its City Council, administrative officers, department heads or duly authorized representatives in emergency situations shall be subject to immediate compliance.~~

(a) Lessee acknowledges and understands that the Premises is located on property of Lessor primarily devoted to commerce and navigation, namely the Capitola Wharf, which is under exclusive control of Lessor. By executing this Lease, Lessee agrees to abide by all laws, ordinances, directives, rules and regulations promulgated by the City Council of the City of Capitola now existing or hereafter made for the government, management, maintenance, operation and/or improvement of the Capitola Wharf, including, but not limited to, such directives as to the usage of the Capitola Wharf as may be determined or promulgated by the officers, department heads, or duly authorized representatives of Lessor in their official or departmental capacity. Lessee further agrees that such laws, ordinances, directives, rules, regulations and/or conditions as may be imposed by Lessor through its City Council, administrative officers, department heads and/or duly authorized representatives, shall be subject

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to immediate compliance by Lessee without question or qualification as to the validity or reasonableness thereof.

~~19.~~ (b) Lessee shall not use, or permit the Premises or any part thereof to be used, for any purpose other than the purpose for which the Premises are hereby leased. No use shall be made or permitted to be made of the Premises, nor acts done, which will increase the existing rate of insurance upon the Premises, or cause a cancellation of any insurance policy covering the Premises or any part thereof. Nor shall Lessee sell or permit to be kept, used, stored or sold in or about the Premises any article which may be prohibited by any policy of fire insurance obtained by the Lessor. Lessee shall, at its sole cost and expense, comply with any and all requirements regarding the use of the Premises by any company that issues a policy of fire, casualty or public liability insurance to the Lessor. Lessee shall not cause or permit the Premises or any adjoining portion of the Capitola Wharf to be used for any illegal purposes or in any way that constitutes waste or a nuisance, or that unreasonably annoys, disturbs or interferes with owners and/or occupants of, or causes damage to the balance of the Capitola Wharf, neighboring premises, properties, or improvements. Lessee shall not use the Premises for any purpose that is prohibited by any law, statute, ordinance, permit or governmental rule or regulation now in force, or that may be enacted or promulgated in the future. Lessee shall, at its own cost and expense, comply promptly with all laws, statutes, ordinances, rules, regulations, orders, permits, and requirements of any duly constituted governmental or public authority now in force, or that may be enacted or promulgated in the future, and with the requirements of any board of fire underwriters or other similar body now or hereafter constituted relating in any way to the operation of Lessee's business at the Premises and/or the use of the Premises, Lessee's operations on the Premises, the storage of personal property and equipment, including, in particular, but not limited to, all the terms and conditions of any City of Capitola conditional use permits, and/or any other permits, authorizations, and/or licenses pertaining to the Premises, INCLUDING, BUT NOT LIMITED TO, ALL LOCAL COUNTY, STATE AND FEDERAL LAWS RULES AND

REGULATIONS CONCERNING THE SAFETY, AND/OR THE USE, STORAGE AND DISCARDING OF HAZARDOUS SUBSTANCES AND OTHERWISE RELATED TO ENVIRONMENTAL PROTECTION (collectively "laws").

~~20.~~19. **Limitation.** No use shall be made of the premises hereby leased which shall interfere with fishing, commerce, navigation or the maintenance and operations of said Capitola Wharf.

20. **Right of Entry for Alterations, Modifications and Repairs.** ~~It is agreed that Lessor has reserved and shall at any and all times have the right to alter, repair, improve, or add to, the demised premises such portions of the Capitola Wharf structure as may support said demised premises either directly or indirectly, or which may in any way affect the use and occupation of said demised premises. It is further agreed that, for the purpose of making alterations, repairs, improvements, or additions, to said Capitola Wharf, or any part thereof, whether supporting said demised premises or affecting the use and occupation of said demised premises, Lessor shall have the right of entry upon said demised premises to erect scaffolding and all other necessary structures about and upon the demised premises, and further that Lessor shall have the right, on Lessor's finding it necessary to do so, to remove all or such portions of any structure or building subject to the lease herein, as may be required to make repairs to the Capitola Wharf. Lessee hereby waives any claims to damage against Lessor arising from loss of business by reason of Lessor's entry and removal of all or any portion of any structure or building leased by the terms of this agreement, for the purpose of making repairs to said demised premises and Capitola Wharf, as aforesaid. Lessor agrees that entry upon and removal from any of said demised premises shall be made in such manner as not to interfere with the operation of Lessee's use and occupation of demised premises or business thereon unless necessary to do so, and Lessor shall be the sole and exclusive judge as to the necessity of entry and removal of any of said demised premises for purpose of repairs. Lessee's rents upon said premises shall be subject to abatement during such period that Lessee shall be unable to use or occupy the entire~~

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~~demised premises and on a prorated basis in the event only a portion of the premises is not subject to use and occupation during said repairs and alterations. Lessor agrees to give Lessee reasonable notice of intention to make repairs, except in situations involving immediate peril and hazard to the Capitola Wharf, when such entry shall be made summarily by Lessor. Lessor shall be sole and exclusive judge as to what constitutes immediate peril and hazard to the Capitola Wharf.~~

(a) It is agreed that Licensor has reserved and shall at all times have the right to alter, repair, improve, and/or add to the Premises and/or the Capitola Wharf (including, but not limited to, the structure), including, without limitation, areas that may support the Premises (either directly or indirectly), as well as areas that may affect (in any way) the use and/or occupation of the Premises and/or any other portions of the Capitola Wharf used in operation of Lessee's business. It is further agreed that, for the purpose of making alterations, repairs, improvements, and/or additions to said Premises and/or Capitola Wharf, or any part thereof, whether supporting the Premises or affecting the use and occupation of said Premises, Lessor shall have the right of entry upon said Premises and/or Capitola Wharf to erect scaffolding and all other necessary or convenient structures about and upon the Premises and/or Capitola Wharf, and, further, that Lessor shall have the right, on Lessor's finding it necessary to do so, to remove all or such portions of any such structure or building subject to the Lease herein, as may be required to make repairs, alterations, improvements and/or additions to the Capitola Wharf and/or the Premises.

(b) Lessor, its agents, contractors, employees and assigns may enter the Premises at all reasonable times to:

i. Examine the Premises and any buildings, structures, and/or improvements thereon;

ii. Perform any obligation of, or exercise any right or remedy of, Lessor under this Lease;

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iii. Maintain, make repairs, alterations, improvements and/or additions to the Premises, or to other portions of the Capitola Wharf as Lessor deems necessary;

iv. Perform work necessary to comply with laws, ordinances, rules or regulations of any public authority or of any insurance underwriter;

v. Perform work that Lessor deems necessary to prevent waste or deterioration in connection with the Capitola Wharf; and

iv. Perform work that Lessor deems necessary to prevent waste or deterioration in connection with the Premises should Lessee fail to commence to make, and diligently pursue to completion, in a reasonable time as defined by Lessor, Lessee's required repairs after written demand therefore by Lessor.

(c) Lessee hereby waives any claims for damage and/or injury against Lessor (including, but not limited to, those arising from loss of business) by reason of Lessor's entry onto, use of, modification to, and/or removal of all or any portion of the Premises and/or any structure or building on the Capitola Wharf (including, but not limited to, any structure or building leased pursuant to the terms of this Lease) for the purpose of making repairs, alterations, improvements, and/or additions to the Premises, the Capitola Wharf, and/or to any other area. As Lessee's sole and exclusive remedy, Lessee's rents upon said Premises shall be subject to abatement during such period that Lessee shall be unable to use or occupy the entire Premises and on a prorated basis in the event only a portion of the Premises is not subject to use and occupation during said alterations, repairs, improvements, and/or additions.

(d) Lessor agrees to give Lessee reasonable notice of intention to make repairs, except in situations involving immediate peril and hazard to the Capitola Wharf, when such entry shall be made summarily by Lessor. Lessor shall be the sole and exclusive judge as to

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what constitutes immediate peril and hazard to the Capitola Wharf.

21. **Destruction of Premises.**

(a) In the event of a partial destruction of the Capitola Wharf structure of which the demised P~~p~~remises are a part, excluding any building thereon, during the said T~~t~~erm of this Lease, from any cause, Lessor shall forthwith repair the same provided Lessor determines that such repairs are covered by insurance proceeds from policies then in place and can be made within thirty (30) calendar days under the laws and regulations of State, Federal, County, and/or Municipal authorities, but said partial destruction shall in no way annul or void this L~~l~~ease, except that Lessee shall be entitled (as Lessee's sole and exclusive remedy to a proportionate reduction of rent while such repairs are being made, such proportionate reduction to be based upon the extent to which the making of such repairs shall interfere with the business carried on by Lessee on the said premises. If Lessor determines that such repairs are not covered by insurance proceeds and/or cannot be made within thirty (30) days, Lessor may, at its sole and absolute option (without any obligation to do so), make same within a reasonable time, this L~~l~~ease continuing in full force and effect and the rent to be proportionately abated as aforesaid in this paragraph provided. In the event that Lessor does not so elect to make such repairs which Lessor determines are not covered by insurance proceeds and/or cannot be made within thirty (30) days, or such repairs cannot be made under applicable~~such~~ laws and regulations of State, Federal, County, and/or Municipal authorities, this L~~l~~ease may be terminated at the option of either party.

(b) The provisions of Section 1932, Subdivision 2, and Section 1933, Subdivision 4, of the Civil Code of the State of California (and any successor statutes) are inapplicable with respect to any destruction of the Premises, such sections providing that a lease terminates upon the destruction of the leased premises unless otherwise agreed between the parties to the contrary. In respect to any ~~partial~~ destruction of the Premises (including, but not limited to, any partial destruction which Lessor is obligated to repair or may elect to repair under the terms of this ~~paragraph~~Section 21), the provisions of Sections

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1932, Subdivision 2, and of Section 1933, Subdivision 4, of the Civil Code of the State of California (and any successor statutes) are waived by Lessee.

(c) Lessee shall immediately notify Lessor in writing upon the occurrence of any damage or destruction that may occur on or to the Premises. In the event of destruction of or damage to the Premises or a building which is part of the leased P~~p~~remises, to the extent of less than fifty percent (50%) of the replacement cost thereof, during the said T~~t~~erm, from any cause, Lessee shall to the extent of applicable insurance proceeds, forthwith repair, restore, and/or rebuild the same, but said partial destruction and/or damage shall in no way annul or void this L~~l~~ease, except as hereinafter provided. Lessee, at Lessee's sole cost and expense, shall commence such repair and restoration work as soon as is reasonable under the circumstances and continue thereafter diligently and without interruption thereof to complete said repair and restoration work. The repairs required hereby shall be such as to restore the Premises and/or building to substantially the same condition as immediately preceding said partial destruction and/or damage.

(d) In the event that the Premises and/or building on the demised P~~p~~remises be destroyed or damaged to the extent of more than fifty percent (50%) of the replacement cost thereof, Lessor may elect to terminate this L~~l~~ease.

(e) In the event of any dispute between Lessor and Lessee relative to the provisions of this paragraph, Lessor's reasonable findings and conclusions as to ability to repair and extent of damage shall be binding upon Lessee.

(f) If a qualified expert's written report made after May 11, 2016 ~~September 15, 2000~~ reasonably concludes that the condition of the pilings is such that the immediate cost of rendering the Capitola W~~w~~harf safe for the uses contemplated by this agreement is in excess of $300,000, and Lessor makes and institutes a decision not to make such repairs (with adequate notice to Lessee and public hearing on the report), then Lessor may terminate this L~~l~~ease upon ~~five months~~ninety (90) days written notice to Lessee, from date of formal City Council action being entered. "Immediate cost", as used in this sub-paragraph, means the amounts a qualified

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expert reasonably opines must be spent in 18 months following the issuance of his/her report in order for the W~~w~~harf to be safe for the uses contemplated by this L~~l~~ease~~. "Immediate costs" does not refer to the normal costs of periodically maintaining or replacing planking. It does not include that portion of such costs for which the Lessor would be certain of reimbursement through insurance or grants. Lessor agrees to make its best good-faith efforts to obtain funding and grants from other governmental sources, to defray portions of "immediate costs" as defined hereinabove~~.

(g) Unless this Lease has been terminated pursuant to the provisions hereof, Lessee's obligation to make payments of rent and to perform all its covenants and conditions shall not be affected by any damage or destruction of the Premises by any cause whatsoever (other than the sole negligence or willful misconduct of Lessor), and Lessee hereby waives the provisions of any statute or law now or hereafter in effect contrary to such obligations of Lessee as herein set forth, or which relieves Lessee therefrom. Lessee expressly waives any right it may have, in law or equity, to offset any cost incurred by Lessee for repairs or restoration to the Premises against Lessee's obligations to pay rent and other amounts under this Lease.

~~(f)~~(h) Notwithstanding any other provision of this Lease, upon any event of damage or destruction to the Premises, Lessee shall at its sole cost and expense promptly take such actions and undertake and complete such work as is necessary to assure the safe condition of the Premises pending the ultimate disposition.

22. **Fire and Other Perils Insurance, Interest of Lessor and Lessee.** Lessee shall, prior to or concurrent with the commencement of occupancy under this lease agreement, obtain

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

insurance from a company or companies approved by Lessor, and authorized to do business in the State of California, insuring in the name of Lessee the buildings on the leased premises and all fixtures therein, in an amount approved by Lessor, against loss by reason of the perils of fire, lighting, vandalism and malicious mischief, and endorsed to include extended coverage, said policy to be on a replacement cost basis, and to be maintained in full force and effect throughout the term of this lease. The policy or policies, or proof thereof satisfactory to Lessor, shall be deposited with Lessor prior to or concurrent with occupancy under this lease. Should Lessee fail to keep insurance in full force and effect, Lessor may, at its option, either terminate this lease or may take out the necessary insurance and pay the premium, and the repayment thereof shall be deemed to be part of the rental and payable as such on the next day upon which rent become due.

Said policy or policies shall provide that the loss payable shall be paid to Lessor. Lessor shall receive and hold the proceeds form said policy or policies, subject to the following: If the building is destroyed to the extent of fifty percent (50%) of the replacement cost thereof, and Lessor elects to terminate this lease, then the proceeds of said insurance which are applicable to the building shall be payable to Lessor.

23. Vehicular Access, Parking, and Use of Roof. Lessor may create and enforce any restrictions concerning vehicular access and use of the wharf (including parking on the wharf or the lack thereof) which is, in its discretion, deems appropriate for safety and protection of the wharf structure. The Lessor may also impose any restrictions it deems appropriate, to control noise or limit damage to the roof, or to Lessee's business use of the upper surface of the roof.

24. Security Deposit. Lessee's prior security deposit with Lessor under previous lease is agreed by the parties to be $1500.00. If Lessee is in default, Lessor can use the security deposit, or any portion of it, to cure the default or to compensate Lessor for all damage sustained by Lessor resulting from Lessee's default or Lessee's damage to property. Lessee shall immediately on demand pay to Lessor a sum equal to the portion of security deposit expended or applied by

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

Lessor as provided in this paragraph so as to maintain the security deposit in the sum initially deposited with Lessor. If Lessee is not in default at the expiration or termination of this lease, Lessor shall return the security deposit to lessee. Lessor's obligations with respect to the security deposit are those of a debtor and not a trustee. Lessor can maintain the security deposit with Lessor's general and other funds. Lessor shall not be required to pay Lessee interest on the security deposit.

25. Telephone. A phone shall be available for direct (not recorded) public inquiries regarding all of Lessee's businesses during all such hours of operation required by this lease.

26. Insurance Deadline. All forms of insurance required under this lease shall be obtained on or before January 31 of each year and Lessee shall provide the city with certificates or policies so demonstrating.

27. Possessory Interest Tax. Lessee recognizes and understands in accepting this lease that it may be liable for possessory interest tax imposed by City or County on its leasehold interest, and that its payment of such tax shall not reduce the amount of consideration due Lessor under this lease, and that Lessor shall have no liability for the payment of such a tax.

28. Garbage and Trash. On Exhibit C, attached hereto, there is depicted an area of the wharf over which Lessee has the responsibility of cleaning up any trash or garbage left by either the general public or Lessee's agents or employees; however, Lessee is not required, outside of the restaurant, to supply public trash receptacles. Lessee shall frequently and promptly conduct such cleanup operations. Lessee shall make all such arrangements as are appropriate to insure that garbage and trash are removed from its premises.

29. Former Lease Agreements Superseded. The within agreement supersedes and replaces all earlier lease/concession agreements relating to these premises, except that Lessee is not relieved of obligations to repay any past due rent or penalties.

30. Miscellaneous.

(a) The storage of building materials, and the use of the Capitola Wharf area outside the leased premises, is not permitted.

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

building or maintenance activates authorized hereunder, or at any time, shall be subject to the approval and direction of the Lessor.

(b) In case there be more than one Lessee, the obligation of Lessees executing the within lease shall be joint and several.

(c) The covenants and agreements contained in this lease shall be binding upon the parties hereto and upon their respective heirs, executors and successor.

(d) Time is of the essence of this lease and of each and every provision herein contained.

(e) This lease shall be construed and interpreted in accordance with the laws of the State of California.

(f) This lease is made subject to the provisions of Section 718 of the Civil Code of the State of California, and it is agreed that if at any time the leasing of the premises hereinabove described shall interfere with the use of the Wharf for navigation or fishing, then this lease shall terminate.

(g) The fixed minimum base rent (see Section 4(a)) shall be adjusted annually as follows: Beginning with the rent due for the month of January, 2002, there shall be an adjustment to reflect costs of living increases or decreases that have occurred over the preceding 12 month period. That cost of living adjustment shall be determined in accordance with the U.S. Department of Labor, Bureau of Labor Statistics, figures in accordance with the United States Consumers All Items Price Index in the San Francisco-Oakland-San Jose Area, All Urban Consumers Index. The percent change figure for the one year ending period ending in December shall be used in this computation. If the described index shall no longer be published, another generally recognized as authoritative shall be substituted by agreement of the parties. If they are unable to agree within ten (10) days after demand by either party, the substantive index shall, on application of either party, be selected by the Chief Officer of the San Francisco Regional Office of the Bureau of Statistics, or its successor.

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

31. **Discrimination.** Lessee in its use of the leased premises shall not discriminate against any person or class of persons on the basis of race, color, creed, national origin, sex, age, or physical handicap.

IN WITNESS WHEREOF, the parties hereto have executed this tease Agreement the day and year first herein written.

LESSEE:

LESSOR:.

CITY OF CAPITOLA
A Municipal Corporation

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

SUMMARY OF CITY'S INTEREST IN THE WHARF

The County of Santa Cruz was given ownership of certain tide and submerged lands now within the City of Capitola subject to certain terms, conditions, reservations, and trustee responsibilities set forth in a statutory grant from the State of California (STATS. 1935, Ch. 687, as amended by STATS. 1974, Ch. 884.). Thereafter all of the County's rights were duly assigned to the City of Capitola, which was formalized by a resolution of said Board of Supervisors and a grant deed dated December 12, 1979, concerning assessor's parcel 34-0720-01.

During 1979 and 1980 the City cooperated with the State of California in renovating the Wharf. From that process the following instruments resulted: "Cooperative Agreement for the Operation and Maintenance for Capitola Fishing Wharf' and "Agreement" between Department of Fish and Game and the City of Capitola both dated February 14, 1980 together with amendment of July 1, 1980.

Leases of the within variety are authorized pursuant to provisions to the above described statutes and by paragraph 10 of said "Cooperative Agreement."

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

PREMISES

The premises which are the subject of this lease consist of the exclusive use of all of the interior, including wall surfaces and windows, of the existing Restaurant Structure located on the Capitola Wharf, excluding the restroom.

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

SANTA CRUZ COUNTY SANITATION DISTRICT
701 OCEAN STREET, ROOM 410
SANTA CRUZ, CA 95060
(831)454-2160 FAX (831)454-2089

CITY OF CAPITOLA
Attn: Tina Reza
420 Capitola Ave
Capitola, CA 95010

March 29, 2001

RECEIVED
MAR 30 2001
By

SUBJECT: 2001/2002 SEWER SERVICE CHARGE *BREAKDOWN FOR* APN 34-072-01
(CAPITOLA WHARF BUSINESSES)

❑ear Tina;

The following Is the breakdown of the upcoming 200112002 sewer service charges for the businesses on the above parcel:

(THIS IS FOR YOUR INFORMATION ONLY —THIS IS NOT A BILL)

2000 total water use		1,312	HCF									
Fishing Supplies		60	HCF X	$3.86	)	(	1	X $157.92	)	=	$389.52	
Public Restrooms	(	626	HCF X	$3.86	)	(	1	X $157.92	)	=	$2,574.28	
Wharf House (EgRestaurant Rate)	(	626	HCF X	$6.11	)	(	1	X $157.92	)	=	$3,982.78	
								Parcel Total=			$6,946.58	1

If you have any other questions, feel free to call me at 454-2790.

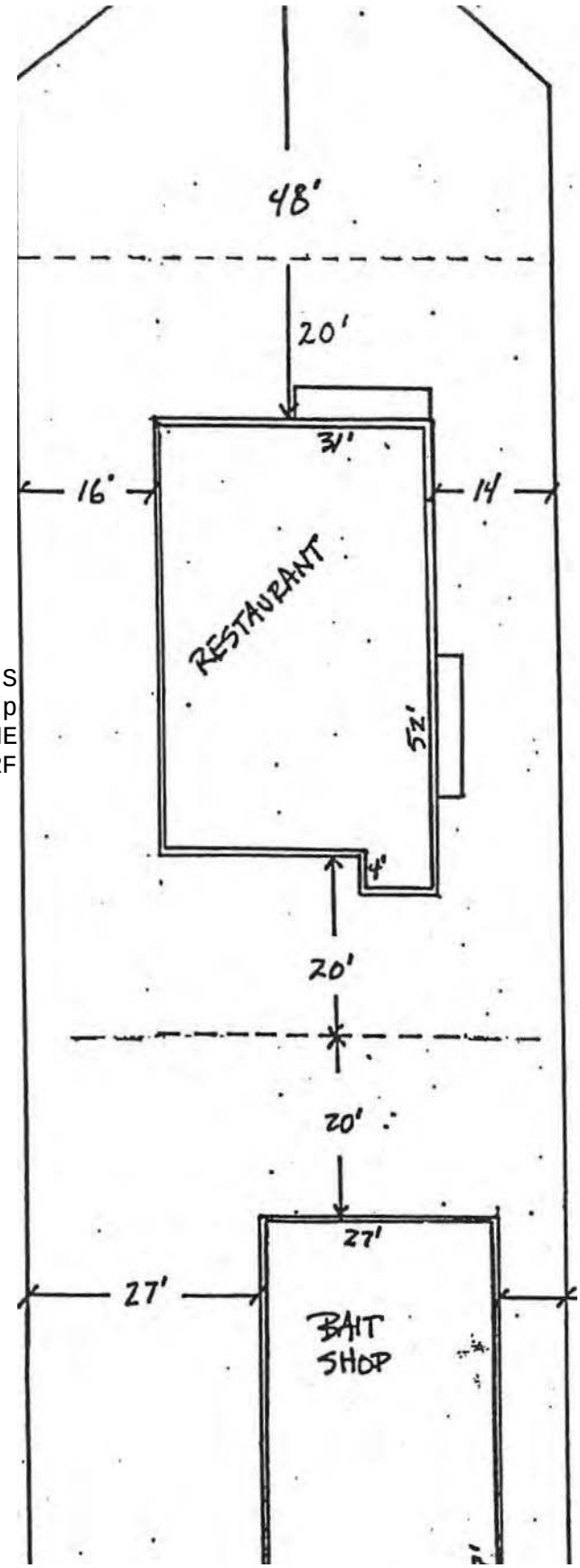
Yours truly

Eleanor Anderson
Sanitation Engineering

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

EXHIBIT B

LESSEE'S CLEAN-UP AREA IS ENCOMPASSED BY THE DOTTED p LINES AND THE SIDES OF THE WHARF



Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

ATTACHMENT 1

INSURANCE

INSURANCE LIABILITY LIMITS:

1. Workers' Compensation & Employer Liability

   Workers' Compensation Limits - Statutory as required by applicable State Law

   Employers Liability Limits

   $1,000,000 Each Accident
   $1,000,000 Disease - Policy Limit
   $1,000,000 Disease - Each Employee

   The insurer shall agree to waive all rights of subrogation against Lessor, its City Council members, boards, commissions, officers, officials, employees, agents and volunteers arising from Lessee's occupancy and/or use of the Premises.

2. "All Risk" Property Insurance against loss or damage to the Premises and any Lessee improvements or betterments resulting from fire, windstorm, hail, lightning, vandalism, malicious mischief, and such other perils ordinarily included in extended coverage casualty insurance policies. Such insurance shall be maintained in an amount not less than one hundred percent (100%) of the full replacement value of the Premises and any Lessee improvements and betterments. Such property insurance shall name the Lessor as a loss payee as its interest may appear.

3. Commercial General Liability (Occurrence Form Only) Limits

   $3,000,000 Each Occurrence /$3,000,000 Aggregate
   $3,000,000 Personal Injury Liability
   $3,000,000 Aggregate for Products-Completed Operations

   Including products, completed operations, contractual liability, broad form property damage to include injury to or destruction of Lessor's property, coverage for explosion, collapse and underground damages, and limited pollution liability endorsement.

4. Automobile Liability Limits

   $2,000,000 Combined Single Limit Each Occurrence Bodily Injury and Property Damage
   Including Owned, Non-owned, and Hired Vehicles
   The policy shall be endorsed to include Motor Carrier Act endorsement –

Attachment: 2016-wharf house lease with changes (Wharf House June Rent Waiver)

Hazardous Materials Cleanup (MCS-90).

5. Environmental Impairment Liability/Pollution Liability Insurance Limits

$2,000,000 Per Occurrence/$2,000,000 in the aggregate
Covering losses caused by pollution conditions that arise from the operations of the Lessee to apply to bodily injury, property damage, including loss of use of damaged property or of property that has been physically injured, cleanup costs, and defense.

Endorsed to name Lessor, its City Council members, boards, commissions, officers, officials, employees, agents and volunteers as additional insureds

The additional insured endorsement required under the Lease shall be written utilizing standard ISO form CG 20 10 04 13 in combination with ISO form CG 20 37 04 13, or the equivalent, as determined by Lessor, and the endorsement required under the Lease for primary and non-contributory coverage shall be written utilizing standard ISO form CG 20 01 04 13. There shall be no modification or change from the standard ISO form language.

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: Community Development

SUBJECT: Consider a Resolution to Apply for a U.S. Economic Development Administration Grant

---

RECOMMENDED ACTION: Adopt the proposed resolution authorizing the City Manager to apply for a grant from the U.S. Department of Commerce, Economic Development Administration, for a revolving loan fund for participating jurisdictions in Santa Cruz County.

BACKGROUND: The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law on March 27, 2020. The Act provides funding to the U.S. Department of Commerce, Economic Development Administration (EDA) and its Economic Adjustment Assistance (EAA) Program to assist communities impacted by the COVID-19 pandemic. The EDA received $1.5 billion through the CARES Act to fund its various programs nationwide.

Regionally, the establishment of a Santa Cruz County Revolving Loan Fund (RLF) has been discussed in the past, however Santa Cruz County did not meet the various economic distress criteria to justify EDA funding. The County is now experiencing 17.4% unemployment due to COVID-19's economic impact, as shown in the latest May 22, 2020, Santa Cruz County Employment Report. This level of economic distress is above the national average and now meets EDA criteria for funding a revolving loan fund. Additionally, EDA now has funding to increase the number of RLFs in the U.S. and increase funding available to the existing RLFs.

The EDA now funds more than 500 RLFs nationwide. The purpose of each of these funds is to make loans to businesses that cannot otherwise obtain traditional bank financing. These loans provide access to capital as gap financing that enables small businesses to grow into enterprises that can qualify for conventional business financing. The intent behind these programs is that after the initial seed funding, they can continue to operate using repaid loans to finance new loans.

DISCUSSION: Regionally the process to begin the formation of an RLF in Santa Cruz County was initiated through a series of discussions with the other county government jurisdictions, local financial institutions, and non-profit organizations. Following these discussions, several other administrative steps are required to finalize the formation of a County RLF. The City of Santa Cruz has volunteered to be the lead agency with the EDA.

Staff is currently researching whether each jurisdiction in the County needs to adopt a resolution, or simply endorse a regional application. This agenda item provides staff the flexibility to participate in a regional application regardless.

Typically, EDA grant funding for an RLF requires a 20% local match. It is possible the EDA may waive the 20% match depending on economic conditions. Capitola, along with other jurisdictions, has not identified funding for the 20% match but will pursue the waiver and other possible non-City funding sources. Additionally, in-kind services in the administration of the RLF can be counted toward the local match requirement. In general, EDA RLF grant awards can range from $800,000 to $2.5 million.

FISCAL IMPACT: Generally, the EDA requires a 20% local funding match. Staff is seeking a waiver to the local match requirement due to regional economic conditions. In addition, staff is researching other local funding sources if the waiver is not approved. The City's costs to participate in the regional program would be staff time as part of an in-kind contribution. If the grant is awarded, staff will return at a later meeting to update the City Council on final funding allocations.

Report Prepared By: Katie Herlihy
Community Development Director

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/24/2020

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION FOR A REVOLVING LOAN FUND FOR PARTICIPATING JURISDICTIONS IN SANTA CRUZ COUNTY

WHEREAS, the US Department of Commerce, Economic Development Administration (EDA) administers a program to encourage local governments to create revolving loan funds to assist in business formation and development in local communities;

WHEREAS, pursuant to EDA regulations in order for a community or a group of communities to create an EDA Revolving Loan Fund the participating entities must pass a resolution of their governing body stating an interest in participating in an EDA funded revolving loan fund; and

WHEREAS, the City of Capitola, the County of Santa Cruz, and the other cities in Santa Cruz County have suffered a major economic loss from the closure of businesses due to the impacts of the COVID-19 Pandemic; and

WHEREAS, other jurisdictions in the Santa Cruz County have expressed interest in working cooperatively to create a Revolving Loan Fund to leverage EDA funds to assist local businesses throughout Santa Cruz County.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the City Manager of the City of Capitola is hereby authorized to sign an agreement with other local governments in Santa Cruz County, on behalf of the City of Capitola, regarding a joint application for funding to the Economic Development Administration.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to submit a grant application and all other required documentation to the Economic Development Administration for a grant to establish a Santa Cruz County Revolving Loan Fund.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 25th day of June, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kristen Petersen, Mayor

ATTEST:

_____
Chloé Woodmansee, Interim City Clerk

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: City Manager Department

SUBJECT: Receive Update on the City's Pandemic Response

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

BACKGROUND: On May 30, the Santa Cruz County Health Officer issued a supplemental Order authorizing all business operations and actives allowed under Stage 2 of the State's Resilience Roadmap. This order was possible as the State of California approved Santa Cruz County's variance application, also on May 30, 2020.

On June 9, the Santa Cruz County Health Officer issued a supplemental Order directing County residents to continue sheltering in place and providing modifications to prior orders. This Order removed lodging restrictions and, except for the beach closure and Social Distancing Requirements, lifted all other restrictions other than those in place as a result of the State's Shelter Orders. With this Order, the County is aligned with State guidance which now allows movies theaters and family entertainment centers; museums, galleries and aquariums; gyms and fitness centers; swimming pools; campgrounds and RV parks; and tasting rooms, brewpubs and bars to reopen. New State guidance on schools, childcare facilities and day camps are also in effect. The order continues to be in effect until 11:59 pm on July 6, 2020.

The Health Officer will be evaluating the Santa Cruz County beach closure after July 6.

As of June 19, there are 283 cases of COVID-19 in Santa Cruz County and 13 cases in the City of Capitola.

DISCUSSION: Due to the City's emergency declaration and the County's Shelter in Place order, City departments continue to implement strategies to protect the community and employees while maintaining essential levels of service to the public.

On June 11, City Council approved a resolution ratifying Emergency Order 4-2020 which established an administrative permit process so that businesses can apply for temporary outdoor activities that allow for social distancing. As of June 16, fourteen Village restaurants have applied and twelve have been approved for permits, and two restaurants outside of the Village have applied with one approved the second pending. Further updates on these new business operations will be provided by a representative of the Business Improvement Area (BIA) during the June 25, 2020, Council Meeting.

On June 16, Mayor Petersen and City Manager Goldstein hosted a Community Update using

Zoom Webinar. They answered questions submitted by the public about the pandemic's impact to the City, the Capitola Police Department's culture and community engagement, and the current status of a variety of City services and projects. More than 25 people attended the live Zoom webinar, and a video of the webinar has been watched at least 230 times on Facebook.

While negotiations between the Governor and Legislature continue for the Fiscal Year (FY) 2020-21 State Budget, it appears that there is consensus on the allocation of $500 million of CARES Act Funding to cities for expenses related to combating COVID-19. This funding includes $275 million for cities with a population less than 300,000, allocated based on the city's population. Staff anticipates Capitola will receive approximately $125,800 based on our population of 10,240 and the per capita allocation of $12.28 per person. This funding may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

As of June 18, staff has identified approximately $20,000 COVID related expenditures that are clearly eligible for reimbursement. In addition, the City has incurred expenditures totaling approximately $22,300 for personnel costs for Disaster Service Workers, Paid Emergency Sick Leave, and Paid Family Medical Leave Act. Further, the City has spent an additional $170,000 in staff time working on the City's COVID response. Finally, the City has spent approximately $111,000 in personnel costs incurred during the first 6 weeks of the shelter-in-place order paid to staff that were sent home and unable to work will qualify for reimbursement. The table below summarizes expenditures:

Anticipated CARES Act Funding	$125,800
Reimbursable COVID Expenditures	$20,000
Potentially Reimbursable COVID Expenditures	$22,300
Other COVID Expenditures	$281,000

CARES Act funds may not be used as revenue replacement to fill the $4.5 million revenue shortfall anticipated in FY 2020-21. The final rules regarding how the City's CARES Act funding can be used have not been developed, therefore the City will continue to track costs, and provide an update to Council as additional details are available.

The City entered a contract with Adams Ashby administer the City's Community Development Block Grant-Coronavirus Response (CDBG-CV) program. Funding from the grant will be used to pay for the contract. The initial Notice of Funding Availability (NOFA) was published on June 5 and identified up to $88,010 of CDBG-CV funds for Capitola. The City also has $80,632 in CDBG Program Income (PI) funds from repaid loans. These PI funds may also be used in response to the COIVD-19 pandemic on eligible activities; in total the City will have up to $168,642 of CDBG funds for the first round of funding.

The June 5 NOFA lacked clarity on the structure for economic development grants for businesses. Additional guidance from HCD is expected in the coming weeks, which has set back the City's anticipated application date. Paul Ashby is also assisting the City with the process of acquiring nonprofit sub-recipients to distribute grant funding for each CDBG-CV activity. A maximum of three activities are allowed per funding round. Two additional funding rounds are expected.

Further updates on the regional and local coronavirus response, including the City's plans to mitigate impacts on the July 4 weekend will be provided in a verbal report at the meeting.

FISCAL IMPACT: As previously stated, reductions in Sales Tax and Transient Occupancy Tax as a result of this health crisis and shelter in place order is substantial. In our current fiscal year, Staff is projecting an approximately $1.5 million shortfall and has had to cut nearly $4.5 million from the annual budget.

Report Prepared By: Chloe Woodmansee
Interim City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/19/2020

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: Public Works Department

SUBJECT: Real Property Negotiations Easement Grant to Pacific Gas and Electric Company 420 Capitola Avenue, Capitola CA 951010 APN: 035-141-35 City Hall Property

---

RECOMMENDED ACTION: Authorize the City Manager to negotiate the terms and execute an Easement Deed granting Pacific Gas and Electric Company a non-exclusive utility easement for installation of a new underground box and above ground cabinet and antenna on City owned property located at 420 Capitola Avenue, Capitola CA 95010, APN: 035-141-35, City Hall property.

BACKGROUND: In October 2019, Pacific Gas and Electric Company (PG&E) began implementing Public Safety Power Shutoffs (PSPS) when high winds threatened their electrical system increasing the possibility of starting a wildfire. Due to the breadth of the PG&E electrical distribution system, PSPS's intended to protect certain areas also resulted in power loses to larger areas that were not necessarily impacted by the high winds. In two instances, areas in Capitola along Capitola Avenue, Bay Avenue, and Depot Hill were affected by the PSPS outages including City Hall and business and residential properties along these corridors. The rest of Capitola, including the Village and all areas west of Soquel Creek, was not impacted by the outages. The first outage occurred on Thursday, October 10 and lasted for 19.5 hours. Due to the outage, a City Council Meeting was canceled, and impacted businesses reported significant financial loses. The second outage occurred over the weekend of October 26 and lasted for 40 hours. Though City Hall was closed during most of the outage, businesses and residents were again impacted.

These outages occurred at times when the wind in Capitola was generally mild and not threatening the local electrical systems. The outages occurred due to high winds in the Santa Cruz Mountains, which shut off power lines that feed the distribution system serving Capitola Avenue and Bay Avenue. Following the outages, City staff contacted PG&E to discuss whether it was possible to develop a project to prevent these outages from impacting Capitola.

PG&E responded favorably and has developed a project that connects the electrical distribution system serving the Village with the system going up Capitola Avenue. The project will involve an underground connection of the two distribution systems, switches and monitoring equipment to allow the connections to be controlled remotely. PG&E has advised staff that an underground vault, an above ground cabinet, and an antenna, will need to be located on City owned property behind the sidewalk and in front of the parking lot entrance to City Hall.

PG&E Easement at City Hall
June 25, 2020

DISCUSSION: PG&E's Right of Way agent has sent the City a letter (Attachment 1) requesting the City grant PG&E a non-exclusive utility easement for the placement of equipment. A map of the easement is shown in Attachment 2, a street view of the easement is Attachment 3, a picture of a similar cabinet is Attachment 4, and the grant deed is in Attachment 5. PG&E has offered the City $3,700 for the easement.

The easement grants PG&E the right to construct, maintain, and operate, their equipment within the easement in perpetuity. The easement does not limit the size of PG&E's equipment or give the City any design review authority. The easement further grants PG&E the right to trim or remove vegetation that may interfere with their equipment within or adjoining the easement. PG&E has indicated that the City may maintain some landscaping in the easement area.

In considering this request by PG&E, staff inquired if there were other areas to place this equipment not in front of City Hall and the Capitola Historical Museum. PG&E has insisted that this is the only location that will work based on the location of other utilities. They did look at placing the equipment on railroad property, but the railroad refused to grant them a permanent easement.

In addition, staff sought to limit the easement to equipment necessary for an intertie and to receive permission to paint the above ground cabinet. PG&E has agreed in concept to allowing the cabinet to be painted, with their review and approval. As to limiting the equipment in the easement, PG&E cannot commit to limiting the equipment but has offered the City the opportunity to propose language in the deed that may offer some assurances to the easement's use over time. Staff and the City Attorney will work together to negotiate some revised terms establishing the City's ability to paint the cabinet and control equipment placed in the easement.

The benefits to this project are substantial as previously affected areas by the PSPS outages within Capitola will no longer be impacted, unless there are local conditions which warrant shutting off local power lines. A map of the impact area is included as Attachment 6.

PG&E is prepared to complete the project this summer in advance of the typical fall fire season when PSPS's may be needed.

FISCAL IMPACT: The $3,700 in revenue will be placed in the facility reserve account to be used for renovations to the area impacted by the equipment, including the museum sign.

ATTACHMENTS:

1. PG&E Letter (PDF)
2. PG&E Easement Map(PDF)
3. PG&E Street view of easement (PDF)
4. PG&E Cabinet and Antenna (PDF)
5. PG&E Easement Deed (PDF)
6. PG&E Benefit Map (PDF)

Report Prepared By: Steve Jesberg
Public Works Director

PG&E Easement at City Hall
June 25, 2020

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/19/2020

Joseph Vasilieff, Right of Way Agent
Pacific Gas and Electric Company
Joseph.Vasilieff@pge.com | 628-223-1356

May 27th, 2020

City of Capitola
Attn: Steve Jesberg
Public Works Director
420 Capitola Ave
Capitola CA 95010

RE: PG&E's Electric Distribution BTIE CAPITOLA OPAL 402/SOQ SCADA Project
At 420 Capitola Ave Capitola CA 95010 APN: 035-141-35 Santa Cruz County

Dear Mr Jesberg:

In a continuing effort to provide safe and reliable electric service to its customers, Pacific Gas and Electric Company (PG&E) is upgrading its electric distribution facilities in Santa Cruz County. To facilitate PG&E's BTIE Capitola OPAL 402/SOQ SCADA project, PG&E is proposing to acquire a permanent, non-exclusive utility easement for the installation of a new underground electric switch box and associated SCADA control cabinet, a portion of which will be located on your property, at 420 Capitola Ave in Capitola CA, Assessor's Parcel Number 035-141-35.

Please refer to the enclosed aerial map, and easement document, which show the proposed easement location and size (approximately 119 square feet.).

PG&E hereby offers to pay the City a total of $3,700 as compensation for the permanent utility easement to be acquired at this time. This sum is based on a valuation estimate completed by PG&E.

If you find the offer acceptable, please sign and return the Easement Deed marked "PG&E's copy" Your signatures on the Easement Deed must be acknowledged by a notary public and must match exactly what is printed on the signature block. The document, marked 'Grantor Copy' is enclosed for your file; I will forward to you a copy of the recorded Easement Deed. A W-9 has also been included and will need to be completed and returned in order to process the settlement payment. Payment processing can take several weeks after PG&E has received both the signed W-9 form and the notarized easement deed. Please insure that the W-9 form that you provide to me is signed and dated within the last 6 months.

You may be assured PG&E will make every effort to accommodate and address your concerns about this project. If you have any further questions about the project or PG&E's offer, please feel free to contact me at 628-223-1356 or by email at Joseph.Vasilieff@pge.com. Thank you for your cooperation and consideration.

Sincerely,

Joseph Vasilieff
Right of Way Agent

Enclosures: Easement Deed, Aerial Exhibit And IRS form W-9

NOTES:

STRIP 1 = PROPOSED UTILITY DISTRIBUTION EASEMENT

(119 SQ. FT.)

NOTES :				DESIGNER :	WORKSPACE EXHIBIT		PLSS : (T11S, R1W, SEC. 15)
				TECH : D6GU	BTIE CAPITOLA OPAL 402/SOQ 402 402 CAPITOLA AVENUE Installation of New Underground Electric Switch And SCADA Control Cabinet PACIFIC GAS AND ELECTRIC COMPANY	LS & ES	COUNTY/CITY : CAPITOLA
				CHKD :			DIVISION : CENTRAL COAST
				OK'D :			AUTH # : 35164817
				DATE : 5-12-2020			SHEET NO. 1 SHEETS 1
				SCALE : 1" = 10'			REV.
#	DATE	DESCRIPTION OF REVISIONS	LAN-ID				

Attachment: PG&E Easement Map (PG&E Easement at City Hall)

PG&E Easement Street View

Attachment: PG&E Street view of easement (PG&E Easement at City Hall)

SCADA Cabinet and Antenna

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City of Capitola
Recording Fee $ _____
Document Transfer Tax $ N/A
[X] This is a conveyance where the consideration and Value is less than $100.00 (R&T 11911).
[ ] Computed on Full Value of Property Conveyed, or
[ ] Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
[ ] Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

_____
Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD# 2311-01-10040

EASEMENT DEED

CITY OF CAPITOLA, a municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Capitola, County of Santa Cruz, State of California, described as follows:

(APN 035-141-35)

Six parcels of land (a) the first described and designated in the deed from Harlan P. Kessler and Marjorie E. Kessler to City of Capitola, a municipal corporation, dated January 11, 1963 and recorded in Book 1522 of Official Records at page 633, Santa Cruz County Records; (b) the second described and designated in the deed from William A. Franklin, Irma A. Franklin and Irma A. Hunter to The City of Capitola, a body politic, dated September 13, 1958 and recorded in Volume 1207 of Official Records at page 38, Santa Cruz County Records; (c) the third described and designated in the deed from Harlan P. Kessler and Marjorie E. Kessler to The City of Capitola, a body politic, dated February 15, 1955 and recorded in Volume 1007 of Official Records at page 69, Santa Cruz County Records; (d) the fourth described and designated in the deed from Harlan P. Kessler and Marjorie E. Kessler to City of Capitola, a municipal corporation, dated July 21, 1954 and recorded in Volume 977 of Official Records at page 487, Santa Cruz County Records; and (e) the last two described and designated as Parcel One and Parcel Two in the deed from Capitola Chamber of Commerce, a California non-profit corporation to City of Capitola, a municipal corporation, dated July 24, 1950 and recorded in Volume 792 of Official Records at page 255, Santa Cruz County Records.

The easement area is described as follows:

The parcel of land outlined by heavy dashed lines on the print of Grantee's Drawing No. 35164817 attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

I hereby certify that a resolution was adopted on the _____ day of _____ , 20___ , by the _____ authorizing the foregoing grant of easement.

By _____

CITY OF CAPITOLA, a municipal corporation,

_____
By

_____
By

Attachment: PG&E Easement Deed (PG&E Easement at City Hall)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ , Notary Public,
Insert name

personally appeared _____

_____,

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

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

WITNESS my hand and official seal.

_____ (Seal)
Signature of Notary Public

CAPACITY CLAIMED BY SIGNER

[ ] Individual(s) signing for oneself/themselves

[ ] Corporate Officer(s) of the above named corporation(s)

[ ] Trustee(s) of the above named Trust(s)

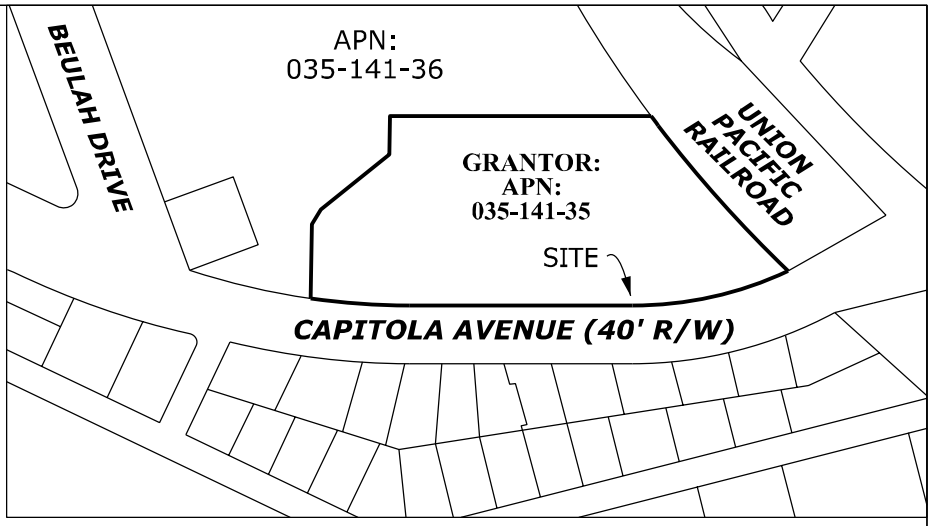
[ ] Partner(s) of the above named Partnership(s)

[ ] Attorney(s)-in-Fact of the above named Principal(s)

[ ] Other _____

Attachment: PG&E Easement Deed (PG&E Easement at City Hall)

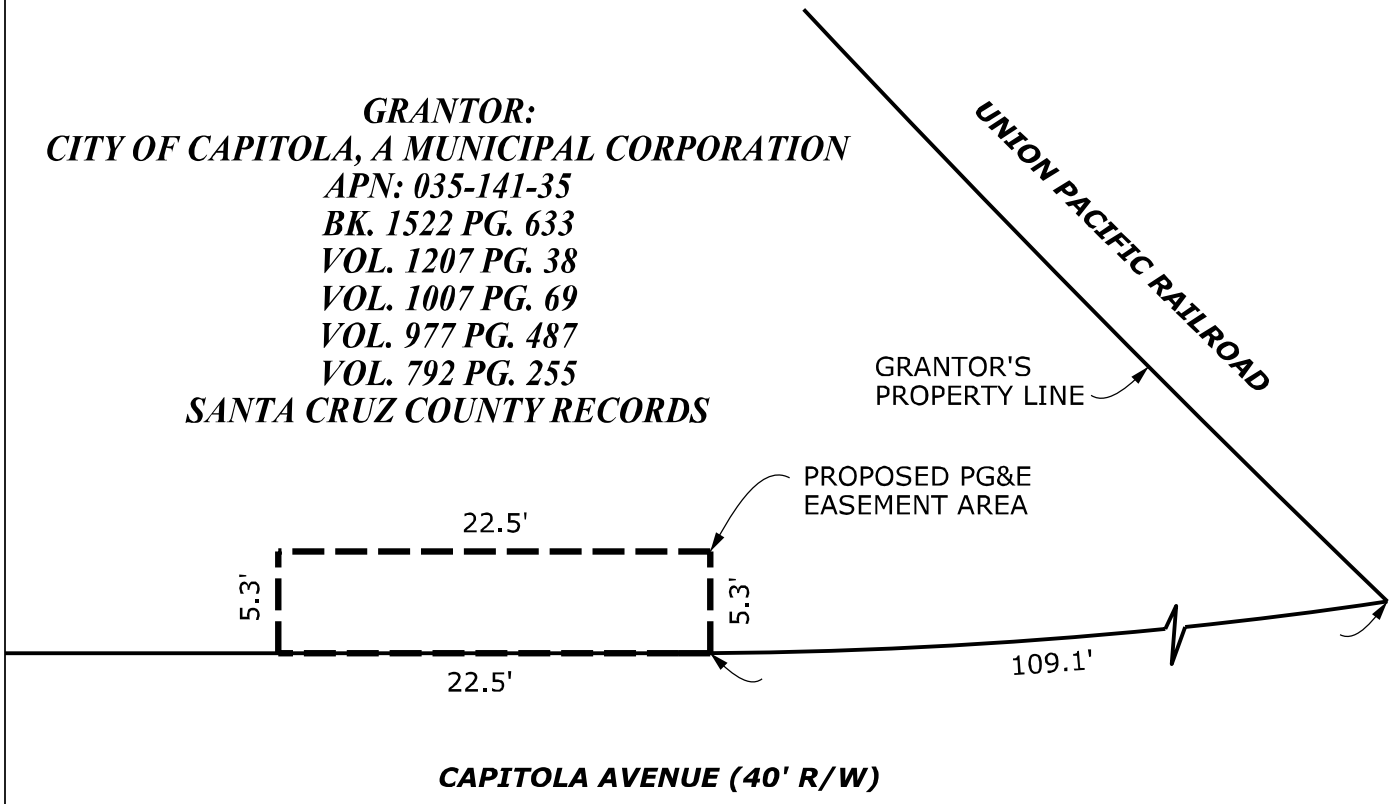
(SW 1/4 OF THE NE 1/4 OF SEC. 15)
RANCHO SOQUEL



VICINITY MAP
N.T.S.

PROFESSIONAL LAND SURVEYOR
RANDELL SCOTT WEST
No. 8663
STATE OF CALIFORNIA

GRANTOR:
CITY OF CAPITOLA, A MUNICIPAL CORPORATION
APN: 035-141-35
BK. 1522 PG. 633
VOL. 1207 PG. 38
VOL. 1007 PG. 69
VOL. 977 PG. 487
VOL. 792 PG. 255
SANTA CRUZ COUNTY RECORDS



UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES.

Applicant: **PG&E** **UTILITY EASEMENT, SANTA CRUZ COUNTY**					SCALE N.T.S.	DATE 5/12/2020
SECTION (15)	TOWNSHIP (11 S.)	RANGE (1 W.)	MERIDIAN (M.D.B.&M.)	COUNTY OF: SANTA CRUZ	CITY OF: CAPITOLA	
				F.B.: BC&F	DR.BY: D6GU	CH.BY: KECE
PLAT MAP REFERENCES	ELECTRIC O1519 N/A			PG&E	CENTRAL COAST DIVISION	118710552 AUTHORIZ	35164817 DRAWING NO.

Attachment: PG&E Easement Deed (PG&E Easement at City Hall)

Attach to LD: 2311-01-10040

Area, Region or Location: 3, Central Coast Division

Land Service Office: Salinas

Line of Business: Electric Distribution (43)

Business Doc Type: Easements

MTRSQ: (23.11.01.15.13) – Rancho Soquel

FERC License Number: N/A

PG&E Drawing Number: 35164817

Plat No.: Electric O1519

LD of Affected Documents: N/A

LD of Cross Referenced Documents: N/A

Type of interest: Electric Underground Easements (4), Utility Easement (86)

SBE Parcel: N/A

% Being Quitclaimed: N/A

PM: 35164817

JCN: N/A

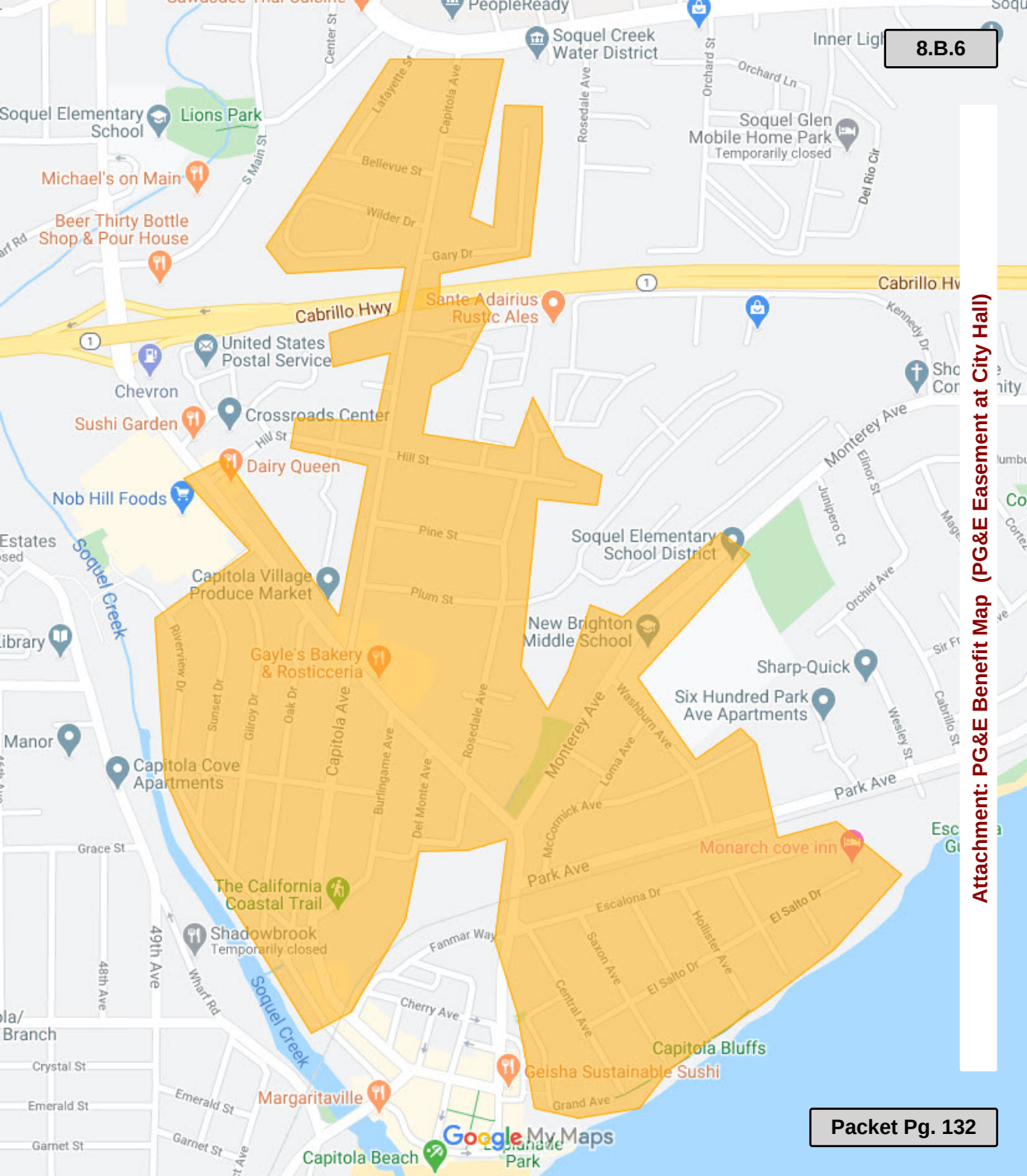
County: Santa Cruz

Utility Notice Number: N/A

851 Approval Application No: N/A; Decision: N/A

Prepared By: D6GU

Checked By: KECE



Attachment: PG&E Benefit Map (PG&E Easement at City Hall)

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: Finance Department

SUBJECT: Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2020/2021

RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2020/2021 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 are renewed annually and fund various programs that benefit businesses within the CVWBIA district boundaries.

DISCUSSION: On June 11, 2020, the City Council adopted Resolution No. 4177, Resolution of Intention to Levy Business Improvement Assessments for Fiscal Year 2020-21, which set a public hearing for June 25, 2020, 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 business owners within the district boundary for improvements and activities that support and revitalize business as well as attract visitors. The amount of assessments for each business is based upon the type of business and may be a flat fee or increasing fee based on the number of full-time equivalent employees. 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

(TOT) from 10 percent to 12 percent. It restricted 20 percent of the TOT increase 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. City Council also requested that a minimum of 25 percent of restricted TOT revenues be allocated toward community improvements, which may include special events. The proposed CVWBIA budget includes $14,500 of TOT revenues for FY 2020/21.

Staff recommends the Council adopt the proposed resolution confirming the Fiscal Year 2020/2021 CVWBIA Assessments and adopting the Annual Plan and Fiscal Year 2020/2021 budget, as approved by the Council on June 11, 2020, unless it receives oral and written protests from the owners of businesses that will pay 50 percent or more of the assessments as mandated by state law.

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. Attachment 1 (PDF)

Report Prepared By: Mark Sullivan
Senior Accountant

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/19/2020

RESOLUTION NO. ___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA CONFIRMING THE FISCAL YEAR 2020/2021 CAPITOLA VILLAGE AND WHARF BUSINESS IMPROVEMENT AREA ASSESSMENTS AND ADOPTING THE ANNUAL PLAN AND FISCAL YEAR 2020/2021 CVWBIA BUDGET

WHEREAS, the Capitola Village and Wharf Business Improvement Area (CVWBIA) has prepared a report to the City of Capitola for Fiscal Year 2020/2021 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 5, 2020; 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. 4156; and

WHEREAS, on June 11, 2020, the City Council adopted Resolution No. 4177 stating its intention to levy business improvement assessments for Fiscal Year 2020/2021, receiving the Annual Report and Fiscal Year 2020/2021 Budget, and approving the CVWBIA Assessment Basis/Business Addresses and Assessment Method; and

WHEREAS, pursuant to Resolution No. 4177 the City Council, in accordance with California Streets and Highways Code Section §36535, held a public hearing on June 25, 2020, 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 2020/2021, 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 2020/2021 Capitola Village and Wharf Business Improvement Area Annual Report, including the Fiscal Year 2020/2021 budget, as filed with the City Clerk on June 5, 2020, and received by the City Council on June 11, 2020, as part of Resolution No. 4177, is hereby confirmed and adopted.

2. The adoption of this Resolution shall constitute the Fiscal Year 2020/2021 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 25, 2020.

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 25th day of June, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

EXHIBIT A

Resolution No. 4177

Annual Report & Proposed Fiscal Year 2020-2021 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.

Last fiscal year the CVWBIA began to receive a portion of the Transient Occupancy Tax (TOT) collected by the city and made commitments based on projected TOT revenues. Due to the COVID-19 pandemic and required closure of short-term transient rentals, TOT revenue projections were not met. The CVWBIA will need to be flexible with this years' budget due to the uncertainty of future TOT revenues.

Because all businesses had to close or greatly alter their business model due to the COVID-19 pandemic, FY 20-21 assessments will be reduced by 25%.

As the CVWBIA begins its fifteenth year we face unusual challenges. 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 15,870 fans with

our top 5 cities being: San Jose, Santa Cruz, Modesto, Sacramento, and Capitola. Our Instagram is growing the fastest with over 11,390 active followers with an average of 500 profile visits to our account every week. Our newest channel, Twitter, currently has almost 900 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. Our Village Ambassador continues to develop relationships with our members to facilitate sharing their promotions and announcements with our social media contacts.

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. Additionally, there are distribution locations at the Gilroy Visitors Center on Hwy 101, San Jose Airport and the Monterey Airport.

5. **Branding and Logo Development** – Our updated logo will replace our old logo in all ads and communications.

6. **Sip and Stroll** – Last year we held three Sip and Stroll events. Each event sold out with up to 20 tasting stations. The events are self-supporting and the proceeds were donated to various local non-profits. This event benefited all the businesses in the village. We hope to be able to hold up to three Sip and Stroll events in November, February and May.

7. **Winter Festivities** – 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 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/Beer Service
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.

	Number of Full-Time Equivalent Employees*		
Business Category	0 – 5 employees	6 – 10 employees	More than 10 employees
Retail / Service	$315	$630	N/A
Restaurant Full Bar	N/A	$720	$1,080
Restaurant Beer and Wine	$367	$682	$1,042
Restaurant No Alcohol	$315	$630	N/A
	Flat Fee		
Wine/Beer Service	$315		
Office / Professional / Specialty	$90		
Short-term Rental**	$135		
Seasonal Food Service	$210		
	Per Unit Fee		
Hotel / Motel / Inn	$270 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.

Attachment: Attachment 1 (CVWBIA Assessments for FY 20/21)

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	Amount due WITHOUT In-lieu/trade	In-lieu/trade	Amount due paid by 8/31/20
Retail/Service (0 - 5 Employees)	$315	$0	$315
Retail/Service (6 - 10 Employees)	$630	$0	$630
Restaurant Full Bar (0 - 10 Employees)	$720	$0	$720
Restaurant Full Bar (11+ Employees)	$1,080	$0	$1,080
Restaurant Beer & Wine (0 - 5 Employees)	$367	$0	$367
Restaurant Beer & Wine (6 - 10 Employees)	$682	$0	$682
Restaurant Beer & Wine (11+ Employees)	$1,042	$0	$1,042
Restaurant No Alcohol (0 - 5 Employees)	$315	$0	$315
Restaurant No Alcohol (6 - 10 Employees)	$630	$0	$630
Wine/Beer Service	$315	$0	$315
Office / Professional /Specialty	$90	$0	$90
Hotel / Motel / Inn	$270 per unit	50%	$135 per unit
Short-term Rental	$135	$0	$135
Seasonal Food Service	$210	$0	$210

Associate Membership. CVWBIA is authorized to accept "associate membership" financial contributions from businesses outside the CVWBIA with approval of the board. The category and assessment will be the same as if the business is within the CVWBIA area.

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. No late charge will be assessed with the FY 20-21 dues.

Delinquencies. CVWBIA has a clear policy relative to delinquent assessments. Businesses that have not paid their assessment by October 31, 2020, will be removed from the CVWBIA website and brochure. Assessments that have not been paid by January 31, 2021, will be sent to collections.

Capitola Village & Wharf Business Improvement Area
Estimated Actual for FY 2019-2020 and Proposed Budget for FY 2020-2021

	FY 18/19 Actual	FY 19/20 Estimated Actual	FY 20/21 Assessment Budget	FY 20/21 TOT Budget	FY 20/21 Total Budget
Beginning Fund Balance	$ 22,241	$ 29,018	$ 45,534		$ 45,534
Revenues					
BIA Assessment Revenues - Village*	$ 58,013	$ 58,953	$ 53,276		$ 53,276
Assessment Associate	1,440	1,400	1,080		1,080
BIA Assessment Revenues - Trade**	12,255	13,105	-		-
BIA Assessment Late Fees	448	488	-		-
TOT Revenue	12,989	22,000		14,500	14,500
Sip N' Stroll	15,044	9,525	24,000		24,000
Cookie Walk			5,000		5,000
Interest Revenue	862	1,015			-
Total Revenues	$ 101,052	$ 106,485	$ 83,356	$ 14,500	$ 97,856
Total Source of Funds	**$ 123,293**	**$ 135,503**	**$ 128,890**	**$ 14,500**	**$ 143,390**
Expenditures					
Chamber Services	$ 3,000		$ 3,000		$ 3,000
Charitable Donations			6,000		6,000
CDS Direct Distribution	2,780	1,532	2,780		2,780
Doubtful Accounts	1,496		2,000		2,000
Insurance	2,121	1,667	2,000		2,000
Office Supplies	1,297	1,241	1,500		1,500
Storage Unit	264	1,326	1,700		1,700
Renewal		497	800		800
Total Administration	$ 10,957	$ 6,264	$ 19,780	$ -	$ 19,780
City Accounting Services	$ 4,200	$ 4,200	$ 4,200		$ 4,200
City Public Works	3,000	3,000	3,000		3,000
Total City Services	$ 7,200	$ 7,200	$ 7,200	$ -	$ 7,200
Ambassador	$ 3,640	$ 6,250	$ 7,500		$ 7,500
Communications Manager	8,540	18,300	15,000		15,000
Directories Printing	5,904	3,502	500	2,500	3,000
VSC TV Partnership	2,974		-		-
VSC Newsletter			2,000		2,000
VSC Travel Guide	2,474	4,323	2,800		2,800
VSC Map	475	495	500		500
Trade Certificates Used	12,255	13,105			-
Holiday - Advertising	1,800	2,020			-
ABC TV		5,000			-
Miscellaneous TV/theater		500			-
Miscellaneous Print	649		2,000		2,000
Monterey Travel Magazine	599		600		600
Print Explore	1,000		1,000		1,000
Print Summer Magazine	540		-		-
San Francisco Guide		1,200			
Social Media Boost	1,039	4,400	3,000		3,000
Website Management	1,315	660	1,000		1,000
Yellow Bus Market Identification	14,000		-		-
Village Enhancement				7,000	7,000
Total Marketing	$ 57,204	$ 59,754	$ 35,900	$ 9,500	$ 45,400
Holiday - Events/Décor	$ 4,920	$ 1,820	$ -	$ 5,000	$ 5,000
Holiday Trees	1,908	832	-		-
Sip N' Stroll - Cookie Walk	9,990	14,100	7,500		7,500
Total Special Events	$ 16,818	$ 16,752	$ 7,500	$ 5,000	$ 12,500
Light Pole Banners	$ 2,096	$ -	$ -		$ -
Total Expenditures	$ 94,275	$ 89,970	$ 70,380	$ 14,500	$ 84,880
Ending Fund Balance	**$ 29,018**	**$ 45,534**	**$ 58,510**	**$ -**	**$ 58,510**

Attachment: Attachment 1 (CVWBIA Assessments for FY 20/21)

Capitola Village & Wharf Business Improvement Area
Budget Discussion

The CVWBIA will begin Fiscal Year 2020-2021 with an estimated fund balance of $45,534.

Revenues: The proposed revenue is derived from the CVWBIA business roster and corresponding assessment rates.

Expenditures:

Summary. The proposed expenditures are divided into these categories: Administration $19,780, City Services $7,200, Marketing $45,400 and Special Events $12,500.

The following is a roster of open businesses in the assessment area as of June 18, 2020.

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

Business Type	Assessment Method	Estimate Assessment	
AM = Associate Member	Associate Member	AM	$1,080
F1 = Restaurant Full Bar	Per employee category: 6-10 EEs, >10 EEs	F1	$8,280
F2 = Restaurant Beer & Wine	Per employee category: 0-5 EEs, 6-10 EEs, >10 EEs	F2	$2,936
F3 = Restaurant No Alcohol	Per employee category: 0-5 EEs, 6-10 EEs	F3	$3,150
F4 = Wine & Beer Service	Flat fee	F4	$1,575
F5 = Seasonal Food	Flat fee	F5	$210
H = Hotel/Motel/Inn	Flat fee per unit or room	H	$13,770
O = Office/Professional	Flat fee	O	$2,070
R = Retail/Service	Per employee category: 0-5 EEs, 6-10 EEs	R	$12,915
SR = Short Term Rental	Flat fee per unit	SR	$8,370
		Total	**$54,356**

Business Address	Business Name	TYPE	FY20/21 Est. Size	FY20/21 Est. Amt Due
504 Bay Avenue	Gayle's Bakery & Rosticceria	**AM**	> 10	$1,080
1400 Wharf Road	Wharf House Restaurant	**F1**	0 - 10	$720
231 Esplanade Suite 102	Sotola Bar & Grill	**F1**	0 - 10	$720
209B Esplanade	Bay Bar & Grill	**F1**	0 - 10	$720
211 Esplanade	The Sand Bar	**F1**	0 - 10	$720
1750 Wharf Road	Shadowbrook Restaurant	**F1**	11+	$1,080
203 Esplanade	Zelda's	**F1**	11+	$1,080
110 Monterey Avenue	Britannia Arms Pub & Rest.	**F1**	11+	$1,080
231 Esplanade #101	Margaritaville	**F1**	11+	$1,080
215 Esplanade	Paradise Beach Grille	**F1**	11+	$1,080
316 Capitola Avenue	Bella Roma Café	**F2**	0 - 5	$367

Business Address	Business Name	TYPE	FY20/21 Est. Size	FY20/21 Est. Amt Due
123 Monterey Avenue	El Toro Bravo	**F2**	0 - 5	$367
210 Monterey Avenue #1	Thai Basil	**F2**	0 - 5	$367
200 Monterey Avenue #3	Geisha Japanese Restaurant & Tea House	**F2**	0 - 5	$367
207 Esplanade	Sea Side Siam	**F2**	0 - 5	$367
115 San Jose Avenue Ste #6	Caruso's Tuscan Cuisine	**F2**	0 - 5	$367
427 Capitola Avenue	Avenue Café	**F2**	0 - 5	$367
201 Esplanade Unit A	Tacos Moreno 3	**F2**	0 - 5	$367
231 Esplanade #100	Mr. Toots Coffee & Tea	**F3**	0 - 5	$315
200 Monterey Avenue #1	Souza's Ice Cream & Candy	**F3**	0 - 5	$315
201 Monterey Avenue #C	Castagnola Deli & Café	**F3**	0 - 5	$315
200 Monterey Avenue #2	Mijos Taqueria	**F3**	0 - 5	$315
115 San Jose Avenue	Santa Cruz Poke, Inc.	**F3**	0 - 5	$315
115 San Jose Avenue Suite #107	The Daily Grind Coffee & Bottle Shop	**F3**	0 - 5	$315
209A Esplanade	Pizza My Heart	**F3**	6 - 10	$630
104 Stockton	Beach Break by Marianne's	**F3**	6 - 10	$630
103 Stockton Avenue	Armida Winery	**F4**		$315
312-B Capitola Avenue	Cork and Fork LLC	**F4**		$315
115 San Jose Avenue Suite #G	Capitola Wine Bar & Merchants	**F4**		$315
401 Capitola Avenue	Capitola Tap House	**F4**		$315
111 Capitola Avenue	English Ales Brewers, Inc.	**F4**		$315
107 San Jose Avenue Suite #8	Left Coast Sausage Worx	**F5**		$210
1500 Wharf Road	Venetian Hotel	**H**	19	$5,130
5000 Cliff Drive	Capitola Beach Suites aka Harbor Lights	**H**	10	$2,700
250 Monterey Avenue	Inn at Depot Hill	**H**	12	$3,240
210 Esplanade	Capitola Hotel	**H**	10	$2,700
312E Capitola Avenue	57 Design Inc.	**O**		$90
312D Capitola Avenue	Beach House Rentals	**O**		$90
301 Capitola Avenue	David Lyng & Associates	**O**		$90
411 Capitola Avenue	Fuse Architects	**O**		$90
415 Capitola Avenue	James B. Colip Insurance	**O**		$90
201 Monterey Avenue Suite H	Landmark Properties	**O**		$90
314 Capitola Avenue	Katz & Lapides	**O**		$90
331 Capitola Avenue #B	Michael Lavigne Real Estate	**O**		$90
331 Capitola Avenue Suite K	Newman & Marcus,LLP	**O**		$90
413 Capitola Avenue	Richard Emigh, Land Use	**O**		$90
331 Capitola Avenue #D	Suess Insurance Agency	**O**		$90
321 Capitola Avenue	Vice Salon	**O**		$90
220 Capitola Avenue	Psychic Mermaid	**O**		$90
331 Capitola Avenue	Capitola Village Real Estate	**O**		$90
314 Capitola Ave	Law Offices of Sam Storey	**O**		$90
425 Capitola Avenue Suite #1	Bodhi Addiction Treatment and Wellness	**O**		$90

Business Address	Business Name	TYPE	FY20/21 Est. Size	FY20/21 Est. Amt Due
314 Capitola Avenue	John H. McSpadden	O		$90
314 Capitola Avenue	Miles J. Dolinger, Attorney at Law	O		$90
112 Stockton Avenue Suite B	Visions by Sheena	O		$90
331 Capitola Avenue	Capitola Village Massage	O		$90
207 Monterey Avenue Suite 100	Yellow Bus	O		$90
107 Stockton Avenue	Dream Catch Properties	O		$90
855 Monterey Avenue #E	Santa Cruz Balsamics	O		$90
1400 Wharf Road	JFS Inc. dba Capitola Boat & Bait	R	0 - 5	$315
131 Monterey Avenue	MRA Sales, dba Capitola Beach Co.	R	0 - 5	$315
417 Capitola Avenue	Betsy's Summerhouse Antiques	R	0 - 5	$315
217 Capitola Avenue	Big Kahuna Hawaiian Shirts	R	0 - 5	$315
209 Capitola Avenue	Craft Gallery	R	0 - 5	$315
207 Capitola Avenue	Craft Gallery Annex	R	0 - 5	$315
114 Stockton Avenue	Euphoria Rio Mix	R	0 - 5	$315
110 Capitola Avenue #2	Free to Ride	R	0 - 5	$315
219 Capitola Avenue	Hot Feet	R	0 - 5	$315
201 Monterey Avenue #B	Kickback	R	0 - 5	$315
120 Stockton Avenue	Latta	R	0 - 5	$315
202 Capitola Avenue	Nubia Swimwear	R	0 - 5	$315
204 Capitola Avenue	Oceania	R	0 - 5	$315
107 Capitola Avenue	Phoebe's	R	0 - 5	$315
116 San Jose Avenue	Rainbow City Limit	R	0 - 5	$315
216 Capitola Avenue	Slap Happy	R	0 - 5	$315
214 Capitola Avenue	Super Silver	R	0 - 5	$315
117 Capitola Avenue	Surf n Shack	R	0 - 5	$315
120 San Jose Avenue	Sweet Asylum	R	0 - 5	$315
122 Capitola Avenue	Yvonne	R	0 - 5	$315
115 San Jose Avenue	Southstar PM, Inc. - Parking at the Mercantile	R	0 - 5	$315
120 Monterey Avenue	Uchiyama - Swenson - Parking at the Theater	R	0 - 5	$315
112 Capitola Avenue Suite 100	Lumen Gallery	R	0 - 5	$315
115 Capitola Avenue	Capitola Reef	R	0 - 5	$315
409 Capitola Avenue	Art Inspired	R	0 - 5	$315
115 San Jose Avenue Suite L	Om Rhythms	R	0 - 5	$315
112 Stockton Avenue	Sea Level T's	R	0 - 5	$315
215 Capitola Avenue	Vanity by the Sea	R	0 - 5	$315
116 Stockton Avenue	Xandra Swimwear	R	0 - 5	$315
300 Capitola Avenue	Quality Market	R	0 - 5	$315
109 Capitola Avenue	Capitola Seashells	R	0 - 5	$315
208 Monterey Avenue	Jade Allen	R	0 - 5	$315
205 Capitola Avenue	Capitola Candy Company	R	0 - 5	$315
126 San Jose Avenue	Pueblo Viejo Imports	R	0 - 5	$315
110 Capitola Avenue	Mia Bella Boutique	R	0 - 5	$315

Business Address	Business Name	TYPE	FY20/21 Est. Size	FY20/21 Est. Amt Due
101 Capitola Avenue	The Zero Shop **now ETHOS SANTA CRUZ**	**R**	0 - 5	$315
201 Monterey Avenue #A	Village Sea Glass	**R**	0 - 5	$315
309 Capitola Avenue	Curated	**R**	0 - 5	$315
121 San Jose Avenue	Tony Pagliaro Photography	**R**	0 - 5	$315
115 San Jose Avenue	Mercantile Arcade	**R**	0 - 5	$315
115 San Jose Avenue #A	Carousel Taffy & Treats	**R**	0 - 5	$315
222 San Jose Avenue	Avonne Stone Jacobs, Judy Jacobs	**SR**	1	$135
303 Cherry Way	Cal & Carla Cornwell	**SR**	1	$135
305 Riverview Avenue	Capitola Pelican House	**SR**	1	$135
1500 Wharf Road #5	Colleen Merle Lund	**SR**	1	$135
1500 Wharf Road #14	Erline Mello	**SR**	1	$135
318 Capitola Avenue #2	Fred & Sharon Andres	**SR**	1	$135
215 Monterey Avenue #A	Greg & Maxine Sivaslian	**SR**	1	$135
206 Monterey Avenue	Jay & Pamela Chesavage	**SR**	1	$135
5005 Cliff Drive #3	Jean Ladoucour	**SR**	1	$135
301 Cherry Way	Jeff & Kathie Gaylord	**SR**	1	$135
208 Monterey Avenue C	Pat Castagnola	**SR**	1	$135
327 Riverview Avenue A	Paulo Franca	**SR**	1	$135
1500 Wharf Road #7	Viola M Carr	**SR**	1	$135
1500 Wharf Road #3	Watson Family Limited Partnership (Mike Newell)	**SR**	1	$135
1500 Wharf Road #1	Bob Coe	**SR**	1	$135
1500 Wharf Road #20	Leonard Tyson	**SR**	1	$135
4960 Cliff Drive #2	Tim & Stacy Hopkins	**SR**	1	$135
1500 Wharf Road #11	Jeri Chestnut	**SR**	1	$135
225 San Jose Avenue	Michelle & Stephen Murphy	**SR**	1	$135
318 Capitola Avenue #1	Janet Lau	**SR**	1	$135
1500 Wharf Road #2	Albert Ribisi & Mary Scolari	**SR**	1	$135
318 Capitola Avenue #4	Deborah Cohen	**SR**	1	$135
206 California Avenue	Vito Mazzarino	**SR**	1	$135
409 Riverview Avenue	Creekside Cottage	**SR**	1	$135
417 Riverview Avenue	Bridget Taylor	**SR**	1	$135
309 Cherry Avenue	Pan American Investments	**SR**	1	$135
102 Lawn Way	Craig & Mimi French	**SR**	1	$135
5005 Cliff Drive #6	Alanna Harvey	**SR**	1	$135
1500 Wharf Road #9	Grandma's Nest	**SR**	1	$135
211 Stockton Avenue #1	Bookman Rental Property	**SR**	1	$135
317 Riverview Avenue	BHR Property Management	**SR**	1	$135
112 Capitola Avenue #200	BHR Property Management	**SR**	1	$135
119 Lawn Way	Barbara Reding	**SR**	1	$135
208 Stockton Avenue	John McEnery	**SR**	1	$135

Business Address	Business Name	TYPE	FY20/21 Est. Size	FY20/21 Est. Amt Due
105 Park Place	Capitola Village Deco Beach House	**SR**	1	$135
214 California Avenue	Talbot Family	**SR**	1	$135
4995 Cliff Drive #A	Jennifer Rayborn	**SR**	1	$135
1500 Wharf Road #16	Jacqui Rice Property Management	**SR**	1	$135
115 San Jose Avenue	BHR Property Management	**SR**	1	$135
318 Riverview Avenue	JDT Capital, LLC	**SR**	1	$135
105 Lawn #4	105 Lawn Way #4	**SR**	1	$135
4995 Cliff Drive #B	Jennifer Rayborn	**SR**	1	$135
421 Riverview Avenue	Steven D. Owens & Lois Wilco- Owen	**SR**	1	$135
323 Riverview Avenue	John Kinstler Memorial Riverview Rentals	**SR**	1	$135
317 & 327 Riverview Avenue B	Steve & Linda Woodside	**SR**	2	$270
5005 Cliff Dr #4, 314 Riverview Ave	Sue Norris	**SR**	2	$270
109 Cherry Avenue Units A & B	Bill & Julie Kenney	**SR**	2	$270
209 Stockton Avenue A & B	Castillo Properties	**SR**	2	$270
4980 Cliff Drive Unit A & B	Steve Pericone	**SR**	2	$270
207 San Jose Avenue A & B	Surf City Rentals	**SR**	2	$270
397 & 399 Riverview Avenue	Castellanos Properties - Windmill Properties	**SR**	2	$270
402 Bluegum Avenue A & B	Autumn Troung	**SR**	2	$270
207 Monterey Avenue #200 & 201	207 Monterey Avenue #200 & 201	**SR**	2	$270
				$54,356

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: Public Works Department

SUBJECT: Consider a Resolution Allocating the 2020/21 Road Maintenance and Rehabilitation Account Funds

---

RECOMMENDED ACTION: Adopt the proposed resolution allocating the 2020/21 Road Maintenance and Rehabilitation Account (RMRA) funds to engineering and construction of a pavement management program project.

BACKGROUND: Senate Bill 1, known as SB 1 or the Road Maintenance and Rehabilitation Account (RMRA), was signed into law in April 2017 to address the state's basic road maintenance and critical safety needs. In fiscal year 2020/21 staff estimates Capitola will receive $193,401 from RMRA.

SB 1 requires the City submit a resolution prior to July 15 indicating how the City's RMRA allocation will be used for the following fiscal year.

DISCUSSION: The past two fiscal year SB 1 fund allocations went to the construction of the Park Avenue Sidewalk project, which is nearly complete. In allocating two years of funding to the sidewalk project, needed road pavement improvement projects were deferred on 42nd Avenue, Diamond Street, and Ruby Court.

Staff recommends combining SB 1 funds, $250,000 of RTC Measure D funds, and a $505,264 allocation of Regional Transportation Improvement funds from RTC to pay for one large pavement management project. The exact scope of the project will need to be further refined based on engineering and public input. At a minimum, the following road sections will be analyzed, and the most economical project developed:

42nd Avenue	- Capitola Road to Jade Street
Diamond Street	- 42nd Avenue to 45th Avenue
Ruby Court	- entire length
41st Avenue	- Highway 1 to Capitola Road
Clares Street	- Wharf Road to 41st Avenue
Bay Avenue	- Highway 1 to Monterey Avenue
Capitola Avenue	- Bay Avenue to Stockton Avenue

Additional roads may be added to this list, but it is unlikely there is enough funding for all the recommended streets. The timing of the project may be such that 2021/22 funds could also be

allocated to the project.

In order to meet the State's requirements for SB 1 funds allocation, the attached resolution must be submitted by July 15, 2020.

FISCAL IMPACT: This allocation of SB 1 RMRA funding is consistent with the 2020/21 fiscal year budget, which includes the following allocation of funds to the Capital Improvement Fund.

SB 1 RMRA funds	$193,401
RTC Measure D	$250,000
RTIP	$505,264
Total	$948,665

ATTACHMENTS:

1. Measure D and SB 1 Funding Propsal for 2018-19 and 2019-20 Funds (PDF)

Report Prepared By: Chloe Woodmansee
Interim City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/18/2020

SB 1 Project List 2020/21
June 25, 2020

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2020/21 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated $193,401 in RMRA funding in Fiscal Year 2020/21 from SB 1; and

WHEREAS, this is the fourth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City completed an update to the pavement management program in 2017 to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the City's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City complete needed pavement management improvement projects; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will provide a dedicated source of funding for roadway projects.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Capitola, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of proposed projects will be funded in-part or 2020/21 Road Maintenance and Rehabilitation Account revenues:
3. Pavement Management Program Projects on 42nd Avenue, Diamond Street, Ruby Court, 41st Avenue, Clares Street, Bay Avenue and Capitola Avenue.

SB 1 Project List 2020/21
June 25, 2020

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 25th day of June, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kristen Petersen, Mayor

ATTEST:

_____
Chloé Woodmansee, Interim City Clerk

Measure D and SB 1 Funding Proposal of 2018-19 and 2019-20 Allocations

Project				Park Avenue Sidewalk	Funding year		42nd Ave Area Paving	Funding year
Costs	Original	Estimate		$ 450,000			$ 770,000	
	Current	Estimate		**$ 985,000**			**$ 1,300,000**	
Original Funding	General	Fund		$ 257,000			TBD	
	Mesure	D		$ -			$ 300,000	2019/20
	RMRA	SB 1		$ -			$ 345,000	2018/19 & 2019/20
		TDA		$ 200,000			$ -	
		Total		$ 457,000			$ 645,000	
Proposed Funding	General	Fund		$ 257,000			$ -	
	Measure	D		$ 300,000	2019/20		$ -	
	RMRA	SB 1		$ 345,000	2018/19 & 2019/20		$ -	
		TDA*		$ 200,000			$ -	
		Total		**$ 1,102,000**			**$ -**	
Schedule	Original			Summer 2019			TBD	
	Proposed			Same			TBD	

* Transportation Development Act funds. Allocated by the State throught the SCCRTS to the City.

CAPITOLA CITY COUNCIL
AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: Public Works Department

SUBJECT: Approve the Plans, Specifications and Construction Estimate for the Flume and Jetty Rehabilitation Project

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RECOMMENDED ACTION: Approve the plans, specifications, and construction estimate for the Flume and Jetty Rehabilitation Project; authorize the Public Works Department to advertise for construction bids and set the bid opening date for July 29, 2020, at 11:00 a.m.

BACKGROUND: The Capital Improvement Program budget includes funding the for the Flume and Jetty Rehabilitation Project. These two projects, along with the Wharf Rehabilitation Project, were identified as part of the Measure F sales tax measure approved by voters in 2016. The permitting, plans, and specifications have been completed by Moffatt and Nichol. The scope of work on the flume includes installing a liner, reconstructing the top of the outer end of the flume, and installing cutoff walls underneath the flume. The jetty work includes re-establishing the height and nose of the jetty to its originally constructed dimensions by restacking both existing and imported rocks. Both repairs will rebuild key infrastructure that allows for the creation and maintenance of Capitola Beach. The flume project is estimated to cost $560,250 and the jetty is $238,250 for a total estimated construction cost of $798,500.

DISCUSSION: The work on the flume and jetty is scheduled to occur during the fall and winter months when the flume is not in operation and public beach use is at a minimum. Permits for this work have been obtained from seven State and Federal resource agencies. All permits allow work on the flume to begin once Soquel Creek has opened up to the Monterey Bay and the creek flows are no longer directed through the flume. Typically, this occurs sometime in October/November. The contractor will be responsible for setting the work schedule around winter weather and tides. The specifications require all work to be completed by May of 2021.

The project schedule is projected as follows:

Plan and Specification Approval	June 25, 2020
Bid Opening	July 29, 2020 at 11:00 a.m.
Contract Award	August 27, 2020
Construction	Fall & Winter

A reduced sized set of plans is included as Attachment 1. A full set of plans and the specifications are available to review in the Public Works Department.

Flume and Jetty Project to bid
June 25, 2020

FISCAL IMPACT: In February of 2019 the City Council authorized the submission of a grant application to the California Division of Boating and Waterways (DBW) Beach Restoration and Erosion Control program. Bidding the project was delayed for one year to wait for a grant award decision. At this time, the DBW is indicating that funding for this grant program has not been included in the currently proposed State budget. This action is not final until the State budget is adopted, which is scheduled for the end of June, but significant changes are not likely to occur. Should the grant be approved, the award of the construction contract may be delayed to allow grant documents with DBW to be finalized prior to the construction contract.

Assuming the grant will not be awarded, enough Measure F funds allocated to beach improvement projects are available to proceed with the Flume and Jetty project. Should the grant be approved, any Measure F funds saved will be available for the Wharf project. A summary of the existing project revenues and expenditures follows:

Existing Measure F Funding		
Flume	$	396,972
Jetty	$	543,093
Wharf	$	954,024
	$	1,894,089
Flume and Jetty Estimated Future Expenses		
Construction	$	798,500
Permit Monitoring	$	40,000
20% Contingency	$	159,700
	$	998,200

To date, $275,00 has been spent on environmental review, permitting, and design for the Flume and Jetty project.

ATTACHMENTS:

1. Flume and Jetty Rehabilitation Plans_compressed

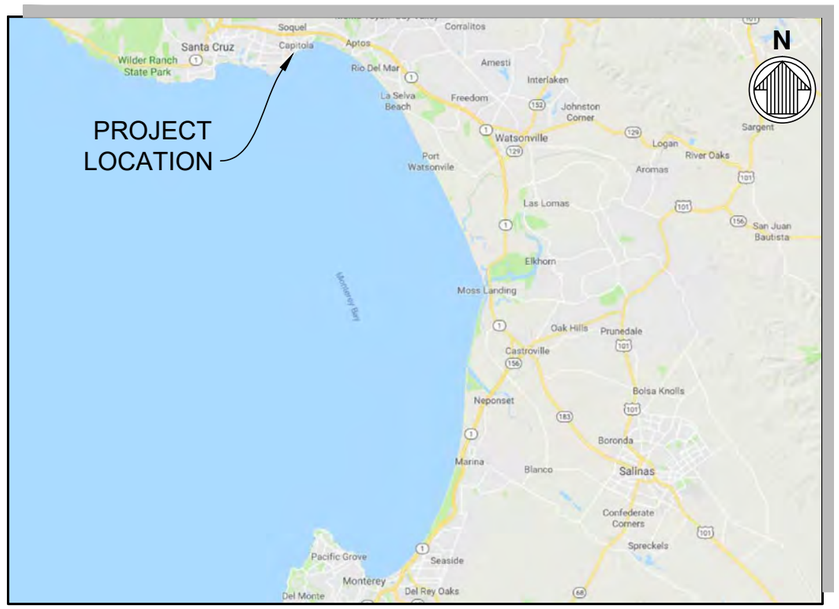
Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/19/2020

CAPITOLA BEACH

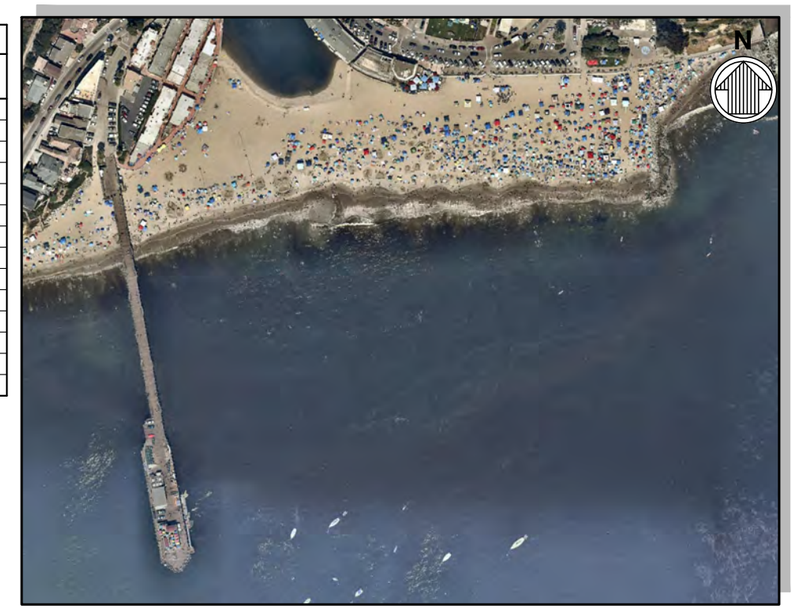
FLUME AND JETTY REHABILITATION



VICINITY MAP
SCALE: NTS

SHEET LIST

SHEET REF.	SHEET TITLE
G-001	TITLE SHEET
G-002	GENERAL NOTES 1 OF 2
G-003	GENERAL NOTES 2 OF 2
C-101	OVERALL SITE PLAN
C-110	EXISTING FLUME PLAN AND PROFILE
C-111	EXISTING FLUME PHOTOS
C-112	FLUME SECTION AND DETAILS
C-113	CUTOFF WALL DETAILS
C-114	FLUME WATERPROOFING DETAILS
C-115	EXISTING FLUME REFERENCE DRAWINGS – OUTLET
C-116	EXISTING FLUME REFERENCE DRAWINGS – INLET
C-120	JETTY PLAN AND PROFILE
C-121	JETTY CROSS SECTIONS
C-122	EXISTING JETTY REFERENCE DRAWINGS



LOCATION PLAN
SCALE: NTS

TIDAL DATUM (MONTEREY GAUGE)

MEAN HIGHER HIGH WATER (MHHW)	+5.33ft
MEAN SEA LEVEL (MSL)	+2.83ft
MEAN LOWER LOWER WATER (MLLW)	0ft
NORTH AMERICAN VERTICLE DATUM (NAVD) 88	−0.13ft

REGISTERED PROFESSIONAL ENGINEER STEVEN E. JESBERG No. 44791 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA

APPROVED, CITY OF CAPITOLA

STEVEN JESBERG, PUBLIC WORKS DIRECTOR
REF 44791, EXP 3-31-22

CITY OF CAPITOLA INCORPORATED 1949

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

TITLE SHEET

Rev. –
Date: 01/06/2020
Designed by: BP
Dwn by: CD, DJM
Ckd by: ST
M&N Project No. 9154-01
Reviewed by: JJ
Drawing code:
Submitted by: BRAD PORTER, P.E.
Drawing Scale:

moffatt & nichol
2185 N. CALIFORNIA BLVD.
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WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 04273 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA
SEAL

Sheet Reference No.
G-001

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

GENERAL NOTES

1. ELEVATIONS SHOWN ARE IN FEET REFERENCED TO MEAN LOWER LOW WATER.
2. DEMOLITION OF EXISTING FEATURES SHALL BE LIMITED TO THE ITEMS SHOWN ON THE PLANS AND DESCRIBED IN THE SPECIFICATIONS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE EXISTING FEATURES TO REMAIN THAT ARE DAMAGED BY THE CONTRACTOR.
3. CONTACT THE CITY IMMEDIATELY UPON FINDING ANY FIELD CONDITIONS THAT CONFLICT WITH THE INFORMATION ON THESE DRAWINGS. ALL FIELD ADJUSTMENTS MUST BE APPROVED BY THE CITY BEFORE CONSTRUCTION OF SAID ADJUSTMENTS. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR ASSUMING FULL RESPONSIBILITY FOR ANY REQUIRED REVISIONS OR FIELD MODIFICATIONS, AS DIRECTED BY THE CITY, AT NO ADDITIONAL COST.
4. PROVIDE CONSTRUCTION SITE SECURITY FOR THE DURATION OF THE CONTRACT PERIOD AND AS SPECIFIED.
5. FURNISH, INSTALL AND MAINTAIN ALL WARNING SIGNS AND DEVICES NECESSARY TO SAFEGUARD THE GENERAL PUBLIC AND THE WORK, AND PROVIDE PROPER AND SAFE ROUTING OF VEHICULAR AND PEDESTRIAN TRAFFIC DURING THE PERFORMANCE OF THE WORK. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO WORKING HOURS.
6. KEEP THE PROJECT SITE IN A NEAT AND ORDERLY CONDITION, FREE OF RUBBISH AND DEBRIS, AT ALL TIMES.
7. ALL WORK SHOWN SHALL BE NEW UNLESS OTHERWISE NOTED.
8. ALL WORK SHALL CONFORM TO THE PERMIT CONDITIONS ISSUED FOR THE PROJECT BY THE REGULATORY AGENCIES:
   - CALIF COASTAL COMMISSION.
   - US ARMY CORP OF ENGINEERING.
   - REGIONAL WATER QUALITY CONTROL BOARD.

PROJECT WORK

A. FLUME

1. PURPOSE OF THE PROJECT IS TO STOP LEAKAGE IN THE FLUME AND THE RESULTING SAND MIGRATION BELOW THE FLUME THAT CAUSE SINKHOLES AND COLLAPSE IN THE BEACH.
2. CONSTRUCT WATERPROOFING (FIBERGLASS LINER) ALONG THE ENTIRE LENGTH.
3. CONSTRUCT CUTOFF WALLS BELOW THE FLUME IN THE BEACH SAND.
4. REPAIR CONCRETE ABRASION ON THE LOWER FLUME.
5. SEE DRAWINGS C-110 TO C-116.

B. FIBERGLASS LINER (WET-LAYUP)

1. THE PURPOSE OF THE FIBERGLASS LINER IS TO PROVIDE A STRONG WATERTIGHT SURFACE TO PREVENT LEAKAGE IN THE FLUME.
2. THE FIBERGLASS LINER REHABILITATION SYSTEM SHALL BE A COMPLETE SYSTEM WITH A DEMONSTRATED SUCCESSFUL RECORD OF INSTALLATION IN AND PREVENTION OF LEAKAGE IN CONCRETE STRUCTURES IN THE MARINE ENVIRONMENT. QUAKEWRAP CFRP SYSTEM IS DEEMED TO COMPLY WITH THIS SPECIFICATION, OTHER SYSTEMS MAY BE CONSIDERED THAT HAVE EQUIVALENT PROPERITES AND DEMONSTRATED SUCCESSFUL INSTALLATION.
3. INCLUDE ALL ENGINEERING, MATERIALS, AND SERVICES REQUIRED TO, DESIGN AND CONSTRUCT A COMPLETE WATER TIGHT LINER SYSTEM
4. FIBERGLASS FABRIC SHALL BE A HIGH-STRENGTH BIXIAL FABRIC, QUAKEWRAP VB2610G OR APPROVED EQUAL .
5. FABRIC SHALL BE IMPREGNATED WITH A TWO COMPONENT, HIGH STRENGTH, AND LOW VISCOSITY STRUCTURAL EPOXY, TO THOROUGHLY AND UNIFORMLY SATURATE THE FABRIC. QUAKEBOND J300SR OR APPROVED EQUAL,
6. SUBMITTALS-SUBMIT THE FOLLOWING PRIOR TO INSTALLATION OF THE FIBERGLASS LINER
   6.1. PRODUCT INFORMATION
   6.2. REPAIR PLAN INCLUDING MAPPING OF REPAIR AND CRACK AREAS
7. SURFACE REPAIR-ALL IRREGULARITIES, UNEVENNESS, AND SHARP PROTRUSIONS IN THE SURFACE PROFILE SHALL BE GROUND AWAY TO A SMOOTH SURFACE WITH CSP 3/CSP 2 SURFACE PROFILE USING HAND TOOLS. VOIDS OR DEPRESSIONS WITH DIAMETERS LARGER THAN 2 IN. OR DEPTHS GREATER THAN 1/4 IN., WHEN MEASURED FROM A 12-IN. STRAIGHT EDGE PLACED ON THE SURFACE, SHALL BE FILLED. ANY EXPOSED STEEL REINFORCEMENT SHALL BE CLEANED WITH A WIRE BRUSH.
8. CRACK REPAIR-ALL CRACKS IN THE SURFACE OF CONCRETE OR THE SUBSTRATE THAT ARE WIDER THAN 0.05 IN. SHALL BE FILLED WITH EPOXY BY PRESSURE INJECTION ACCORDING TO ACI 224R-01 AND 224.1R-07. THE FIBERGLASS LINER SHALL BE INSTALLED NO EARLIER THAN 12 HOURS AFTER CRACK INJECTION.
9. AFTER SURFACE GRINDING, ANY UNEVENNESS IN THE SURFACE SHALL BE FILLED AND SMOOTHED OVER BY USING PUTTY MADE OF EPOXY RESIN MORTAR OR POLYMER CEMENT MORTAR.
10. SUBSTRATE CONCRETE AND FINISHED SURFACE OF CONCRETE SHALL BE CLEANED PRIOR TO APPLICATION OF THE FIBERGLASS AND ALLOWED TO DRY FULLY.
11. ALL RESIN COMPONENTS, INCLUDING THE MAIN AGENT AND HARDENER, SHALL BE MIXED AS SPECIFIED BY THE MANUFACTURER UNTIL THOROUGH MIXING WITH UNIFORM COLOR AND CONSISTENCY IS ACHIEVED. RESINS SHALL NOT BE DILUTED WITH ANY ORGANIC SOLVENTS SUCH AS A THINNER.
12. APPLY TWO COATS OF PRIMER ON THE CONCRETE SURFACE TO PENETRATE OPEN PORES, QUAKEBOND 220UR OR EQUIVALENT. THE PUTTY SHALL BE APPLIED AS SOON AS THE PRIMER BECOMES TACK FREE OR IS NOT STICKY TO THE FINGERS. THE PUTTY SHALL BE APPLIED WITHIN 7 DAYS AFTER PRIMER APPLICATION.
13. THE FABRIC SHALL BE UNIFORMLY SATURATED. THE FABRIC SHALL BE CUT TO THE LENGTH AND BE INSTALLED IN PLACE AND GENTLY PRESSED ONTO THE WET PUTTY. ANY ENTRAPPED AIR BETWEEN THE FIBER SHEET AND THE CONCRETE SURFACE SHALL BE RELEASED OR ROLLED ACROSS THE SHEET IN THE DIRECTION PARALLEL TO THE FIBERS WHILE ALLOWING THE RESIN TO IMPREGNATE THE FIBERS AND ACHIEVE INTIMATE CONTACT WITH THE SUBSTRATE. ROLLING PERPENDICULAR TO THE FIBER DIRECTION IS NOT ALLOWED.
14. ELASTOMERIC INTERNAL JOINT SEALS (WEKO OR APPROVED EQUIVALENT) CAN BE USED AT THE TERMINATION POINTS WITH THE APPROPRIATE DETAILS INCLUDED IN THE DRAWING SET.
15. THE FIBERGLASS LINER SYSTEM SHALL BE ALLOWED TO CURE FOR 72 HOURS. FIELD MODIFICATION OF RESIN CHEMISTRY FOR RAPID CURING IS NOT ALLOWED.
16. AFTER AT LEAST 24 HOURS FOR THE INITIAL CURING OF THE RESIN, A VISUAL INSPECTION OF THE SURFACE WILL BE PERFORMED FOR ANY SWELLING, BUBBLES, VOIDS, OR DELAMINATION.

C. JETTY

1. PURPOSE OF THE PROJECT IS TO RECONSTRUCT JETTY TO THE ORIGINAL CROSS SECTION.
2. IMPORT ROCK AND REPOSITION EXISTING DISPLACED ROCK AS NEEDED TO RESTORE SECTION.
3. SEE DRAWINGS C-120, C-121.

CONSTRUCTION BEST MANAGEMENT PRACTICES

1. THE CITY SHALL PROVIDE THE SERVICE-APPROVED FISHERY BIOLOGIST.
2. PRIOR TO THE START OF CONSTRUCTION AND IN ACCORDANCE WITH THE PROJECT TIMELINE, A SERVICE-APPROVED FISHERY BIOLOGIST WILL SURVEY THE LAGOON AND FLUME ENTRANCE FOR TIDEWATER GOBY, STEELHEAD, AND COHO SALMON THAT WOULD BECOME EXPOSED, REMOVED, OR IMPACTED IN ANY WAY DUE TO PLANNED ACTIVITY. THE FISHERY BIOLOGIST WILL HAVE THE AUTHORITY TO HALT OR DELAY CONSTRUCTION ACTIVITIES IF SUCH ACTIVITIES ARE RESULTING IN UNINTENDED OR UNANTICIPATED IMPACTS TO SPECIAL STATUS AND MSA-MANAGED SPECIES AND THEIR HABITAT (NMFS 2013; USFWS 2013; D.W. ALLEY & ASSOCIATES 2004).
3. A SERVICE-APPROVED FISHERY BIOLOGIST WILL LEAD AN ON-SITE ENVIRONMENTAL TRAINING FOR WORK CREWS PRIOR TO THE START OF THE PROPOSED PROJECT TO PROTECT SURROUNDING BIOLOGICAL RESOURCES. ANY NEW CREW MEMBERS BROUGHT ONTO THE JOB PRIOR TO PROJECT COMMENCEMENT MUST UNDERGO THE ENVIRONMENTAL TRAINING BEFORE STARTING WORK ON THE PROJECT.
4. A SERVICE-APPROVED FISHERY BIOLOGIST WILL BE PRESENT TO MONITOR DURING ALL CONSTRUCTION ACTIVITIES THAT HAVE THE POTENTIAL TO AFFECT FISH HABITAT IN THE LAGOON/ESTUARY. THIS INCLUDES, BUT IS NOT LIMITED TO, ANY BERM MANIPULATION ACTIVITIES ASSOCIATED WITH THE CONSTRUCTION OF A CONTINGENCY BYPASS, FLUME CLEARING ACTIVITIES WHEN FISH MAY BE PRESENT, UP UNTIL THE SUCCESSFUL SWITCH OF FLUME USE DURING THE CLOSED LAGOON PHASE TO FULL ESTUARY USE.
5. IF THE CONTINGENCY BYPASS IS INSTITUTED, A SERVICE-APPROVED FISHERY BIOLOGIST WILL SEINE THE VICINITY OF THE LAGOON PERIPHERY TO BE IMPACTED BY CONSTRUCTION ACTIVITIES TO REMOVE ALL STEELHEAD AND TIDEWATER GOBIES FROM THE AREA, FOLLOWED BY INSTALLATION OF A BLOCK NET TO PREVENT FISH FROM RE-ENTERING THE IMPACT ZONE. THE BLOCK NET WILL REMAIN UNTIL THE CONSTRUCTION AREA IS ISOLATED BY EXCLUSIONARY WALLS OF SANDBAGS OR OTHER INSERT MATERIAL.
6. THE SERVICE-APPROVED FISHERY BIOLOGIST WILL BE PRESENT TO RESCUE ANY FISH REMAINING IN ISOLATED AREAS AS AREAS ARE ACTIVELY DEWATERED FOR CONSTRUCTION PURPOSES OR FLUME ISOLATION.
7. MONITORING OF LAGOON WATER QUALITY (I.E. TEMPERATURE, DISSOLVED OXYGEN, TURBIDITY) SHALL BE CONDUCTED BY A SERVICE-APPROVED FISHERY BIOLOGIST IF THE CONTINGENCY BYPASS IS INSTALLED PRIOR TO THE NATURAL FACILITATED BREACHING OF THE BERM. IF THE SAND BERM HAS BEEN BREACHED PRIOR TO THE ONSET OF FLUME REPAIR AND THE FLUME IS COMPLETELY ISOLATED FROM STREAMFLOW AND TIDAL INFLOW, THEN NO WATER QUALITY MONITORING WILL BE NECESSARY.
8. THE CONTRACTOR IMPLEMENTING THE PROPOSED PROJECT SHALL EXERCISE EVERY REASONABLE PRECAUTION AND BMPS TO PROTECT SPECIAL STATUS AND MSA-MANAGED SPECIES AND THEIR HABITATS FROM CONSTRUCTION BY-PRODUCTS AND POLLUTANTS SUCH AS CONSTRUCTION DEBRIS, CHEMICALS, FUEL, HYDRAULIC FLUID, FRESH CEMENT, SAW-DUST, OR OTHER DELETERIOUS MATERIALS.
9. THE CONTRACTOR SHALL DEVELOP AND IMPLEMENT A SPILL PLAN AND APPROPRIATE SPILL CONTROL AND CLEAN-UP MATERIALS (E.G., OIL ABSORBENT PADS). SAID PLAN SHALL BE RETAINED ON SITE IN CASE A FUEL SPILLOCCURS. ALL CONSTRUCTION VEHICLES AND EQUIPMENT SHALL BE INSPECTED BEFORE THEY ARE MOVED TO THE PROJECT SITE, AND SHALL NOT BE MOVED TO THE SITE IF LEAKING FLUIDS THAT COULD RESULT IN SPILLS OF TOXIC MATERIALS. ALL CONSTRUCTION VEHICLES AND EQUIPMENT USED ON SITE SHALL BE WELL MAINTAINED AND CHECKED DAILY FOR FUEL, OIL, AND HYDRAULIC FLUID LEAKS OR OTHER PROBLEMS THAT COULD RESULT IN SPILLS OF TOXIC MATERIALS.
10. VEHICLE STAGING, CLEANING, MAINTENANCE, REFUELING, AND FUEL STORAGE SHALL TAKE PLACE IN A VEHICLE STAGING AREA PLACED 100 FEET OR MORE FROM SOQUEL CREEK AND LAGOON AND THE MHWL. THE FUELING AREA WILL BE DOUBLE LINED. DAILY MONITORING WILL OCCUR TO ENSURE THERE ARE NO LEAKS. OIL ABSORBING PADS, DRIP PANS, OR SIMILAR DEVICES WILL BE PLACED BENEATH THE EQUIPMENT WHEN WORKING IN WATERS OR STAGED OVERNIGHT TO CATCH ANY LEAKAGE.
11. ONCE FLUME MAINTENANCE CONSTRUCTION ACTIVITIES ARE COMPLETE, ALL TEMPORARY CONSTRUCTION-RELATED EQUIPMENT AND MATERIAL SHALL BE REMOVED FROM THE SITE.
12. DURING CONSTRUCTION, ALL TRASH WITHIN THE WORK SITE MUST BE PROPERLY CONTAINED AS TO NOT LEAVE THE WORK SITE OR AFFECT BIOLOGICAL RESOURCES IN ANY WAY.
13. A SUMMARY OF THE OBSERVED ACTIONS ASSOCIATED WITH THE FLUME REHABILITATION SHALL BE INCORPORATED INTO A POST-CONSTRUCTION REPORT PROVIDED TO THE NATIONAL MARINE FISHERIES SERVICE (NMFS) FOLLOWING THE COMPLETION OF PROJECT ACTIVITIES.
14. ALL CONSTRUCTION MATERIALS AND EQUIPMENT PLACED ON THE BEACH DURING DAYLIGHT CONSTRUCTION HOURS SHALL BE STORED BEYOND THE REACH OF TIDAL WATERS. THE ONLY OTHER EXCEPTIONS SHALL BE FOR EROSION AND SEDIMENT CONTROLS AND/OR CONSTRUCTION AREA BOUNDARY FENCING WHERE SUCH CONTROLS AND/OR FENCING ARE PLACED AS CLOSE TO THE TOE OF THE SEAWALL/REVETMENT AS POSSIBLE, AND ARE MINIMIZED IN THEIR EXTENT.
15. CONSTRUCTION (INCLUDING BUT NOT LIMITED TO CONSTRUCTION ACTIVITIES, AND MATERIALS AND/OR EQUIPMENT STORAGE) IS PROHIBITED OUTSIDE OF THE DEFINED CONSTRUCTION, STAGING, AND STORAGE AREAS.
16. EQUIPMENT WASHING SHALL NOT TAKE PLACE ON THE BEACH; REFUELING AND/OR SERVICING OF EQUIPMENT SHALL BE ALLOWED ONLY AT DESIGNATED LOCATION AS NOTED ON THE PLAN. APPROPRIATE BEST MANAGEMENT PRACTICES SHALL BE USED TO ENSURE THAT NO SPILLS OF PETROLEUM PRODUCTS OR OTHER CHEMICALS TAKE PLACE DURING THESE ACTIVITIES.
17. THE CONSTRUCTION SITE SHALL MAINTAIN GOOD CONSTRUCTION SITE HOUSEKEEPING CONTROLS AND PROCEDURES (E.G., CLEAN UP ALL LEAKS, DRIPS, AND OTHER SPILLS IMMEDIATELY; KEEP MATERIALS COVERED AND OUT OF THE RAIN, INCLUDING COVERING EXPOSED PILES OF SOIL AND WASTES; DISPOSE OF ALL WASTES PROPERLY, PLACE TRASH RECEPTACLES ON SITE FOR THAT PURPOSE, AND COVER OPEN TRASH RECEPTACLES DURING WET WEATHER; REMOVE ALL CONSTRUCTION DEBRIS FROM THE BEACH; ETC.).
18. THE PERMITTEE SHALL NOTIFY PLANNING STAFF OF THE COASTAL COMMISSION'S CENTRAL COAST DISTRICT OFFICE AT LEAST THREE WORKING DAYS IN ADVANCE OF COMMENCEMENT OF CONSTRUCTION OR MAINTENANCE ACTIVITIES, AND IMMEDIATELY UPON COMPLETION OF CONSTRUCTION OR MAINTENANCE ACTIVITIES.

CITY OF CAPITOLA — INCORPORATED 1949

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

GENERAL NOTES 1 OF 2

Designed by: BP	Date: 01/06/2020
Dwn by: CD, DJM	Ckd by: ST
Reviewed by: JJ	Drawing code:
Submitted by: BRAD PORTER, P.E.	Drawing Scale:
M&N Project No. 9154-01	Rev. –

moffatt & nichol
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SEAL

Sheet Reference No.
G-002

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

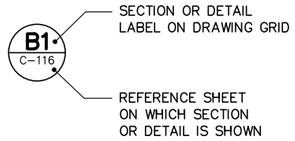
ABBREVIATIONS

APPROX	APPROXIMATE
BOTT	BOTTOM
CONC	CONCRETE
CONT	CONTINUOUS
CY	CUBIC YARDS
EA	EACH
EL	ELEVATION
ELEV	ELEVATION
EXAGG	EXAGGERATION
EXIST	EXISTING
FT	FEET
HDPE	HIGH DENSITY POLYETHYLENE
HTL	HIGH TIDE LINE
HORIZ	HORIZONTAL
IN	INCHES
INV	INVERT ELEVATION
MHW	MEAN HIGH WATER
MHHW	MEAN HIGHER HIGH WATER
MSL	MEAN SEA LEVEL
MIN	MINIMUM
MLLW	MEAN LOWER LOW WATER
N	NORTH
NAVD	NORTH AMERICAN VERTICAL DATUM
NO	NUMBER
NTS	NOT TO SCALE
OC	ON CENTER
LB	POUNDS
REF	REFERENCE
REV	REVISION
SIM	SIMILAR
STA	STATION
TYP	TYPICAL
VERT	VERTICAL
W/	WITH
"	SECONDS OR INCH
'	MINUTES OR FEET
∠	ANGLE
#	NUMBERS OR POUNDS
@	AT
ø	DIAMETER OR PHASE
±	PLUS OR MINUS

LEGEND

- EXISTING FEATURE
- PROPOSED FEATURE
- DEMOLISH AND REMOVE
- CONCRETE
- HIDDEN FEATURE

CROSS-REFERENCE LEGEND



NOTE: WHERE NO REFERENCE SHEET IS INDICATED, THE DETAIL OR SECTION IS TAKEN AND SHOWN ON THE SAME SHEET.

CITY OF CAPITOLA — INCORPORATED 1949

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

GENERAL NOTES 2 OF 2

Designed by: BP
Date: 01/06/2020
Rev. –
Dwn by: CD, DJM
Ckd by: ST
M&N Project No. 9154-01
Reviewed by: JJ
Submitted by: BRAD PORTER, P.E.
Drawing code:
Drawing Scale:

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WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER — BRADFORD A. PORTER — No. 042735 — Exp. 3-31-22 — CIVIL — STATE OF CALIFORNIA

SEAL

Sheet Reference No.

G-003

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

NOTES

1. AERIAL SHOWS BEACH IN 'WINTER CONDITION'.

KEY NOTES

FLUME

1. EQUIPMENT ACCESS
2. STAGING AND LAYDOWN AREA
3. WATERPROOF ENTIRE FLUME LENGTH WITH FIBERGLASS LINER
4. BAFFLES PLACED BELOW FLUME.
5. ROUTE FOR CONCRETE PUMPED FROM TRUCK ON SHORE VIA PIPE LINE TO FLUME

JETTY

1. ACCESS
2. STAGING AND LAYDOWN AREA
3. RECONSTRUCT JETTY ARMOR STONE

50' 0' 50' 100'
SCALE: 1"=50'

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

OVERALL SITE PLAN

Designed by: BP
Date: 01/06/2020
Rev. –
Dwn by: CD, DJM
Cad by: ST
M&N Project No. 9154-01
Reviewed by: JJ
Drawing code:
Submitted by: BRAD PORTER, P.E.
Drawing Scale:

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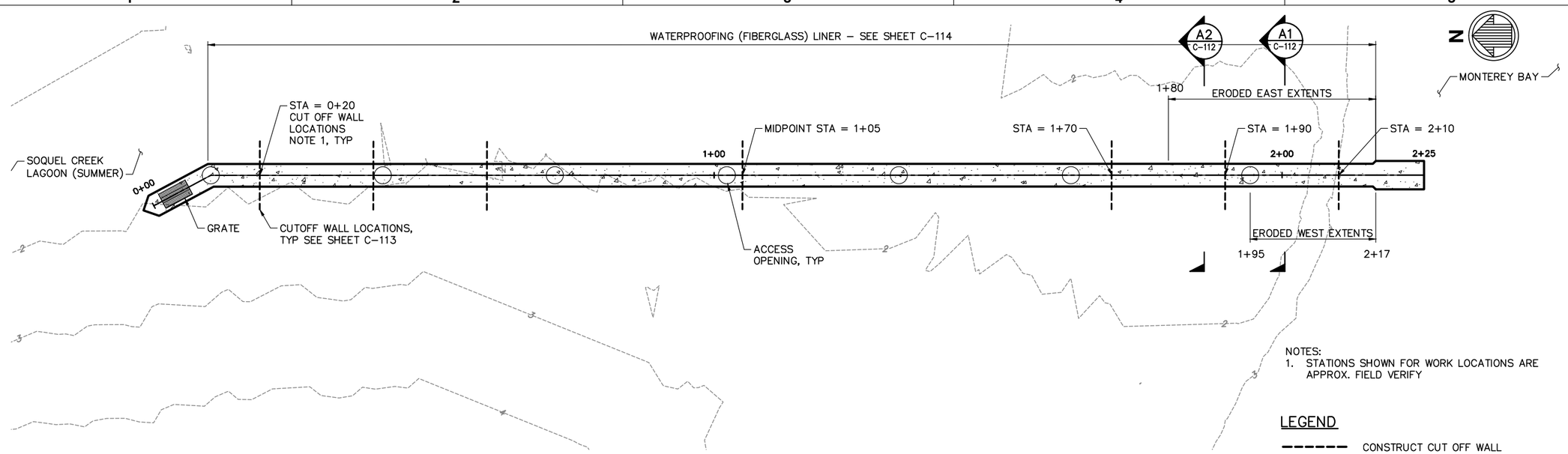
SEAL

Sheet Reference No.
C-101

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)



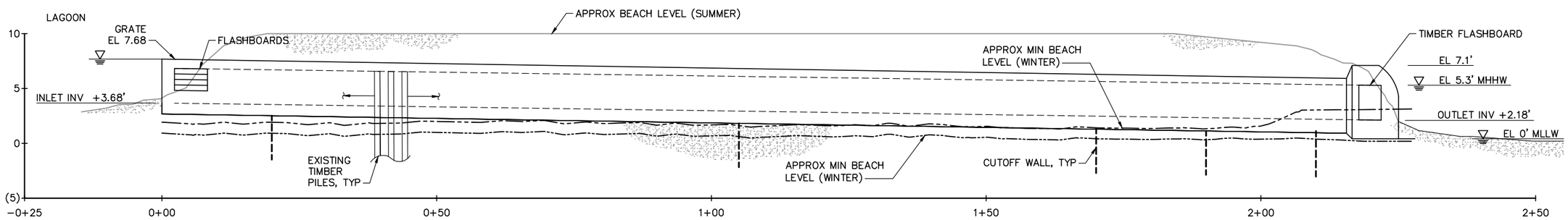
NOTES:
1. STATIONS SHOWN FOR WORK LOCATIONS ARE APPROX. FIELD VERIFY

LEGEND

------ CONSTRUCT CUT OFF WALL

PLAN
SCALE: 1" = 10'

NOTE: EXISTING CONTOURS SHOW WINTER BEACH CONDITION CIRCA MARCH 2017.



PROFILE
SCALE: 1" = 10' H
1" = 5' V

PHOTO
SCALE: NTS

NOTE: PHOTO SHOWS BEACH IN LOW 'WINTER CONDITION'.

10' 0' 10' 20'
SCALE: 1"=10'

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

EXISTING FLUME PLAN AND PROFILE

Rev.	Date:	M&N Project No.	Drawing code:	Drawing Scale:
–	01/06/2020	9154-01		

Designed by: BP
Dwn by: CD, DJM
Ckd by: ST
Reviewed by: JJ
Submitted by: BRAD PORTER, P.E.

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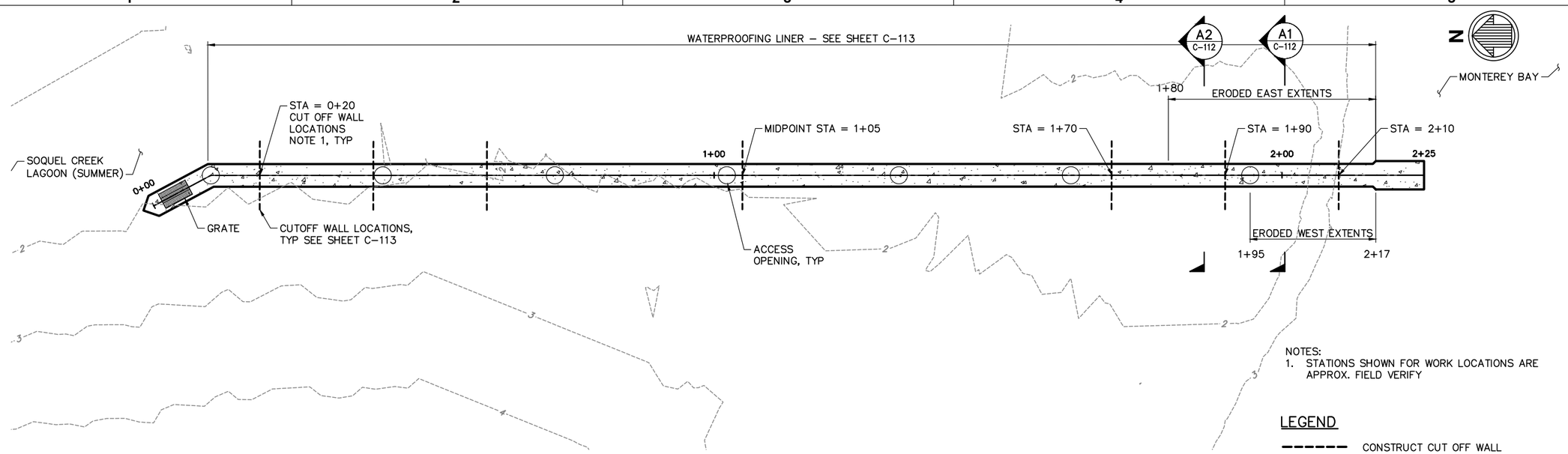
REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042735 Exp. 12-31-22 CIVIL STATE OF CALIFORNIA

SEAL

Sheet Reference No.
C-110

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)



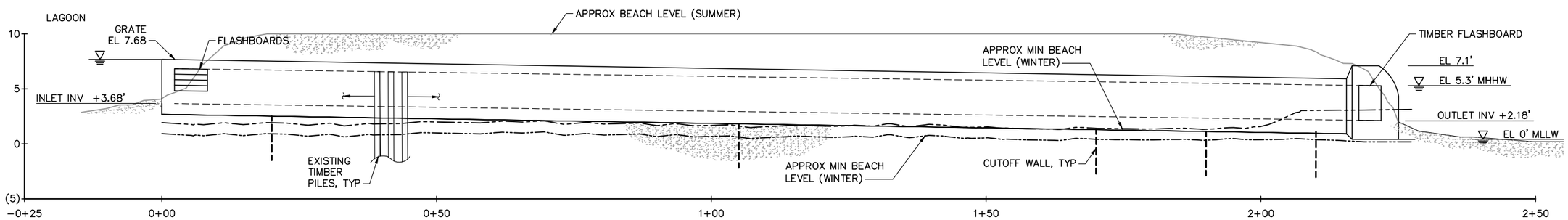
NOTES:
1. STATIONS SHOWN FOR WORK LOCATIONS ARE APPROX. FIELD VERIFY

LEGEND

------ CONSTRUCT CUT OFF WALL

PLAN
SCALE: 1" = 10'

NOTE: EXISTING CONTOURS SHOW WINTER BEACH CONDITION CIRCA MARCH 2017.



PROFILE
SCALE: 1" = 10' H
1" = 5' V

PHOTO
SCALE: NTS

NOTE: PHOTO SHOWS BEACH IN LOW 'WINTER CONDITION'.

10' 0' 10' 20'
SCALE: 1"=10'

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

EXISTING FLUME PLAN AND PROFILE

Rev.	–
Date:	01/06/2020
M&N Project No.	9154-01
Drawing code:	
Drawing Scale:	
Designed by:	BP
Dwn by:	CD, DJM
Ckd by:	ST
Reviewed by:	JJ
Submitted by:	BRAD PORTER, P.E.

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REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042735 Exp. 12-31-22 CIVIL STATE OF CALIFORNIA

SEAL

Sheet Reference No.
C-110

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

PHOTO 1
SCALE: NTS

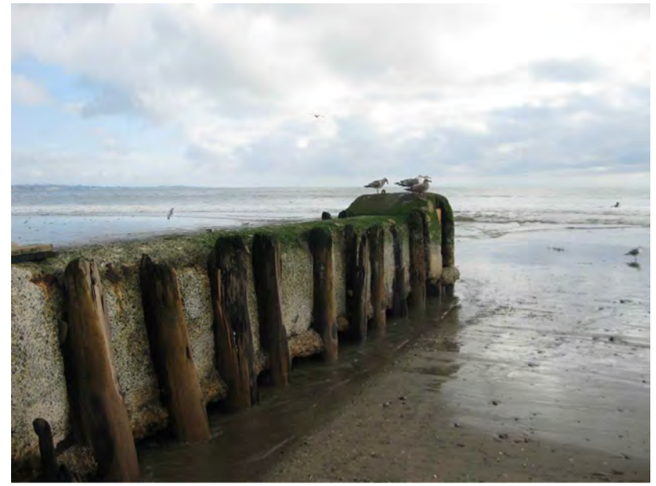

PHOTO 2
SCALE: NTS

PHOTO 3
SCALE: NTS

PHOTO 4
SCALE: NTS

PHOTO 5
SCALE: NTS

PHOTO 6
SCALE: NTS

N

PHOTO LOCATION KEY PLAN
SCALE: NTS

NOTE: PHOTOS SHOWN WERE TAKEN ON 29 JAN 2010.

CITY OF CAPITOLA
INCORPORATED 1949

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

EXISTING FLUME PHOTOS

Rev. –
Date: 01/06/2020
M&N Project No. 9154-01
Drawing code:
Drawing Scale:
Designed by: BP
Dwn by: CD, DJM
Ckd by: ST
Reviewed by: JJ
Submitted by: BRAD PORTER, P.E.

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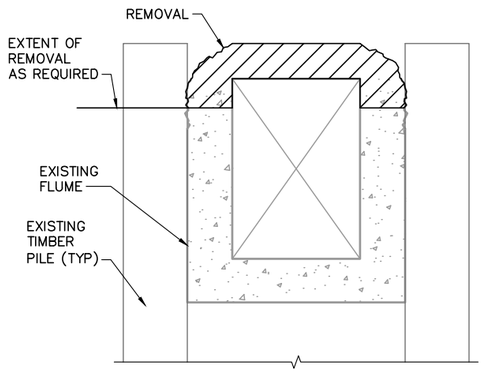
CIVIL
STATE OF CALIFORNIA
SEAL

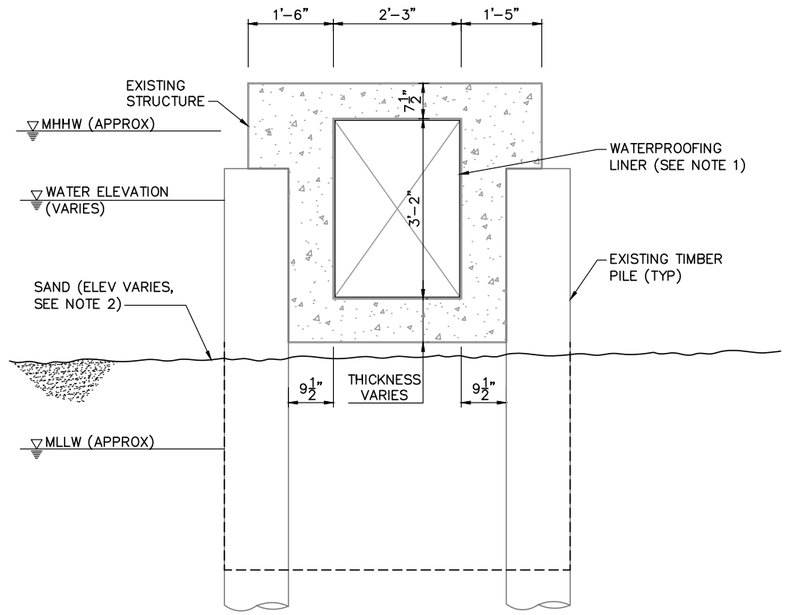
Sheet Reference No.
C-111

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

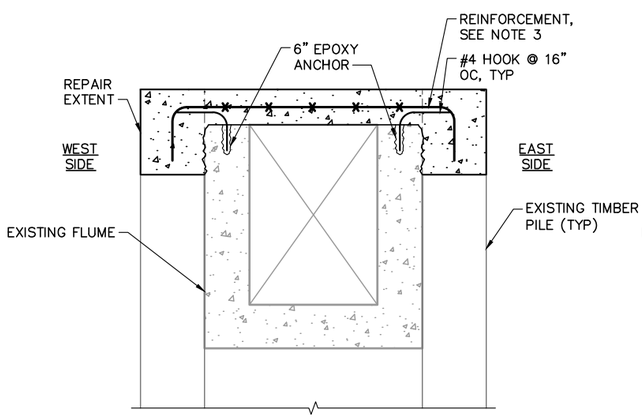
DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



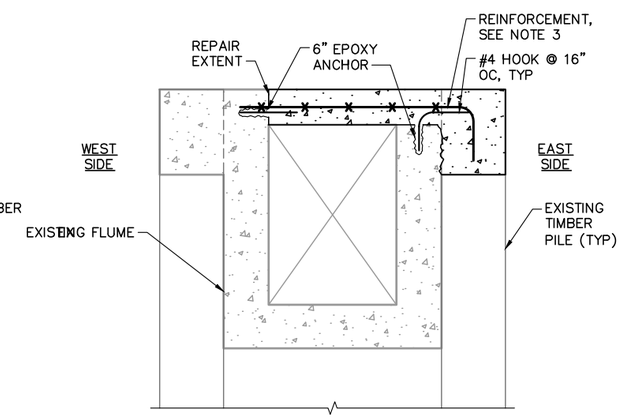
C1 – TYPICAL CONCRETE REMOVAL SECTION
SCALE: 3/4" = 1'-0"



C2 / C-110 FLUME LINER TYPICAL SECTION
SCALE: 3/4" = 1'-0"



A1 – CONCRETE REPAIR SECTION STA 1+95 TO 2+17
SCALE: 3/4" = 1'-0"



A2 – CONCRETE REPAIR SECTION STA 1+80 TO 1+95
SCALE: 3/4" = 1'-0"

INLET AT STA 0+00

STA 1+28 LEFT SIDE LONGITUDINAL COLD JOINTS

STA 0+10 AT ANGLE

STA 1+28 RIGHT SIDE LONGITUDINAL COLD JOINTS

STA 0+10 LEFT SIDE TOP LONG CRACK

STA 2+16 OUTLET

STA 1+45 COLD JOINT WITH OUTSIDE MATERIAL ENTERING

NOTE: PHOTOS SHOWN WERE TAKEN CIRCA 2016 .

2' 0'-0" 1' 2'
SCALE: 3/4"=1'-0"

NOTES:

1. INSTALL FIBERGLASS WATERPROOFING LINER. WET LAY UP METHOD PER MANUFACTURER'S INSTRUCTIONS
2. BEACH ELEVATIONS ARE SEASONAL AND ARE SHOWN FOR REFERENCE ONLY. ACTUAL CONDITIONS WILL BE DETERMINED PRIOR TO CONSTRUCTION
3. REINFORCEMENT SHALL BE WELDED WIRE FABRIC 4X4 – W4.0 X W4.0 OR #4 REINFORCING STEEL AT 16" OC EACH WAY

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

FLUME SECTION AND DETAILS

Rev. –
Date: 01/06/2020
M&N Project No. 9154-01
Drawing code:
Drawing Scale:
Designed by: BP
Cad by: ST
Dwn by: CD, DJM
Reviewed by: JJ
Submitted by: BRAD PORTER, P.E.

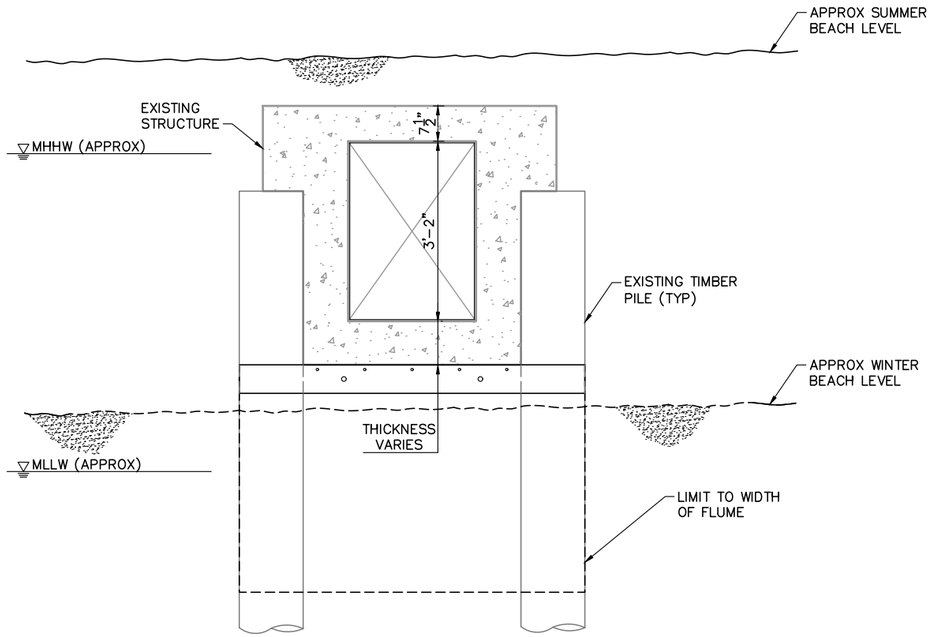
moffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042785 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA
SEAL

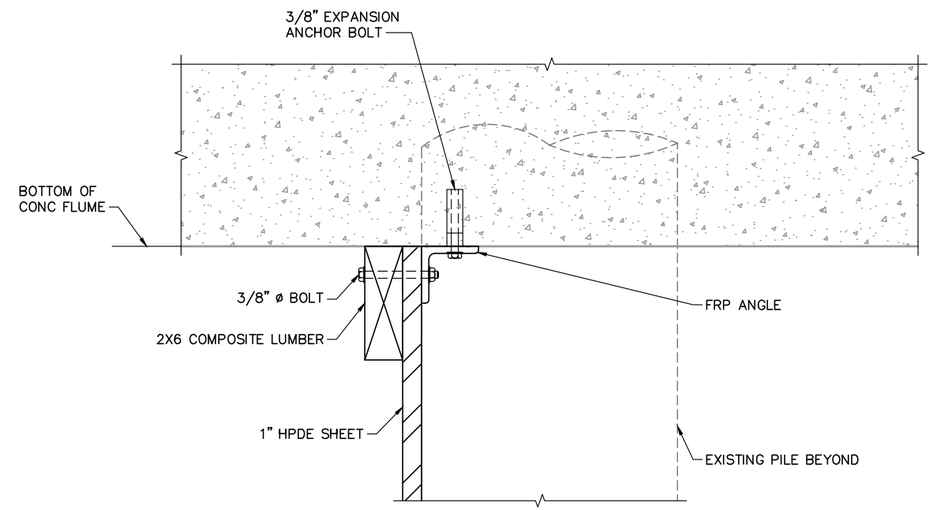
Sheet Reference No.
C-112

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

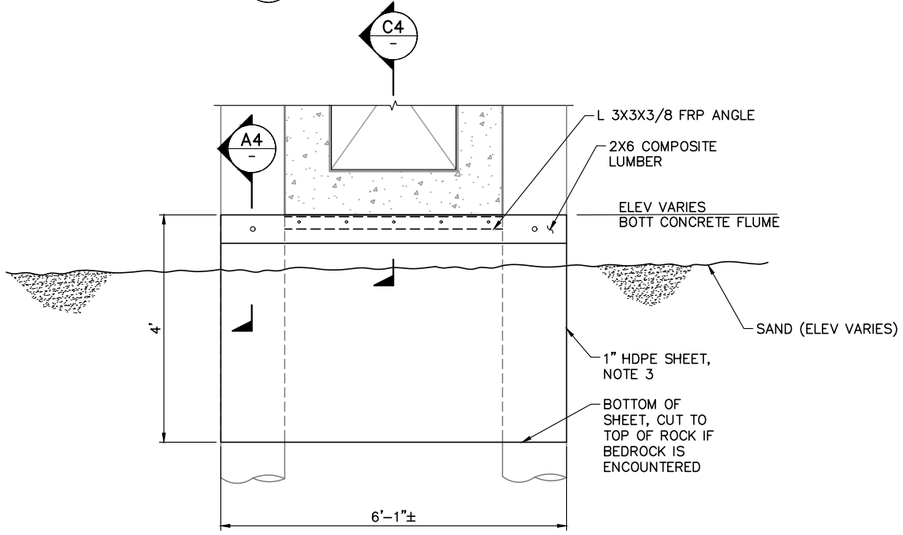
Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)



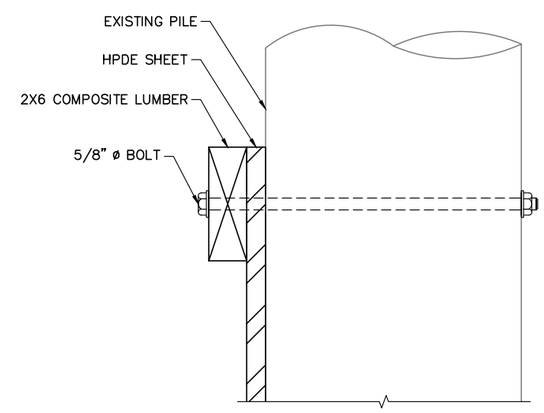
C1 FLUME TYPICAL SECTION
SCALE: 3/4" = 1'-0"



C4 SECTION UNDER FLUME
SCALE: 3" = 1'-0"



A1 CUTOFF WALL TYPICAL SECTION
SCALE: 3/4" = 1'-0"



A4 SECTION AT PILE
SCALE: 3" = 1'-0"

NOTES:

1. CONSTRUCT CUTOFF WALLS AT LOCATIONS SHOWN ON PLAN SHEET C-110
2. INSTALL CUTOFF WALLS BETWEEN EXISTING PILES
3. HPDE SHEET SHALL HAVE THE FOLLOWING PROPERTIES:
   - MIN DENSITY OF 59 LBS/FT^3
   - YIELD STRENGTH OF 4000 PSI MIN
   - COLOR – BLACK

2' 0'-0" 1' 2'
SCALE: 3/4"=1'-0"

6" 0'-0" 3" 6"
SCALE: 3"=1'-0"

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

CUTOFF WALL DETAILS

Rev. –
Date: 01/06/2020
M&N Project No. 9154-01
Drawing code:
Drawing Scale:
Designed by: BP
Checked by: ST
Dwn by: CD, DJM
Reviewed by: JJ
Submitted by: BRAD PORTER, P.E.

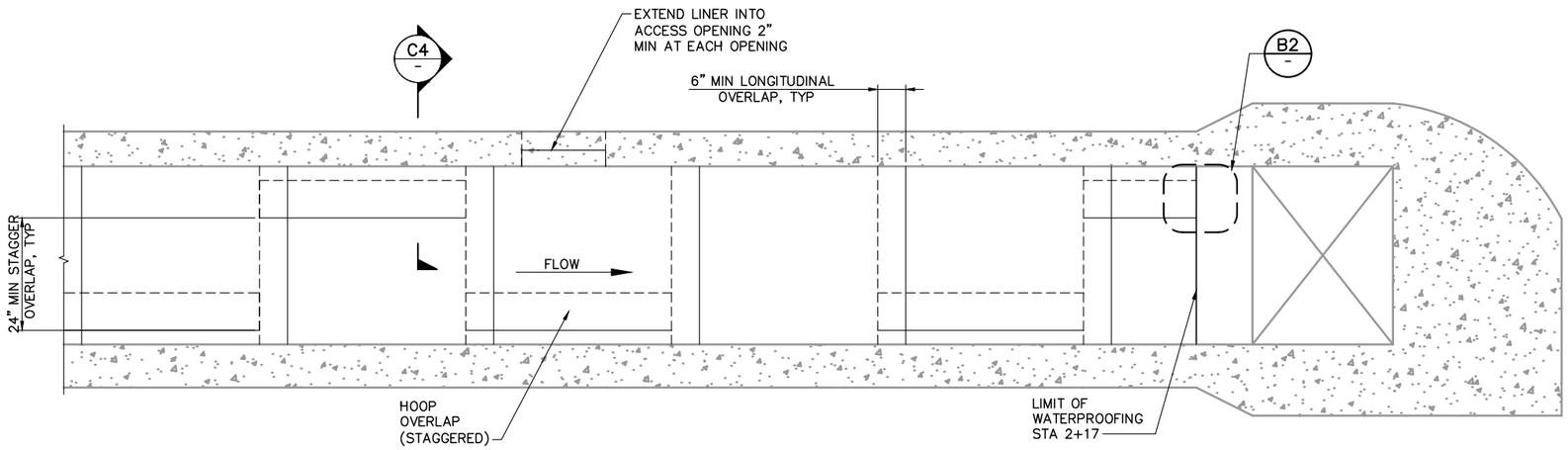
moffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042735 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA
SEAL

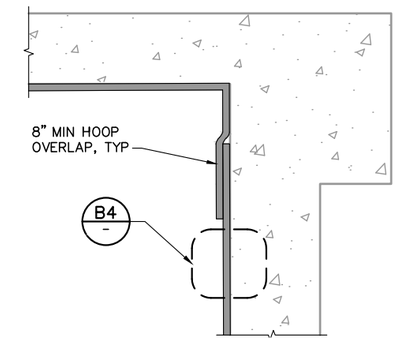
Sheet Reference No.
C-113

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

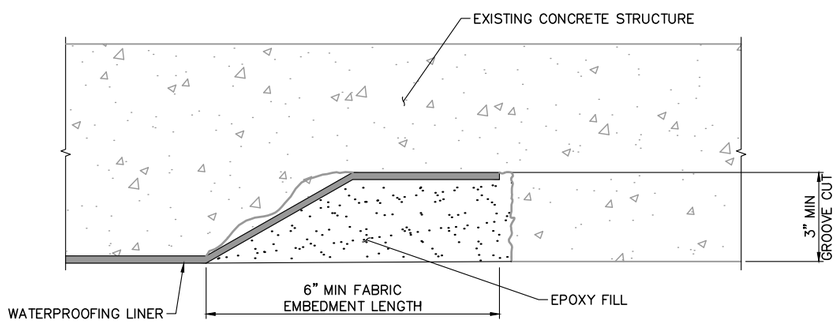
DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



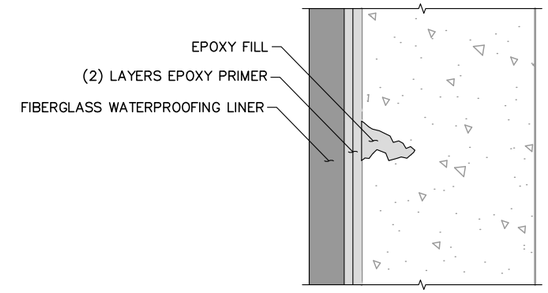
WATERPROOFING LINER LAYUP ELEVATION
SCALE: 3/4" = 1'-0"



C4 SECTION
NTS



B2 TERMINATION DETAIL
NTS



B4 LAYER INSTALLATION
NTS

NOTES:

1. ALL FABRIC SHALL BE INSTALLED IN HOOP DIRECTION AND SHALL HAVE A 8" HOOP OVERLAP.
2. THE FABRIC SHALL HAVE A 6" OVERLAP IN THE LONGITUDINAL DIRECTION WITH THE DOWNSTREAM EDGE BELOW THE UPSTREAM EDGE TO PROVIDE A SHINGLE EFFECT.
3. FOR CONCRETE SURFACES THE SURFACE PROFILE SHALL CONFORM TO ACI CSP3/CSP2.
4. ANY HOLES, FRACTURES, GAPS, AND LEAKS SHALL BE REPAIRED BY THE CONTRACTOR PRIOR TO INSTALLATION OF THE WATERPROOFING SYSTEM.

2' 0'-0" 1' 2'
SCALE: 3/4"=1'-0"

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

FLUME WATERPROOFING DETAILS

Date: 01/06/2020 | Rev. -
M&N Project No. 9154-01
Designed by: BP
Drawn by: CD, DJM
Cad by: ST
Drawing code:
Reviewed by: JJ
Submitted by: BRAD PORTER, P.E.
Drawing Scale:

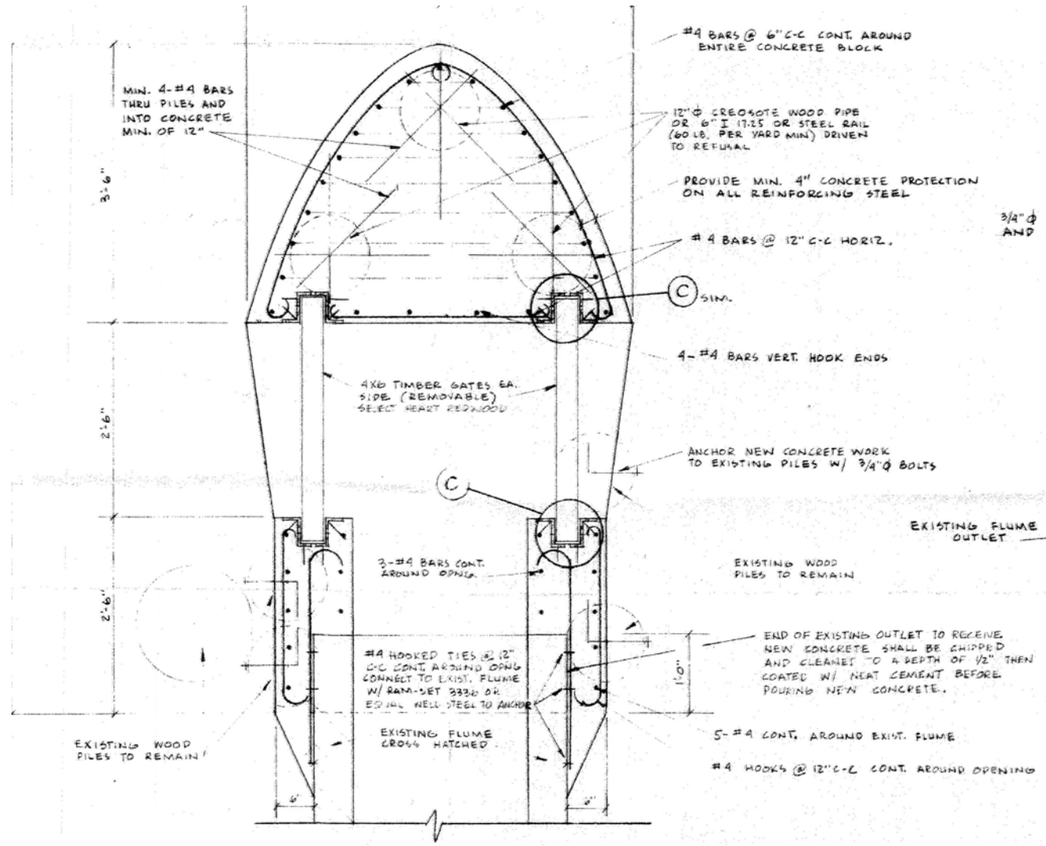
moffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042785 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA
SEAL

Sheet Reference No.
C-114

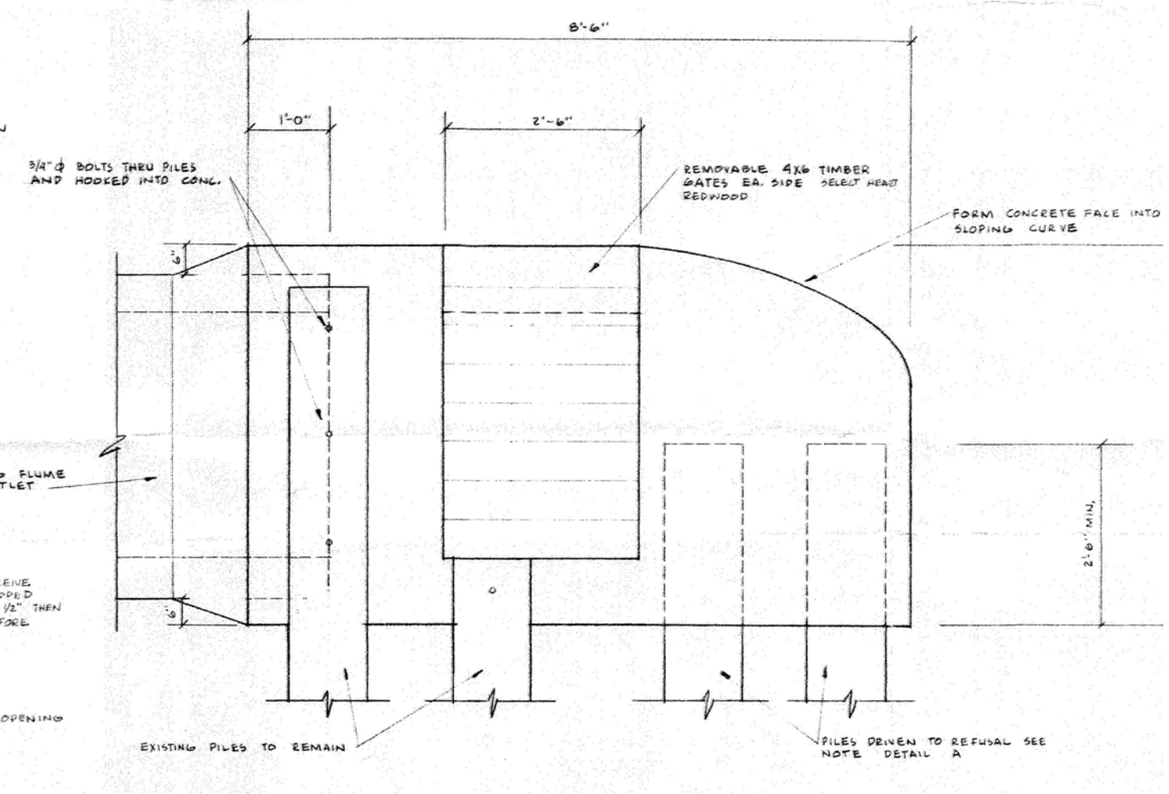
DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)



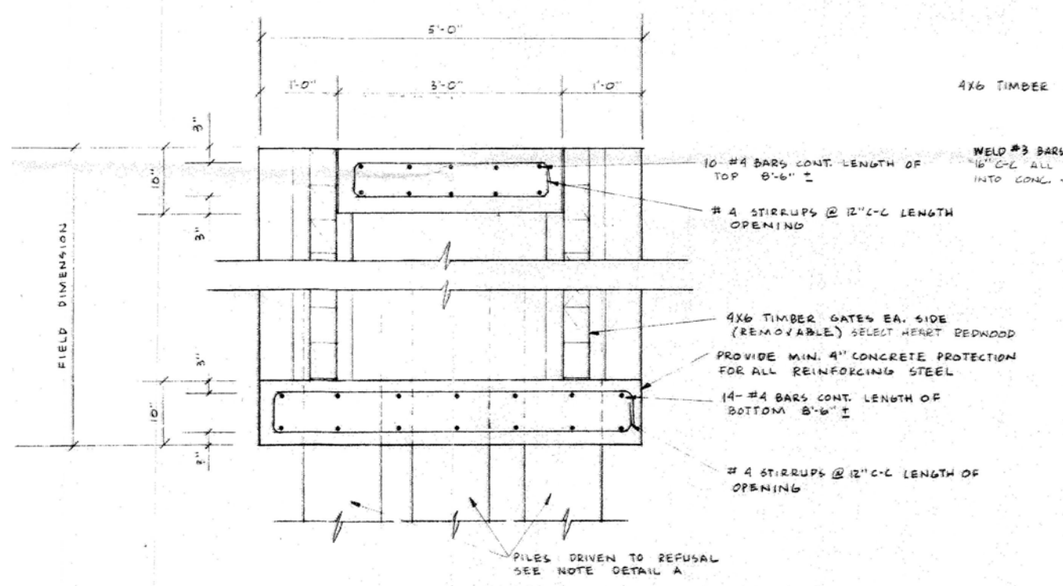
PLAN SECTION 1' 0'-0" 1' 2'

SCALE: 1"=1'-0"



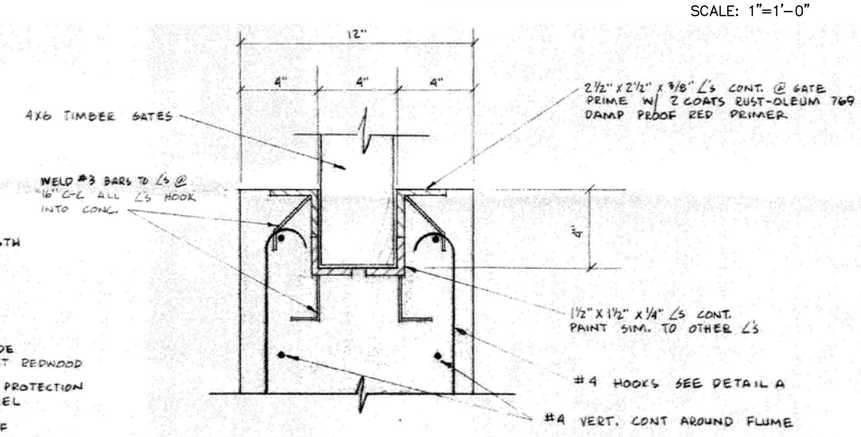
WEST ELEVATION 1' 0'-0" 1' 2'

SCALE: 1"=1'-0"



SECTION B 1' 0'-0" 1' 2'

SCALE: 1"=1'-0"



DETAIL C 6" 0'-0" 3" 6"

SCALE: 3"=1'-0"

NOTE:

1. INFORMATION SHOWN ON THIS SHEET WAS TAKEN FROM DRAWINGS BY BOWMAN AND WILLIAMS, REV 1 DATED SEPT 1961.

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

EXISTING FLUME REFERENCE DRAWINGS - OUTLET

Designed by: BP
Date: 01/06/2020
Rev. -
Dwn by: CD, DJM
Ckd by: ST
M&N Project No. 9154-01
Reviewed by: JJ
Drawing code:
Submitted by: BROD PORTER, P.E.
Drawing Scale:

moffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042785 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA

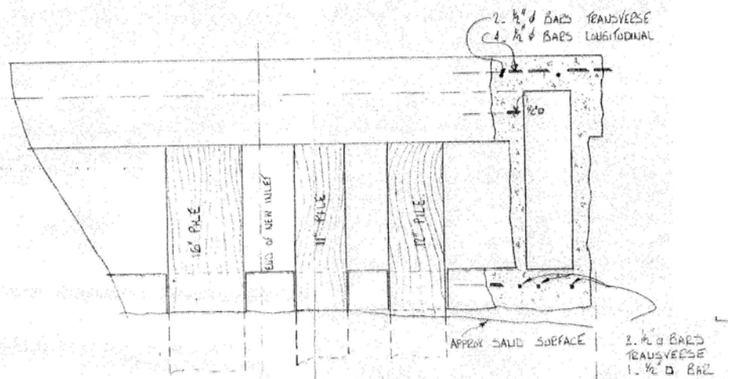
SEAL

Sheet Reference No.

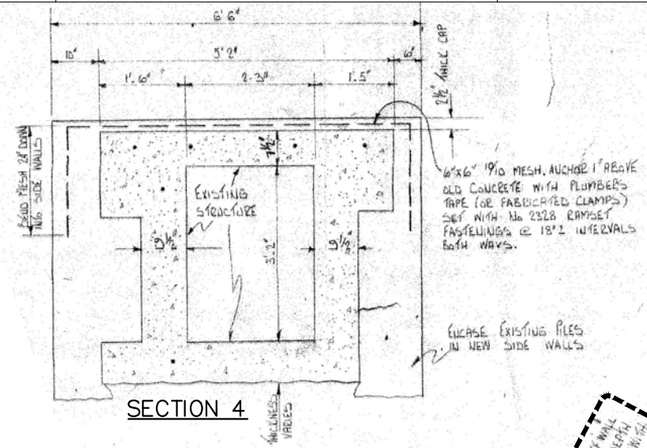
C-115

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

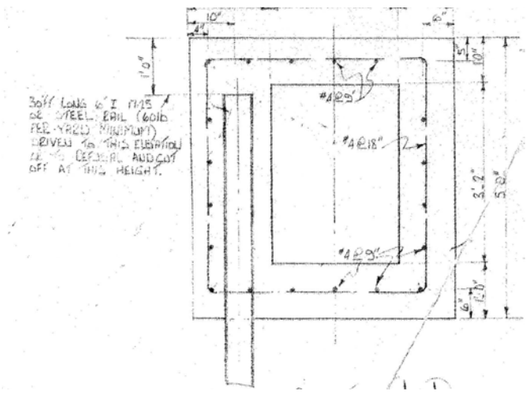
DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



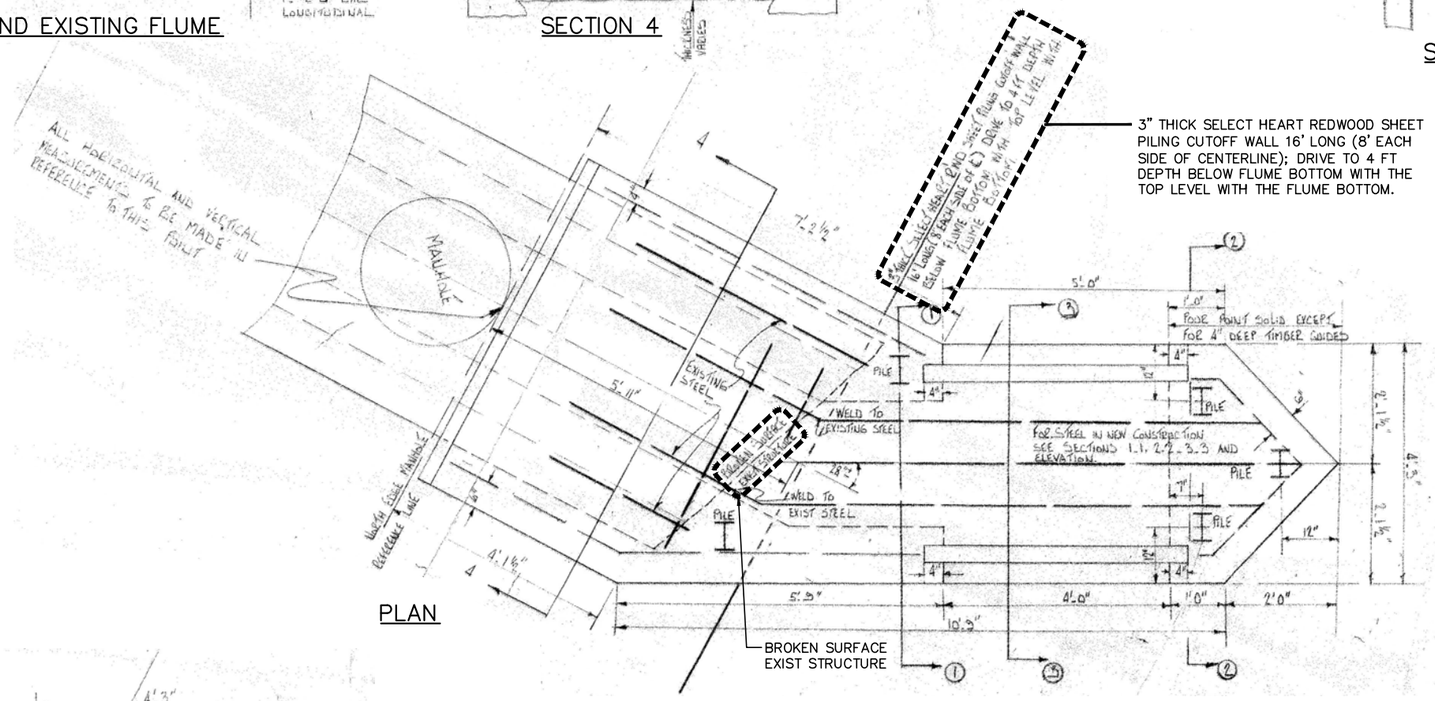
EAST ELEVATION – NORTH END EXISTING FLUME



SECTION 4



SECTION 1

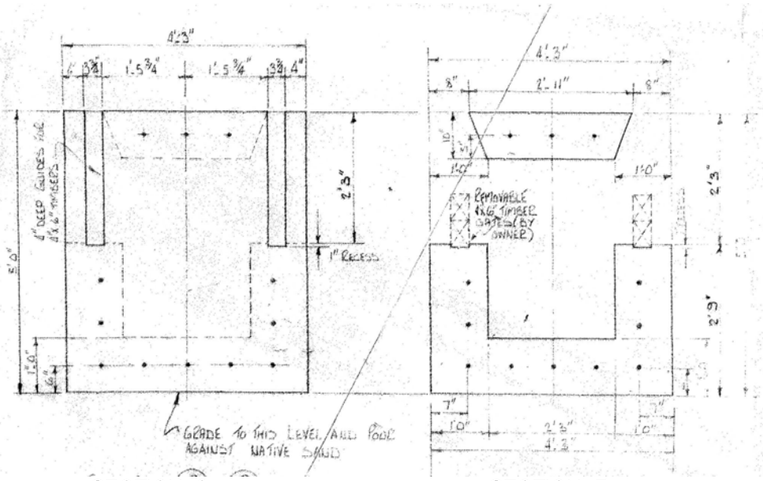


3" THICK SELECT HEART REDWOOD SHEET PILING CUTOFF WALL 16' LONG (8' EACH SIDE OF CENTERLINE); DRIVE TO 4 FT DEPTH BELOW FLUME BOTTOM WITH THE TOP LEVEL WITH THE FLUME BOTTOM.

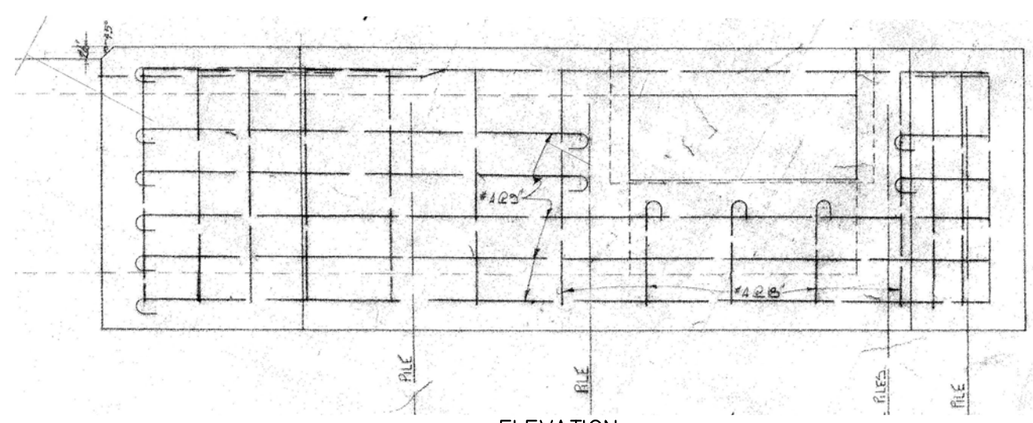
PLAN

NOTES:

1. INFORMATION SHOWN ON THIS SHEET WAS TAKEN FROM DRAWINGS BY BOWMAN AND WILLIAMS DATED FEB 1956.



SECTION 2 SECTION 3



ELEVATION

2' 0'–0" 1' 2'
SCALE: 3/4"=1'–0"

CITY OF CAPITOLA INCORPORATED 1949

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

EXISTING FLUME REFERENCE DRAWINGS - INLET

Rev. –
Date: 01/06/2020
M&N Project No. 9154-01
Drawing code:
Drawing Scale:
Designed by: BP
Dwn by: CD, DJM
Ckd by: ST
Reviewed by: JJ
Submitted by: BRAD PORTER, P.E.

maffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

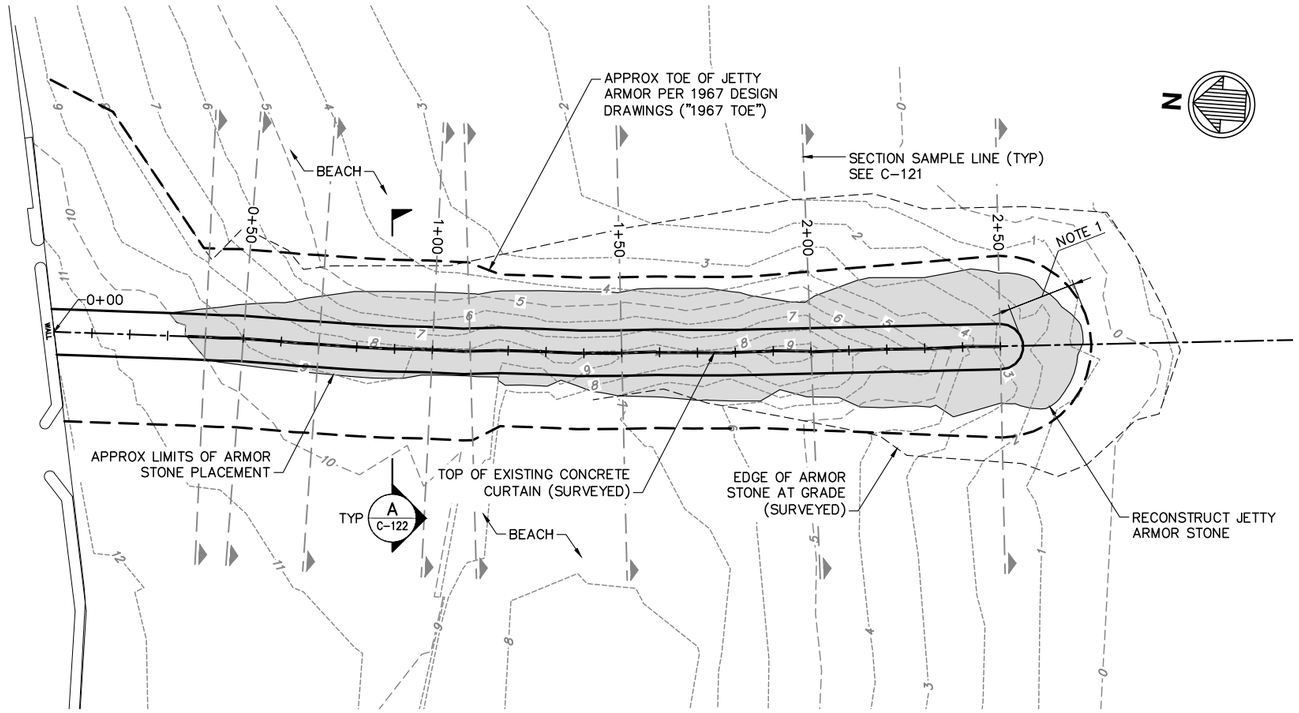
REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042735 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA

SEAL

Sheet Reference No.
C-116

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

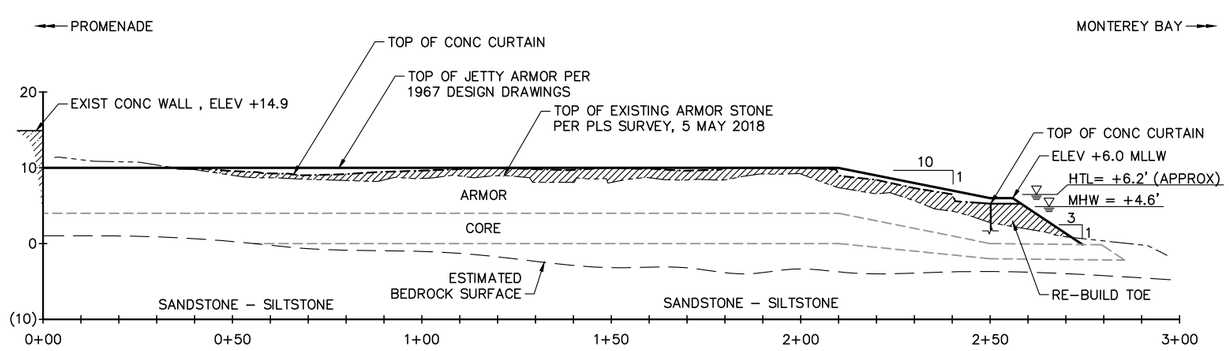
Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)



PLAN
SCALE: 1" = 20'

NOTES:

1. REPOSITION (E) ARMOR STONES THAT HAVE SCATTERED OUTSIDE OF THE 1967 TOE TO WITHIN PLACEMENT LIMITS SHOWN.



PROFILE
SCALE: 1" = 20'

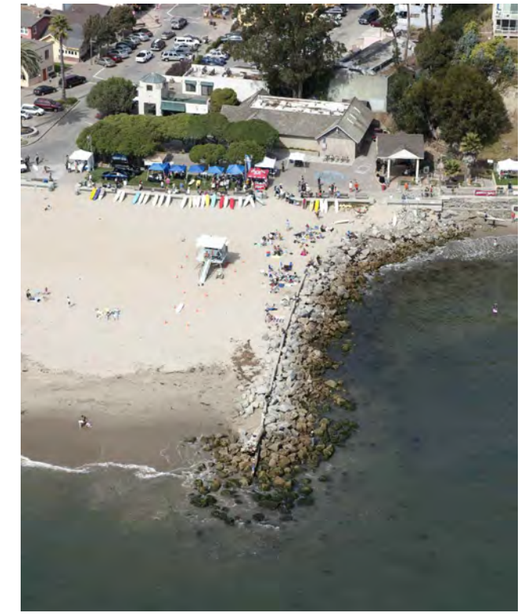


PHOTO 1–JETTY PRE–PROJECT (EXISTING)
SCALE: NTS

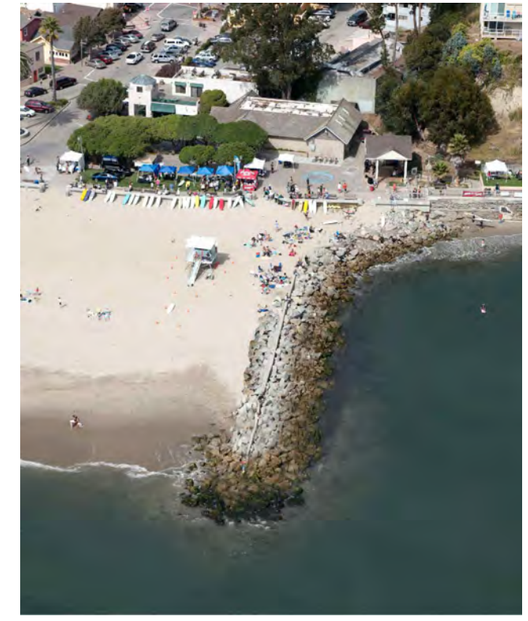


PHOTO 2–JETTY POST– PROJECT (PHOTO RENDITION)
SCALE: NTS

20' 0' 20' 40'
SCALE: 1"=20'

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

JETTY PLAN AND PROFILE

Rev: –
Date: 01/06/2020
M&N Project No: 9154-01
Drawing code:
Drawing Scale:
Designed by: BP
Dwn by: VF, DJM
Ckd by: ST
Reviewed by: –
Submitted by: BRAD PORTER, P.E.

moffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042735 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA
SEAL

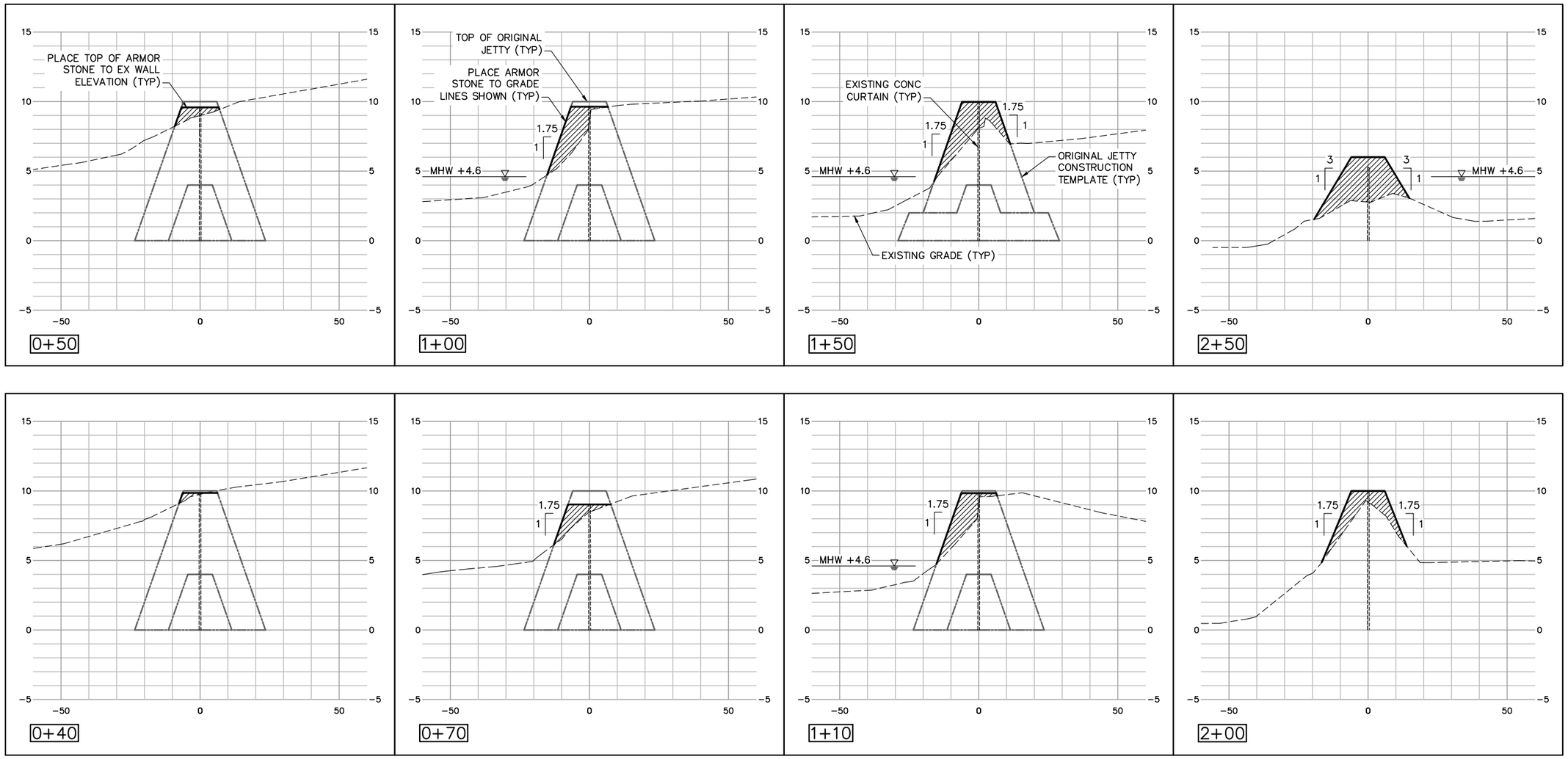
Sheet Reference No.
C-120

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

LEGEND

RECONSTRUCT JETTY ARMOR STONE.



20' 0' 20' 40'

SCALE: 1"=20' (VERT EXAG 5:1)

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

JETTY CROSS SECTIONS

Designed by: BP
Dwn by: VF, DJM
Ckd by: ST
Reviewed by: –
Submitted by: BRAD PORTER, P.E.
Date: 01/06/2020
M&N Project No. 9154-01
Drawing code:
Drawing Scale:
Rev: –

moffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042735 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA

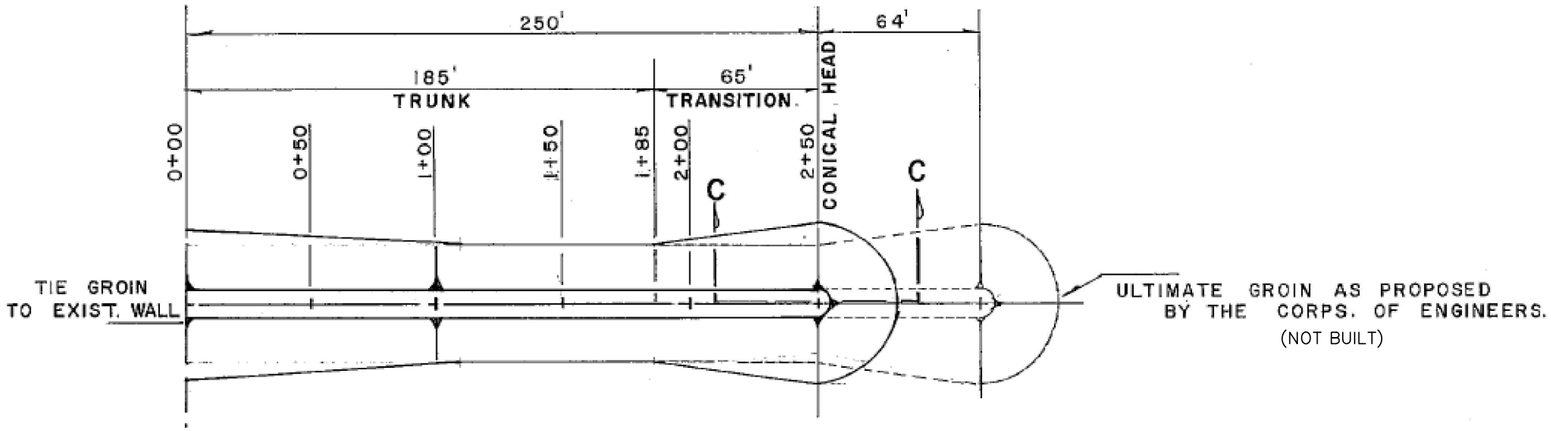
SEAL

Sheet Reference No.

C-121

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

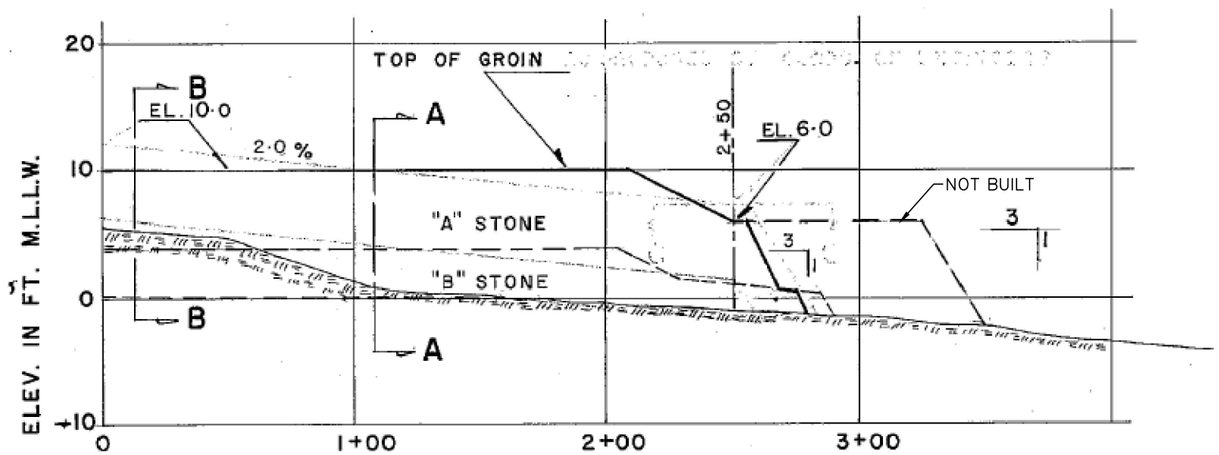


GROIN PLAN

30' 0' 30' 60'
SCALE: 1"=30'

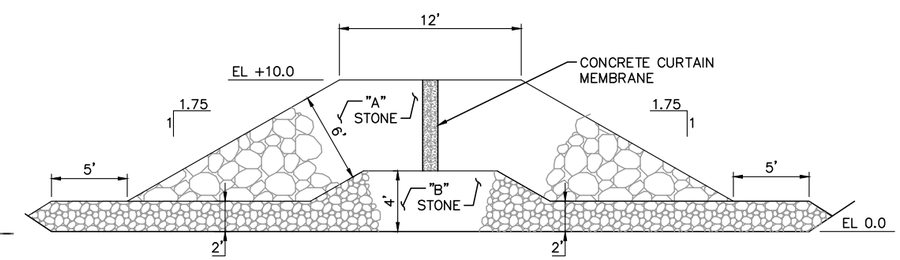
NOTES:

1. DRAWINGS ARE BY CITY OF CAPITOLA, UNDATED, CIRCA 1967–68. BASED UPON BEACH EROSION STUDY BY CORPS OF ENGINEERS, APRIL 1966, MARCH 1967, (ADDENDUM NO. 1).
2. JETTY WAS CONSTRUCTED IN 1968.
3. ADDENDUM TO BEACH EROSION STUDY, BY US ARMY CORPS OF ENGINEERS DATED 12 NOV, 1971 DISCUSION POSTPONEMENT OF EXTENSION BASED UPON POST CONSTRUCTION SURVEYS.



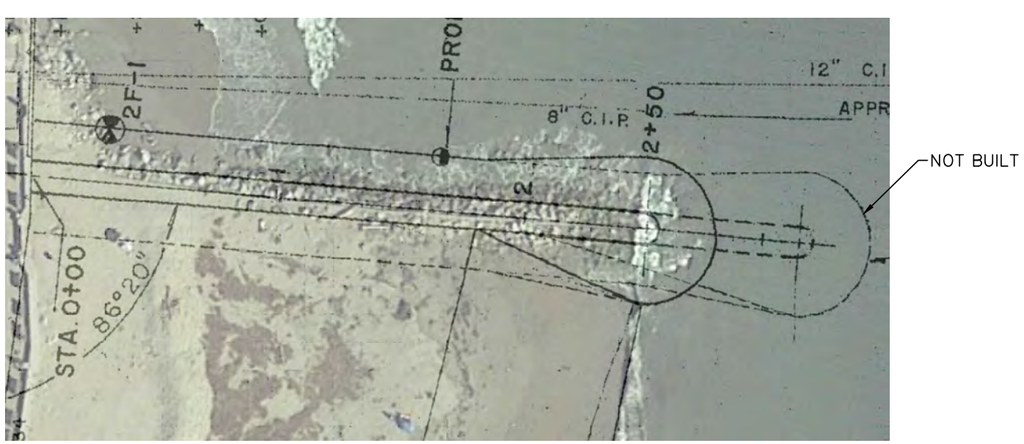
DESIGN CENTERLINE PROFILE

30' 0' 30' 60'
SCALE: 1"=30' (VERT EXAGG 5:1)



TRUNK, SECTION A–A
STA; 1+10

5' 0' 5' 10'
SCALE: 1"=5'



1967 DESIGN OVERLAY ON CURRENT AERIAL

CITY OF CAPITOLA INCORPORATED 1949

CAPITOLA BEACH FLUME AND JETTY REHABILITATION

EXISTING JETTY REFERENCE DRAWINGS

Designed by: BP	Date: 01/06/2020
Dwn by: VF, DJM	Ckd by: ST
Reviewed by: –	Submitted by: BRAD PORTER, P.E.
M&N Project No. 9154-01	Rev. –
Drawing code:	Drawing Scale:

moffatt & nichol
2185 N. CALIFORNIA BLVD.
SUITE 500
WALNUT CREEK, CA 94596

REGISTERED PROFESSIONAL ENGINEER BRADFORD A. PORTER No. 042735 Exp. 3-31-22 CIVIL STATE OF CALIFORNIA

SEAL

Sheet Reference No.
C-122

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

Attachment: Flume and Jetty Rehabilitation Plans_compressed (Flume and Jetty Project to bid)

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: Community Development

SUBJECT: Senate Bill 743 Implementation

RECOMMENDED ACTION: Adopt a resolution establishing City of Capitola CEQA Guidelines and a transportation threshold of significance of fifteen percent below the regional average Vehicle Miles Traveled (VMT) for purposes of complying with Senate Bill 743.

BACKGROUND: In 2013, California Governor Brown signed Senate Bill (SB) 743 (Steinberg, 2013), which changed the way that transportation impacts are analyzed under the California Environmental Quality Act (CEQA). Specifically, SB 743 required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to Level of Service (LOS) for evaluating transportation impacts.

To analyze a project's environmental impacts related to transportation, the City of Capitola, along with most other cities in California, has historically used a measure called Level of Service (LOS). LOS measures the amount of "auto delay" experienced on the roadway network as the result of new development. Typically, if a project generates a quantity of new trips that would reduce the LOS (i.e. auto delay would increase) at surrounding intersections, potential mitigations to this impact may include roadway or intersection improvements in order to lessen the impact by reducing auto delay. Unfortunately, many of the mitigation measure to improve LOS involve adding capacity for more cars on the roadway, which can have the effect of inducing more auto travel and triggering other environmental impacts primarily related to greenhouse gas emissions, air quality, and noise

SB743 also added provisions to CEQA the prohibit finding auto delay, as measured by LOS, to be considered a significant impact under CEQA. Under the CEQA Guidelines, the City may not use LOS for CEQA purposes after July 1, 2020. Transportation impacts related to air quality, noise, and safety must still be analyzed under CEQA where appropriate.

In December 2018, after more than five years of development and more than 200 stakeholder meetings, public convenings, and other outreach events, the California Natural Resources Agency certified and adopted the CEQA Guidelines update package, including the guidelines section implementing Senate Bill 743 (§ 15064.3). For land use projects, OPR identified Vehicle Miles Traveled (VMT) per capita, VMT per employee, and net VMT as new metrics for transportation analysis. For transportation projects, lead agencies for roadway capacity projects have discretion, consistent with CEQA and planning requirements, to choose which metric to use to evaluate transportation impacts. OPR recommends a threshold of significance of 15%

below the city or regional average. This means that new development should be evaluated to ensure the vehicle miles traveled is 15% less than the total city or regional VMT average. As stated above, statewide implementation of the new CEQA guidelines begins July 1, 2020.

Upon California Natural Resources Agency's adoption of the final guidelines, the City of Capitola joined the cities of Watsonville, Santa Cruz, and Scotts Valley and the County of Santa Cruz to collectively approach this new paradigm of measuring transportation impacts for the purposes of environmental review. The cities and County hired Kimley Horn Transportation Consultants to assist with the necessary work, including updating the baseline conditions, updating and running the Countywide Transportation Model, mapping, and producing thresholds of significance for the Santa Cruz region. This was done in compliance with SB 743 and the Governor's Office of Planning and Research "Technical Advisory on Evaluating Transportation Impacts in CEQA" (Attachment 3). This resulted in a report that identifies thresholds of significance at this time, screening criteria, and mitigation methods (Attachment 1). The regional work forms the foundation of recommendations of this report.

The California Environmental Quality Act (CEQA) is California's broadest environmental law. CEQA helps to guide agencies during issuance of permits and approval of projects. CEQA applies to all discretionary projects proposed to be conducted or approved by a California public agency, including private projects requiring discretionary government approval. Under CEQA, projects which would cause "significant environmental impact should not be approved as proposed if there are feasible alternatives or mitigation measures that would lessen those effects. In regard to VMT, if a proposed project has a VMT that is not below the established threshold of significance, the project would require alternatives or mitigation measures.

DISCUSSION: Currently, the City of Capitola, relies solely upon the CEQA statutes (California Public Resources Code Division 13: Environmental Quality, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14: Natural Resources, Division 6: Resources Agency, Chapter 3: Guidelines for Implementation of the CEQA, Section 15000, et sequential) to guide our process of environmental review without separately-adopted CEQA Guidelines for specific methodology and local significance thresholds.

As previously mentioned, to analyze a project's environmental impacts related to transportation, the City of Capitola, has historically used a measure called Level of Service (LOS), a practice that will no longer be applicable for purposes of CEQA analysis after July 1, 2020

The new measure, Vehicle Miles Travelled (VMT), considers the distance that new residents or employees would travel on average as the result of the new development. VMT is favors compact, mixed use, development within an established urban limit because it "rewards" a project for being in close proximity to daily needs such as schools, grocery stores, jobs, and services; such projects result in relatively lower VMT increases, because the car trips generated tend to be shorter, and it is easier to travel without reliance on an automobile. Likewise, projects that are on the far edges of town or that are "greenfield" development (undeveloped areas with little to no existing infrastructure or services) would be more likely have higher VMT because daily destinations are further away and alternatives to auto transport such a s mass transit or active transportation (walk, cycle) are less feasible. If a project generates a VMT above the stated thresholds of significance mitigation measures to reduce the amount of VMT must be considered. Potential mitigation measures to reduce VMT on a project level are: investments in Transportation Demand Management (TDM) such as transit passes, bike and pedestrian programs, car share, on-site childcare facilities, and similar means. Other potential mitigation

measures may include the construction or contribution to bike and pedestrian or high occupant vehicle projects.

SB 743 does not prevent the City from continuing to analyze auto delay or LOS as part of other plans (i.e., the general plan), studies, congestion mitigation, fee collection, or ongoing network monitoring; but these metrics may no longer constitute the basis for CEQA impacts. Of note, the City would retain its LOS standards as a local policy within the General Plan, outside of CEQA. Development projects triggering LOS impacts will be required to mitigate those impacts consistent with the City's current policy, except that the mitigation will no longer be CEQA mitigations. In recognition of SB 743 and OPR's VMT recommendations, the recommendations in this report include VMT thresholds and mitigation to ensure consistency with CEQA Guidelines in place of the former LOS thresholds.

The proposed resolution establishes the local environmental review process for evaluating transportation impacts with VMT criteria. This action will establish a consistent methodology for the City's transportation analysis in environmental review that aligns with State law.

Screening Criteria
CEQA Guidelines Section 15063(c)(3)(C) and the OPR Technical Advisory on Evaluating Transportation Impacts in CEQA allows for development of "screening criteria" that can be used to identify projects that are not expected to cause a significant impact on transportation without conducting a detailed VMT analysis. The OPR Technical Advisory includes a detailed description of potential screening criteria, as well as a list of project types that may be assumed to have a less than significant impact (full list is included in Attachment 3).

The following criteria are identified by OPR and recommended by staff:

Small Projects: If a project generates or attracts less than 110 trips per day, and is consistent with the General Plan, that project may be assumed to cause a less-than significant transportation impact.

Development in Low-VMT Areas/Map-Based Screening: Maps showing existing VMT values within a city are referred to as heat maps. These maps display colors representing the level of variation from a local or regional VMT reference average for a jurisdiction. The purpose of these heat maps is to determine if a proposed project is located in an area with low existing VMT, where it may be presumed to cause a less-than significant transportation impact.

The OPR Technical Advisory provides that residential and office projects in areas of low VMT that are compatible with surrounding development in terms of density, mix of uses, and transit accessibility will tend to exhibit similarly low VMT as the existing uses. These projects would, therefore, be presumed to have a less-than-significant VMT impact without the need to perform a detailed VMT analysis. OPR guidance suggests using regional as opposed to citywide geographies for reviewing office development, as employees often commute from outside the city boundary to their jobs.

Attachment 2 shows Heat Maps depicting the average VMT rates for residential and employment land uses in Santa Cruz County. Under the recommended approach for map-based screening, projects located in low-VMT areas (zones with VMT that is at least 15 percent below the regional average VMT) would be presumed to have a less-than-significant transportation impact under CEQA.

Proximity to Transit Stations: CEQA Guidelines Section 16064.3 provides that lead agencies generally should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less-than-significant impact on VMT[1]. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT, as might be the case if the project has a Floor Area Ratio (FAR) of less than 0.75, includes parking in excess of requirements, is inconsistent with local and regional plans, or replaces affordable units with a smaller number of market rate units. The recommended screening criteria would incorporate this presumption.

Affordable Residential Development: The OPR Technical Advisory provides data to support the conclusion that adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Accordingly, the recommended screening criteria provide that projects that are 100% affordable residential development, or the residential component of a mixed-use development, in infill locations shall be assumed to have a less than significant impact on transportation.

The OPR Technical Advisory includes a more detailed description of each of the screening criteria summarized above and recommended to be incorporated in the City's CEQA Guidelines, as well as a list of project types that would be assumed to have a less than significant impact. The full list is included as part of Attachment 3.

Recommended Thresholds of Significance

If a project is not eligible for screening-level analysis based on the criteria outlined above, then it shall be subject to a detailed VMT analysis to determine its impacts for CEQA purposes. Should a project exceed the City's threshold of significance established in the City's CEQA Guidelines, a menu of accepted transportation demand management (TDM) options are available to reduce the project VMT and mitigate a project's environmental impacts to the extent feasible. This is outlined in Kimley Horn Report (Attachment 1).

OPR recommends lead agencies use an efficiency metric (reduction per capita or employee) to define thresholds of significance for residential and employment land use projects. OPR suggests that a 15 percent VMT reduction relative to local or regional average VMT levels is both achievable at the project level for a variety of land uses and consistent with the emission reductions that are necessary to achieve the State's climate goals. Based on the OPR Technical Advisory, staff recommends the following thresholds of significance:

Residential:

Recommendation: a proposed project that generates or attracts VMT per capita that is greater than 15% below the existing county-wide average VMT per capita is a significant transportation impact.

Office:

[1] High quality transit corridor and major transit stop are defined in the Public Resources Code. Major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Recommendation: a proposed office project that generates or attracts VMT per employee that is greater than 15% below the existing county-wide average VMT per employee is a significant transportation impact.

Retail:
Recommendation: A net increase in total VMT (no geographical boundary) is a significant transportation impact.

Note: Because new retail development can redistribute some trips rather than create all new trips, the OPR Technical Advisory concludes that estimating the total change in VMT is the best way to analyze retail projects' transportation impacts. Consider that there is currently a popular Grocery Store X four miles away. If Grocery Store X opens a new store two miles away, trips that would have normally gone further distances to access that store are now making shorter trips, and the project would likely result in a net decrease in VMT.

Mixed-Use Projects:
Each component of the mixed-use project shall be evaluated independently, and the threshold of significance for each type of use proposed in the project shall apply to the independent project components.

Redevelopment:
If a redevelopment project results in a lower VMT than the existing VMT generating land uses that the project is replacing, the project is assumed to have a less than significant impact. If the project increases the net overall VMT, the thresholds above would apply based on the type of land use being proposed.

Finally, it should be noted that the City will update the City's VMT thresholds and methodology on an as needed basis to reflect changes in CEQA requirements, new methodology development, or refinement of process moving forward. As such, the City shall regularly review these guidelines for applicability and project applicants and consultants should contact the City to ensure that they are applying the most recent guidelines for project impact assessment.

FISCAL IMPACT: Costs to update the County-wide transportation model and prepare the VMT analysis were proportionally shared between the cities of Santa Cruz, Watsonville, Scotts Valley, and Capitola and the County of Santa Cruz. The continued use of the LOS metric as a City policy will help to ensure that new development continues to fund LOS impacts attributable to the projects, thereby avoiding additional costs to the City.

ATTACHMENTS:

1. DRAFT SB 743 Implementation Guidelines for City of Capitola (DOCX)
2. Capitola VMT Heat Maps (PDF)
3. OPR Technical Advisory on Evaluating Transportation Impacts in CEQA (PDF)

Report Prepared By: Katie Herlihy
Community Development Director

Reviewed and Forwarded by:

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ADOPTING THE USE OF VEHICLE MILES TRAVELED AS THE TRANSPORTATION MEASURE OF ENVIRONMENTAL IMPACTS UNDER CEQA

WHEREAS, Governor Edmund G. Brown signed Senate Bill (SB) 743 in 2013, which directed the Office of Planning and Research (OPR) to develop updated criteria for measuring transportation impacts under the California Environmental Quality Act (CEQA, Pub. Res. Code 21000 et seq.) using metrics that promote a reduction in greenhouse gases, the development of multimodal transportation, and a diversity of land uses as an alternative to automobile delay as measured by level of service (LOS); and

WHEREAS, the Office of Planning and Research (OPR) released the Proposed Updates to the CEQA Guidelines in November 2017 that stated vehicle miles traveled (VMT) shall be the new metric for measuring transportation impacts, the Natural Resources Agency released the Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines in November 2018, and the Office of Administrative Law approved the CEQA Guidelines on December 28, 2018; and

WHEREAS, all lead agencies are required to comply with CEQA Guidelines and must begin using VMT to measure transportation impacts by July 1, 2020; and

WHEREAS, CEQA Guidelines Section 15064.7(b) allows lead agencies to adopt thresholds of significance for the lead agency's general use in its environmental review process; and

WHEREAS, the City intends to update VMT thresholds of significance, based on a data driven evaluation, in order to meet the intent of State legislation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola adopts VMT as the threshold of significance for transportation-related environmental impacts under CEQA as follows

- Residential Projects: 15% below the county-wide per capita average VMT
- Office and Service Projects: 15% below the county-wide per employee average VMT
- Retail: no net increase in the total VMT (no geographical/boundary);
- All other land uses: no net increase in VMT; and

BE IT FURTHER RESOLVED, that the City of Capitola authorizes the Community Development Director to update the VMT thresholds of significance for land use projects and plans, as necessary and appropriate to reflect current conditions, provided any update is consistent with the intent of SB 743 and in compliance with procedural and substantive requirement of CEQA and all other applicable state and local laws.

SB743 Implementation
June 25, 2020

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted on the 25th day of June, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kristen Petersen
Mayor

ATTEST:

_____
Chloe Woodmansee, Interim City Clerk

DRAFT SB 743 Implementation Guidelines

City of Capitola

June 17, 2020

Background

In 2013, SB 743 was signed into law by California Governor Jerry Brown with a goal of reducing Greenhouse Gas (GHG) emissions, promoting the development of infill land use projects and multimodal transportation networks, and to promote a diversity of land uses within developments. One significant outcome resulting from this statue is the removal of automobile delay and congestion, commonly known as level of service (LOS), as a basis for determining significant transportation impacts under the California Environmental Quality Act (CEQA).

The Governor's Office of Planning and Research (OPR) selected Vehicle Miles Traveled (VMT) as the principal measure to replace LOS for determining significant transportation impacts. VMT is a measure of total vehicular travel that accounts for the number of vehicle trips and the length of those trips. OPR selected VMT, in part, because jurisdictions are already familiar with this metric. VMT is already used in CEQA to study other potential impacts such as GHG, air quality, and energy impacts and is used in planning for regional Sustainable Communities Strategies (SCS).

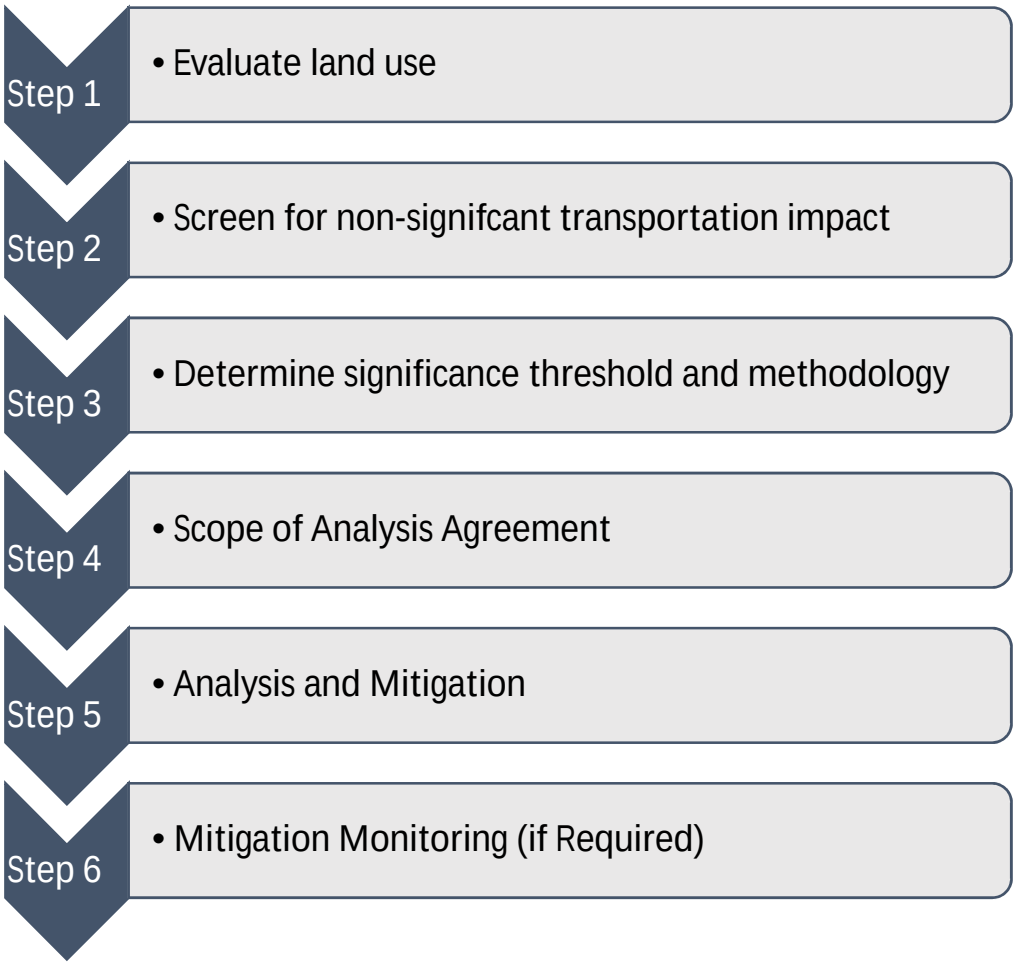
VMT also allows for an analysis of a project's impact throughout the jurisdiction rather than only in the vicinity of the proposed project allowing for a better understanding of the full extent of a project's transportation-related impact. It should be noted that SB 743 does not disallow an City of Capitola to use LOS for other planning purposes outside the scope of CEQA.

Land Use Projects

An approach to identify transportation impacts under CEQA for land-use that closely align with guidance provided within the OPR Technical Advisory on Evaluating Transportation Impacts in CEQA (2018). While the OPR guidance related to SB 743 has been a helpful introduction to using VMT to evaluate projects, it does not provide a complete solution. There are a multitude of complex practical issues that are not addressed by the OPR guidance. OPR Guidance does not specifically address land uses beyond residential, office and retail, and it provides latitude on some elements of implementation. In response to this, a specific series of analysis steps for SB 743 project evaluation have been developed to clarify requirements and reduce potential confusion. **Exhibit 1** provides a graphical representation of this analysis process.

Attachment: DRAFT SB 743 Implementation Guidelines for City of Capitola (SB743 Implementation)

Exhibit 1 – Process for CEQA VMT Analysis for Land Use Projects



Step 1: Evaluate Land Use Type

During the initial step the land use projects will need to be evaluated for the following considerations:

- **Land use type.** For the purposes of analysis, the Institute of Transportation Engineers (ITE) land use codes serve as the basis of land use definitions. Although it is recognized that VMT evaluation tools and methodologies are typically not fully sensitive to some of the distinctions between some ITE categories, the use of ITE land use codes is useful for maintaining consistency across analyses, determining trip generation for other planning level tools, and maintaining a common understanding of trip making characteristics amongst transportation professionals. The ITE land use code is also used as an input into the sketch planning tool.
- **Mixed Use.** If there are multiple distinct land uses within the project (residential, office, retail, etc.), they will be required to be analyzed separately unless they are determined to be insignificant to the total VMT. Mixed use projects are permitted to account for internal capture which depending on the methodology may require a distinct approach not covered in this documentation.
- **Redevelopment projects.** As described under the Non-Significant Screening Criteria section, redevelopment projects which have lower VMT than the existing on-site use can be determined to have a non-significant impact.

Step 2: Screen for Non-Significant Transportation Impact

The purpose of this step is to determine if a presumption of a non-significant transportation impact can be made on the facts of the project. The guidance in this section is primarily intended to avoid unnecessary analysis and findings that would be inconsistent with the intent of SB 743. A detailed CEQA transportation analysis will not be required for land use elements of a project that meet the screening criteria shown in **Exhibit 2**. If a project is mixed use in nature, only those elements of the project that do not comply with the elements in **Exhibit 2** would require further evaluation to determine transportation significance for CEQA purposes.

Exhibit 2 – Screening Criteria

Screening Criteria	OPR Guidance
SMALL PROJECTS[1]	**Expected to cause a less-than-significant impact:** § Project generation is less than 110 trips per day **CEQA transportation analysis required if:** § It is inconsistent with the Sustainable Communities Strategy as determined by the City of Capitola
PROJECTS NEAR HIGH QUALITY TRANSIT[2]	**Expected to cause a less-than-significant impact:** § Within a ½ mile of an existing major transit stop. § Maintains a service interval frequency of 15 minutes or less during the morning and afternoon peak commute periods. **CEQA transportation analysis required if:** § Has a Floor Area Ratio (FAR) of less than 0.75 § Includes more parking for use by residents, customers, or employees of the project than required by the City of Capitola § It is inconsistent with the Sustainable Communities Strategy as determined by the City of Capitola § Replaces affordable residential units with a smaller number of moderate- or high-income residential units
LOCAL-SERVING RETAIL[3]	**Expected to cause a less-than-significant impact:** § No single store on-site exceeds 50,000 square feet § Project is local-serving as determined by the City of Capitola **CEQA transportation analysis required if:** § If the nature of the service is regionally focused as determined by the City of Capitola
AFFORDABLE HOUSING[4]	**Expected to cause a less-than-significant impact:**

[1] 2018 OPR Guidance, page 12
[2] 2018 OPR Guidance, page 13
[3] 2018 OPR Guidance, page 16
[4] 2018 OPR Guidance, page 14. As described, "Evidence supports a presumption of less than significant impact for a 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations. Lead agencies may develop their own

Attachment: DRAFT SB 743 Implementation Guidelines for City of Capitola (SB743 Implementation)

Exhibit 2 – Screening Criteria

Screening Criteria	OPR Guidance
	§ A high percentage of affordable housing is provided as determined by the City of Capitola **CEQA transportation analysis required if:** § The percentage of affordable housing is determined by the City of Capitola to not be high in relation to the residential element of a project
LOCAL ESSENTIAL SERVICE[5]	**Screening allowed if:** § Day care center § Public K-12 School § Police or Fire facility § Medical/Dental office building § Government offices (in-person services such as post office, library, and utilities) **CEQA transportation analysis required if:** § If the nature of the service is regionally focused as determined by the City of Capitola
MAP-BASED SCREENING[6]	**Expected to cause a less-than-significant impact:** § Area of development is under threshold as shown on screening map as allowed by City of Capitola **CEQA transportation analysis required if:** § Represent significant growth as to substantially change regional travel patterns as determined by the City of Capitola
REDEVELOPMENT PROJECTS[7]	**Expected to cause a less-than-significant impact:** § Project replaces an existing VMT-generating land use and does not result in a net overall increase in VMT

presumption of less than significant impact for residential projects (or residential portions of mixed-use projects) containing a particular amount of affordable housing, based on local circumstances and evidence."

[5] Based on assumption that, like local-serving retail, the addition of necessary local in-person services will reduce VMT given that trips to these locations will be made irrespective of distance given their non-discretionary nature.

[6] 2018 OPR Guidance, page 12

[7] 2018 OPR Guidance, Page 18

Attachment: DRAFT SB 743 Implementation Guidelines for City of Capitola (SB743 Implementation)

Exhibit 2 – Screening Criteria

Screening Criteria	OPR Guidance
	CEQA transportation analysis required if: § Project replaces an existing VMT-generating land use and results in a net overall increase in VMT

Step 3: Significance Threshold and Methodology

The purpose of this step is to determine the threshold of significance for application to a land use project. Significance thresholds are based on land use type, broadly categorized as efficiency and net change metrics. Efficiency metrics include VMT/Capita and Work VMT/employee[8]. As described in **Table 1**, "Net Change" refers to the net change in regional VMT. "Net Change" is used for elements that include a significant customer base, such as commercial uses although it can extend to a variety of uses that have similar characteristics as shown in **Exhibit 3**.

Exhibit 3 - Significance Threshold and Methodology

Threshold Basis	Efficiency	Net Change
Example Land Use	Residential, Professional Office, Industrial	Retail, Medical Office, Sports Venue
Example VMT Thresholds	Per capita, per employee	Region VMT change
Customer Component	No	Yes
Allowable Methods	Non-Significant Screening Criteria, The City of Capitola Sketch Planning Tool, Travel Demand Model	Non-Significant Screening Criteria, Travel Demand Model

For projects with a significant customer basis it is typically appropriate to separate employee trip characteristics from the customer base unless the customer base is minimal in nature. Under these circumstances, it is most appropriate to evaluate the total of the delta in regional VMT resultant from the customer base plus the delta of VMT resultant from employees based on the following formula:

(number of employees) x (estimated VMT/employee – threshold VMT/employee)

The threshold of significance will accordingly correspond to the "Net Change" threshold as described in **Exhibit 3**. Under these circumstances, it is most appropriate to evaluate this total Net Change as the basis for evaluating the outcome of mitigations in terms of determining transportation significance although each element of the project should be tallied separately for the purposes of clarity.

[8] Work VMT specifically applies to commute trips as represented by the attractions in the Travel Demand Model. Refer to Appendix A for additional information

Attachment: DRAFT SB 743 Implementation Guidelines for City of Capitola (SB743 Implementation)

VMT Thresholds of Significance

OPR suggests a 15 percent VMT reduction relative to existing local or regional average VMT levels. The thresholds of significance recommended by OPR, as they relate to the City of Capitola, are summarized in **Exhibit 4**.

Exhibit 4 - OPR suggested VMT Thresholds of Significance

Land Use	OPR Guidance[9]
Residential	15% below existing county-wide average VMT per capita
Office	15% below existing county-wide average VMT per employee
Retail	Net increase in total VMT

Based on these criteria the VMT thresholds of significance shown in **Exhibit 5** have been established.

Exhibit 5 - VMT Thresholds of Significance

Land Use	VMT Threshold	Basis
Residential	11.9 VMT/capita[10]	15% below existing county-wide average VMT per capita.
Office	6.4 Work VMT/Employee[11]	15% below existing county-wide average Work VMT per employee
Retail	Net regional change	Using the county as the basis
Other Employment	Work VMT/Employee[12]	15% below existing county-wide average Work VMT per employee for similar land uses
Other Customer	Net regional change	Using the county as the basis

Note that the inclusion of "Other Employment" and "Other Customer" refers to all other service and goods providers that are not included in the basic office/retail categories. As shown they follow a similar approach to the office/retail categories with the principal difference being that the average/basis for of the threshold would the aggregation of the specific "other" land use across the county (i.e. an industrial project would use industrial uses, etc.).

[9] 2018 OPR Guidance, Pages 15-16
[10] Residential VMT specifically applies to all Home-Based trips residential trips as represented in the Travel Demand Model. Refer to Appendix A for additional information.
[11] Work VMT specifically applies to commute trips as represented in the Travel Demand Model. Refer to Appendix A for additional information
[12] Work VMT specifically applies to commute trips as represented in the Travel Demand Model. Refer to Appendix A for additional information

Attachment: DRAFT SB 743 Implementation Guidelines for City of Capitola (SB743 Implementation)

Based on improvements to methods and data as well as other modeling modifications there will be periodic updates to the numerical threshold values shown, however the relative approach for calculating them should remain the same. The values in the current sketch planning tool, discussed in the next section, will supersede the information provided in the table above. Additional thresholds for various employment types are also provide in the sketch planning tool.

Sketch Planning Tool

The City of Capitola has developed a sketch planning tool for use in SB 743 land use project analysis. The purpose of the tool is to calculate VMT for a land use project. As with any sketch planning tool, there are distinct limitations in terms of its application including limits on the type and size of development that can be applied to. Note that it is anticipated that the tool will continue to evolve in response to data or methodological changes and as such it is important that the most current version of the tool be utilized. Broadly, the sketch planning tool provides the following information:

- Institute of Transportation Engineers (ITE) Trip Generation
- VMT Threshold Analysis
- Greenhouse Gas (GHG) Estimation
- Transportation Demand Management (TDM) Evaluation

The VMT Analysis methodology is summarized in **Appendix A.**

Step 4: Scope of Analysis Agreement

Prior to undertaking VMT analysis, a scope compliant with the City of Capitola's requirements should be prepared and submitted for approval. Given the potential complexities of some uses, particularly those not identified as residential, retail, or office, an agreement regarding the threshold and methodology is important to avoid analysis that is not compliant with the City of Capitola's requirements.

Step 5: Analysis and Mitigation

During this step the analysis agreed to under Step 4 should be completed. Relevant documentation providing enough detail that assumptions are clearly understandable, and methods that can be replicated should be provided along with the results of the VMT analysis for the proposed project.

If a significant transportation impact is identified, feasible mitigation measures to avoid or reduce the impact must be identified. CEQA requires that the mitigation measures are included in the project's environmental assessment. OPR provides a list of potential measures to reduce VMT but gives the lead City of Capitola full discretion in the selection of mitigation measures.

The type and size of the project will determine the most appropriate mitigation strategies for VMT impacts. For large projects such as general plans or specific plans, VMT mitigations should concentrate on the project's density and land use mix, site design, regional policies, and availability of transit, bicycle, and pedestrian facilities. For smaller projects such as an individual development project, VMT mitigations will typically require the preparation of a transportation demand management (TDM) program. A TDM program is a combination of strategies to reduce VMT. The program is created by an applicant for their land use project based on a list of strategies agreed to with the City of Capitola.

The City of Capitola has developed a list of potential TDM strategies appropriate for their jurisdiction and what magnitude of VMT reduction could be achieved. The selection process was guided by the California Air Pollution Control Officers Association (CAPCOA) recommendations found in the 2010 publication Quantifying Greenhouse Gas Mitigation Measures. The area context of the City of Capitola also influenced the type of TDM strategies that were selected. CAPCOA has found strategies with the largest VMT reduction in rural areas include vanpools, telecommute or alternative work schedules, and master planned communities with design and land-use diversity to encourage intra-community travel. Based on empirical evidence, CAPCOA found the cross-category maximum for all transportation-related mitigation measures is 15% for suburban settings.

Appendix B summarizes available TDM strategies along with the maximum VMT reduction, applicable land use application, and complementary strategies. The City of Capitola's sketch planning tool includes the TDMs summarized in **Appendix B**.

Step 6: Mitigation Monitoring

As required by CEQA, the City of Capitola will require ongoing mitigation monitoring and reporting. The specifics of this will be developed on a project basis.

Transportation Projects

Depending on the specific nature of a transportation project; it can alter trip patterns, trip lengths, and even trip generation. Research has determined that capacity-enhancing projects can and often do increase VMT. This phenomenon is commonly referred to as "induced demand". While methods are generally less developed for the analysis of induced demand compared to other areas of transportation analysis, there is still the need to quantify and understand its impact to the transportation system considering the requirements of SB 743.

Similarly, to land use projects, the approach to transportation project analysis closely align with the 2018 OPR Guidance. In terms of analysis, the analyst should first determine whether the transportation project has been prescreened and determined to have a non-significant impact as described in the following section.

Screen for Non-Significant Transportation Impact

The following non-significant impact examples are provided directly from the 2018 OPR Guidance[13]:

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets (e.g., highways; roadways; bridges; culverts;
- Transportation Management System field elements such as cameras, message signs, detection, or signals; tunnels; transit systems; and assets that serve bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails

[13] 2018 OPR Guidance, Page 20

Attachment: DRAFT SB 743 Implementation Guidelines for City of Capitola (SB743 Implementation)

- Roadway shoulder enhancements to provide "breakdown space," dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general-purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in number of through lanes
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features
- Installation of traffic metering systems, detection systems, cameras, changeable message signs and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation or reconfiguration of traffic calming devices
- Adoption of or increase in tolls
- Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase
- Initiation of new transit service
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
- Removal or relocation of off-street or on-street parking spaces
- Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
- Addition of traffic wayfinding signage

- Rehabilitation and maintenance projects that do not add motor vehicle capacity
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve nonmotorized travel
- Installation of publicly available alternative fuel/charging infrastructure
- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor

Significance Threshold and Methodology

For projects that increase roadway capacity and are not identified under the Non-Significant Screening Criteria in the prior section, the significance criterion should be change in regional VMT. A finding of a significant impact would be determined if a transportation project results in a net increase in regional VMT.

Appendix A

VMT Analysis Methodology

Travel Demand Models (TDMs) are broadly considered to be amongst the most accurate of available tools to assess regional and sub-area VMT. While the Association of Monterey Bay Area governments (AMBAG) maintains the regional travel demand model as a part of the Metropolitan Transportation Plan/Sustainable Communities Strategy program (MTP/SCS), Capitola County maintains its own travel demand model (SCC TDM) as part of the General Plan. The latest available version of the SCC TDM was developed as part of the 2020 General Plan update was determined to be the best fit for developing the VMT thresholds as it has the most up to date land use information for the County, as well as detailed roadway and transit networks in the model.

The 2019 Base Year model scenario was used for the baseline conditions and 2040 Future Year model scenario was used for the cumulative conditions in the City. The four incorporated cities included in the model (City of Capitola, City of Capitola, City of Scotts Valley, and the City of Watsonville) are major contributors of the trips throughout the County during a typical weekday.

As many of the County's daily trips originate from or are destined for areas outside of the County such as the Bay area and Monterey County (external trips), their total length could not be computed solely using the SCC TDM, additional analysis was required. The length of these trips was determined using two main processes, using Big Data and SCC TDM output files. Data was obtained from Teralytics that summarized the number of trips to and from the County to the surrounding Counties at the Census Tract level for the entire month of October 2019. The distance between each Census Tract was determined by using the TransCAD software, the modeling platform the SCC TDM runs on. The multipath analysis function within the TransCAD software was used to determine the point to point distance between the centroid of each Census Tract using the internal pathing algorithm that determines the shortest path along the roadway network between the centroid of each Census Tract pair. The shortest path between each County Census Tract and each non-County Census Tract that contained at least one trip was multiplied by the share of the total trips to and from each Census Tract within the County to determine the average trip length to and from the County Census Tract. The average trip length was applied to each TAZ based on the TAZ to Census Tract association and multiplied by the number of externa trips to and from that TAZ to determine the total external VMT by TAZ.

However, before beginning the Countywide VMT analysis, the zonal structure and various components of the SCC TDM were thoroughly reviewed to make the best use of model results to determine the VMT thresholds.

Model Zone Structure

VMT was computed at Traffic Analysis Zone (TAZ) level to determine the thresholds as well as to allow for comparisons among different areas throughout the County. There are 696 TAZs within the County, including 364 TAZs within the unincorporated parts of the County.

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Socio-Economic Data

Socioeconomic data (SED) and other model inputs are associated with each TAZ. Out of several different variables in the model SED, the VMT analysis mainly focused on population, the number of households, the number of students, and types of employment that are used in the trip generation component. VMT computation was focused on the number of households in each TAZ and employment variables by 6 industries to determine rest of the trips. Employment variables used in the model are listed below.

Employment by Industry type:

1. Agriculture
2. Construction
3. Industrial and Manufacturing
4. Retail and Food
5. Service (White Collar, non-government jobs)
6. Public Administration (Government jobs)

Trip Generation

The SCC TDM runs a series of complex steps to estimate daily trip productions and attractions by various trip purposes for each TAZ. The trip purposes are listed below.

Model Trip Purpose:

1. Home-Based Work (HW)
2. Home-Based Other (HO)
3. Home-Based School, K-12 (HK)
4. Home-Based College (HC)
5. Home-Based Shopping (HS)
6. Work-Based Other (WO)
7. Other-Based Other (OO)

The production model uses several variables such as number of workers, household income, age, household size and car availability depending on the trip purpose. Trip productions for every TAZ in the model were compiled separately by each trip purpose. The attraction model uses employment categories for the HW trip purpose, whereas it uses the employment categories and number of students (K-12 and University) for all non-HW trip purposes. The attraction model estimates trip attractions to each TAZ by regression coefficients that vary by employment type. Trip attractions for every TAZ were compiled by each purpose and by each employment type based on these regression coefficients.

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Person Trips, Vehicle Occupancy, Trip Distance

Trip productions and attractions were compiled after the mode choice step, and only auto trips were used for the analysis. After the vehicle trip productions and attractions were computed for each trip purpose, trip lengths were applied for each zone pair from the skim matrices in the model to compute the production and attraction VMT by purpose.

VMT by Land Use Type

The residential VMT was computed by combining the production VMT for all the Home-Based trip purposes. VMT for non-residential land uses was computed from the attraction VMT by appropriate trip purposes and regression coefficients used in the attraction model.

Residential and non-residential VMT by each TAZ were computed and average VMT were determined by City, County and Region levels to determine City's thresholds.

Appendix B

City of Capitola					
TDM Measure #	**Transportation Demand Management Measure**	**Description**	**TDM Type**	**Max VMT Reduction**	**VMT Reduction Type**
Transit Strategies					
1	Transit Stops	Coordinate with local transit agency to provide bus stop near the site. Real time transportation information displays support on-the-go decision making to support sustainable trip making. Only get a reduction on a non-HQT line, cannot get both.	Infrastructure	3%	All
2	Safe and Well-Lit Access to Transit	Enhance the route for people walking or bicycling to nearby transit (typically off-site). Provide Emergency 911 phones along these routes to enhance safety.	Infrastructure	1%	All
3	Implement Neighborhood Shuttle	Implement project-operated or project-sponsored neighborhood shuttle serving residents, employees, and visitors of the project site	Incentive	5%	All
4	Transit Subsidies	Involves the subsidization of transit fare for residents and employees of the project site. This strategy assumes transit service is already present in the project area. Pays for employees to use local transit. This could either be a discounted ticket or a full-reimbursed transit ticket. Include Trolley considerations.	Incentive	5%	All

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City of Capitola					
TDM Measure #	**Transportation Demand Management Measure**	**Description**	**TDM Type**	**Max VMT Reduction**	**VMT Reduction Type**
Communication & Information Strategies					
5	Mandatory Travel Behavior Change Program	Involves the development of a travel behavior change program that targets individuals' attitudes, goals, and travel behaviors, educating participants on the impacts of their travel choices and the opportunities to alter their habits. Provide a web site that allows employees to research other modes of transportation for commuting. Employee-focused travel behavior change program that targets individuals attitudes, goals, and travel behaviors, educating participants on the impacts of their travel choices and the opportunities to alter their habits.	Incentive	4%	All
6	Promotions & Marketing	Involves the use of marketing and promotional tools to educate and inform travelers about site-specific transportation options and the effects of their travel choices with passive educational and promotional materials. Marketing and public information campaign to promote awareness of TDM program with an on-site coordinator to monitor program.	Incentive		All

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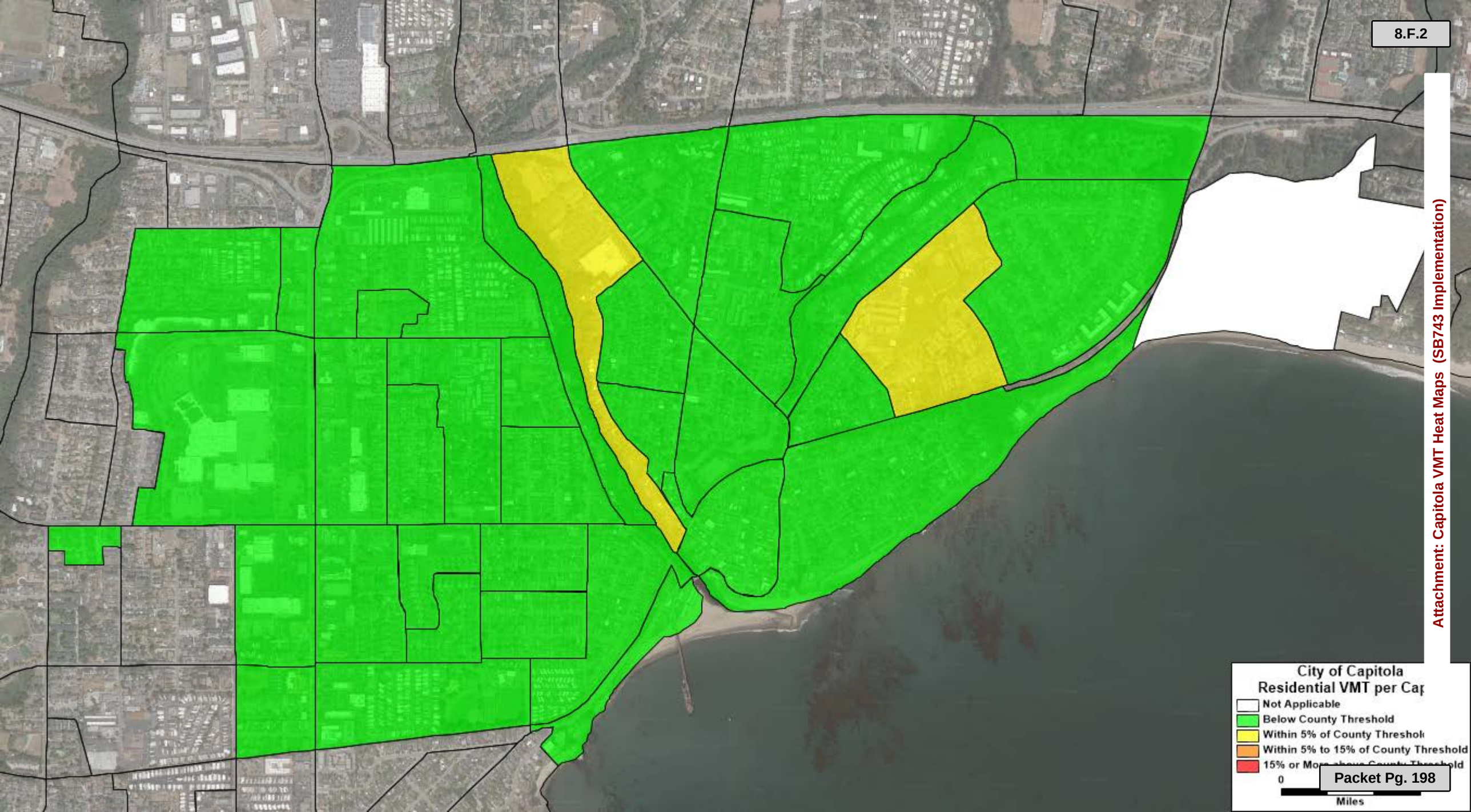
City of Capitola					
TDM Measure #	**Transportation Demand Management Measure**	**Description**	**TDM Type**	**Max VMT Reduction**	**VMT Reduction Type**
Commuting Strategies					
7	Employer Sponsored Vanpool or Shuttle	Implementation of employer-sponsored employee vanpool or shuttle providing new opportunities for access to connect employees to the project site.	Incentive / Infrastructure	5%	Commute
8	Preferential Carpool / Vanpool Parking Spaces	Reserved carpool / vanpool spaces closer to the building entrance.	Infrastructure	1%	
9	Passenger Loading Zones for Carpool / Vanpool	Provide easy access for carpools or vanpools.	Infrastructure	1%	
10	On-site Carts or Shuttles or bikes	Provide on-site cart or shuttle for employees to travel across campus.	Incentive / Infrastructure	2%	All
11	Emergency Ride Home (ERH) Program	Provides an occasional subsidized ride to commuters who use alternative modes. Guaranteed ride home for people if they need to go home in the middle of the day due to an emergency or stay late and need a ride at a time when transit service is not available. Ecology Action is preferred vendor. This supplemental to the other trip reduction strategies. ADD to 5 and 6	Incentive	4%	Commute
12	On-site Childcare	Provides on-site childcare to remove the need to drive a child to daycare at a separate location.	Infrastructure	4%	All

City of Capitola					
TDM Measure #	**Transportation Demand Management Measure**	**Description**	**TDM Type**	**Max VMT Reduction**	**VMT Reduction Type**
13	Telecommuting	Four-Ten work schedule results in 20% weekly VMT reduction, 10% trip reduction equals 15% VMT reduction		10%	
14	Alternative work schedule	Alternative Fridays off (Nine-Ten schedule)		10%	
Shared Mobility Strategies					
15	Mandatory Ride Amigos-Share Program	Increases vehicle occupancy by providing ride-share matching services, designating preferred parking for ride-share participants, designing adequate passenger loading/unloading and waiting areas for ride-share vehicles, and providing a website or message board to connect riders and coordinate rides. Need a point person form the business on-site	Incentive	10%	Commute
16	Employee/Employer Car Share	Implement car sharing to allow people to have on-demand access to a vehicle, as-needed. This may include providing membership to an existing program located within 1/4 mile, contracting with a third-party vendor to extend membership-based service to an area, or implementing a project-specific fleet that supports the residents and employees on -site.	Incentive	0.7%	All

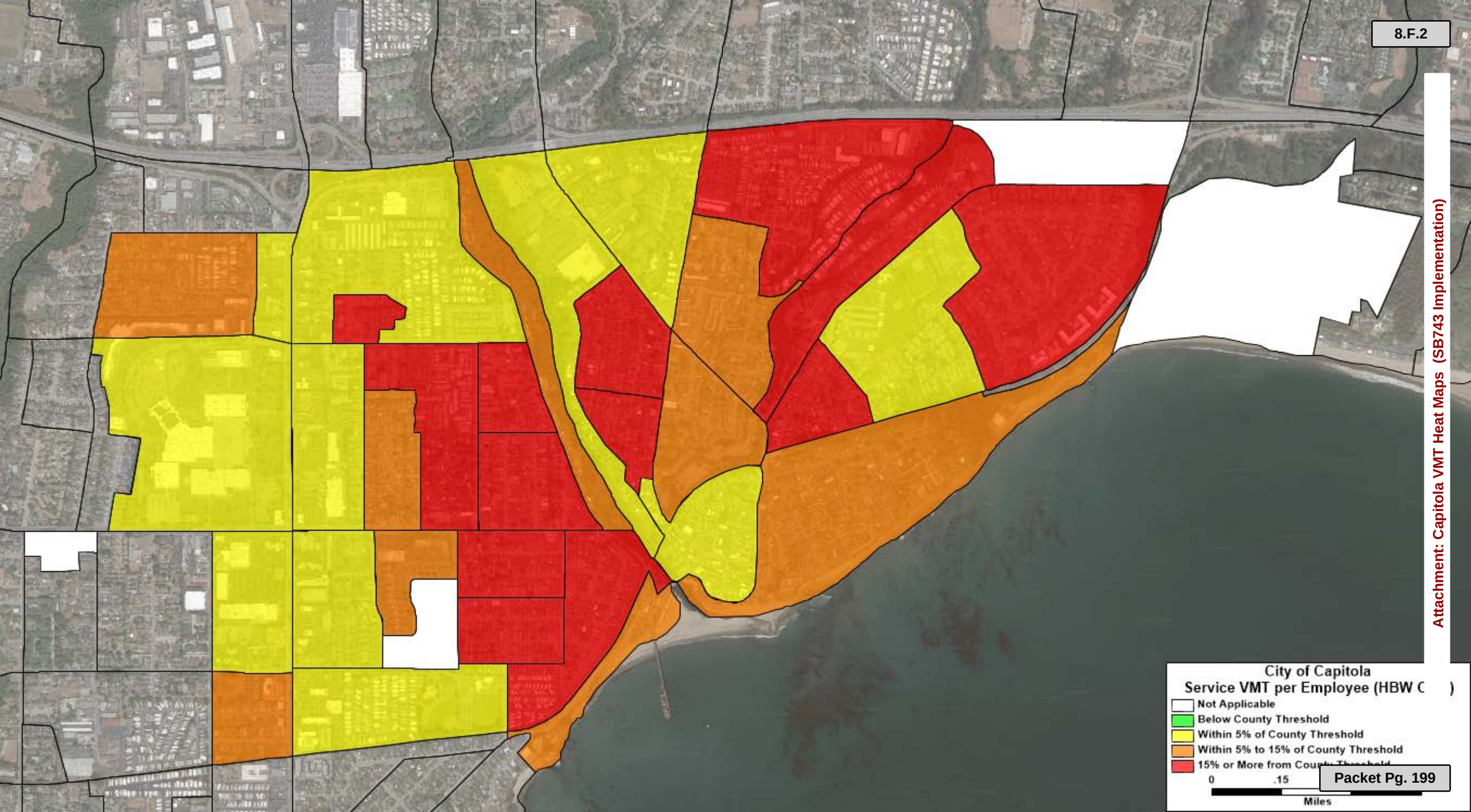
City of Capitola					
TDM Measure #	**Transportation Demand Management Measure**	**Description**	**TDM Type**	**Max VMT Reduction**	**VMT Reduction Type**
		Provide an on-site car vehicle for employees to use for short trips. This allows for employees to run errands or travel for lunch.	Incentive	2%	Commute
17	School Carpool Program	Implements a school carpool program to encourage ride-sharing for students.	Incentive	15%	School
Bicycle Infrastructure Strategies					
18	Bike Share	Sign up for shared bikes.	Incentive / Infrastructure	7%	All
19	Implement/Improve On-street Bicycle Facility	Implements or provides funding for improvements to corridors and crossings for bike networks identified within a one-half mile buffer area of the project boundary, to support safe and comfortable bicycle travel.	Infrastructure	4%	All
20	Include Bike Parking in excess of City Code	Implements long-term bicycle parking to support safe and comfortable bicycle travel by providing parking facilities at destinations	Infrastructure	2%	All
21	Include Secure Bike Parking and Showers in excess of City Code	Implements additional end-of-trip bicycle facilities to support safe and comfortable bicycle travel.	Infrastructure		
22	Bicycle Repair Station / Services	On-site bicycle repair tools and space to use them supports on-going use of bicycles for transportation.	Infrastructure		

City of Capitola					
TDM Measure #	**Transportation Demand Management Measure**	**Description**	**TDM Type**	**Max VMT Reduction**	**VMT Reduction Type**
Neighborhood Enhancement Strategies					
23	Traffic Calming Improvements	Implements traffic calming measures throughout and around the perimeter of the project site that encourage people to walk, bike, or take transit within the development and to the development from other locations.	Infrastructure	1%	All
24	Pedestrian Network Improvements	Implements pedestrian network improvements throughout and around the project site that encourages people to walk.	Infrastructure	2%	All
Miscellaneous Strategies					
25	Virtual Care Strategies for Hospitals/Health care providers/MOB/Clinic	Resources to allow patients to access healthcare services or communicate with healthcare staff through online or off-site programs.	Infrastructure	5%	Hospital Visitors
26	On-site Affordable Housing	Provides on-site affordable housing in excess of inclusionary rates % of units is the % reduction developer can get.	Infrastructure	4%	All
Parking Strategies					
27	Reduce Parking Supply	Changes on-site parking supply to provide less than the amount required by municipal code. Permitted reductions could utilize mechanisms such as TOC, Density Bonus, Bike Parking ordinance, or locating in a Specific Plan Area.	Infrastructure	10%	All

City of Capitola					
TDM Measure #	**Transportation Demand Management Measure**	**Description**	**TDM Type**	**Max VMT Reduction**	**VMT Reduction Type**
28	Unbundle Parking	Unbundles parking costs from property costs, requiring those who wish to purchase parking spaces to do so at an additional cost. Implementation of residential permit parking zones for long-term use of on-street parking in residential area at the expense to the developer.	Incentive	10%	Residential
29	Parking Cash-Out	Provide employees a choice of forgoing current parking for a cash payment to be determined by the employer. The higher the cash payment, the higher the reduction.	Incentive	5.0%	Commercial Only
30	Residential Area Parking Permits		Incentive	0.25%	Only in non-Coastal Commission areas
31	Parking Management Strategies	Strategies to encourage efficiency in parking facilities and improve the quality of service to parking users	Incentive	1%	Valet



Attachment: Capitola VMT Heat Maps (SB743 Implementation)



Attachment: Capitola VMT Heat Maps (SB743 Implementation)

TECHNICAL ADVISORY

ON EVALUATING TRANSPORTATION IMPACTS IN CEQA

December 2018

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A. Introduction

This technical advisory is one in a series of advisories provided by the Governor's Office of Planning and Research (OPR) as a service to professional planners, land use officials, and CEQA practitioners. OPR issues technical assistance on issues that broadly affect the practice of land use planning and the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). (Gov. Code, § 65040, subds. (g), (l), (m).) The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in preparing environmental documents subject to CEQA. This document should not be construed as legal advice.

Senate Bill 743 (Steinberg, 2013), which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA (CEQA Guidelines) (Cal. Code Regs., Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts. As one appellate court recently explained: "During the last 10 years, the Legislature has charted a course of long-term sustainability based on denser infill development, reduced reliance on individual vehicles and improved mass transit, all with the goal of reducing greenhouse gas emissions. Section 21099 is part of that strategy . . . ." (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 729.) Pursuant to Section 21099, the criteria for determining the significance of transportation impacts must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (*Id.*, subd. (b)(1); see generally, adopted CEQA Guidelines, § 15064.3, subd. (b) [Criteria for Analyzing Transportation Impacts].) To that end, in developing the criteria, OPR has proposed, and the California Natural Resources Agency (Agency) has certified and adopted, changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines, automobile delay, as measured by "level of service" and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).)

This advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. Again, OPR provides this Technical Advisory as a resource for the public to use at their discretion. OPR is not enforcing or attempting to enforce any part of the recommendations contained herein. (Gov. Code, § 65035 ["It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs."].)

This December 2018 technical advisory is an update to the advisory it published in April 2018. OPR will continue to monitor implementation of these new provisions and may update or supplement this advisory in response to new information and advancements in modeling and methods.

B. Background

VMT and Greenhouse Gas Emissions Reduction. Senate Bill 32 (Pavley, 2016) requires California to reduce greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030, and Executive Order B-16-12 provides a target of 80 percent below 1990 emissions levels for the transportation sector by 2050. The transportation sector has three major means of reducing GHG emissions: increasing vehicle efficiency, reducing fuel carbon content, and reducing the amount of vehicle travel. The California Air Resources Board (CARB) has provided a path forward for achieving these emissions reductions from the transportation sector in its 2016 Mobile Source Strategy. CARB determined that it will not be possible to achieve the State's 2030 and post-2030 emissions goals without reducing VMT growth. Further, in its 2018 Progress Report on California's Sustainable Communities and Climate Protection Act, CARB found that despite the State meeting its 2020 climate goals, "emissions from statewide passenger vehicle travel per capita [have been] increasing and going in the wrong direction," and "California cannot meet its [long-term] climate goals without curbing growth in single-occupancy vehicle activity."[1] CARB also found that "[w]ith emissions from the transportation sector continuing to rise despite increases in fuel efficiency and decreases in the carbon content of fuel, California will not achieve the necessary greenhouse gas emissions reductions to meet mandates for 2030 and beyond without significant changes to how communities and transportation systems are planned, funded, and built."[2]

Thus, to achieve the State's long-term climate goals, California needs to reduce per capita VMT. This can occur under CEQA through VMT mitigation. Half of California's GHG emissions come from the transportation sector[3], therefore, reducing VMT is an effective climate strategy, which can also result in co-benefits.[4] Furthermore, without early VMT mitigation, the state may follow a path that meets GHG targets in the early years, but finds itself poorly positioned to meet more stringent targets later. For example, in absence of VMT analysis and mitigation in CEQA, lead agencies might rely upon verifiable offsets for GHG mitigation, ignoring the longer-term climate change impacts resulting from land use development and infrastructure investment decisions. As stated in CARB's 2017 Scoping Plan:

> "California's future climate strategy will require increased focus on integrated land use planning to support livable, transit-connected communities, and conservation of agricultural and other lands. Accommodating population and economic growth through travel- and energy-efficient land use provides GHG-efficient growth, reducing GHGs from both transportation and building energy use. GHGs can be further reduced at the project level through implementing energy-efficient construction and travel demand management approaches."[5] (*Id.* at p. 102.)

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[1] California Air Resources Board (Nov. 2018) *2018 Progress Report on California's Sustainable Communities and Climate Protection Act*, pp. 4, 5, available at https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf.
[2] *Id.*, p. 28.
[3] See https://ca50million.ca.gov/transportation/
[4] Fang et al. (2017) *Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled*.
[5] California Air Resources Board (Nov. 2017) *California's 2017 Climate Change Scoping Plan*, p. 102, available at https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

In light of this, the 2017 Scoping Plan describes and quantifies VMT reductions needed to achieve our long-term GHG emissions reduction goals, and specifically points to the need for statewide deployment of the VMT metric in CEQA:

> "Employing VMT as the metric of transportation impact statewide will help to ensure GHG reductions planned under SB 375 will be achieved through on-the-ground development, and will also play an important role in creating the additional GHG reductions needed beyond SB 375 across the State. Implementation of this change will rely, in part, on local land use decisions to reduce GHG emissions associated with the transportation sector, both at the project level, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting sustainable community strategies developed under SB 375."[6]

VMT and Other Impacts to Health and Environment. VMT mitigation also creates substantial benefits (sometimes characterized as "co-benefits" to GHG reduction) in both in the near-term and the long-term. Beyond GHG emissions, increases in VMT also impact human health and the natural environment. Human health is impacted as increases in vehicle travel lead to more vehicle crashes, poorer air quality, increases in chronic diseases associated with reduced physical activity, and worse mental health. Increases in vehicle travel also negatively affect other road users, including pedestrians, cyclists, other motorists, and many transit users. The natural environment is impacted as higher VMT leads to more collisions with wildlife and fragments habitat. Additionally, development that leads to more vehicle travel also tends to consume more energy, water, and open space (including farmland and sensitive habitat). This increase in impermeable surfaces raises the flood risk and pollutant transport into waterways.[7]

VMT and Economic Growth. While it was previously believed that VMT growth was a necessary component of economic growth, data from the past two decades shows that economic growth is possible without a concomitant increase in VMT. (Figure 1.) Recent research shows that requiring development projects to mitigate LOS may actually reduce accessibility to destinations and impede economic growth.[8,9]

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[6] *Id.* at p. 76.

[7] Fang et al. (2017) *Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled*, available at https://ncst.ucdavis.edu/wp-content/uploads/2017/03/NCST-VMT-Co-Benefits-White-Paper_Fang_March-2017.pdf.

[8] Haynes et al. (Sept. 2015) *Congested Development: A Study of Traffic Delays, Access, and Economic Activity in Metropolitan Los Angeles*, available at http://www.its.ucla.edu/wp-content/uploads/sites/6/2015/11/Haynes_Congested-Development_1-Oct-2015_final.pdf.

[9] Osman et al. (Mar. 2016) *Not So Fast: A Study of Traffic Delays, Access, and Economic Activity in the San Francisco Bay Area*, available at http://www.its.ucla.edu/wp-content/uploads/sites/6/2016/08/Taylor-Not-so-Fast-04-01-2016_final.pdf.

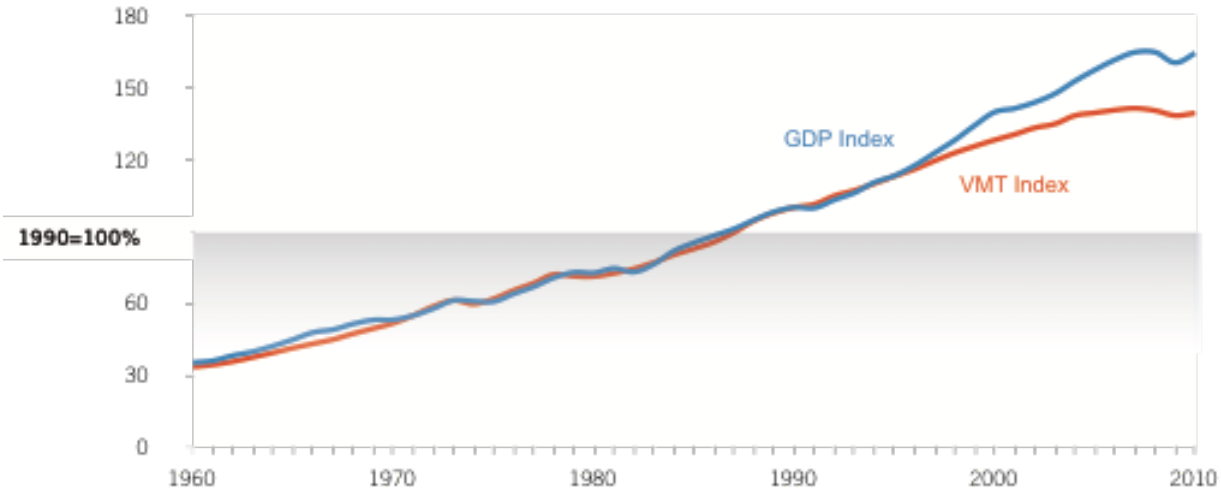

Figure 1. Kooshian and Winkelman (2011) *VMT and Gross Domestic Product (GDP), 1960-2010*.

C. Technical Considerations in Assessing Vehicle Miles Traveled

Many practitioners are familiar with accounting for VMT in connection with long-range planning, or as part of the CEQA analysis of a project's greenhouse gas emissions or energy impacts. This document provides technical information on how to assess VMT as part of a transportation impacts analysis under CEQA. Appendix 1 provides a description of which VMT to count and options on how to count it. Appendix 2 provides information on induced travel resulting from roadway capacity projects, including the mechanisms giving rise to induced travel, the research quantifying it, and information on additional approaches for assessing it.

1. Recommendations Regarding Methodology

Proposed Section 15064.3 explains that a "lead agency may use models to estimate a project's vehicle miles traveled . . . ." CEQA generally defers to lead agencies on the choice of methodology to analyze impacts. (*Santa Monica Baykeeper v. City of Malibu* (2011) 193 Cal.App.4th 1538, 1546; see *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 409 ["the issue is not whether the studies are irrefutable or whether they could have been better" … rather, the "relevant issue is only whether the studies are sufficiently credible to be considered" as part of the lead agency's overall evaluation].) This section provides suggestions to lead agencies regarding methodologies to analyze VMT associated with a project.

Vehicle Types. Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. Heavy-duty truck VMT could be included for modeling convenience and ease of calculation (for example, where models or data provide combined auto and heavy truck VMT). For an apples-to-apples

comparison, vehicle types considered should be consistent across project assessment, significance thresholds, and mitigation.

Residential and Office Projects. Tour- and trip-based approaches[10] offer the best methods for assessing VMT from residential/office projects and for comparing those assessments to VMT thresholds. These approaches also offer the most straightforward methods for assessing VMT reductions from mitigation measures for residential/office projects. When available, tour-based assessment is ideal because it captures travel behavior more comprehensively. But where tour-based tools or data are not available for all components of an analysis, a trip-based assessment of VMT serves as a reasonable proxy.

Models and methodologies used to calculate thresholds, estimate project VMT, and estimate VMT reduction due to mitigation should be comparable. For example:

- A tour-based assessment of project VMT should be compared to a tour-based threshold, or a trip-based assessment to a trip-based VMT threshold.
- Where a travel demand model is used to determine thresholds, the same model should also be used to provide trip lengths as part of assessing project VMT.
- Where only trip-based estimates of VMT reduction from mitigation are available, a trip-based threshold should be used, and project VMT should be assessed in a trip-based manner.

When a trip-based method is used to analyze a residential project, the focus can be on home-based trips. Similarly, when a trip-based method is used to analyze an office project, the focus can be on home-based work trips.

When tour-based models are used to analyze an office project, either employee work tour VMT or VMT from all employee tours may be attributed to the project. This is because workplace location influences overall travel. For consistency, the significance threshold should be based on the same metric: either employee work tour VMT or VMT from all employee tours.

For office projects that feature a customer component, such as a government office that serves the public, a lead agency can analyze the customer VMT component of the project using the methodology for retail development (see below).

Retail Projects. Generally, lead agencies should analyze the effects of a retail project by assessing the change in total VMT[11] because retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.

[10] See Appendix 1, *Considerations About Which VMT to Count,* for a description of these approaches.
[11] See Appendix 1, *Considerations About Which VMT to Count, "*Assessing Change in Total VMT" section, for a description of this approach.

Considerations for All Projects. Lead agencies should not truncate any VMT analysis because of jurisdictional or other boundaries, for example, by failing to count the portion of a trip that falls outside the jurisdiction or by discounting the VMT from a trip that crosses a jurisdictional boundary. CEQA requires environmental analyses to reflect a "good faith effort at full disclosure." (CEQA Guidelines, § 15151.) Thus, where methodologies exist that can estimate the full extent of vehicle travel from a project, the lead agency should apply them to do so. Where those VMT effects will grow over time, analyses should consider both a project's short-term and long-term effects on VMT.

Combining land uses for VMT analysis is not recommended. Different land uses generate different amounts of VMT, so the outcome of such an analysis could depend more on the mix of uses than on their travel efficiency. As a result, it could be difficult or impossible for a lead agency to connect a significance threshold with an environmental policy objective (such as a target set by law), inhibiting the CEQA imperative of identifying a project's significant impacts and providing mitigation where feasible. Combining land uses for a VMT analysis could streamline certain mixes of uses in a manner disconnected from policy objectives or environmental outcomes. Instead, OPR recommends analyzing each use separately, or simply focusing analysis on the dominant use, and comparing each result to the appropriate threshold. Recommendations for methods of analysis and thresholds are provided below. In the analysis of each use, a mixed-use project should take credit for internal capture.

Any project that includes in its geographic bounds a portion of an existing or planned Transit Priority Area (i.e., the project is within a ½ mile of an existing or planned major transit stop or an existing stop along a high quality transit corridor) may employ VMT as its primary metric of transportation impact for the entire project. (See Pub. Resources Code, § 21099, subds. (a)(7), (b)(1).)

Cumulative Impacts. A project's cumulative impacts are based on an assessment of whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Pub. Resources Code, § 21083, subd. (b)(2); see CEQA Guidelines, § 15064, subd. (h)(1).) When using an absolute VMT metric, i.e., total VMT (as recommended below for retail and transportation projects), analyzing the combined impacts for a cumulative impacts analysis may be appropriate. However, metrics such as VMT per capita or VMT per employee, i.e., metrics framed in terms of efficiency (as recommended below for use on residential and office projects), cannot be summed because they employ a denominator. A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less-than-significant project impact would imply a less than significant cumulative impact, and vice versa. This is similar to the analysis typically conducted for greenhouse gas emissions, air quality impacts, and impacts that utilize plan compliance as a threshold of significance. (See *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 219, 223; CEQA Guidelines, § 15064, subd. (h)(3).)

D. General Principles to Guide Consideration of VMT

SB 743 directs OPR to establish specific "criteria for determining the significance of transportation impacts of projects[.]" (Pub. Resources Code, § 21099, subd. (b)(1).) In establishing this criterion, OPR was guided by the general principles contained within CEQA, the CEQA Guidelines, and applicable case law.

To assist in the determination of significance, many lead agencies rely on "thresholds of significance." The CEQA Guidelines define a "threshold of significance" to mean "an identifiable **quantitative, qualitative**[12] **or performance level** of a particular environmental effect, non-compliance with which means the effect will ***normally*** be determined to be significant by the agency and compliance with which means the effect ***normally*** will be determined to be less than significant." (CEQA Guidelines, § 15064.7, subd. (a) (emphasis added).) Lead agencies have discretion to develop and adopt their own, or rely on thresholds recommended by other agencies, "provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence." (*Id*. at subd. (c); *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068.) Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (*Id*. at § 15384 (emphasis added); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-1109.)

Additionally, the analysis leading to the determination of significance need not be perfect. The CEQA Guidelines describe the standard for adequacy of environmental analyses:

> An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to **make a decision which intelligently takes account of environmental consequences**. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is **reasonably feasible**. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The **courts have looked not for perfection** but for **adequacy**, **completeness**, and a **good faith effort** at full disclosure.

(CEQA Guidelines, § 15151 (emphasis added).)

These general principles guide OPR's recommendations regarding thresholds of significance for VMT set forth below.

[12] Generally, qualitative analyses should only be conducted when methods do not exist for undertaking a quantitative analysis.

E. Recommendations Regarding Significance Thresholds

As noted above, lead agencies have the discretion to set or apply their own thresholds of significance. (*Center for Biological Diversity v. California Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 218-223 [lead agency had discretion to use compliance with AB 32's emissions goals as a significance threshold]; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th at p. 1068.) However, Section 21099 of the Public Resources Code states that the criteria for determining the significance of transportation impacts must promote: (1) reduction of greenhouse gas emissions; (2) development of multimodal transportation networks; and (3) a diversity of land uses. It further directed OPR to prepare and develop criteria for determining significance. (Pub. Resources Code, § 21099, subd. (b)(1).) This section provides OPR's suggested thresholds, as well as considerations for lead agencies that choose to adopt their own

The VMT metric can support the three statutory goals: "the reduction of greenhouse gas emissions, the development of multimodal transportation networks, *and* a diversity of land uses." (Pub. Resources Code, § 21099, subd. (b)(1), emphasis added.) However, in order for it to promote and support all three, lead agencies should select a significance threshold that aligns with state law on all three. State law concerning the development of multimodal transportation networks and diversity of land uses requires planning for and prioritizing increases in complete streets and infill development, but does not mandate a particular depth of implementation that could translate into a particular threshold of significance. Meanwhile, the State has clear quantitative targets for GHG emissions reduction set forth in law and based on scientific consensus, and the depth of VMT reduction needed to achieve those targets has been quantified. Tying VMT thresholds to GHG reduction also supports the two other statutory goals. Therefore, to ensure adequate analysis of transportation impacts, OPR recommends using quantitative VMT thresholds linked to GHG reduction targets when methods exist to do so.

Various legislative mandates and state policies establish quantitative greenhouse gas emissions reduction targets. For example:

- Assembly Bill 32 (2006) requires statewide GHG emissions reductions to 1990 levels by 2020 and continued reductions beyond 2020.

- Senate Bill 32 (2016) requires at least a 40 percent reduction in GHG emissions from 1990 levels by 2030.

- Pursuant to Senate Bill 375 (2008), the California Air Resources Board GHG emissions reduction targets for metropolitan planning organizations (MPOs) to achieve based on land use patterns and transportation systems specified in Regional Transportation Plans and Sustainable Community Strategies (RTP/SCS). Current targets for the State's largest MPOs call for a 19 percent reduction in GHG emissions from cars and light trucks from 2005 emissions levels by 2035.

- Executive Order B-30-15 (2015) sets a GHG emissions reduction target of 40 percent below 1990 levels by 2030.

- Executive Order S-3-05 (2005) sets a GHG emissions reduction target of 80 percent below 1990 levels by 2050.

- Executive Order B-16-12 (2012) specifies a GHG emissions reduction target of 80 percent below 1990 levels by 2050 specifically for transportation.

- Executive Order B-55-18 (2018) established an additional statewide goal of achieving carbon neutrality as soon as possible, but no later than 2045, and maintaining net negative emissions thereafter. It states, "The California Air Resources Board shall work with relevant state agencies to develop a framework for implementation and accounting that tracks progress toward this goal."

- Senate Bill 391 requires the California Transportation Plan to support 80 percent reduction in GHGs below 1990 levels by 2050.

- The *California Air Resources Board Mobile Source Strategy* (2016) describes California's strategy for containing air pollutant emissions from vehicles, and quantifies VMT growth compatible with achieving state targets.

- The California Air Resources Board's *2017 Climate Change Scoping Plan Update: The Strategy for Achieving California's 2030 Greenhouse Gas Target* describes California's strategy for containing GHG emissions from vehicles, and quantifies VMT growth compatible with achieving state targets.

Considering these various targets, the California Supreme Court observed:

> Meeting our statewide reduction goals does not preclude all new development. Rather, the Scoping Plan … assumes continued growth and depends on increased efficiency and conservation in land use and transportation from all Californians.

(*Center for Biological Diversity v. California Dept. of Fish & Wildlife*, *supra*, 62 Cal.4th at p. 220.) Indeed, the Court noted that when a lead agency uses consistency with climate goals as a way to determine significance, particularly for long-term projects, the lead agency must consider the project's effect on meeting long-term reduction goals. (*Ibid*.) And more recently, the Supreme Court stated that "CEQA requires public agencies . . . to ensure that such analysis stay in step with evolving scientific knowledge and state regulatory schemes." (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 504.)

Meeting the targets described above will require substantial reductions in existing VMT per capita to curb GHG emissions and other pollutants. But targets for overall GHG emissions reduction do not translate directly into VMT thresholds for individual projects for many reasons, including:

- Some, but not all, of the emissions reductions needed to achieve those targets could be accomplished by other measures, including increased vehicle efficiency and decreased fuel carbon content. The CARB's *First Update to the Climate Change Scoping Plan* explains:

"Achieving California's long-term criteria pollutant and GHG emissions goals will require four strategies to be employed: (1) improve vehicle efficiency and develop zero emission technologies, (2) reduce the carbon content of fuels and provide market support to get these lower-carbon fuels into the marketplace, (3) **plan and build communities to reduce vehicular GHG emissions and provide more transportation options, and (4) improve the efficiency and throughput of existing transportation systems.**"[13] CARB's *2018 Progress Report on California's Sustainable Communities and Climate Protection Act* states on page 28 that "California cannot meet its climate goals without curbing growth in single-occupancy vehicle activity." In other words, vehicle efficiency and better fuels are necessary, but insufficient, to address the GHG emissions from the transportation system. Land use patterns and transportation options also will need to change to support reductions in vehicle travel/VMT.

- New land use projects alone will not sufficiently reduce per-capita VMT to achieve those targets, nor are they expected to be the sole source of VMT reduction.

- Interactions between land use projects, and also between land use and transportation projects, existing and future, together affect VMT.

- Because location within the region is the most important determinant of VMT, in some cases, streamlining CEQA review of projects in travel efficient locations may be the most effective means of reducing VMT.

- When assessing climate impacts of some types of land use projects, use of an efficiency metric (e.g., per capita, per employee) may provide a better measure of impact than an absolute numeric threshold. (*Center for Biological Diversity*, *supra*.)

Public Resources Code section 21099 directs OPR to propose criteria for determining the significance of transportation impacts. In this Technical Advisory, OPR provides its recommendations to assist lead agencies in selecting a significance threshold that may be appropriate for their particular projects. While OPR's Technical Advisory is not binding on public agencies, CEQA allows lead agencies to "consider thresholds of significance . . . recommended by other public agencies, provided the decision to adopt those thresholds is supported by substantial evidence." (CEQA Guidelines, § 15064.7, subd. (c).) Based on OPR's extensive review of the applicable research, and in light of an assessment by the California Air Resources Board quantifying the need for VMT reduction in order to meet the State's long-term climate goals, **OPR recommends that a per capita or per employee VMT that is fifteen percent below that of existing development may be a reasonable threshold**.

Fifteen percent reductions in VMT are achievable at the project level in a variety of place types.[14]

Moreover, a fifteen percent reduction is consistent with SB 743's direction to OPR to select a threshold that will help the State achieve its climate goals. As described above, section 21099 states that the

[13] California Air Resources Board (May 2014) *First Update to the Climate Change Scoping Plan*, p. 46 (emphasis added).
[14] CAPCOA (2010) *Quantifying Greenhouse Gas Mitigation Measures*, p. 55, available at http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.

criteria for determining significance must "promote the reduction in greenhouse gas emissions." In its document *California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals*[15], CARB assesses VMT reduction per capita consistent with its evidence-based modeling scenario that would achieve State climate goals of 40 percent GHG emissions reduction from 1990 levels by 2030 and 80 percent GHG emissions reduction levels from 1990 by 2050. Applying California Department of Finance population forecasts, CARB finds per-capita light-duty vehicle travel would need to be approximately 16.8 percent lower than existing, and overall per-capita vehicle travel would need to be approximately 14.3 percent lower than existing levels under that scenario. Below these levels, a project could be considered low VMT and would, on that metric, be consistent with 2017 Scoping Plan Update assumptions that achieve climate state climate goals.

CARB finds per capita vehicle travel would need to be kept below what today's policies and plans would achieve.

CARB's assessment is based on data in the 2017 Scoping Plan Update and 2016 Mobile Source Strategy. In those documents, CARB previously examined the relationship between VMT and the state's GHG emissions reduction targets. The Scoping Plan finds:

> "While the State can do more to accelerate and incentivize these local decisions, local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under SB 32. Through developing the Scoping Plan, CARB staff is more convinced than ever that, in addition to achieving GHG reductions from cleaner fuels and vehicles, California must also reduce VMT. Stronger SB 375 GHG reduction targets will enable the State to make significant progress toward needed reductions, but alone will not provide the VMT growth reductions needed; there is a gap between what SB 375 can provide and what is needed to meet the State's 2030 and 2050 goals."[16]

Note that, at present, consistency with RTP/SCSs does not necessarily lead to a less-than-significant VMT impact.[17] As the Final 2017 Scoping Plan Update states,

> VMT reductions are necessary to achieve the 2030 target and must be part of any strategy evaluated in this Plan. Stronger SB 375 GHG reduction targets will enable the State to make significant progress toward this goal, but alone will not provide all of the VMT growth reductions that will be needed. There is a gap between what SB 375 can provide and what is needed to meet the State's 2030 and 2050 goals."[18]

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[15] California Air Resources Board (Jan. 2019) *California Air Resources Board 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals*, available at https://ww2.arb.ca.gov/resources/documents/carb-2017-scoping-plan-identified-vmt-reductions-and-relationship-state-climate.

[16] California Air Resources Board (Nov. 2017) *California's 2017 Climate Change Scoping Plan*, p. 101.

[17] California Air Resources Board (Feb. 2018) *Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emission Reduction Targets*, Figure 3, p. 35, available at https://www.arb.ca.gov/cc/sb375/sb375_target_update_final_staff_report_feb2018.pdf.

[18] California Air Resources Board (Nov. 2017) *California's 2017 Climate Change Scoping Plan*, p. 75.

Also, in order to capture the full effects of induced travel resulting from roadway capacity projects, an RTP/SCS would need to include an assessment of land use effects of those projects, and the effects of those land uses on VMT. (See section titled "*Estimating VMT Impacts from Transportation Projects"* below.) RTP/SCSs typically model VMT using a collaboratively-developed land use "vision" for the region's land use, rather than studying the effects on land use of the proposed transportation investments.

In summary, achieving 15 percent lower per capita (residential) or per employee (office) VMT than existing development is both generally achievable and is supported by evidence that connects this level of reduction to the State's emissions goals.

1. Screening Thresholds for Land Use Projects

Many agencies use "screening thresholds" to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study. (See e.g., CEQA Guidelines, §§ 15063(c)(3)(C), 15128, and Appendix G.) As explained below, this technical advisory suggests that lead agencies may screen out VMT impacts using project size, maps, transit availability, and provision of affordable housing.

Screening Threshold for Small Projects

Many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day[19] generally may be assumed to cause a less-than-significant transportation impact.

Map-Based Screening for Residential and Office Projects

Residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are

[19] CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd. (e)(2).) Typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract an additional 110-124 trips per 10,000 square feet. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact.

currently below threshold VMT (see recommendations below). Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential and office projects from needing to prepare a detailed VMT analysis.

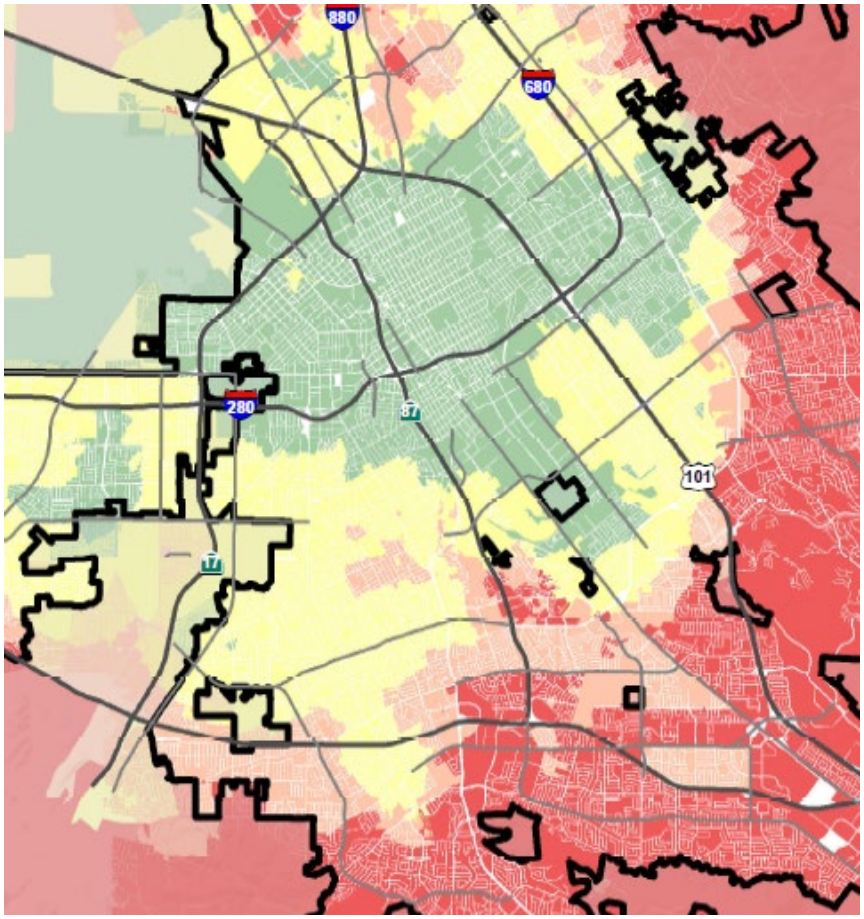

Figure 2. Example map of household VMT that could be used to delineate areas eligible to receive streamlining for VMT analysis. (Source: City of San José, Department of Transportation, draft output of City Transportation Model.)

Presumption of Less Than Significant Impact Near Transit Stations

Proposed CEQA Guideline Section 15064.3, subdivision (b)(1), states that lead agencies generally should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop[20] or an existing stop

[20] Pub. Resources Code, § 21064.3 ("'Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.").

Attachment: OPR Technical Advisory on Evaluating Transportation Impacts in CEQA (SB743 Implementation)

along a high quality transit corridor[21] will have a less-than-significant impact on VMT. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT. For example, the presumption might not be appropriate if the project:

- Has a Floor Area Ratio (FAR) of less than 0.75
- Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking)
- Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization)
- Replaces affordable residential units with a smaller number of moderate- or high-income residential units

A project or plan near transit which replaces affordable residential units[22] with a smaller number of moderate- or high-income residential units may increase overall VMT because the increase in VMT of displaced residents could overwhelm the improvements in travel efficiency enjoyed by new residents.[23]

If any of these exceptions to the presumption might apply, the lead agency should conduct a detailed VMT analysis to determine whether the project would exceed VMT thresholds (see below).

Presumption of Less Than Significant Impact for Affordable Residential Development

Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT.[24,25] Further, "… low-wage workers in particular would be more likely to choose a residential location close to their workplace, if one is available."[26] In areas where existing jobs-housing match is closer to optimal, low income housing nevertheless generates less VMT than market-

[21] Pub. Resources Code, § 21155 ("For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.").
[22] Including naturally-occurring affordable residential units.
[23] Chapple et al. (2017) *Developing a New Methodology for Analyzing Potential Displacement,* Chapter 4, pp. 159-160, available at https://www.arb.ca.gov/research/apr/past/13-310.pdf.
[24] Karner and Benner (2016) *The convergence of social equity and environmental sustainability: Jobs-housing fit and commute distance* ("[P]olicies that advance a more equitable distribution of jobs and housing by linking the affordability of locally available housing with local wage levels are likely to be associated with reduced commuting distances").
[25] Karner and Benner (2015) *Low-wage jobs-housing fit: identifying locations of affordable housing shortages.*
[26] Karner and Benner (2015) *Low-wage jobs-housing fit: identifying locations of affordable housing shortages.*

rate housing.[27,28] Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT. Evidence supports a presumption of less than significant impact for a 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations. Lead agencies may develop their own presumption of less than significant impact for residential projects (or residential portions of mixed use projects) containing a particular amount of affordable housing, based on local circumstances and evidence. Furthermore, a project which includes any affordable residential units may factor the effect of the affordability on VMT into the assessment of VMT generated by those units.

2. Recommended Numeric Thresholds for Residential, Office, and Retail Projects

Recommended threshold for residential projects: A proposed project exceeding a level of 15 percent below existing VMT per capita may indicate a significant transportation impact. Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita. Proposed development referencing a threshold based on city VMT per capita (rather than regional VMT per capita) should not cumulatively exceed the number of units specified in the SCS for that city, and should be consistent with the SCS.

Residential development that would generate vehicle travel that is 15 or more percent below the existing residential VMT per capita, measured against the region or city, may indicate a less-than-significant transportation impact. In MPO areas, development measured against city VMT per capita (rather than regional VMT per capita) should not cumulatively exceed the population or number of units specified in the SCS for that city because greater-than-planned amounts of development in areas above the region-based threshold would undermine the VMT containment needed to achieve regional targets under SB 375.

For residential projects in unincorporated county areas, the local agency can compare a residential project's VMT to (1) the region's VMT per capita, or (2) the aggregate population-weighted VMT per capita of all cities in the region. In MPO areas, development in unincorporated areas measured against aggregate city VMT per capita (rather than regional VMT per capita) should not cumulatively exceed the population or number of units specified in the SCS for that city because greater-than-planned amounts of development in areas above the regional threshold would undermine achievement of regional targets under SB 375.

[27] Chapple et al. (2017) *Developing a New Methodology for Analyzing Potential Displacement*, available at https://www.arb.ca.gov/research/apr/past/13-310.pdf.
[28] CAPCOA (2010) *Quantifying Greenhouse Gas Mitigation Measures*, pp. 176-178, available at http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.

These thresholds can be applied to either household (i.e., tour-based) VMT or home-based (i.e., trip-based) VMT assessments.[29] It is critical, however, that the agency be consistent in its VMT measurement approach throughout the analysis to maintain an "apples-to-apples" comparison. For example, if the agency uses a home-based VMT for the threshold, it should also be use home-based VMT for calculating project VMT and VMT reduction due to mitigation measures.

Recommended threshold for office projects: A proposed project exceeding a level of 15 percent below existing regional VMT per employee may indicate a significant transportation impact.

Office projects that would generate vehicle travel exceeding 15 percent below existing VMT per employee for the region may indicate a significant transportation impact. In cases where the region is substantially larger than the geography over which most workers would be expected to live, it might be appropriate to refer to a smaller geography, such as the county, that includes the area over which nearly all workers would be expected to live.

Office VMT screening maps can be developed using tour-based data, considering either total employee VMT or employee work tour VMT. Similarly, tour-based analysis of office project VMT could consider either total employee VMT or employee work tour VMT. Where tour-based information is unavailable for threshold determination, project assessment, or assessment of mitigation, home-based work trip VMT should be used throughout all steps of the analysis to maintain an "apples-to-apples" comparison.

Recommended threshold for retail projects: A net increase in total VMT may indicate a significant transportation impact.

Because new retail development typically redistributes shopping trips rather than creating new trips,[30] estimating the total change in VMT (i.e., the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project's transportation impacts.

By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact. Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact. Where such development decreases VMT, lead agencies should consider the impact to be less-than-significant.

Many cities and counties define local-serving and regional-serving retail in their zoning codes. Lead agencies may refer to those local definitions when available, but should also consider any project-

[29] See Appendix 1 for a description of these approaches.
[30] Lovejoy, et al. (2013) *Measuring the impacts of local land-use policies on vehicle miles of travel: The case of the first big-box store in Davis, California, The Journal of Transport and Land Use*.

specific information, such as market studies or economic impacts analyses that might bear on customers' travel behavior. Because lead agencies will best understand their own communities and the likely travel behaviors of future project users, they are likely in the best position to decide when a project will likely be local-serving. Generally, however, retail development including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT.

Mixed-Use Projects

Lead agencies can evaluate each component of a mixed-use project independently and apply the significance threshold for each project type included (e.g., residential and retail). Alternatively, a lead agency may consider only the project's dominant use. In the analysis of each use, a project should take credit for internal capture. Combining different land uses and applying one threshold to those land uses may result in an inaccurate impact assessment.

Other Project Types

Of land use projects, residential, office, and retail projects tend to have the greatest influence on VMT. For that reason, OPR recommends the quantified thresholds described above for purposes of analysis and mitigation. Lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types. In developing thresholds for other project types, or thresholds different from those recommended here, lead agencies should consider the purposes described in section 21099 of the Public Resources Code and regulations in the CEQA Guidelines on the development of thresholds of significance (e.g., CEQA Guidelines, § 15064.7).

Strategies and projects that decrease local VMT but increase total VMT should be avoided. Agencies should consider whether their actions encourage development in a less travel-efficient location by limiting development in travel-efficient locations.

Redevelopment Projects

Where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less-than-significant transportation impact. If the project leads to a net overall increase in VMT, then the thresholds described above should apply.

As described above, a project or plan near transit which replaces affordable[31] residential units with a smaller number of moderate- or high-income residential units may increase overall VMT, because

[31] Including naturally-occurring affordable residential units.

displaced residents' VMT may increase.[32] A lead agency should analyze VMT for such a project even if it otherwise would have been presumed less than significant. The assessment should incorporate an estimate of the aggregate VMT increase experienced by displaced residents. That additional VMT should be included in the numerator of the VMT per capita assessed for the project.

If a residential or office project leads to a net increase in VMT, then the project's VMT per capita (residential) or per employee (office) should be compared to thresholds recommended above. Per capita and per employee VMT are efficiency metrics, and, as such, apply only to the existing project without regard to the VMT generated by the previously existing land use.

If the project leads to a net increase in provision of locally-serving retail, transportation impacts from the retail portion of the development should be presumed to be less than significant. If the project consists of regionally-serving retail, and increases overall VMT compared to with existing uses, then the project would lead to a significant transportation impact.

RTP/SCS Consistency (All Land Use Projects)

Section 15125, subdivision (d), of the CEQA Guidelines provides that lead agencies should analyze impacts resulting from inconsistencies with regional plans, including regional transportation plans. For this reason, if a project is inconsistent with the Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), the lead agency should evaluate whether that inconsistency indicates a significant impact on transportation. For example, a development may be inconsistent with an RTP/SCS if the development is outside the footprint of development or within an area specified as open space as shown in the SCS.

3. Recommendations Regarding Land Use Plans

As with projects, agencies should analyze VMT outcomes of land use plans across the full area over which the plan may substantively affect travel patterns, including beyond the boundary of the plan or jurisdiction's geography. And as with projects, VMT should be counted in full rather than split between origin and destination. (Emissions inventories have sometimes spit cross-boundary trips in order to sum to a regional total, but CEQA requires accounting for the full impact without truncation or discounting). Analysis of specific plans may employ the same thresholds described above for projects. A general plan, area plan, or community plan may have a significant impact on transportation if proposed new residential, office, or retail land uses would in aggregate exceed the respective thresholds recommended above. Where the lead agency tiers from a general plan EIR pursuant to CEQA Guidelines sections 15152 and 15166, the lead agency generally focuses on the environmental impacts that are specific to the later project and were not analyzed as significant impacts in the prior EIR. (Pub. Resources Code, § 21068.5; Guidelines, § 15152, subd. (a).) Thus, in analyzing the later project, the lead agency

[32] Chapple et al. (2017) *Developing a New Methodology for Analyzing Potential Displacement,* Chapter 4, pp. 159-160, available at https://www.arb.ca.gov/research/apr/past/13-310.pdf.

would focus on the VMT impacts that were not adequately addressed in the prior EIR. In the tiered document, the lead agency should continue to apply the thresholds recommended above.

Thresholds for plans in non-MPO areas may be determined on a case-by-case basis.

4. Other Considerations

Rural Projects Outside of MPOs

In rural areas of non-MPO counties (i.e., areas not near established or incorporated cities or towns), fewer options may be available for reducing VMT, and significance thresholds may be best determined on a case-by-case basis. Note, however, that clustered small towns and small town main streets may have substantial VMT benefits compared to isolated rural development, similar to the transit oriented development described above.

Impacts to Transit

Because criteria for determining the significance of transportation impacts must promote "the development of multimodal transportation networks" pursuant to Public Resources Code section 21099, subd. (b)(1), lead agencies should consider project impacts to transit systems and bicycle and pedestrian networks. For example, a project that blocks access to a transit stop or blocks a transit route itself may interfere with transit functions. Lead agencies should consult with transit agencies as early as possible in the development process, particularly for projects that are located within one half mile of transit stops.

When evaluating impacts to multimodal transportation networks, lead agencies generally should not treat the addition of new transit users as an adverse impact. An infill development may add riders to transit systems and the additional boarding and alighting may slow transit vehicles, but it also adds destinations, improving proximity and accessibility. Such development also improves regional vehicle flow by adding less vehicle travel onto the regional network.

Increased demand throughout a region may, however, cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be adequately addressed through a fee program that fairly allocates the cost of improvements not just to projects that happen to locate near transit, but rather across a region to all projects that impose burdens on the entire transportation system, since transit can broadly improve the function of the transportation system.

F. Considering the Effects of Transportation Projects on Vehicle Travel

Many transportation projects change travel patterns. A transportation project which leads to additional vehicle travel on the roadway network, commonly referred to as "induced vehicle travel," would need to quantify the amount of additional vehicle travel in order to assess air quality impacts, greenhouse gas emissions impacts, energy impacts, and noise impacts. Transportation projects also are required to

examine induced growth impacts under CEQA. (See generally, Pub. Resources Code, §§ 21065 [defining "project" under CEQA as an activity as causing either a direct or reasonably foreseeable indirect physical change], 21065.3 [defining "project-specific effect" to mean all direct or indirect environmental effects], 21100, subd. (b) [required contents of an EIR].) For any project that increases vehicle travel, explicit assessment and quantitative reporting of the amount of additional vehicle travel should not be omitted from the document; such information may be useful and necessary for a full understanding of a project's environmental impacts. (See Pub. Resources Code, §§ 21000, 21001, 21001.1, 21002, 21002.1 [discussing the policies of CEQA].) A lead agency that uses the VMT metric to assess the transportation impacts of a transportation project may simply report that change in VMT as the impact. When the lead agency uses another metric to analyze the transportation impacts of a roadway project, changes in amount of vehicle travel added to the roadway network should still be analyzed and reported.[33]

While CEQA does not require perfection, it is important to make a reasonably accurate estimate of transportation projects' effects on vehicle travel in order to make reasonably accurate estimates of GHG emissions, air quality emissions, energy impacts, and noise impacts. (See, e.g., *California Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173, 210 [EIR failed to consider project's transportation energy impacts]; *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 266.) Appendix 2 describes in detail the causes of induced vehicle travel, the robust empirical evidence of induced vehicle travel, and how models and research can be used in conjunction to quantitatively assess induced vehicle travel with reasonable accuracy.

If a project would likely lead to a measurable and substantial increase in vehicle travel, the lead agency should conduct an analysis assessing the amount of vehicle travel the project will induce. Project types that would likely lead to a measurable and substantial increase in vehicle travel generally include:

- Addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, or lanes through grade-separated interchanges

Projects that would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis, include:

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets (e.g., highways; roadways; bridges; culverts; Transportation Management System field elements such as cameras, message signs, detection, or signals; tunnels; transit systems; and assets that serve bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails

[33] See, e.g., California Department of Transportation (2006) *Guidance for Preparers of Growth-related, Indirect Impact Analyses*, available at http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/GRI_guidance06May_files/gri_guidance.pdf.

- Roadway shoulder enhancements to provide "breakdown space," dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in number of through lanes
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features
- Installation of traffic metering systems, detection systems, cameras, changeable message signs and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation or reconfiguration of traffic calming devices
- Adoption of or increase in tolls
- Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase
- Initiation of new transit service
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
- Removal or relocation of off-street or on-street parking spaces
- Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
- Addition of traffic wayfinding signage
- Rehabilitation and maintenance projects that do not add motor vehicle capacity
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve non-motorized travel
- Installation of publicly available alternative fuel/charging infrastructure
- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor

1. Recommended Significance Threshold for Transportation Projects

As noted in Section 15064.3 of the CEQA Guidelines, lead agencies for roadway capacity projects have discretion, consistent with CEQA and planning requirements, to choose which metric to use to evaluate transportation impacts. This section recommends considerations for evaluating impacts using vehicle miles traveled. Lead agencies have discretion to choose a threshold of significance for transportation projects as they do for other types of projects. As explained above, Public Resources Code section 21099, subdivision (b)(1), provides that criteria for determining the significance of transportation impacts must promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. (*Id.;* see generally, adopted CEQA Guidelines, § 15064.3, subd. (b) [Criteria for Analyzing Transportation Impacts].) With those goals in mind, OPR prepared and the Agency adopted an appropriate transportation metric.

Whether adopting a threshold of significance, or evaluating transportation impacts on a case-by-case basis, a lead agency should ensure that the analysis addresses:

- Direct, indirect and cumulative effects of the transportation project (CEQA Guidelines, § 15064, subds. (d), (h))
- Near-term and long-term effects of the transportation project (CEQA Guidelines, §§ 15063, subd. (a)(1), 15126.2, subd. (a))
- The transportation project's consistency with state greenhouse gas reduction goals (Pub. Resources Code, § 21099)[34]
- The impact of the transportation project on the development of multimodal transportation networks (Pub. Resources Code, § 21099)
- The impact of the transportation project on the development of a diversity of land uses (Pub. Resources Code, § 21099)

The CARB Scoping Plan and the CARB Mobile Source Strategy delineate VMT levels required to achieve legally mandated GHG emissions reduction targets. A lead agency should develop a project-level threshold based on those VMT levels, and may apply the following approach:

1. Propose a fair-share allocation of those budgets to their jurisdiction (e.g., by population);

[34] The California Air Resources Board has ascertained the limits of VMT growth compatible with California containing greenhouse gas emissions to levels research shows would allow for climate stabilization. (See *The 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target* (p. 78, p. 101); *Mobile Source Strategy* (p. 37).) CARB's *Updated Final Staff Report on Proposed Update to the SB 375 Greenhouse Gas Emission Reduction Targets* illustrates that the current Regional Transportation Plans and Sustainable Communities Strategies will fall short of achieving the necessary on-road transportation-related GHG emissions reductions called for in the 2017 Scoping Plan (Figure 3, p. 35). Accordingly, OPR recommends not basing GHG emissions or transportation impact analysis for a transportation project solely on consistency with an RTP/SCS.

2. Determine the amount of VMT growth likely to result from background population growth, and subtract that from their "budget";
3. Allocate their jurisdiction's share between their various VMT-increasing transportation projects, using whatever criteria the lead agency prefers.

2. Estimating VMT Impacts from Transportation Projects

CEQA requires analysis of a project's potential growth-inducing impacts. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, § 15126.2, subd. (d).) Many agencies are familiar with the analysis of growth inducing impacts associated with water, sewer, and other infrastructure. This technical advisory addresses growth that may be expected from roadway expansion projects.

Because a roadway expansion project can induce substantial VMT, incorporating quantitative estimates of induced VMT is critical to calculating both transportation and other impacts of these projects. Induced travel also has the potential to reduce or eliminate congestion relief benefits. An accurate estimate of induced travel is needed to accurately weigh costs and benefits of a highway capacity expansion project.

The effect of a transportation project on vehicle travel should be estimated using the "change in total VMT" method described in *Appendix 1*. This means that an assessment of total VMT without the project and an assessment with the project should be made; the difference between the two is the amount of VMT attributable to the project. The assessment should cover the full area in which driving patterns are expected to change. As with other types of projects, the VMT estimation should not be truncated at a modeling or jurisdictional boundary for convenience of analysis when travel behavior is substantially affected beyond that boundary.

Transit and Active Transportation Projects

Transit and active transportation projects generally reduce VMT and therefore are presumed to cause a less-than-significant impact on transportation. This presumption may apply to all passenger rail projects, bus and bus rapid transit projects, and bicycle and pedestrian infrastructure projects. Streamlining transit and active transportation projects aligns with each of the three statutory goals contained in SB 743 by reducing GHG emissions, increasing multimodal transportation networks, and facilitating mixed use development.

Roadway Projects

Reducing roadway capacity (for example, by removing or repurposing motor vehicle travel lanes) will generally reduce VMT and therefore is presumed to cause a less-than-significant impact on transportation. Generally, no transportation analysis is needed for such projects.

Building new roadways, adding roadway capacity in congested areas, or adding roadway capacity to areas where congestion is expected in the future, typically induces additional vehicle travel. For the types of projects previously indicated as likely to lead to additional vehicle travel, an estimate should be made of the change in vehicle travel resulting from the project.

For projects that increase roadway capacity, lead agencies can evaluate induced travel quantitatively by applying the results of existing studies that examine the magnitude of the increase of VMT resulting from a given increase in lane miles. These studies estimate the percent change in VMT for every percent change in miles to the roadway system (i.e., "elasticity").[35] Given that lead agencies have discretion in choosing their methodology, and the studies on induced travel reveal a range of elasticities, lead agencies may appropriately apply professional judgment in studying the transportation effects of a particular project. The most recent major study, estimates an elasticity of 1.0, meaning that every percent change in lane miles results in a one percent increase in VMT.[36]

To estimate VMT impacts from roadway expansion projects:

1. Determine the total lane-miles over an area that fully captures travel behavior changes resulting from the project (generally the region, but for projects affecting interregional travel look at all affected regions).
2. Determine the percent change in total lane miles that will result from the project.
3. Determine the total existing VMT over that same area.
4. Multiply the percent increase in lane miles by the existing VMT, and then multiply that by the elasticity from the induced travel literature:

[% increase in lane miles] x [existing VMT] x [elasticity] = [VMT resulting from the project]

A National Center for Sustainable Transportation tool can be used to apply this method: https://ncst.ucdavis.edu/research/tools

This method would not be suitable for rural (non-MPO) locations in the state which are neither congested nor projected to become congested. It also may not be suitable for a new road that provides new connectivity across a barrier (e.g., a bridge across a river) if it would be expected to substantially

[35] See U.C. Davis, Institute for Transportation Studies (Oct. 2015) *Increasing Highway Capacity Unlikely to Relieve Traffic Congestion*; Boarnet and Handy (Sept. 2014) *Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions*, California Air Resources Board Policy Brief, available at https://www.arb.ca.gov/cc/sb375/policies/hwycapacity/highway_capacity_brief.pdf.
[36] See Duranton and Turner (2011) *The Fundamental Law of Road Congestion: Evidence from US cities*, available at http://www.nber.org/papers/w15376.

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shorten existing trips. If it is likely to be substantial, the trips-shortening effect should be examined explicitly.

The effects of roadway capacity on vehicle travel can also be applied at a programmatic level. For example, in a regional planning process the lead agency can use that program-level analysis to streamline later project-level analysis. (See CEQA Guidelines, § 15168.) A program-level analysis of VMT should include effects of the program on land use patterns, and the VMT that results from those land use effects. In order for a program-level document to adequately analyze potential induced demand from a project or program of roadway capacity expansion, lead agencies cannot assume a fixed land use pattern (i.e., a land use pattern that does not vary in response to the provision of roadway capacity). A proper analysis should account for land use investment and development pattern changes that react in a reasonable manner to changes in accessibility created by transportation infrastructure investments (whether at the project or program level).

Mitigation and Alternatives

Induced VMT has the potential to reduce or eliminate congestion relief benefits, increase VMT, and increase other environmental impacts that result from vehicle travel.[37] If those effects are significant, the lead agency will need to consider mitigation or alternatives. In the context of increased travel that is induced by capacity increases, appropriate mitigation and alternatives that a lead agency might consider include the following:

- Tolling new lanes to encourage carpools and fund transit improvements
- Converting existing general purpose lanes to HOV or HOT lanes
- Implementing or funding off-site travel demand management
- Implementing Intelligent Transportation Systems (ITS) strategies to improve passenger throughput on existing lanes

Tolling and other management strategies can have the additional benefit of preventing congestion and maintaining free-flow conditions, conferring substantial benefits to road users as discussed above.

G. Analyzing Other Impacts Related to Transportation

While requiring a change in the methodology of assessing transportation impacts, Public Resources Code section 21099 notes that this change "does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation." OPR expects that lead agencies will continue to

[37] See National Center for Sustainable Transportation (Oct. 2015) *Increasing Highway Capacity Unlikely to Relieve Traffic Congestion*, available at http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST_Brief_InducedTravel_CS6_v3.pdf; see Duranton and Turner (2011) *The Fundamental Law of Road Congestion: Evidence from US cities*, available at http://www.nber.org/papers/w15376.

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address mobile source emissions in the air quality and noise sections of an environmental document and the corresponding studies that support the analysis in those sections. Lead agencies should continue to address environmental impacts of a proposed project pursuant to CEQA's requirements, using a format that is appropriate for their particular project.

Because safety concerns result from many different factors, they are best addressed at a programmatic level (i.e., in a general plan or regional transportation plan) in cooperation with local governments, metropolitan planning organizations, and, where the state highway system is involved, the California Department of Transportation. In most cases, such an analysis would not be appropriate on a project-by-project basis. Increases in traffic volumes at a particular location resulting from a project typically cannot be estimated with sufficient accuracy or precision to provide useful information for an analysis of safety concerns. Moreover, an array of factors affect travel demand (e.g., strength of the local economy, price of gasoline), causing substantial additional uncertainty. Appendix B of OPR's General Plan Guidelines summarizes research which could be used to guide a programmatic analysis under CEQA. Lead agencies should note that automobile congestion or delay does not constitute a significant environmental impact (Pub. Resources Code, §21099(b)(2)), and safety should not be used as a proxy for road capacity.

H. VMT Mitigation and Alternatives

When a lead agency identifies a significant impact, it must identify feasible mitigation measures that could avoid or substantially reduce that impact. (Pub. Resources Code, § 21002.1, subd. (a).) Additionally, CEQA requires that an environmental impact report identify feasible alternatives that could avoid or substantially reduce a project's significant environmental impacts.

Indeed, the California Court of Appeal recently held that a long-term regional transportation plan was deficient for failing to discuss an alternative which could significantly reduce total vehicle miles traveled. In *Cleveland National Forest Foundation v. San Diego Association of Governments, et al.* (2017) 17 Cal.App.5th 413, the court found that omission "inexplicable" given the lead agency's "acknowledgment in its Climate Action Strategy that the state's efforts to reduce greenhouse gas emissions from on-road transportation will not succeed if the amount of driving, or vehicle miles traveled, is not significantly reduced." (*Cleveland National Forest Foundation*, *supra*, 17 Cal.App.5th at p. 436.) Additionally, the court noted that the project alternatives focused primarily on congestion relief even though "the [regional] transportation plan is a long-term and congestion relief is not necessarily an effective long-term strategy." (*Id.* at p. 437.) The court concluded its discussion of the alternatives analysis by stating: "Given the acknowledged long-term drawbacks of congestion relief alternatives, there is not substantial evidence to support the EIR's exclusion of an alternative focused primarily on significantly reducing vehicle trips." (*Ibid*.)

Several examples of potential mitigation measures and alternatives to reduce VMT are described below. However, the selection of particular mitigation measures and alternatives are left to the discretion of

the lead agency, and mitigation measures may vary, depending on the proposed project and significant impacts, if any. Further, OPR expects that agencies will continue to innovate and find new ways to reduce vehicular travel.

Potential measures to reduce vehicle miles traveled include, but are not limited to:

- Improve or increase access to transit.
- Increase access to common goods and services, such as groceries, schools, and daycare.
- Incorporate affordable housing into the project.
- Incorporate neighborhood electric vehicle network.
- Orient the project toward transit, bicycle and pedestrian facilities.
- Improve pedestrian or bicycle networks, or transit service.
- Provide traffic calming.
- Provide bicycle parking.
- Limit or eliminate parking supply.
- Unbundle parking costs.
- Provide parking cash-out programs.
- Implement roadway pricing.
- Implement or provide access to a commute reduction program.
- Provide car-sharing, bike sharing, and ride-sharing programs.
- Provide transit passes.
- Shifting single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services.
- Providing telework options.
- Providing incentives or subsidies that increase the use of modes other than single-occupancy vehicle.
- Providing on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms.
- Providing employee transportation coordinators at employment sites.
- Providing a guaranteed ride home service to users of non-auto modes.

Notably, because VMT is largely a regional impact, regional VMT-reduction programs may be an appropriate form of mitigation. In lieu fees have been found to be valid mitigation where there is both a commitment to pay fees and evidence that mitigation will actually occur. (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140-141; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727–728.) Fee programs are particularly useful to address cumulative impacts. (CEQA Guidelines, § 15130, subd. (a)(3) [a "project's incremental contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact"].) The mitigation program must undergo CEQA evaluation, either on the program as a whole, or the in-lieu fees or other mitigation must be evaluated

on a project-specific basis. (*California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026.) That CEQA evaluation could be part of a larger program, such as a regional transportation plan, analyzed in a Program EIR. (CEQA Guidelines, § 15168.)

Examples of project alternatives that may reduce vehicle miles traveled include, but are not limited to:

- Locate the project in an area of the region that already exhibits low VMT.
- Locate the project near transit.
- Increase project density.
- Increase the mix of uses within the project or within the project's surroundings.
- Increase connectivity and/or intersection density on the project site.
- Deploy management strategies (e.g., pricing, vehicle occupancy requirements) on roadways or roadway lanes.

Appendix 1. Considerations About Which VMT to Count

Consistent with the obligation to make a good faith effort to disclose the environmental consequences of a project, lead agencies have discretion to choose the most appropriate methodology to evaluate project impacts.[38] A lead agency can evaluate a project's effect on VMT in numerous ways. The purpose of this document is to provide technical considerations in determining which methodology may be most useful for various project types.

Background on Estimating Vehicle Miles Traveled

Before discussing specific methodological recommendations, this section provides a brief overview of modeling and counting VMT, including some key terminology.

Here is an illustrative example of some methods of estimating vehicle miles traveled. Consider the following hypothetical travel day (all by automobile):

1. Residence to Coffee Shop
2. Coffee Shop to Work
3. Work to Sandwich Shop
4. Sandwich Shop to Work
5. Work to Residence
6. Residence to Store
7. Store to Residence

Trip-based assessment of a project's effect on travel behavior counts VMT from individual trips to and from the project. It is the most basic, and traditionally the most common, method of counting VMT. A trip-based VMT assessment of the residence in the above example would consider segments 1, 5, 6 and 7. For residential projects, the sum of home-based trips is called *home-based* VMT.

A *tour-based* assessment counts the entire home-back-to-home tour that includes the project. A tour-based VMT assessment of the residence in the above example would consider segments 1, 2, 3, 4, and 5 in one tour, and 6 and 7 in a second tour. A tour-based assessment of the workplace would include segments 1, 2, 3, 4, and 5. Together, all tours comprise *household* VMT.

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[38] The California Supreme Court has explained that when an agency has prepared an environmental impact report:

> [T]he issue is not whether the [lead agency's] studies are irrefutable or whether they could have been better. The relevant issue is only whether the studies are sufficiently credible to be considered as part of the total evidence that supports the [lead agency's] finding[.]

(*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 409; see also *Eureka Citizens for Responsible Gov't v. City of Eureka* (2007) 147 Cal.App.4th 357, 372.)

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Both trip- and tour-based assessments can be used as measures of transportation efficiency, using denominators such as per capita, per employee, or per person-trip.

Trip- and Tour-based Assessment of VMT

As illustrated above, a tour-based assessment of VMT is a more complete characterization of a project's effect on VMT. In many cases, a project affects travel behavior beyond the first destination. The location and characteristics of the home and workplace will often be the main drivers of VMT. For example, a residential or office development located near high quality transit will likely lead to some commute trips utilizing transit, affecting mode choice on the rest of the tour.

Characteristics of an office project can also affect an employee's VMT beyond the work tour. For example, a workplace located at the urban periphery, far from transit, can require an employee to own a car, which in turn affects the entirety of an employee's travel behavior and VMT. For this reason, when estimating the effect of an office development on VMT, it may be appropriate to consider total employee VMT if data and tools, such as tour-based models, are available. This is consistent with CEQA's requirement to evaluate both direct and *indirect* effects of a project. (See CEQA Guidelines, § 15064, subd. (d)(2).)

Assessing Change in Total VMT

A third method, estimating the *change in total VMT* with and without the project, can evaluate whether a project is likely to divert existing trips, and what the effect of those diversions will be on total VMT. This method answers the question, "What is the net effect of the project on area VMT?" As an illustration, assessing the total change in VMT for a grocery store built in a food desert that diverts trips from more distant stores could reveal a net VMT reduction. The analysis should address the full area over which the project affects travel behavior, even if the effect on travel behavior crosses political boundaries.

Using Models to Estimate VMT

Travel demand models, sketch models, spreadsheet models, research, and data can all be used to calculate and estimate VMT (see Appendix F of the preliminary discussion draft). To the extent possible, lead agencies should choose models that have sensitivity to features of the project that affect VMT. Those tools and resources can also assist in establishing thresholds of significance and estimating VMT reduction attributable to mitigation measures and project alternatives. When using models and tools for those various purposes, agencies should use comparable data and methods, in order to set up an "apples-to-apples" comparison between thresholds, VMT estimates, and VMT mitigation estimates.

Models can work together. For example, agencies can use travel demand models or survey data to estimate existing trip lengths and input those into sketch models such as CalEEMod to achieve more

accurate results. Whenever possible, agencies should input localized trip lengths into a sketch model to tailor the analysis to the project location. However, in doing so, agencies should be careful to avoid double counting if the sketch model includes other inputs or toggles that are proxies for trip length (e.g., distance to city center). Generally, if an agency changes any sketch model defaults, it should record and report those changes for transparency of analysis. Again, trip length data should come from the same source as data used to calculate thresholds to be sure of an "apples-to-apples" comparison.

Additional background information regarding travel demand models is available in the California Transportation Commission's "2010 Regional Transportation Plan Guidelines," beginning at page 35.

Appendix 2. Induced Travel: Mechanisms, Research, and Additional Assessment Approaches

Induced travel occurs where roadway capacity is expanded in an area of present or projected future congestion. The effect typically manifests over several years. Lower travel times make the modified facility more attractive to travelers, resulting in the following trip-making changes:

- **Longer trips.** The ability to travel a long distance in a shorter time increases the attractiveness of destinations that are farther away, increasing trip length and vehicle travel.
- **Changes in mode choice.** When transportation investments are devoted to reducing automobile travel time, travelers tend to shift toward automobile use from other modes, which increases vehicle travel.
- **Route changes.** Faster travel times on a route attract more drivers to that route from other routes, which can increase or decrease vehicle travel depending on whether it shortens or lengthens trips.
- **Newly generated trips.** Increasing travel speeds can induce additional trips, which increases vehicle travel. For example, an individual who previously telecommuted or purchased goods on the internet might choose to accomplish those tasks via automobile trips as a result of increased speeds.
- **Land Use Changes.** Faster travel times along a corridor lead to land development farther along that corridor; that new development generates and attracts longer trips, which increases vehicle travel. Over several years, this induced growth component of induced vehicle travel can be substantial, making it critical to include in analyses.

Each of these effects has implications for the total amount of vehicle travel. These effects operate over different time scales. For example, changes in mode choice might occur immediately, while land use changes typically take a few years or longer. CEQA requires lead agencies to analyze both short-term and long-term effects.

Evidence of Induced Vehicle Travel. A large number of peer reviewed studies[39] have demonstrated a causal link between highway capacity increases and VMT increases. Many provide quantitative estimates of the magnitude of the induced VMT phenomenon. Collectively, they provide high quality evidence of the existence and magnitude of the induced travel effect.

[39] See, e.g., Boarnet and Handy (Sept. 2014) Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions, California Air Resources Board Policy Brief, available at https://www.arb.ca.gov/cc/sb375/policies/hwycapacity/highway_capacity_brief.pdf; National Center for Sustainable Transportation (Oct. 2015) *Increasing Highway Capacity Unlikely to Relieve Traffic Congestion*, available at http://www.dot.ca.gov/research/researchreports/reports/2015/10-12-2015-NCST_Brief_InducedTravel_CS6_v3.pdf.

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Most of these studies express the amount of induced vehicle travel as an "elasticity," which is a multiplier that describes the additional vehicle travel resulting from an additional lane mile of roadway capacity added. For example, an elasticity of 0.6 would signify an 0.6 percent increase in vehicle travel for every 1.0 percent increase in lane miles. Many of these studies distinguish "short run elasticity" (increase in vehicle travel in the first few years) from "long run elasticity" (increase in vehicle travel beyond the first few years). Long run elasticity is larger than short run elasticity, because as time passes, more of the components of induced vehicle travel materialize. Generally, short run elasticity can be thought of as excluding the effects of land use change, while long run elasticity includes them. Most studies find a long run elasticity between 0.6 and just over 1.0,[40] meaning that every increase in lanes miles of one percent leads to an increase in vehicle travel of 0.6 to 1.0 percent. The most recent major study finds the elasticity of vehicle travel by lanes miles added to be 1.03; in other words, each percent increase in lane miles results in a 1.03 percent increase in vehicle travel.[41] (An elasticity greater than 1.0 can occur because new lanes induce vehicle travel that spills beyond the project location.) In CEQA analysis, the long-run elasticity should be used, as it captures the full effect of the project rather than just the early-stage effect.

Quantifying Induced Vehicle Travel Using Models. Lead agencies can generally achieve the most accurate assessment of induced vehicle travel resulting from roadway capacity increasing projects by applying elasticities from the academic literature, because those estimates include vehicle travel resulting from induced land use. If a lead agency chooses to use a travel demand model, additional analysis would be needed to account for induced land use. This section describes some approaches to undertaking that additional analysis.

Proper use of a travel demand model can capture the following components of induced VMT:

- Trip length (generally increases VMT)
- Mode shift (generally shifts from other modes toward automobile use, increasing VMT)
- Route changes (can act to increase or decrease VMT)
- Newly generated trips (generally increases VMT)
    - Note that not all travel demand models have sensitivity to this factor, so an off-model estimate may be necessary if this effect could be substantial.

However, estimating long-run induced VMT also requires an estimate of the project's effects on land use. This component of the analysis is important because it has the potential to be a large component of

[40] See Boarnet and Handy (Sept. 2014) *Impact of Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions*, California Air Resources Board Policy Brief, p. 2, available at https://www.arb.ca.gov/cc/sb375/policies/hwycapacity/highway_capacity_brief.pdf.

[41] Duranton and Turner (2011) *The Fundamental Law of Road Congestion: Evidence from US cities*, available at http://www.nber.org/papers/w15376.

Attachment: OPR Technical Advisory on Evaluating Transportation Impacts in CEQA (SB743 Implementation)

the overall induced travel effect. Options for estimating and incorporating the VMT effects that are caused by the subsequent land use changes include:

1. *Employ an expert panel.* An expert panel could assess changes to land use development that would likely result from the project. This assessment could then be analyzed by the travel demand model to assess effects on vehicle travel. Induced vehicle travel assessed via this approach should be verified using elasticities found in the academic literature.
2. *Adjust model results to align with the empirical research.* If the travel demand model analysis is performed without incorporating projected land use changes resulting from the project, the assessed vehicle travel should be adjusted upward to account for those land use changes. The assessed VMT after adjustment should fall within the range found in the academic literature.
3. *Employ a land use model, running it iteratively with a travel demand model.* A land use model can be used to estimate the land use effects of a roadway capacity increase, and the traffic patterns that result from the land use change can then be fed back into the travel demand model. The land use model and travel demand model can be iterated to produce an accurate result.

A project which provides new connectivity across a barrier, such as a new bridge across a river, may provide a shortened path between existing origins and destinations, thereby shortening existing trips. In rare cases, this trip-shortening effect might be substantial enough to reduce the amount of vehicle travel resulting from the project below the range found in the elasticities in the academic literature, or even lead a net reduction in vehicle travel overall. In such cases, the trip-shortening effect could be examined explicitly.

Whenever employing a travel demand model to assess induced vehicle travel, any limitation or known lack of sensitivity in the analysis that might cause substantial errors in the VMT estimate (for example, model insensitivity to one of the components of induced VMT described above) should be disclosed and characterized, and a description should be provided on how it could influence the analysis results. A discussion of the potential error or bias should be carried into analyses that rely on the VMT analysis, such as greenhouse gas emissions, air quality, energy, and noise.

CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF JUNE 25, 2020

FROM: City Manager Department

SUBJECT: Consider Approval of Memoranda of Understanding with Labor Groups and Adopt Salary Schedule for June 28, 2020 - December 26, 2020

RECOMMENDED ACTION:

1. Authorize the City Manager to execute the side letter agreements to existing Memoranda of Understanding (MOU) with negotiated changes from June 26, 2020, through December 28, 2020, for the following:
    a. Capitola Police Officers Association (CPOA).
    b. Mid-Management Employees' Bargaining Unit;
    c. Confidential Employees' Bargaining Unit;
    d. Police Captains
2. Approve changes to the Management Compensation Plan
3. Approve changes to City Manager Employee Contract
4. Adopt a Resolution approving the new salary schedule
5. Individually attest to receive the same salary reduction as employees

BACKGROUND: The City has met with all employee groups regarding how to close the projected deficit in Fiscal Year 20/21. Most agreements with employee groups were set to expire on June 30, 2020. Prior to the public health crisis, the City was in the process of bargaining with all employee groups other than Capitola Police Officers Association, which has a contract that extended to June 30, 2021.

When the Shelter in Place Order was issued by the Santa Cruz County Health Officer in response to the COVID-19 pandemic, the City requested that bargaining be paused. Once the extent and the impact of the situation was better understood, the City began the concession bargaining process with employee groups.

DISCUSSION: As part of the effort to balance a budget with a projected $4.5 million deficit, the City began concession bargaining process with the City's employee groups to achieve savings in the Fiscal Year 20/21 budget. In addition to good-faith bargaining with the employee groups, the City is also taking a number of measures to reduce its expenditures, including, among other things: 1) requiring all departments cut all non-essential expenses to the greatest extent possible; and 2) freezing six (6) vacant positions which amount to $464,000 in savings. This resulted in additional savings totaling $3.2 million ($600,000 in contract services, $48,500 in training and memberships, $65,000 in supplies, $269,000 in grants and subsidies, $265,000 of

internal service fund charges, and $1.9 million in other financing uses, primarily from Capital Improvement Projects).

The City and the employee groups have participated in good faith negotiations and most groups have come to agreement on concessions to existing employment contracts. Unfortunately, the Association of Capitola Employees (ACE) rejected the City's concession proposal. The City has issued layoff notices to three employees in the ACE group. The City and ACE will begin negotiations on a successor MOU and will meet and confer on the impacts of the layoffs. The other agreements reflect the changes to the City's economic situation since the COVID-19 public health crisis began in the middle of March.

REVISED 6/24: The City and the Mid-Management Employees, Confidential Employees, and Police Captains have agreed to six-month MOUs with the following terms:

- 6% salary reduction
- Additional 40 hours of paid leave through December 31,2020
- Suspension of the vacation cash-out program for Fiscal Year 2020

The City Council directed staff to modify the Management Compensation Plan and the City Manager Employee Contract with the same terms.

The City and the CPOA have agreed to a six-month MOU with the following terms:

- 2% salary reduction
- Deferral of contractual 2.25% Cost of Living Adjustment from July 2020 to January 2021
- Suspension of the vacation cash out program for Fiscal Year 2020/21

The City and employee groups have agreed to meet and confer in November 2020 regarding the second half of the fiscal year after the City receives the July – September sales tax data.

FISCAL IMPACT: The negotiated concessions by the employee group will reduce City expenditures by approximately $175,000 during the first six months of Fiscal Year 2020/21. This reduction is part of the effort to close the projected Fiscal Year 2020/21 $4.5 budget deficit.

ATTACHMENTS:

1. 8g CPOA and City Side Letter (PDF)
2. 8g MM and City Side Letter (PDF)
3. 8g Conf and City Side Letter (PDF)
4. 8g Police Captain and City Side Letter (PDF)
5. 8g 2020 Management Comp Plan (PDF)
6. 8g 2020-6 Goldstein Fifth Amendment to City Manager Employment Agreemente (PDF)
7. 8g Salary schedule resolution CDD and CPOA update (PDF)

Report Prepared By: Larry Laurent
Assistant to the City Manager

Employee Agreements
June 25, 2020

Reviewed and Forwarded by:

Jamie Goldstein, City Manager 6/19/2020

SIDE LETTER BETWEEN CITY OF CAPITOLA AND CAPITOLA POLICE OFFICERS' ASSOCIATION

Pursuant the provisions of the Meyers-Milias-Brown Act ("MMBA"), this Side Letter of Agreement ("Side Letter Agreement") is entered between the City of Capitola (City) and the Capitola Police Officers' Association (CPOA) (collectively, "the Parties").

WHEREAS, the Parties recognize the impacts of the COVID-19 pandemic on the City's ability to provide essential services; and

WHEREAS, the Parties recognize the additional dangers faced by police officers during the public emergency; and

WHEREAS, the Parties reaffirm their commitment to collaborative labor relations; and

WHEREAS, the Parties have met and conferred in good faith, in accordance with the MMBA, concerning the terms and conditions of this Side Letter Agreement;

IT IS HEREBY AGREED AS FOLLOWS:

1. The Memorandum of Understanding (MOU) between the Parties shall remain effective until June 30, 2021;

2. All members of CPOA shall receive a 2% base pay rate reduction from June 28, 2020 to December 26, 2020;

3. The effective date of the 2.25% increase of salary ranges for all classifications in the CPOA for the first full pay period of July 2020 under Section 24.08 of the Parties' MOU shall be changed to the first full pay period of January 2021;

4. The mandatory cash out of vacation hours in excess of 504 hours provided under Section 22.02 of the Parties' MOU is suspended for Fiscal Year 2020-2021;

5. The Parties will begin the meet and confer process concerning the terms and conditions of employment for the December 27, 2020 to June 30, 2020 time period in late-November 2020 after the City receives the 1st quarter (July - September) sales tax data.

6. This Side Letter Agreement shall supersede any inconsistent provisions in the Parties' MOU and shall be incorporated into the MOU by this reference.

Capitola Police Officers' Association

By: _____
Pedro Zamora
President, CPOA

Date: _____

City of Capitola

By: _____
Jamie Goldstein
City Manager

Date: _____

APPROVED AS TO FORM:

By: _____
Gregg McLean Adam
Counsel for CPOA

Date: _____

By: _____
Samantha Zutler
City Attorney

Date: _____

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

Pursuant the provisions of the Meyers-Milias-Brown Act ("MMBA"), this Side Letter of Agreement ("Side Letter Agreement") is entered between the City of Capitola ("City") and the Capitola Mid-Management Employees ("MME") (collectively, "the Parties").

WHEREAS, the Parties recognize the impacts of the COVID-19 pandemic on the City's ability to provide essential services; and

WHEREAS, the Parties reaffirm their commitment to collaborative labor relations; and

WHEREAS, the Parties desire to extend the term of the existing Memorandum of Understanding between MME and the City, effective July 1, 2018 to June 30, 2020 ("MOU") with some modifications; and

WHEREAS, the Parties have met and conferred in good faith, in accordance with the MMBA, concerning the terms and conditions of this Side Letter Agreement;

IT IS HEREBY AGREED that the existing MOU is extended until December 26, 2020 and shall be amended as follows:

1. All employees shall receive an 6% pay reduction for hours worked at the City from June 28, 2020 to December 26, 2020. All employees, other than the Building Official, shall receive 40 hours (5 days) of paid leave. The Building Official works 50% of the week for the City of Scotts Valley. Therefore, the Building Official will receive 20 hours (2.5 days) of paid leave to be used on Capitola work time. The leave balance will expire December 31, 2020.

2. The mandatory and optional cash out of vacation hours provided under Sections II.1.d. (Vacation- Mandatory Cash Out Before Termination) and II.1.e. (Optional Vacation Cash Out) of the MOU is suspended for Fiscal Year 2020-2021.

3. The Parties shall begin the meet and confer process concerning the terms and conditions of employment for the December 27, 2020 to June 30, 2021 time period in late-November 2020 after the City receives the 1st quarter (July - September) sales tax data.

4. If executive management pay is increased from the 6% reduction during the term of this Side Letter Agreement, MME shall receive the same increase.

5. On July 1, 2021, all terms and conditions of employment will revert to terms and conditions of the MOU in effect prior to the execution of this Side Letter Agreement, unless a successor MOU is agreed upon by the Parties.

ATTACHMENT 2

This Side Letter Agreement is effective June 28, 2020. This Side Letter Agreement shall supersede any inconsistent provisions in the Parties' MOU and shall be incorporated into the MOU by this reference.

Capitola Mid-Management Employees	City of Capitola
By: _____	By: _____
_____	City Manager
_____	Date: _____
_____	
_____	

SIDE LETTER BETWEEN CITY OF CAPITOLA AND CAPITOLA CONFIDENTIAL EMPLOYEES

Pursuant the provisions of the Meyers-Milias-Brown Act ("MMBA"), this Side Letter of Agreement ("Side Letter Agreement") is entered between the City of Capitola ("City") and the Capitola Confidential Employees ("CE") (collectively, "the Parties").

WHEREAS, the Parties recognize the impacts of the COVID-19 pandemic on the City's ability to provide essential services; and

WHEREAS, the Parties reaffirm their commitment to collaborative labor relations; and

WHEREAS, the Parties desire to extend the term of the existing Memorandum of Understanding between CE and the City, effective July 1, 2018 to June 30, 2020 ("MOU") with some modifications; and

WHEREAS, the Parties have met and conferred in good faith, in accordance with the MMBA, concerning the terms and conditions of this Side Letter Agreement;

IT IS HEREBY AGREED that the existing MOU is extended until December 26, 2020 and shall be amended as follows:

1. All employees shall receive an 6% pay reduction from June 28, 2020 to December 26, 2020. These employees shall receive 40 hours (5) of paid leave. Leave will expire on December 31, 2020.

2. The mandatory and optional cash out of vacation hours provided under Sections II.1.d. (Vacation- Mandatory Cash Out Before Termination) and II.1.e. (Optional Vacation Cash Out) of the MOU is suspended for Fiscal Year 2020-2021;

3. The Parties shall begin the meet and confer process concerning the terms and conditions of employment for the December 27, 2020 to June 30, 2020 time period in late-November 2020 after the City receives the 1st quarter (July - September) sales tax data.

4. If executive management pay is increased from the 6% reduction during the term of this Side Letter Agreement, CE shall receive the same increase.

5. On July 1, 2021, all terms and conditions of employment will revert to terms and conditions of the MOU in effect prior to the execution of this Side Letter Agreement, unless a successor MOU is agreed upon by the Parties.

This Side Letter Agreement is effective June 28, 2020. This Side Letter Agreement shall supersede any inconsistent provisions in the Parties' MOU and shall be incorporated into the MOU by this reference.

Capitola Confidential Employees	City of Capitola
By: _____	By: _____
_____	City Manager
_____	Date: _____

SIDE LETTER BETWEEN CITY OF CAPITOLA AND CAPITOLA POLICE CAPTAIN EMPLOYEES

Pursuant the provisions of the Meyers-Milias-Brown Act ("MMBA"), this Side Letter of Agreement ("Side Letter Agreement") is entered between the City of Capitola (City) and the Capitola Police Captain Employees (Police Captain) (collectively, "the Parties").

WHEREAS, the Parties recognize the impacts of the COVID-19 pandemic on the City's ability to provide essential services; and

WHEREAS, the Parties reaffirm their commitment to collaborative labor relations; and

WHEREAS, the Parties have met and conferred in good faith, in accordance with the MMBA, concerning the terms and conditions of this Side Letter Agreement;

IT IS HEREBY AGREED AS FOLLOWS:

1. This side-letter extends the existing Memorandum of Understanding from June 28, 2020 through December 26, 2020;

2. All Positions in the group take an 6% pay reduction and will receive 40 hours (5) of paid leave. Leave will expire December 31, 2020

3. The mandatory and optional cash out of vacation hours provided under Section 4.B.(1) and 4.D of the Parties' MOU is suspended for Fiscal Year 2020-2021;

4. The Parties will begin the meet and confer process concerning the terms and conditions of employment for the December 27, 2020 to June 30, 2020 time period in late-November 2020 after the City receives the 1st quarter (July - September) sales tax data.

5. All terms of the MOU will revert to terms of previous MOU on 7/1/2021, unless successor MOU is agreed upon.

6. If executive management pay is increased from the 6% reduction during the term of this agreement, Police Captain shall receive the same increase.

7. This Side Letter Agreement shall supersede any inconsistent provisions in the Parties' MOU and shall be incorporated into the MOU by this reference.

8. All terms of the MOU will revert to terms of previous MOU on 7/1/2021, unless successor MOU is agreed upon.

Capitola Police Captain Employees

By: _____

_____

Date: _____

City of Capitola

By: _____
Jamie Goldstein
City Manager

Date: _____

ATTACHMENT 6

City of Capitola

Department Head's and Chief of Police Compensation and Benefits Plan

Effective June 28, 2020

Purpose and Intent

This Compensation and Benefits Plan (Plan) is intended to establish compensation, benefits and terms and conditions of employment for Department Heads and the Chief of Police. The City Manager has the authority to hire Department Heads and the Chief of Police, and to adjust their compensation consistent with this Plan. Department Heads and Chief of Police are exempt from the Fair Labor Standards Act (FLSA), are at will employees, serve at the pleasure of the City Manager and can be terminated with or without notice or cause and with no rights of appeal.

1) SALARY SCHEDULE
   a) This Plan covers positions in the job classes and salary schedule set forth in Attachment A, incorporated in and made a part of this document.
   b) Longevity: 5% base pay increase following 12 full years of employment. (Does not apply to Chief of Police)
2) SEVERANCE PAY

   If a Department Head is terminated by the City Manager, the City will pay the Department Head an amount equal to four months salary and four months Flexible Spending Arrangement Contribution benefits. Additionally, the Department Head will receive payment for all vacation leave accrued to the date of separation. The same terms apply to the Chief of Police with the exception of six months' salary and Flexible Spending Arrangement Contribution. However, if an employee is terminated because of conviction of any criminal offense or "for cause", the City shall have no obligation to continue the employment of the Department Head or pay severance pay.
3) ADMINISTRATIVE LEAVE ACCRUAL

   80 hours per calendar year, prorated depending upon date of hire. No accumulation and may not be converted to cash.
4) PERSONAL HOLIDAYS

   Three personal holidays per calendar year, prorated depending upon date of hire. No accumulation and may not be converted to cash.
5) VACATION
   a) Vacation Accrual:

Years of Employment	Vacation Days
1 and 2	12
3 and 4	14
5 through 9	17
10 through 19	22
20 and higher	27

   b) The City Manager has the authority to place a new Department Head or Police Chief at a specific accrual rate.

Attachment: 8g 2020 Management Comp Plan (Employee Agreements)

c) Upon termination, payment will be made for all accumulated vacation to the separation date, at a rate equal to 100% of the current hourly pay rate.

d) Vacation Cap: Vacation Cap will not be in effect for Fiscal Year 2020/2021

e) Optional Vacation Cash Out: Optional Vacation Cash Out Program will not be in effect for Fiscal Year 2020/2021.

6) SICK LEAVE

Sick leave will accrue at a rate of 12 days per year. Unlimited accumulation and may not be converted to cash.

7) FLEXIBLE SPENDING ARRANGEMENT CONTRIBUTIONS

a) Employees are eligible to enroll in a CalPERS medical plan, Dental and Vision Plan. The City makes a contribution on behalf of each qualified employee (Attachment A).

b) Cash Out: Employees who can verify to the City's satisfaction that: they have group health coverage for medical (including dental and vision), which will remain in effect until the next enrollment date will be eligible for a cash payment of $250.00 per month. Employees who purchase a CalPERS Health Plan and dental and vision coverage, but do not use their entire monthly contribution, may use the remaining funds to purchase benefits other than medical (including dental and vision) coverage. (If a cash payment is taken, it is not included in the employee's compensation for the CalPERS retirement plan).

8) FLEXIBLE SPENDING ACCOUNTS

The City offers a Healthcare Spending Account with an annual election limit of $2,500 and a Dependent Care Spending Account with annual election limit of $5,000.

9) RETIREMENT

a) CalPERS Retirement Benefits for Classic Members:

i) Miscellaneous Classic Employees: The City participates in the California Public Employees' Retirement System (PERS). Benefits provided are detailed in separate publications. The City agrees to provide 2.5% at 55 Retirement Plan for eligible classic miscellaneous employees in the Unit and the single-highest-year option.

Effective July 1, 2018, Miscellaneous classic employees will contribute 13.392% of their reportable salary to PERS.

ii) Safety Classic Employees: The City participates in the California Public Employees Retirement System (PERS). Benefits provided are detailed in separate publications. The City agrees to provide 3.0% at 50 Retirement Plan for eligible classic Safety employees in the Unit and the single-highest-year option.

Effective July 1, 2018, sworn classic employees will contribute 14.974% of their reportable salary to PERS.

b) CalPERS PEPRA Employees:

i) Individuals that have never been a member of any public retirement system prior to January 1, 2013, or

ii) Individuals who moved between retirement systems with more than a six month break in service; and

iii) In compliance with the California Public Employees' Pension Reform Act of 2013, (PEPRA), new members will receive a Local Miscellaneous benefit formula of 2% @ 62, Sworn will receive a benefit of 2.7% @ 55. Employees will contribute 50% of the normal cost as determined by CalPERS. The employee contribution from pay is on a pre-tax basis pursuant to 414(h)(2). Final compensation, for purposes of calculating the retirement benefit, is calculated on the highest average pensionable compensation earned by a member during a period of 36-consecutive months. This is also referred to as the 3-year average.

10) HOLIDAYS

12 Holidays per calendar year, as follows: New Year's Day, Martin Luther King, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Friday following Thanksgiving, Christmas Day. In addition, City Hall will be closed for one week during the Christmas holidays during which employees are permitted to use vacation, personal holiday or sick leave in order not to lose compensation.

11) INSURANCE

The City provides short-term disability for non-sworn and long-term disability insurance for both as well as term life insurance in the amount of $50,000

12) VEHICLE USE

The Chief of Police will be provided with a vehicle for commuting to and from work within Santa Cruz County and for business purposes.

13) UNIFORM

Chief of Police: City will purchase the initial uniform at a cost not to exceed $2,500. City will pay for reasonable cleaning of the uniform at a cost not to exceed $250/yr.

14) POLICE CHIEF DEFFERED COMPENSATION

The City may make contributions to a 457 Deferred Compensation Account (or equivalent account as determined by the City Manager) up to 8.267% of employee's regular salary (not including Flex Credit, cell phone allowance, or other compensation.). These contributions shall not be considered pay rate or special compensation and are not to be reported to PERS as such.

15) POLICE CHIEF RECRUITMENT

The City Council shall approve the recruitment process for the Police Chief at a City Council meeting as recommended by the City Manager.

DEPARTMENT HEADS AND CHIEF OF POLICE JOB CLASSES AND SALARY SCHEDULE

EFFECTIVE June 28, 2020

Positions covered by Plan

Chief of Police
Director of Public Works
Director of Finance
Community Development Director
Administrative Services Director

Salary Schedule

POSITION	Minimum	Maximum
Chief of Police	$ 10,296	$ 13,083
Department Heads	$ 6,395	$ 12,009

Salary: COVID-19 Salary Adjustment

1. Starting on June 28, 2020, all positions will take an 6% pay reduction. All employees will receive 40 hours (5 days) of paid that must be used prior to 1/1/2021.

Flexible Spending Arrangement Contribution:

The City contribution for full-time regular employees is:

Effective 7/1/2019

Employee Only	$824.00
Employee + 1	$1,339.00
Employee +2 or more	$1,751.00

Attachment: 8g 2020 Management Comp Plan (Employee Agreements)

FIFTH AMENDMENT TO

CITY MANAGER EMPLOYMENT AGREEMENT

This Fourth Amendment to City Manager Employment Agreement ("Fourth Amendment") is entered into on June 25, 2020 with an effective date of June 28, 2020 (the "Effective Date") by and between the City of Capitola, a municipal corporation (hereinafter referred to as "City"), and Jamie Goldstein, an individual (hereinafter referred to as "Employee"), and is intended to amend that particular City Manager Employment Agreement (the "Original Agreement") dated July 12, 2010, as previously amended by that certain First Amendment to City Manager Employment Agreement ("First Amendment") entered into on July 1, 2012 and that certain Second Amendment to City Manager Employment Agreement ("Second Amendment") entered into on May 14, 2015, and that certain Third Amendment to City Manager Employment Agreement ("Third Amendment") entered into on December 8, 2016, and that certain Fourth Amendment to City Manager Employment Agreement ("Fourth Amendment") entered into on June 28, 2018 (the Original Agreement, First Amendment, Second Amendment, Third Amendment, and Fourth Amendment are hereinafter referred to collectively as the "Agreement").

Now, therefore City and Employee agree as follows:

1. Section 6—Salary of the Original Agreement is hereby amended to read as follows:

<u>Section 6. Salary</u>

A. Beginning June 28, 2020, Employee's base monthly salary shall be reduced 6% from its current amount of $16,847 to $15,836

<u>Section 7. Leave/Holidays/Furlough</u>

G.2 Furlough Leave
Employee will receive 40 hours (5 days) of paid leave. This leave must be used by 1/1/2021.

2. Except as hereinabove stated, all other terms and conditions of the Agreement remain in full force and effect, are hereby re-stated and are hereby incorporated herein by reference as if fully set forth.

Attachment: 8g 2020-6 Goldstein Fifth Amendment to City Manager Employment Agreemente (Employee Agreements)

IN WITNESS WHEREOF, the parties have executed this Fifth Amendment to the City Manager Employment Agreement the day and year written above.

Dated: _____

CITY OF CAPITOLA

By: _____
Kristen Petersen, Mayor

Dated: _____

EMPLOYEE

By: _____
Jamie Goldstein

Approved as to Form

_____
Samantha Zutler, City Attorney

Attachment: 8g 2020-6 Goldstein Fifth Amendment to City Manager Employment Agreemente (Employee Agreements)

RESOLUTION NO. ____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING AND APPROVING PAY RATES AND RANGES (SALARY SCHEDULE) FOR JUNE 28, 2020 – DECEMBER 26, 2020

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 the employee groups Mid-management, Police Captains and Confidential have negotiated in good faith on concessions for the Memoranda of Understanding (MOUs) that include a include a salary reduction of 6%; and

WHEREAS, Council directed staff to modify the unrepresented, at-will employee agreements with the same reduction; and

WHEREAS, the City and the Capitola Police Officers Association have negotiated in good faith on concessions for the Memoranda of Understanding (MOUs) that include a include a salary reduction of 2% and a deferral of a contractual 2.25% Cost of Living adjustment; and

WHEREAS, the attached salary schedule for each group does not go into effect until the MOUs are ratified by both the City Council and the employee groups; 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, Exhibit A) for permanent employees from June 28, 2020 to December 26, 2020.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 25th day of June 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

EXHIBIT A

June 28, 2020 – December 26, 2020 Salary Schedule

POA SALARY SCHEDULE												
JUNE 28, 2020 - DECEMBER 26, 2020												
2% REDUCTION	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	$4,938.27	$5,187.28	$5,445.46	$5,718.28	$6,005.75	$6,306.04	$28.49	$29.93	$31.42	$32.99	$34.65	$36.38
Police Officer Trainee	$5,941.67											
Police Officer	$6,238.29	$6,551.40	$6,877.32	$7,221.55	$7,584.09	$7,963.11	$35.99	$37.80	$39.68	$41.66	$43.75	$45.94
Records Manager	$5,690.82	$5,976.45	$6,274.91	$6,588.02	$6,919.43	$7,265.49	$32.83	$34.48	$36.20	$38.01	$39.92	$41.92
Sergeant	$7,640.85	$8,023.54	$8,426.36	$8,845.67	$9,290.60	$9,753.85	$44.08	$46.29	$48.61	$51.03	$53.60	$56.27

CAPTAIN												
JUNE 28, 2020 - DECEMBER 26, 2020												
6% REDUCTION	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	$8,778.26	$9,217.49	$9,678.10	$10,163.29	$10,671.98	$11,206.33	$50.64	$53.18	$55.84	$58.63	$61.57	$64.65

ACE SALARY SCHEDULE											
JUNE 28, 2020 - DECEMBER 26, 2020	Monthly					Hourly				
0% REDUCTION	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

CONFIDENTIAL SALARY SCHEDULE											
JUNE 28, 2020 - DECEMBER 26, 2020	Monthly						Hourly				
6% SALARY REDUCTION	A	B	C	D	E		A	B	C	D	E
ASSIST TO CITY MGR	$6,867.43	$7,210.48	$7,570.63	$7,950.02	$8,347.57		$39.62	$41.60	$43.68	$45.87	$48.16
CITY CLERK	$6,341.63	$6,659.04	$6,991.40	$7,340.86	$7,708.49		$36.59	$38.42	$40.33	$42.35	$44.47
EXEC ASSIST TO CITY MGR	$4,963.02	$5,210.96	$5,472.79	$5,746.37	$6,033.85		$28.63	$30.06	$31.57	$33.15	$34.81
INFORMATION SYSTEMS SPECIALIST	$4,898.90	$5,143.63	$5,400.11	$5,670.49	$5,953.70		$28.26	$29.67	$31.15	$32.71	$34.35

MID-MANAGEMENT SALARY SCHEDULE											
JUNE 28, 2020 - DECEMBER 26,2020	Monthly						Hourly				
6.0% SALARY REDUCTION	A	B	C	D	E		A	B	C	D	E
ASSOCIATE PLANNER	$5,807.29	$6,097.97	$6,402.55	$6,723.16	$7,059.80		$33.50	$35.18	$36.94	$38.79	$40.73
BUILDING OFFICIAL (CAPITOLA)	$7,678.79	$8,063.46	$8,466.57	$8,889.35	$9,334.25		$44.30	$46.52	$48.85	$51.28	$53.85
BUILDING OFFICIAL (SCOTTS VALLEY)	$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	$6,677.20	$7,011.71	$7,362.24	$7,729.87	$8,116.74		$38.52	$40.45	$42.47	$44.60	$46.83
ENVIRONMENTAL PROJECTS MANAGER	$5,807.29	$6,097.97	$6,402.55	$6,723.16	$7,059.80		$33.50	$35.18	$36.94	$38.79	$40.73
MAINTENANCE SUPERINTENDENT	$5,713.20	$6,001.23	$6,299.80	$6,614.17	$6,944.35		$32.96	$34.62	$36.34	$38.16	$40.06
FIELD SUPERVISOR	$5,323.30	$5,588.50	$5,869.51	$6,162.81	$6,468.40		$30.71	$32.24	$33.86	$35.55	$37.32
RECREATION SUPERVISOR	$5,147.67	$5,405.85	$5,678.07	$5,962.59	$6,259.40		$29.70	$31.19	$32.76	$34.40	$36.11
SENIOR PLANNER	$6,677.20	$7,011.71	$7,362.24	$7,729.87	$8,116.74		$38.52	$40.45	$42.47	$44.60	$46.83
SENIOR ACCOUNTANT	$6,677.20	$7,011.71	$7,362.24	$7,729.87	$8,116.74		$38.52	$40.45	$42.47	$44.60	$46.83
SENIOR MECHANIC	$4,945.70	$5,193.34	$5,453.27	$5,725.49	$6,011.77		$28.53	$29.96	$31.46	$33.03	$34.68

MANAGEMENT SALARY SCHEDULE				
JUNE 28, 2020 - DECEMBER 26, 2020				
6% SALARY REDUCTION		Annually	Monthly	Hourly
Admin. Services Director		$97,541.90	$8,128.49	$46.90
City Manager		$190,031.50	$15,835.96	$91.36
Chief of Police		$156,995.76	$13,082.98	$75.48
Director of Public Works		$144,107.07	$12,008.92	$69.28
Director of Finance		$142,510.63	$11,875.89	$68.51
Community Development Director		$139,772.84	$11,647.74	$67.20