RESOLUTION NO. 4124

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA REQUESTING SUBMISSION TO THE VOTERS OF A LOCAL BALLOT MEASURE REGARDING AN ORDINANCE ADDING CHAPTER 8.72, ENTITLED "GREENWAY CAPITOLA CORRIDOR" TO THE CAPITOLA MUNICIPAL CODE FOR INCLUSION ON THE NOVEMBER 6, 2018, CONSOLIDATED GENERAL ELECTION BALLOT

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, on June 28, 2018, the Capitola City Council passed Resolution No. 4115 calling the General Municipal Election and requesting such services of Santa Cruz County; 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 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; and

WHEREAS, on April 2, 2018, proponents of an initiative measure submitted a Notice of Intent and written text of the measure and requested that a Ballot Title and Summary be prepared for the measure in order to circulate the petition; and

WHEREAS, the City Attorney prepared and provided the Ballot Title and Summary on April 17, 2018, with the Ballot Title "A proposed amendment to the City of Capitola Municipal Code directing the City of Capitola to undertake unspecified "steps necessary to preserve and utilize" the Santa Cruz Branch Rail Line, including the existing trestle over Soquel Creek in the City of Capitola, for human powered transportation, and prohibiting the use of City funds or resources for a detour of the proposed Monterey Bay Sanctuary Scenic Trail through the Capitola Village."; and

WHEREAS, pursuant to California Elections Code Section 9280, whenever a city measure qualifies for a place on the ballot, the City Council may direct the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Santa Cruz County Elections Department shall conduct the election for the following measure to be voted on at the November 6, 2018, election:

Shall the Capitola Municipal Code be amended to direct Capitola constituent departments to take all steps necessary to preserve and maintain the Capitola segment of the Santa Cruz Regional Transportation Commission's Rail Corridor and Trestle over Soquel Creek for bicyclists, pedestrians and other human powered transportation, and to prohibit expenditures to route bicyclists, pedestrians and other human powered transportation from the rail corridor to Capitola streets and sidewalks?	Yes	
	No	

Santa Cruz County Elections Department is requested to: [Check one of the following]

☒ Print the attached measure text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the November 6, 2018, election. Cost of printing and distribution of the measure text will be paid for by the city/district, attached hereto as Exhibit "A."

☐ Not to print the measure text in the Voter's Information Pamphlet of the Sample Ballot but send a copy to voters upon request at the cost of said city/district.

BE IT FURTHER RESOLVED AND ORDERED that the City Clerk of the City of Capitola is hereby ordered and directed to cause said proposed ordinance and notice of election to be published in accordance with the provisions of the California State Elections Code.

BE IT FURTHER RESOLVED AND ORDERED that the City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure pursuant to Elections Code § 9280. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure, said analysis to be submitted by the City Attorney to the County of Santa Cruz elections office, or other appropriate office, for printing by the date set by the County of Santa Cruz elections official for the filing of arguments for and against the measure. The impartial analysis shall not exceed five hundred (500) words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at a regular meeting held on the 9th day of August, 2018, by the following vote:

AYES: Council Members Bertrand, Bottorff, Harlan and Petersen and Mayor Termini
NOES: None
ABSENT: None
ABSTAIN: None

Michael Termini, Mayor

ATTEST:

Linda Fridy, City Clerk

EXHIBIT A

Measure to be voted on: November 6, 2018

TITLE 8 — HEALTH AND SAFETY

Chapter 8.72
GREENWAY CAPITOLA CORRIDOR

8.72.010 Purpose.

It is the purpose of this chapter to improve safety and reduce traffic by keeping the Monterey Bay Sanctuary Scenic Trail (Trail) in the Santa Cruz Branch Line Rail Corridor (Corridor) within the City of Capitola while protecting the Capitola Trestle (Trestle).

8.72.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section:

A. "Active Transportation" means any form of human-powered transportation including walking, cycling, using a wheelchair or other mobility device, in-line skating or skateboarding. Such forms of transportation may include an electric assistance such as e-bikes, e-skateboards, or motorized wheelchairs.

B. "Greenway" means the space within the Corridor to be used for recreation and active transportation via a continuous pathway.

8.72.030 Findings.

A. New Public Asset. In 2012 the Santa Cruz County Regional Transportation Commission (SCCRTC) acquired the Corridor from Union Pacific. The Corridor includes the historic Trestle. For the first time, the Corridor and Trestle have the potential to be accessible for bike and pedestrian use. The SCCRTC is planning bike and pedestrian use along the majority of the Corridor.

B. Trestle Detour. The SCCRTC has proposed making the Trestle off-limits to pedestrians, bikes, electric bikes, and skateboarders, detouring pedestrian and bike traffic from the Corridor onto bike lanes and sidewalks in the local Capitola street network and across the Stockton Avenue Bridge.

C. Accessibility. A detour from the Trestle through Capitola Village would require an approximately 200 ft grade change on both ends of the trail. Keeping the Trail on the Trestle provides a flat path across Capitola, which increases accessibility for people of all ages and abilities.

D. Skateboarding for Transportation. A detour would enter Capitola's "no skateboarding

zone," inhibiting skateboarding for transportation to New Brighton Middle School and the McGregor Pump Track & Skateboard Park. In contrast, a trail that crosses the Trestle would provide safe access to both locations.

E. Traffic and Safety. Capitola Village streets are often congested preventing residents and visitors from getting from one side of Capitola to the other quickly and safely. Increasing passthrough bicycle and pedestrian traffic would exacerbate the existing problem.

F. Safe Routes to School. It is the stated goal of Santa Cruz County, California, Transportation Sales Tax Measure D (November 2016) to "provide safe routes to schools." Walking and biking via the Trestle will provide safe access to New Brighton Middle School. A detour that navigates a significant grade change on narrow, busy streets will not.

G. Stated Preference. 82% of residents who provided input regarding the Corridor in Vision Capitola 2016 supported using the Corridor for active transportation and recreation rather than a train.

H. Efficient Route. Keeping the Trail in the Corridor as it crosses the Trestle will provide a direct pathway from one side of Capitola to the other.

I. Tourism. The ability to actively use the Trestle will support the local economy by attracting tourists with a safe new way to experience breathtaking views.

J. Healthy Community and Sustainable Transportation. Bicycling and walking are by far the healthiest, most sustainable forms of transportation. Building a safer Trail will encourage more people to choose these options.

8.72.040 Implementation.

A. The City of Capitola, through its constituent departments, shall take all steps necessary to preserve and utilize the Corridor and Trestle for active transportation and recreation.

B. No City of Capitola department, agency or employee shall expend any funds or resources related to the construction, reconstruction, operation, maintenance, financing, marketing, or signage for a detour of the Trail onto Capitola streets or sidewalks.

8.72.050 Changes.

This chapter shall not be amended or repealed except by vote of the people.

8.72.060 Effect of adoption.

Adoption of this chapter by the people shall not be construed as amending or rescinding any provisions of the general plan, local coastal program or zoning ordinances, but rather shall be construed and harmonized in a manner to strengthen and define such provisions.

8.72.070 Severability.

If any section, sentence, clause, phrase, or part of this chapter is held to be invalid, the remainder of the chapter shall be given full effect consistent with the intent and purpose of the chapter.