

City of Capitola Agenda

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

Treasurer: Peter Wilk



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 22, 2018

7:00 PM

**CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

**CLOSED SESSION - 5:45 PM
CITY MANAGER'S OFFICE**

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code § 54956.9(d)(1)]

City of Capitola v. D' Angelo
Santa Cruz County Superior Court Case No. CV 181659

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

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

LIABILITY CLAIMS [Govt. Code § 54956.95]

Claimant: Norm Gaedtke
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 Kristen Petersen, Jacques Bertrand, Ed Bottorff, Stephanie Harlan, and Mayor Michael Termini

2. PRESENTATIONS

A. Red Cross Month Proclamation

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

5. ADDITIONS AND DELETIONS TO AGENDA

6. PUBLIC COMMENTS

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

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

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

8. CONSENT CALENDAR

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

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

A. Consider the March 8, 2018, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

- B. Planning Commission Action Minutes
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated February 2, February 7, February 16 and February 23, 2018
RECOMMENDED ACTION: Approve check registers.
- D. Liability Claim of Norm Gaedtke
RECOMMENDED ACTION: Reject liability claim.
- E. Consider Amended Library Naming Policy
RECOMMENDED ACTION: Approve amended Library Donor Recognition Policy.
- F. Consider a Resolution Updating Commission on the Environment Membership
RECOMMENDED ACTION: Adopt resolution.
- G. Consider a Resolution Updating Traffic and Parking Commission Membership
RECOMMENDED ACTION: Adopt resolution.

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

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

- A. Appeal of a Director Decision Not To Relinquish a Public Right-of-Way
RECOMMENDED ACTION: Uphold staff's determination to deny a Private Improvement Permit and a Revocable Encroachment Permit for 211 Monterey Avenue.
- B. Proposed General Plan Clean-up
RECOMMENDED ACTION: Authorize staff to initiate the proposed General Plan amendments.
- C. Report on Soquel Creek Management Plan
RECOMMENDED ACTION: Accept report.

10. ADJOURNMENT

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

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

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
March 22, 2018

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 and at the Capitola Branch Library, 2005 Wharf Road, Capitola, 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 Video." Archived meetings can be viewed from the website at anytime.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: City Manager Department
SUBJECT: Red Cross Month Proclamation

DISCUSSION: Mayor Termini will present a proclamation to Michele Averill, chief executive officer of the American Red Cross Central Coast, declaring March 2018 as Red Cross Month in Capitola.

ATTACHMENTS:

1. Red Cross Month Proclamation

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

3/15/2018

City of Capitola Mayor's Proclamation

Designating March 2018 as American Red Cross Month

WHEREAS, the American Red Cross experienced a record-breaking year of need in 2017. In just 45 days, it responded to back-to-back hurricanes, the deadliest week of wildfires in California history, and the horrific mass shooting in Las Vegas; and

WHEREAS, the Red Cross also responded to nearly 50,000 home fires and provided recovery assistance to 76,000 families; and

WHEREAS, the Central Coast Chapter helped 159 families, and area volunteers installed 1,627 smoke alarms; and

WHEREAS, locally the Red Cross handles an average of 102 emergency military calls every year and collects an average of 6,936 units of blood from generous blood donors; and

WHEREAS, citizens of Capitola are among those volunteering to assist their neighbors when they need a helping hand; and

WHEREAS, every eight minutes, the American Red Cross brings help and hope to people in need; and

WHEREAS, the American Red Cross collects nearly 40 percent of the nation's blood supply; and

WHEREAS, through its Restoring Family Links program, the Red Cross connects family members separated by crisis, conflict, or migration; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. We encourage our community to continue its support through donations of time, money, and blood.

NOW, THEREFORE, I, Michael Termini, Mayor of Capitola, do hereby proclaim March 2018 as American Red Cross Month.



Michael Termini, Mayor

Signed and sealed this 22th day of March, 2018



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: City Manager Department

SUBJECT: Consider the March 8, 2018, City Council Regular Meeting Minutes

RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the regular meeting of March 8, 2018.

ATTACHMENTS:

1. 3-8 draft minutes

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

3/15/2018

**DRAFT
CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, MARCH 8, 2018**

CALL TO ORDER

Mayor Termini called the meeting to order at 6 p.m. with the following item to be discussed in Closed Session:

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiator: Dania Torres Wong

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

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

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Treasurer Peter Wilk was present.

2. PRESENTATIONS

A. Recognition of Local Government Academy Participants

Mayor Termini presented Certificates of Completion to the 2017-18 Local Government Academy Class.

B. University of California Santa Cruz Update

University of California Santa Cruz Chancellor George Blumenthal provided an overview of the campus roots, its current status, and future plans. He emphasized the connection of the university and the community that surrounds it, and the many alumni who have remained and become local leaders. He noted the university is the county's largest employer.

Issues of water, traffic, and housing are shared concerns. The university currently houses 53 percent of students, the second highest public university in the state following the maritime university. It is developing a student housing west project, a public-private partnership with 3,000 beds that should begin to house students fall 2019. Water use remains low at 1994 levels in spite of doubled enrollment. Traffic on campus is down from 15 years ago.

Work on the university's long-range development plan is underway, with a draft due in late 2018. He compared it to a city's General Plan. The enrolled figure of 28,000

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

March 8, 2018

by 2040 is based on 2 percent annual growth.

3. REPORT ON CLOSED SESSION

Attorney Tony Condotti reported that the council met with the negotiator and there was no reportable action.

4. ADDITIONAL MATERIALS - None**5. ADDITIONS AND DELETIONS TO AGENDA - None****6. PUBLIC COMMENTS**

Chief Steven Hall of the Central Fire Protection District shared the district's 2017 annual report and announced a standards-of coverage study presentation on March 21.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Manager Jamie Goldstein followed up on concerns about the Depot Hill stairs being completely yellow and reported the risers will be repainted gray.

Council Member Bottorff reported the jet path over Capitola was briefly changed due to an error but the actual rerouting will begin in August.

Council Member Petersen thanked the mayor for his opening announcement that the meeting honors International Women's Day. She thanked students for attending and encouraged youth participation on advisory boards.

Council Member Bertrand attended the Second Harvest annual event and presented proclamations to "Hunger Fighters" on the City's behalf.

Council Member Harlan noted the Sanitation District is recommending fee increases and told the community to watch for an informational mailer going out. Also, the Area Agency on Aging is circulating a program for evaluating communities in relation to senior suitability. She hopes to tie it in with the City's ADA (Americans with Disabilities Act) review.

Mayor Termini announced the local Chamber of Commerce Soquel Sip and Stroll is April 21. Monterey Bay Community Power has formed a citizen's committee, and the agency's solar repayment is twice PG&E rates. Commercial service is now online and residential coming in July. It will allow Capitola to meet green house gas emission goals 11 years early.

8. CONSENT CALENDAR

MOTION:	APPROVE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Jacques Bertrand, Vice Mayor
AYES:	Harlan, Bottorff, Termini, Bertrand, Petersen

- A. Consider the February 22, 2018, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
March 8, 2018

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Conceptual Review Capitola Village Water Festival

RECOMMENDED ACTION: Receive report and provide direction.

City Manager Goldstein introduced the proposal for an event to replace the Begonia Festival, noting that although it would not increase the number of events it would create another mandatory report day for the Police Department. Mayor Termini, who has participated in planning meetings, added that the proponents looked to minimize impact by moving the date and reducing the number of days.

City Manager Goldstein noted that should Council encourage proponents to continue planning process, the event will require

- Coordination with Fish and Game and Central Fire Protection District
- A process to review the event to ensure neighborhood compatibility
- Major Special Event Permit, which is subject to future Council review

Police Chief Terry McManus was asked about street closures and impacts on the department. He responded that road closures are personnel intensive and likely the largest impact on the community. He is not certain that a move from Labor Day lessens the impact on staff since holidays require similar staffing to event weekends. Resources are already working on Labor Day.

Council Member Harlan felt last Labor Day was dangerous and would not like to see an event continue on that weekend. The chief expressed confidence in event management.

Scott McConville, Wharf to Wharf race coordinator, said the group is excited to add a second event as a partner. He envisions a "Little Wharf" run of three miles from 17th Avenue to the Village for 5,000 runners on Saturday morning with an 8 a.m. start. This would require closures in the village starting at 4 a.m. and reopening about 11:30 a.m. Adjacent roads would be closed 7:30 to 10:30 a.m. It would also have a kids' race. In response to questions, he said this event should attract local participants and the group is looking at a way to let locals register first.

Dave Peyton spoke in support on behalf of community volunteers who will help create the event.

Jack Digby, Village resident and lighted boat parade coordinator for Santa Cruz Harbor, said he has offered to help.

Tom Nader, Riverview resident, likes the idea but has reservations about the evening parade and "drunks wondering around in the dark." He suggested paddleboards during the day instead.

Laurie Hill, resident and former Begonia Festival president, spoke in favor of the new event.

Council Member Bottorff applauds the idea to continue event, but has concerns

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
March 8, 2018

about the impact on city services and an evening parade with no limit on participants.

Council Member Petersen loves the idea of the new festival, although she asked if the parade could be a bit earlier in evening.

Council Member Bertrand is also concerned about the evening, especially the potential for kids lost in the dark and water. He would like emergency personnel input and neighborhood communication.

Council Member Harlan said she completely agrees with Council Member Bottorff and the parade should be during the day.

Mayor Termini summarized a consensus to reconsider timing but overall support for the idea.

RESULT: RECEIVED REPORT AND PROVIDED DIRECTION

B. Santa Cruz Regional 911 Center Update
RECOMMENDED ACTION: Receive report.

City Manager Goldstein introduced the center's General Manager Dennis Kidd, who provided a history and overview of Santa Cruz Regional 9-1-1. The center handles emergency dispatch and after-hours needs such as public works calls. He noted cell calls now account for 75 percent of 9-1-1 calls, and about 85 percent of calls are for law enforcement and 15 percent for fire and emergency. Costs are distributed among members and contract users.

The center now accepts texts to 9-1-1, which provides direct access for hearing impaired or those in a situation where they need to remain quiet.

He provided an overview of alert services including the Integrated Public Alert Warning System, CodeRed Reverse 9-1-1, and PulsePoint to alert CPR providers.

Next Generation 9-1-1 is coming soon. It will use cellular information to get an actual address as opposed to latitude/longitude locations.

RESULT: RECEIVED REPORT

C. Report on the 2017 Pavement Management Program
RECOMMENDED ACTION: Receive report.

Public Works Director Steve Jesberg provided an overview of the recent study of the city's pavement condition index (PCI) and provided estimates of how much annually it would cost to maintain or improve conditions. More than half (57 percent) of the City's streets are in good or very good condition, but 27 percent are poor or worse. Maintaining current levels will require about \$650,000 a year, with about \$760,000 needed to bring the overall average to 70 PCI, the threshold for good/very good.

RESULT: RECEIVED REPORT

Attachment: 3-8 draft minutes (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
March 8, 2018

- D. Receive Art and Cultural Commission Annual Report [1010-60]
RECOMMENDED ACTION: Receive report.

Assistant to the City Manager Larry Laurent provided an overview of the Art and Cultural Commission's 2017 projects and programs. He noted attendance at Movies on the Beach increased, which he attributed to strong selections. Plein Air continues to attract more artists, with 80 applying for 40 juried spots in 2017.

Opera on the Beach moved to earlier in the day for the comfort of the artists performing in the sun. The commission continues working on outreach, but the event did have a bus from the Bay Area come in last year.

Three recently approved public art projects will be completed and installed in 2018, and the commission is adding a movie on Labor Day weekend to replace the one traditionally shown during the former Begonia Festival.

RESULT:	RECEIVED REPORT
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10. ADJOURNMENT

The meeting adjourned at 9:04 p.m.

ATTEST:

Michael Termini, Mayor

Linda Fridy, City Clerk



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: City Manager Department

SUBJECT: Planning Commission Action Minutes

RECOMMENDED ACTION: Receive minutes.

DISCUSSION: Attached for Council review are the action minutes of the March 1, 2018, Planning Commission regular meeting.

ATTACHMENTS:

1. 03-01-2018 Planning Commission Action Minutes

Report Prepared By: Jackie Aluffi

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

3/15/2018



**DRAFT ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, MARCH 1, 2018
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. NEW BUSINESS

A. Commission Roster Update

i. Traffic & Parking Commission

RESULT: RECEIVED REPORT AND PROVIDED DIRECTION

3. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

C. Commission Comments

D. Staff Comments

4. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Jan 18, 2018 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Edward Newman, Commissioner
SECONDER: TJ Welch, Commissioner
AYES: Smith, Newman, Welch, Storey
EXCUSED: Westman

2. Planning Commission - Regular Meeting - Feb 1, 2018 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: TJ Welch, Commissioner
SECONDER: Sam Storey, Chairperson
AYES: Smith, Newman, Welch, Storey
EXCUSED: Westman

5. CONSENT CALENDAR

A. 409 Pilgrim Drive 17-0501 035-101-11

Design Permit for a single-family home which includes an attached secondary dwelling unit located at 409 Pilgrim Drive within the R-1 (Single-Family) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable.

Environmental Determination: Categorical Exemption

Property Owner: John & Tricia Slater

Representative: Dennis Norton. Filed: 12-15-2017

MOTION: Approve Design Permit and Coastal Development Permit

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Linda Smith, Commissioner
SECONDER: TJ Welch, Commissioner
AYES: Smith, Newman, Welch, Storey
EXCUSED: Westman

6. PUBLIC HEARINGS

A. 1810 Wharf Road #17-0381 APN: 035-111-02

Design Permit, Conditional Use Permit, and Coastal Development Permit for an addition to a historic single-family residence with a detached garage in the R-1/AR (Single Family/Automatic Review) Zoning District. The proposal includes a variance for height of the water tower, the front yard setback of the detached garage, reduction of onsite parking, and for exceeding the maximum value of a non-conforming structure.

This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Benjamin Strock

Representative: Benjamin Strock, filed: 6/27/16

MOTION: Approve Design Permit, Conditional Use Permit, and variances for height of the water tower, the front yard setback of the detached garage, and for exceeding the maximum value of a non-conforming structure; deny variance request for parking reduction; and deny exception request for fence height.

RESULT: APPROVED AS AMENDED [UNANIMOUS]
MOVER: Linda Smith, Commissioner
SECONDER: TJ Welch, Commissioner
AYES: Smith, Newman, Welch, Storey
EXCUSED: Westman

B. General Plan Clean-up Discussion

RESULT: RECEIVED REPORT AND PROVIDED DIRECTION

7. DIRECTOR'S REPORT

8. COMMISSION COMMUNICATIONS

9. ADJOURNMENT



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: Finance Department

SUBJECT: Approval of City Check Registers Dated February 2, February 7, February 16 and February 23, 2018

RECOMMENDED ACTION: Approve check registers.

Account: City Main				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
2/2/2018	88682	88744	64	\$131,133.06
2/7/2018	88745	88821	79	\$243,895.38
2/16/18	88822	88852	34	\$94,216.10
2/23/18	88853	88905	57	\$259,386.81

The main account check register dated January 26, 2018, ended with check #88681.

Account: Library				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
2/2/2018	52	52	1	\$1,315
2/16/18	53	53	1	\$40,508.88
2/23/18	54	54	1	\$500

The library account check register dated January 12, 2018, ended with check #51.

Account: Payroll				
Date	Starting Check #	Ending Check #	Check/EFT Count	Amount
2/2/2018	5285	5289	96	\$148,057.32
2/16/2018	5290	5295	94	\$146,177.20

The payroll account check register dated January 19, 2018, ended with check #5284.

Following is a list of checks issued for more than \$10,000 and a brief description of the expenditure:

Check	Issued to	Dept	Description	Amount
88723	PG&E	FN	Monthly utilities	\$15,140.54
EFT 563	CalPERS Health	FN	February health insurance	\$58,745.81

Approval of City Check Registers
March 22, 2018

88765	Emergency Vehicle Specialists	PD	Police vehicle laptops and installation	\$49,432.98
88804	Sprint	FN	November - January cell phone usage	\$10,989.09
88821	Moffat and Nichol	PW	Phase I Wharf, flume, jetty concept design and engineering services	\$33,409.71
EFT 564	CalPERS	FN	PERS contributions PPE 1/13/18	\$47,065.08
EFT 566	IRS	FN	Federal taxes & Medicare	\$23,085.48
EFT 569	CalPERS	FN	PERS contributions PPE 1/27/18	\$47,435.45
53	Noll and Tam Architects	PW	December library construction documents	\$40,508.88
88855	Atchison Barisone Condotti & Kovacevich	CM	January legal services	\$12,092.61
88859	Cale America	PD	New paystation interfaces, training, parts, monthly fees	\$57,734.45
88890	Santa Cruz County Bank	FN	Pacific Cove financing lease	\$82,532.87
EFT 572	IRS	FN	Federal taxes & Medicare	\$22,259.04

ATTACHMENTS:

1. 2/2/18 City Check Register
2. 2/7/18 City Check Register
3. 2/16/18 City Check Register
4. 2/23/18 City Check Register

Report Prepared By: Maura Herlihy
Account Technician

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

3/15/2018

City Main account checks dated February 2, 2018, numbered 88682 to 88744, plus 1 EFT, totaling \$131,133.06, plus 1 Library account check, totaling \$1,315.00, plus 5 Payroll account checks and 91 EFTs, totaling \$148,057.32, for a grand total of \$280,505.38, have been reviewed and authorized for distribution by the City Manager.

As of February 2, 2018, the unaudited cash balance is \$4,419,990.10.

CASH POSITION - CITY OF CAPITOLA 2/2/18

	<u>Net Balance</u>
General Fund	\$697,285.01
Payroll Payables	\$186,211.25
Contingency Reserve Fund	\$1,969,845.66
Facilities Reserve Fund	\$394,145.00
Capital Improvement Fund	\$643,180.97
Stores Fund	\$26,053.54
Information Technology Fund	\$81,661.47
Equipment Replacement	\$305,870.33
Self-Insurance Liability Fund	(\$4,922.77)
Workers' Comp. Ins. Fund	\$71,141.79
Compensated Absences Fund	\$49,517.85
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$4,419,990.10</u>

The Emergency Reserve Fund balance is \$1,310,705.54 (not included above).
The PERS Contingency Fund balance is \$565,408.56 (not included above).
The Library Fund balance is \$745,928.66 (not included above).



Jamie Goldstein, City Manager

2/6/18
Date



Peter Wilk, City Treasurer

2/6/18
Date

Attachment: 2/2/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88682	01/31/2018	Open		Licensing Refund	SKYLIGHT PLACE INC	\$250.00
	Licensee Number		Licensee Type		Transaction Type	
	1069		Business		Pre-Payment	
88683	02/02/2018	Open			ABSOLUTE AUTO GLASS INC.	\$395.00
	Invoice		Date	Description		Amount
	W055789		01/10/2018	Ford F150 windshield installation		\$395.00
88684	02/02/2018	Open			AMSOIL INC.	\$174.02
	Invoice		Date	Description		Amount
	17625083		01/24/2018	Truck grease, diesel injector cleaner, diesel additive		\$174.02
88685	02/02/2018	Open			AT&T	\$4.48
	Invoice		Date	Description		Amount
	ATT010118-2		01/01/2018	Monthly long distance charges		\$4.48
				2211 - ISF - Information Technology		
88686	02/02/2018	Open			AUTOMATION TEST ASSOCIATES	\$40.00
	Invoice		Date	Description		Amount
	45783		01/22/2018	January wharf meter reading		\$40.00
				1311 - Wharf		
88687	02/02/2018	Open			BAY PHOTO LAB	\$17.35
	Invoice		Date	Description		Amount
	12560919		01/25/2018	Museum oversize photos		\$17.35
88688	02/02/2018	Open			BIG CREEK LUMBER	\$84.62
	Invoice		Date	Description		Amount
	892698		01/16/2018	Seawall lumber at beach entrance		\$84.62
88689	02/02/2018	Open			BIOBAG AMERICAS INC.	\$2,559.98
	Invoice		Date	Description		Amount
	454386		01/23/2018	Dog waste bags		\$2,559.98

Attachment: 2/2/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88690	02/02/2018	Open			BOBBY'S PIT STOP INC.	\$1,078.03
	Invoice		Date	Description		Amount
	0356890		01/11/2018	2007 Ford Crown Vic replace abs control, smog inspection		\$400.75
	0356999		01/17/2018	2014 Ford Interceptor replace purge valve		\$310.53
	0357042		01/18/2018	1997 Ford F350 smog inspection		\$40.75
	0357021		01/17/2018	2008 Ford F350 smog inspection		\$40.75
	0357117		01/23/2018	2011 Ford Crown Vic smog inspection		\$40.75
	0356948		01/12/2018	2004 Chevy Tahoe smog inspection		\$40.75
	0356925		01/11/2018	1999 Ford F250 smog inspection		\$40.75
	0357217		01/30/2018	2009 Ford Crown Vic smog inspection		\$40.75
	0356886		01/09/2018	2000 Ford F150 smog inspection		\$40.75
	0356882		01/09/2018	1999 Ford F250 smog inspection		\$40.75
	0357189		01/26/2018	2011 Ford Crown Vic smog inspection		\$40.75
88691	02/02/2018	Open			BRANTLY SANDRETTI	\$1,000.00
	Invoice		Date	Description		Amount
	BS012618		01/26/2018	Education reimbursement - Sandretti		\$1,000.00
88692	02/02/2018	Open			BURKE WILLIAMS AND SORENSEN LLP	\$518.50
	Invoice		Date	Description		Amount
	222491		01/25/2018	December legal services		\$518.50
88693	02/02/2018	Open			CALE AMERICA INC.	\$522.52
	Invoice		Date	Description		Amount
	148271		01/25/2018	Paper for paystations		\$522.52
88694	02/02/2018	Open			CAPITOLA-SOQUEL CHAMBER OF COMMERCE	\$3,000.00
	Invoice		Date	Description		Amount
	2142		01/18/2018	BIA special event fees 1321 - BIA - Capitola Village-Wharf BIA		\$3,000.00
88695	02/02/2018	Open			COASTAL WATERSHED COUNCIL	\$760.00
	Invoice		Date	Description		Amount
	1635		12/31/2017	Stormwater education services		\$760.00
88696	02/02/2018	Open			COMMUNITY PRINTERS	\$1,433.34
	Invoice		Date	Description		Amount
	20122011		01/10/2018	Winter newsletter printing		\$1,433.34
88697	02/02/2018	Open			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$340.00
	Invoice		Date	Description		Amount
	2483		01/12/2018	December Planning Commision and City Council meeting footage		\$340.00

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City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88698	02/02/2018	Open			COMPLETE MAILING SERVICE INC.	\$655.00
	Invoice		Date	Description		Amount
	2875		01/12/2018	Newsletter mailing service		\$655.00
88699	02/02/2018	Open			EWING IRRIGATION	\$135.03
	Invoice		Date	Description		Amount
	4648996		01/11/2018	Grass seed and spreader		\$135.03
88700	02/02/2018	Open			EXTREME TOWING	\$200.00
	Invoice		Date	Description		Amount
	012070		02/01/2018	2009 Ford F250 tow to Corp. yard		\$200.00
88701	02/02/2018	Open			FERGUSON ENTERPRISES INC.	\$65.95
	Invoice		Date	Description		Amount
	5778389		01/12/2018	Trash cans (4)		\$65.95
88702	02/02/2018	Open			FIRST SECURITY	\$315.00
	Invoice		Date	Description		Amount
	550422		01/22/2018	February security at Jade St. Park		\$315.00
88703	02/02/2018	Open			FIRST SECURITY	\$325.50
	Invoice		Date	Description		Amount
	550416		01/22/2018	February skate park foot patrol		\$325.50
88704	02/02/2018	Open			FLYERS ENERGY LLC	\$3,426.05
	Invoice		Date	Description		Amount
	18-629353		01/26/2018	412 gallons ethanol		\$1,453.42
	18-625024		01/19/2018	400 gallons ethanol		\$1,411.32
	18-625025		01/19/2018	160 gallons diesel		\$561.31
88705	02/02/2018	Open			GLADWELL GOVERNMENT SERVICES INC.	\$250.00
	Invoice		Date	Description		Amount
	3805		01/15/2018	Records retention legal review update		\$250.00
88706	02/02/2018	Open			GRANITE CONSTRUCTION COMPANY	\$3,282.09
	Invoice		Date	Description		Amount
	1317631		01/20/2018	Downdrain repairs at Grand Ave. & Saxon Ave.		\$3,282.09
88707	02/02/2018	Open			HOSPICE of SANTA CRUZ COUNTY	\$804.00
	Invoice		Date	Description		Amount
	HSCC012918		01/29/2018	Community grant funding		\$804.00

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City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88708	02/02/2018	Open			HUB INTERNATIONAL	\$211.70
	Invoice		Date	Description		Amount
	HUB012418		01/24/2018	January recreation center event insurance		\$211.70
88709	02/02/2018	Open			INTERSTATE ALL BATTERY CENTER	\$39.11
	Invoice		Date	Description		Amount
	537841reissue		01/09/2018	Rifle batteries		\$39.11
88710	02/02/2018	Open			INTERSTATE BATTERY SYSTEM OF SAN JOSE INC	\$241.69
	Invoice		Date	Description		Amount
	50267689		01/29/2018	Batteries		\$241.69
88711	02/02/2018	Open			KELLY MOORE PAINT COMPANY INC.	\$189.07
	Invoice		Date	Description		Amount
	803-00000743075		12/21/2017	Acetone		\$136.88
	803-00000747599		01/30/2018	Paint		\$52.19
88712	02/02/2018	Open			KIMLEY HORN AND ASSOCIATES INC	\$1,567.50
	Invoice		Date	Description		Amount
	10646513		12/31/2017	Monterey & Park Ave. pedestrian rail trail improvements 1200 - Capital Improvement Fund		\$1,567.50
88713	02/02/2018	Open			LESLIE CHAVEZ	\$500.00
	Invoice		Date	Description		Amount
	LC010818		01/08/2018	BIA social media marketing		\$200.00
	LC012918		01/29/2018	BIA social media marketing 1321 - BIA - Capitola Village-Wharf BIA		\$300.00
88714	02/02/2018	Open			LLOYDS TIRE SERVICE	\$457.48
	Invoice		Date	Description		Amount
	310034		01/12/2018	2011 Toyota Camry new tires & balance		\$417.48
	310164		01/22/2018	Tire spin balance		\$40.00
88715	02/02/2018	Open			MONTEREY BAY AREA SELF INSURANCE AUTHORITY	\$515.60
	Invoice		Date	Description		Amount
	MBASIA011518		01/15/2018	Liability claim #17-0830 2213 - ISF - Self-Insurance Liability		\$515.60
88716	02/02/2018	Open			MONTEREY BAY AREA SELF INSURANCE AUTHORITY	\$1,800.10
	Invoice		Date	Description		Amount
	MBASIA011518-2		01/15/2018	Liability claim #16-1119 2213 - ISF - Self-Insurance Liability		\$1,800.10

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City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88717	02/02/2018	Open			MONTEREY BAY AREA SELF INSURANCE AUTHORITY	\$5,392.16
	Invoice		Date	Description		Amount
	MBASIA011518-3		01/15/2018	Liability claim #15-0809A		\$5,392.16
				2213 - ISF - Self-Insurance Liability		
88718	02/02/2018	Open			MONTEREY BAY AREA SELF INSURANCE AUTHORITY	\$18.80
	Invoice		Date	Description		Amount
	MBASIA011518-4		01/15/2018	Liability claim #15-0809A		\$18.80
				2213 - ISF - Self-Insurance Liability		
88719	02/02/2018	Open			MUNISERVICES LLC	\$726.29
	Invoice		Date	Description		Amount
	INV06-001747		01/19/2018	Sales tax auditing services		\$499.65
	INV06-001748		01/19/2018	District sales tax auditing services		\$226.64
88720	02/02/2018	Open			NATIVE ANIMAL RESCUE	\$600.00
	Invoice		Date	Description		Amount
	NAR012418		01/24/2018	Community grant funding		\$600.00
88721	02/02/2018	Open			NORTH BAY FORD	\$854.99
	Invoice		Date	Description		Amount
	264742		01/09/2018	Auto parts		\$913.99
	264895		01/18/2018	Brake hose assembly		\$18.81
	322563		01/26/2018	2008 Ford F450 fixed oil leak		\$22.19
	264742CM		01/11/2018	Core return		(\$100.00)
88722	02/02/2018	Open			O'REILLY AUTO PARTS	\$80.64
	Invoice		Date	Description		Amount
	2763-348345		01/31/2018	Tools		\$80.64
88723	02/02/2018	Open			PACIFIC GAS & ELECTRIC	\$15,140.54
	Invoice		Date	Description		Amount
	PGE011118-ACCT		01/11/2018	Monthly utilities		\$14,497.40
	PGE011118-ACCT		01/11/2018	Pac cove parking lot utilities		\$633.61
	PGE011018-ACCT		01/10/2018	Wharf Road Rispin Mansion utilities		\$9.53
				1000 - General Fund	\$5,141.43	
				1300 - SLESF - Supl Law Enfc	\$282.68	
				1310 - Gas Tax	\$7,796.82	
				1311 - Wharf	\$1,919.61	

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City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88724	02/02/2018	Open			PALACE OFFICE SUPPLIES	\$656.20
	Invoice		Date	Description		Amount
	462118-0		01/24/2018	Paper		\$93.52
	461815-0		01/23/2018	Office supplies		\$123.54
	461850-0		01/23/2018	Pens		\$30.67
	461846-0		01/23/2018	Wall calendar		\$14.05
	462647-0		01/26/2018	Paper		\$153.66
	9465169-0		01/26/2018	Museum supplies		\$84.57
	9466193-0		01/29/2018	Museum supplies		\$8.70
	461992-0		01/23/2018	"Sign Here" flags		\$4.32
	460674-0		01/17/2018	Stapler		\$26.97
	460700-0		01/17/2018	Tissues (30 boxes)		\$39.92
	460305-0		01/15/2018	Envelopes		\$21.79
	460684-0		01/19/2018	Office supplies		\$54.49
				1000 - General Fund	\$355.05	
				2210 - ISF - Stores Fund	\$301.15	
88725	02/02/2018	Open			PITNEY BOWES	\$537.39
	Invoice		Date	Description		Amount
	PB011918		01/19/2018	City Hall postage meter rental		\$537.39
				2210 - ISF - Stores Fund		
88726	02/02/2018	Open			PRAXAIR DISTRIBUTION INC.	\$93.38
	Invoice		Date	Description		Amount
	80517997		12/21/2017	Acetylene rental		\$93.38
88727	02/02/2018	Open			PREFERRED BENEFIT INSURANCE ADMIN.	\$5,569.40
	Invoice		Date	Description		Amount
	EIA23128		01/01/2018	January employee vision and dental insurance		\$5,569.40
				1001 - Payroll Payables		
88728	02/02/2018	Open			RENNE SLOAN HOLTZMAN SAKAI LLP	\$1,702.53
	Invoice		Date	Description		Amount
	36934		12/31/2017	December legal services		\$1,702.53
88729	02/02/2018	Open			ROYAL WHOLESALE ELECTRIC	\$202.22
	Invoice		Date	Description		Amount
	7719-624322		01/10/2018	Lights		\$63.77
	7719-624538		01/10/2018	Cable ties, pull strap		\$130.53
	7719-624539		01/10/2018	Recycle lamps		\$7.92
88730	02/02/2018	Open			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$41.00
	Invoice		Date	Description		Amount
	33160		12/31/2017	December hazardous waste disposal		\$41.00

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City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88731	02/02/2018	Open			SANTA CRUZ COUNTY INFORMATION SERVICES	\$521.99
	Invoice		Date	Description		Amount
	SCC012518		01/25/2018	February open query SCAN charges		\$521.99
88732	02/02/2018	Open			SENTINEL PRINTERS INC.	\$370.60
	Invoice		Date	Description		Amount
	300849		01/12/2018	Temporary no parking sign		\$370.60
88733	02/02/2018	Open			SPECTRUM BUSINESS	\$3,671.79
	Invoice		Date	Description		Amount
	0000178011918		01/19/2018	Monthly internet service		\$3,671.79
				1000 - General Fund	\$1,369.99	
				2211 - ISF - Information Tech	\$2,301.80	
88734	02/02/2018	Open			SUPPLYWORKS	\$1,817.98
	Invoice		Date	Description		Amount
	425645306		01/16/2018	Cleaning and restroom supplies		\$1,817.98
88735	02/02/2018	Open			THE CHRISTMAS LIGHT PROS OF MONTEREY	\$4,500.00
	Invoice		Date	Description		Amount
	CLP120817		12/08/2017	BIA village christmas lights		\$4,500.00
				1321 - BIA - Capitola Village-Wharf BIA		
88736	02/02/2018	Open			TOYOTA OF SANTA CRUZ	\$292.68
	Invoice		Date	Description		Amount
	168298		01/17/2018	2017 Tacoma oil change, tire rotation, new key programmed		\$292.68
88737	02/02/2018	Open			WATCHGUARD VIDEO	\$516.66
	Invoice		Date	Description		Amount
	ADVREP115158		01/17/2018	PD wearable camera		\$516.66
88738	02/02/2018	Open			WATSONVILLE POLICE DEPARTMENT	\$125.00
	Invoice		Date	Description		Amount
	R17-CPD-001		01/23/2018	Pistol range 1/2 day rental		\$125.00
88739	02/02/2018	Open			Annette Waltze	\$500.00
	Invoice		Date	Description		Amount
	17-047		01/26/2018	Tree deposit refund		\$500.00
88740	02/02/2018	Open			Dawn McCarthy	\$100.00
	Invoice		Date	Description		Amount
	2003181.002		01/29/2018	Facility deposit refund		\$100.00

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City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88741	02/02/2018	Open			Esther Monahan	\$100.00
	Invoice		Date	Description		Amount
	2003162.002		01/15/2018	Recreation facility deposit refund		\$100.00
88742	02/02/2018	Open			Mata Szegedy	\$96.30
	Invoice		Date	Description		Amount
	2003167.002		01/18/2018	Class refund		\$96.30
88743	02/02/2018	Open			Rod Sockolov	\$500.00
	Invoice		Date	Description		Amount
	17-0418		01/26/2018	Tree deposit refund		\$500.00
88744	02/02/2018	Open			Tom Winters	\$500.00
	Invoice		Date	Description		Amount
	14-024		01/26/2018	Tree deposit refund		\$500.00
Type Check Totals:						\$72,387.25

EFT

563	02/01/2018	Open			CalPERS Health Insurance	\$58,745.81
	Invoice		Date	Description		Amount
	1001009418		01/16/2018	February health insurance		\$58,745.81
				1000 - General Fund	\$2,490.49	
				1001 - Payroll Payables	\$56,255.32	
Type EFT Totals:						\$58,745.81

Library - Library

Check

52	02/02/2018	Open			BOGARD CONSTRUCTION INC	\$1,315.00
	Invoice		Date	Description		Amount
	160707-17		01/29/2018	Library project management services		\$1,315.00
				1360 - Library Fund		
Type Check Totals:						\$1,315.00

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City Checks Issued February 2, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals					Counts:	Totals:
Checks					63	\$72,387.25
EFTs					1	\$58,745.81
All					64	\$131,133.06
Library - Library Totals						
Checks					1	\$1,315.00
EFTs					0	\$0.00
All					1	\$1,315.00
WELLS - Payroll Totals						
Checks					5	\$2,455.46
EFTs					91	\$145,601.86
All					96	\$148,057.32
Grand Totals:						
Checks					69	\$76,157.71
EFTs					92	\$204,347.67
All					161	\$280,505.38

Attachment: 2/2/18 City Check Register (Approval of City Check Registers)

City Main account checks dated February 7, 2018, numbered 88745 to 88821, plus 3 EFT, totaling \$243,895.38, have been reviewed and authorized for distribution by the City Manager.

As of February 7, 2018, the unaudited cash balance is \$4,241,215.47.

CASH POSITION - CITY OF CAPITOLA 2/7/18

	<u>Net Balance</u>
General Fund	\$640,138.40
Payroll Payables	\$98,348.76
Contingency Reserve Fund	\$1,969,845.66
Facilities Reserve Fund	\$394,145.00
Capital Improvement Fund	\$609,771.26
Stores Fund	\$26,012.21
Information Technology Fund	\$81,346.98
Equipment Replacement	\$305,870.33
Self-Insurance Liability Fund	(\$4,922.77)
Workers' Comp. Ins. Fund	\$71,141.79
Compensated Absences Fund	\$49,517.85
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$4,241,215.47</u>

The Emergency Reserve Fund balance is \$1,310,705.54 (not included above).
 The PERS Contingency Fund balance is \$565,408.56 (not included above).
 The Library Fund balance is \$745,928.66 (not included above).



 Jamie Goldstein, City Manager



 Peter Wilk, City Treasurer

2/8/18

 Date

2/14/18

 Date

Attachment: 2/7/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88745	02/06/2018	Open			VICTORY FIRE PROTECTION, INC.	\$8.00
	License Refund			Licensee Type Contractor	Licensee Number 3281	Transaction Type Pre-Payment
88746	02/07/2018	Open			ADRIENNE HARRELL	\$631.80
	Invoice 2018-00000591		Date 02/02/2018	Description Winter 2018 Instructor Payments		Amount \$631.80
88747	02/07/2018	Open			AIMEE FITZGERALD	\$286.00
	Invoice 2018-00000587		Date 02/02/2018	Description Winter 2018 Instructor Payments		Amount \$286.00
88748	02/07/2018	Open			ALLSAFE LOCK COMPANY	\$14.65
	Invoice 50228		Date 02/02/2018	Description Keys		Amount \$14.65
88749	02/07/2018	Open			ANDREW PORTER	\$405.60
	Invoice 2018-00000602		Date 02/02/2018	Description Winter 2018 Instructor Payments		Amount \$405.60
88750	02/07/2018	Open			AT&T/CALNET 3	\$1,332.80
	Invoice 000010797262		Date 01/13/2018	Description January telephone service & T-1 access		Amount \$1,332.80
				1000 - General Fund	\$1,038.81	
				2211 - ISF - Information Tech	\$293.99	
88751	02/07/2018	Open			AT&T/CALNET 3	\$766.81
	Invoice 000010797930		Date 01/13/2018	Description January telephone service & T-1 access		Amount \$766.81
88752	02/07/2018	Open			BECKY ADAMS	\$805.35
	Invoice 2018-00000580		Date 02/02/2018	Description Winter 2018 Instructor Payments		Amount \$805.35
88753	02/07/2018	Open			BEN NOBLE URBAN AND REGIONAL PLANNING	\$1,316.25
	Invoice 1176		Date 02/02/2018	Description Zoning code update, attended hearing		Amount \$1,316.25
				1313 - General Plan Update and Maint		
88754	02/07/2018	Open			CALIFORNIA COAST UNIFORM COMPANY	\$66.00
	Invoice 4734		Date 01/18/2018	Description Uniform stripes & sewing - Minium		Amount \$66.00

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88755	02/07/2018	Open			CALIFORNIA LAW ENFORCEMENT ASSOCIATION	\$490.00
	Invoice		Date	Description		Amount
	CLEA011918		01/19/2018	February POA long term disability 1001 - Payroll Payables		\$490.00
88756	02/07/2018	Open			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,581.25
	Invoice		Date	Description		Amount
	POA020218		02/02/2018	POA and gym dues PPE 1/27/18 1001 - Payroll Payables		\$1,581.25
88757	02/07/2018	Open			CASEY PRINTING	\$3,959.31
	Invoice		Date	Description		Amount
	35313011		01/25/2018	Early spring recreation brochure		\$3,959.31
88758	02/07/2018	Open			CLAUDIO FRANCA	\$260.00
	Invoice		Date	Description		Amount
	2018-00000590		02/02/2018	Winter 2018 Instructor Payments		\$260.00
88759	02/07/2018	Open			COMPLETE MAILING SERVICE INC.	\$1,211.74
	Invoice		Date	Description		Amount
	2934		01/26/2018	Early spring brochure mailing		\$1,211.74
88760	02/07/2018	Open			CONSTANCE J CHANDLEE-DORST	\$886.60
	Invoice		Date	Description		Amount
	2018-00000582		02/02/2018	Winter 2018 Instructor Payments		\$886.60
88761	02/07/2018	Open			D & G SANITATION	\$252.65
	Invoice		Date	Description		Amount
	247797		01/31/2018	McGregor park portable toilets		\$252.65
88762	02/07/2018	Open			DAVID SCOTT COBABE	\$2,101.60
	Invoice		Date	Description		Amount
	2018-00000583		02/02/2018	Winter 2018 Instructor Payments		\$2,101.60
88763	02/07/2018	Open			DAWN MAC LAUGHLIN	\$1,060.80
	Invoice		Date	Description		Amount
	2018-00000597		02/02/2018	Winter 2018 Instructor Payments		\$1,060.80
88764	02/07/2018	Open			EDITH LENI	\$780.00
	Invoice		Date	Description		Amount
	2018-00000595		02/02/2018	Winter 2018 Instructor Payments		\$780.00

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88765	02/07/2018	Open			EMERGENCY VEHICLE SPECIALISTS INC.	\$49,432.98
	Invoice		Date	Description		Amount
	8028		01/08/2018	PD vehicle laptops and installation		\$37,634.56
	8029		01/08/2018	PD vehicle laptops and installation 1300 - SLESF - Supl Law Enfc		\$11,798.42
88766	02/07/2018	Open			ESTELLE DRINKHAUS	\$149.50
	Invoice		Date	Description		Amount
	2018-00000584		02/02/2018	Winter 2018 Instructor Payments		\$149.50
88767	02/07/2018	Open			EWING IRRIGATION	\$534.04
	Invoice		Date	Description		Amount
	4697078		01/24/2018	Wharf galvanized union		\$28.47
	4720932		01/30/2018	Esplanade sod		\$505.57
				1000 - General Fund	\$505.57	
				1311 - Wharf	\$28.47	
88768	02/07/2018	Open			FERGUSON ENTERPRISES INC.	\$93.53
	Invoice		Date	Description		Amount
	5813481		01/23/2018	Adjustable wrenches		\$93.53
88769	02/07/2018	Open			FRANCHISE TAX BOARD	\$401.61
	Invoice		Date	Description		Amount
	FD020218		02/02/2018	Employee garnishment PPE 1/27/18 1001 - Payroll Payables		\$401.61
88770	02/07/2018	Open			FRED PRYOR SEMINARS	\$149.00
	Invoice		Date	Description		Amount
	FPS020618		02/06/2018	Payroll law seminar - Herlihy		\$149.00
88771	02/07/2018	Open			GARDAWORLD	\$185.56
	Invoice		Date	Description		Amount
	10372059		02/01/2018	February armored transportation		\$185.56
88772	02/07/2018	Open			GINA ENRIQUEZ	\$6,106.10
	Invoice		Date	Description		Amount
	2018-00000585		02/02/2018	Winter 2018 Instructor Payments		\$6,106.10
88773	02/07/2018	Open			HANYA FOJACO	\$1,465.75
	Invoice		Date	Description		Amount
	2018-00000588		02/02/2018	Winter 2018 Instructor Payments		\$1,465.75

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88774	02/07/2018	Open			HELENA FOX	\$843.70
	Invoice		Date	Description		Amount
	2018-00000589		02/02/2018	Winter 2018 Instructor Payments		\$843.70
88775	02/07/2018	Void	Incorrect	Description	HOME DEPOT CREDIT SERVICES	\$0.00
			Amount	Reissue number 88820		
88776	02/07/2018	Open			HUMBOLDT PETROLEUM LLC	\$13.00
	Invoice		Date	Description		Amount
	087200		01/31/2018	Car washes		\$13.00
88777	02/07/2018	Open			ICMA RETIREMENT TRUST 457	\$5,738.87
	Invoice		Date	Description		Amount
	41560567		02/02/2018	Employee 457 contrinbutions PPE 1/27/18 1001 - Payroll Payables		\$5,738.87
88778	02/07/2018	Open			JAQUA OF CALIFORNIA	\$500.00
	Invoice		Date	Description		Amount
	JOC020518		02/05/2018	Memorial bench boards and forms		\$500.00
88779	02/07/2018	Open			JEANI MITCHELL	\$666.90
	Invoice		Date	Description		Amount
	2018-00000600		02/02/2018	Winter 2018 Instructor Payments		\$666.90
88780	02/07/2018	Open			JOHANNA WEINSTEIN	\$828.75
	Invoice		Date	Description		Amount
	2018-00000592		02/02/2018	Winter 2018 Instructor Payments		\$828.75
88781	02/07/2018	Open			KBA Docusys Inc.	\$30.27
	Invoice		Date	Description		Amount
	INV626045		01/15/2018	Copier usage charges		\$20.50
	INV625590		01/12/2018	Recreation copier usage charges		\$9.77
				1000 - General Fund	\$9.77	
				2211 - ISF - Information Tech	\$20.50	
88782	02/07/2018	Open			LORRAINE KINNAMON	\$403.00
	Invoice		Date	Description		Amount
	2018-00000594		02/02/2018	Winter 2018 Instructor Payments		\$403.00
88783	02/07/2018	Open			MICHAEL G LEW	\$748.80
	Invoice		Date	Description		Amount
	2018-00000596		02/02/2018	Winter 2018 Instructor Payments		\$748.80

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88784	02/07/2018	Open			MICHELE FAIA	\$864.50
	Invoice		Date	Description		Amount
	2018-00000586		02/02/2018	Winter 2018 Instructor Payments		\$864.50
88785	02/07/2018	Open			MID COUNTY AUTO SUPPLY	\$3,606.69
	Invoice		Date	Description		Amount
	64359		01/22/2018	Guide pin		\$29.06
	64369		01/22/2018	Ford Crown Victoria disc hardware kit		\$15.42
	64360		01/22/2018	Returned bolt		(\$11.29)
	64317		01/22/2018	Ford Crown Victoria caliper bolt		\$11.29
	64322		01/22/2018	Adapter set		\$6.16
	64336		01/22/2018	LED work lights		\$316.10
	64307		01/22/2018	Crown Victoria front disc hardware kit		\$15.42
	64115		01/19/2018	A/C temp. control relay		\$22.55
	63940		01/17/2018	Screw		\$2.47
	63881		01/17/2018	Ford truck rotors and pads		\$415.88
	63102		01/11/2018	Sweeper water outlet seal and housing		\$109.93
	63754		01/16/2018	Ford Crown Victoria thermostat, water outlet gasket		\$18.67
	63762		01/16/2018	Water outlet gasket		\$8.71
	63118		01/10/2018	Chevy Tahoe alternator		\$267.95
	62821		01/08/2018	Battery		\$108.95
	62935		01/09/2018	Chevy Tahoe throttle body		\$217.95
	63085		01/10/2018	Belts		\$60.04
	65084		01/29/2018	Coupler		\$35.54
	64338		01/22/2018	Hose reels and oil drain		\$1,158.62
	64591		01/24/2018	Hose clamp, auto parts		\$88.40
	64308		01/22/2018	Fuel disconnect		\$190.66
	64464		01/23/2018	Connector		\$9.84
	64514		01/23/2018	Connector		\$25.54
	64509		01/23/2018	Repair kit		\$39.19
	65293		01/31/2018	Sweeper air filter		\$101.06
	65548		02/01/2018	2008 Ford F250 starter		\$198.69
	65467		02/01/2018	Carb cleaner, brass brush		\$65.45
	65871		02/05/2018	Drill bits		\$78.44
				1000 - General Fund	\$3,079.60	
				1310 - Gas Tax	\$527.09	
88786	02/07/2018	Open			MILLER'S TRANSFER & STORAGE CO.	\$147.00
	Invoice		Date	Description		Amount
	89631		01/11/2018	January record storage		\$147.00

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88787	02/07/2018	Open			MISSION LINEN SUPPLY	\$1,014.19
	Invoice		Date	Description		Amount
	506534823		01/10/2018	Linen service		\$99.31
	506417414		12/25/2017	mats		\$51.57
	506324329		12/11/2017	mats		\$48.18
	506511833		01/08/2018	mats		\$51.57
	506602580		01/22/2018	PD mat service		\$51.57
	506555076		01/15/2018	Recreation center mats and mops		\$72.71
	506572579		01/17/2018	Linen service		\$121.42
	506619676		01/24/2018	Linen service		\$95.44
	506572578		01/17/2018	Linen service		\$44.18
	506619675		01/24/2018	Linen service		\$44.18
	506534822		01/10/2018	Linen service and shop towels		\$44.18
	506666628		01/31/2018	Linen service and shop towels		\$44.18
	506647219		01/29/2018	Recreation mats and mops		\$72.71
	506666629		01/31/2018	Linen service, mats and towels		\$121.42
	506693543		02/05/2018	Mat cleaning		\$51.57
88788	02/07/2018	Open			NATALIE TOY	\$217.75
	Invoice		Date	Description		Amount
	2018-00000605		02/02/2018	Winter 2018 Instructor Payments		\$217.75
88789	02/07/2018	Open			O'REILLY AUTO PARTS	\$38.73
	Invoice		Date	Description		Amount
	2763-348742		02/02/2018	2011 Ford F250 super duty switch		\$38.73
88790	02/07/2018	Open			PALACE OFFICE SUPPLIES	\$84.53
	Invoice		Date	Description		Amount
	9466358-0		01/30/2018	Recreation office supplies		\$34.69
	9467102-0		02/01/2018	Museum binders, chip board		\$8.51
	464157-0		02/02/2018	Specialty paper, document covers		\$41.33
				1000 - General Fund	\$43.20	
				2210 - ISF - Stores Fund	\$41.33	
88791	02/07/2018	Open			PAULA BLISS	\$692.90
	Invoice		Date	Description		Amount
	2018-00000581		02/02/2018	Winter 2018 Instructor Payments		\$692.90
88792	02/07/2018	Open			PET PALS DISCOUNT PET SUPPLIES	\$111.73
	Invoice		Date	Description		Amount
	1867614		01/10/2018	K-9 supplies		\$50.98
	1877079		01/28/2018	K-9 supplies		\$60.75

Attachment: 2/7/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88793	02/07/2018	Open			PRAXAIR DISTRIBUTION INC.	\$96.49
	Invoice		Date	Description		Amount
	80988568		01/22/2018	Acetylene rental		\$96.49
88794	02/07/2018	Open			RAVI KEN LAMB	\$513.50
	Invoice		Date	Description		Amount
	2018-00000604		02/02/2018	Winter 2018 Instructor Payments		\$513.50
88795	02/07/2018	Open			SAN LORENZO LUMBER	\$932.13
	Invoice		Date	Description		Amount
	55-0335303		01/23/2018	Wharf lower landing supplies		\$794.22
	55-0336735		01/29/2018	Ship auger		\$35.58
	55-0336937		01/30/2018	Wood for Esplanade Park		\$102.33
				1000 - General Fund	\$102.33	
				1311 - Wharf	\$829.80	
88796	02/07/2018	Open			SANDY MARRUJO	\$655.20
	Invoice		Date	Description		Amount
	2018-00000598		02/02/2018	Winter 2018 Instructor Payments		\$655.20
88797	02/07/2018	Open			SANTA CRUZ COUNTY INFORMATION SERVICES	\$1,050.15
	Invoice		Date	Description		Amount
	RadioShop0118		01/29/2018	Quarterly radio shop equipment charges, time and materials		\$1,050.15
88798	02/07/2018	Open			SANTA CRUZ COUNTY TAX COLLECTOR	\$5,633.38
	Invoice		Date	Description		Amount
	888847-2		02/01/2018	Esplanade sanitation district charges		\$5,633.38
88799	02/07/2018	Open			SANTA CRUZ COUNTY TAX COLLECTOR	\$3,439.32
	Invoice		Date	Description		Amount
	889213-2		02/01/2018	Wharf sanitation district charges		\$3,439.32
				1311 - Wharf		
88800	02/07/2018	Open			SANTA CRUZ COUNTY TAX COLLECTOR	\$394.38
	Invoice		Date	Description		Amount
	891374-2		02/01/2018	Library sanitation district charges		\$394.38
88801	02/07/2018	Open			SANTA CRUZ COUNTY TAX COLLECTOR	\$954.55
	Invoice		Date	Description		Amount
	887774-2		02/01/2018	City Hall sanitation district charges		\$954.55
88802	02/07/2018	Open			SANTA CRUZ SENTINEL	\$536.40
	Invoice		Date	Description		Amount
	0001104928		01/31/2018	January public hearing notices		\$536.40

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88803	02/07/2018	Open			SPORT ABOUT GRAPHICS	\$731.40
	Invoice		Date	Description		Amount
	7645		01/25/2018	Shirts		\$731.40
88804	02/07/2018	Open			SPRINT	\$10,989.09
	Invoice		Date	Description		Amount
	788070596-005		01/02/2018	December cell phone usage		\$2,994.13
	788070596-006		02/02/2018	January cell phone usage		\$2,989.25
	788070596-004		12/03/2017	November cell phone usage		\$5,005.71
88805	02/07/2018	Open			SUELLEN MCCUTCHEN	\$143.00
	Invoice		Date	Description		Amount
	2018-00000599		02/02/2018	Winter 2018 Instructor Payments		\$143.00
88806	02/07/2018	Open			TRENISE POT	\$2,354.66
	Invoice		Date	Description		Amount
	2018-00000603		02/02/2018	Winter 2018 Instructor Payments		\$2,354.66
88807	02/07/2018	Open			US BANK PARS	\$384.16
	Invoice		Date	Description		Amount
	PARS020218		02/02/2018	PARS contributions PPE 1/27/18 1001 - Payroll Payables		\$384.16
88808	02/07/2018	Open			VICTORIA M JOHNSON	\$682.50
	Invoice		Date	Description		Amount
	2018-00000593		02/02/2018	Winter 2018 Instructor Payments		\$682.50
88809	02/07/2018	Open			VOLUNTEER CENTERS OF SC COUNTY	\$1,607.50
	Invoice		Date	Description		Amount
	VCSCC020118		02/01/2018	Community grant funding		\$1,607.50
88810	02/07/2018	Open			YOSHIE MORRISSEY	\$162.50
	Invoice		Date	Description		Amount
	2018-00000601		02/02/2018	Winter 2018 Instructor Payments		\$162.50
88811	02/07/2018	Open			Cassandra Peterson	\$70.00
	Invoice		Date	Description		Amount
	2003182.002		01/30/2018	Dance class refund		\$70.00
88812	02/07/2018	Open			Clifton and Julie Jarvis	\$500.00
	Invoice		Date	Description		Amount
	16-009		02/01/2018	Tree deposit refund		\$500.00

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88813	02/07/2018	Open			Lucille Packard Children's Hospital	\$100.00
	Invoice		Date	Description		Amount
	2003186.002		02/05/2018	Facility deposit refund		\$100.00
88814	02/07/2018	Open			Mike de Boer	\$100.00
	Invoice		Date	Description		Amount
	100		01/26/2018	Museum fireworks supplies		\$100.00
88815	02/07/2018	Open			Steve Peat	\$500.00
	Invoice		Date	Description		Amount
	17-0439		02/06/2018	Tree deposit refund		\$500.00
88816	02/07/2018	Open			COASTAL WATERSHED COUNCIL	\$3,204.00
	Invoice		Date	Description		Amount
	1636		02/05/2018	December and January urban watch services		\$3,204.00
88817	02/07/2018	Open			DEPARTMENT OF CONSUMER AFFAIRS	\$115.00
	Invoice		Date	Description		Amount
	C44791-2018		01/22/2018	Annual civil engineer license - Jesberg		\$115.00
88818	02/07/2018	Open			DEPARTMENT OF MOTOR VEHICLES	\$35.00
	Invoice		Date	Description		Amount
	DMV020518		01/31/2018	Duplicate title for 1999 Ford Truck		\$35.00
88819	02/07/2018	Open			ED MORRISON	\$2,400.00
	Invoice		Date	Description		Amount
	2018-05-7		02/05/2018	January PW inspection services		\$2,400.00

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88820	02/07/2018	Open			HOME DEPOT CREDIT SERVICES	\$2,298.75
	Invoice		Date	Description		Amount
	7012042		01/11/2018	safety glasses and respirator		\$64.99
	7012110		01/11/2018	Framing saw blades, concrete, bucket		\$67.66
	8059180		01/20/2018	Recreation center cleaning supplies		\$183.86
	2012606		01/16/2018	Head lamp		\$27.10
	6013293		01/22/2018	Roof transfer pump		\$96.37
	2058584		01/16/2018	Smoke alarms, wireless protection kits		\$417.73
	6124340		01/22/2018	Return wireless protection kit		(\$85.72)
	4574831		01/24/2018	Wharf sheet rock repair supplies		\$19.00
	4585426		01/24/2018	Brush, rivets, shovel		\$76.50
	4594286		01/24/2018	Gloves		\$10.82
	4013618		01/24/2018	Paint for wharf bathrooms		\$141.70
	3574969		01/25/2018	Screw driver set, earphones, brush, backpack		\$164.78
	8014207		01/30/2018	Chalk, mason line, crayon		\$35.64
	2013771		01/26/2018	Multimeter, wrenches, bucket for paystation repairs		\$139.82
	9562061		01/29/2018	Lumber		\$23.48
	2561610		01/26/2018	Paint, fiber disc, patch		\$31.19
	9012985		01/19/2018	Peg board, lumber, hooks, baskets		\$28.50
	6585158		01/22/2018	Links, hooks		\$46.80
	6012156		01/12/2018	Ratchet tool, containers		\$125.83
	2560522		01/16/2018	Rust stopper, markers, clamps		\$162.52
	6580310		02/01/2018	Pipe clamp, nipples		\$111.21
	8050574		01/30/2018	Steel stakes, bucket		\$124.21
	7014338		01/31/2018	Steel stakes, bucket		\$63.98
	7014457		01/31/2018	Wood		\$105.02
	2562870		02/05/2018	Metal cutoffs		\$32.33
	5594179-2		01/23/2018	Microwave, coaxial staples, power strip, dynaflex		\$83.43
				1000 - General Fund	\$2,138.05	
				1311 - Wharf	\$160.70	
88821	02/07/2018	Open			MOFFATT AND NICHOL	\$33,409.71
	Invoice		Date	Description		Amount
	731858		02/05/2018	Phase I wharf, flume, jetty concept design and engineering		\$7,849.50
	731403		01/17/2018	Phase I wharf, flume, jetty concept design and engineering		\$25,560.21
				1200 - Capital Improvement Fund		
Type Check Totals:						\$167,279.36

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City Checks Issued February 7, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>						
564	02/07/2018	Open			CalPERS Member Services Division	\$47,065.08
	Invoice		Date	Description		Amount
	1001013707		02/07/2018	PERS contributions PPE 1/13/18		\$47,065.08
				1000 - General Fund	(\$260.16)	
				1001 - Payroll Payables	\$47,325.24	
565	02/06/2018	Open			EMPLOYMENT DEVELOPMENT DEPT	\$6,465.46
	Invoice		Date	Description		Amount
	1-570-249-792		02/06/2018	State taxes PPE 1/27/18		\$6,465.46
				1001 - Payroll Payables		
566	02/06/2018	Open			INTERNAL REVENUE SERVICE	\$23,085.48
	Invoice		Date	Description		Amount
	41641941		02/06/2018	Federal taxes & Medicare PPE 1/27/18		\$23,085.48
				1001 - Payroll Payables		
Type EFT Totals:						\$76,616.02

Attachment: 2/7/18 City Check Register (Approval of City Check Registers)

CITY - Main City Totals	Counts:	Totals:
Checks	76	\$167,279.36
EFTs	3	\$76,616.02
All	79	\$243,895.38

City Main account checks dated February 16, 2018, numbered 88822 to 88852, plus 3 EFT, totaling \$94,216.10, 1 Library account check, totaling \$40,508.88, and 6 Payroll account checks, plus 88 Payroll efts, totaling \$146,177.20, for a grand total of \$280,902.18, have been reviewed and authorized for distribution by the City Manager.

As of February 16, 2018, the unaudited cash balance is \$4,701,230.95.

CASH POSITION - CITY OF CAPITOLA 2/16/18

	<u>Net Balance</u>
General Fund	\$766,907.01
Payroll Payables	\$171,225.91
Contingency Reserve Fund	\$1,969,845.66
Facilities Reserve Fund	\$390,576.00
Capital Improvement Fund	\$873,576.26
Stores Fund	\$25,344.21
Information Technology Fund	\$81,848.70
Equipment Replacement	\$306,170.33
Self-Insurance Liability Fund	(\$4,922.77)
Workers' Comp. Ins. Fund	\$71,141.79
Compensated Absences Fund	\$49,517.85
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$4,701,230.95</u>

The Emergency Reserve Fund balance is \$1,310,705.54 (not included above).
The PERS Contingency Fund balance is \$565,408.56 (not included above).
The Library Fund balance is \$705,419.78 (not included above).



 Jamie Goldstein, City Manager



 Peter Wilk, City Treasurer

2/20/18

 Date

2/29/18

 Date

Attachment: 2/16/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 16, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88822	02/16/2018	Open			ORCHARD SUPPLY HARDWARE	\$1,451.28
	Invoice		Date	Description		Amount
	038465		01/03/2018	LED lamps, broom, wetmop		\$99.79
	038471		01/03/2018	Tie down		\$34.16
	025125		01/04/2018	Roof repair supplies (City Hall)		\$34.47
	038745		01/04/2018	Lawn rake		\$19.66
	048981		01/05/2018	Roof repair supplies		\$71.42
	026253		01/08/2018	Wipes		\$25.87
	040183-2018		01/11/2018	Supplies		\$39.73
	026815		01/10/2018	Duplex receptacle		\$0.72
	155930		01/10/2018	Metal cutoff blade		\$12.38
	030075		01/11/2018	Wire connectors		\$8.46
	030094		01/11/2018	Cord		\$18.63
	027618		01/14/2018	Gloves, scrub pads, ss cleaner		\$23.27
	041209		01/16/2018	Bleach		\$6.19
	041408		01/17/2018	Specality max glow		\$16.56
	027135		01/12/2018	Punch tools		\$17.89
	028959		01/19/2018	Gloves, extension bars, clawbar		\$56.91
	028979		01/19/2018	Brace		\$31.05
	157046		01/19/2018	Adhesive, putty knife, rags		\$14.45
	029337		01/20/2018	Concrete patch, rollers		\$19.45
	051213		01/21/2018	Rust stopper		\$4.96
	157318		01/22/2018	Septonic		\$44.47
	029792		01/22/2018	Batteries		\$56.89
	042090		01/22/2018	Cleaning supplies		\$18.19
	020048		01/23/2018	Vests and tape		\$89.01
	020608		01/25/2018	Paint rollers, plastic liner, scotchbrite pads, scraper		\$48.54
	032546		01/23/2018	Tape, glue		\$28.95
	032968		01/25/2018	Nuts, repellent		\$20.06
	020736		01/25/2018	Hose clamp, screws		\$15.46
	022059		01/30/2018	Cut off blades		\$20.66
	157669		01/25/2018	Bowl brush and caddy, bucket, sweeper		\$27.93
	158378		01/31/2018	Tool set		\$207.09
	043575		01/30/2018	Sleeve anchors, bit		\$11.86
	026657		01/10/2018	Welding supplies		\$20.99
	020057		01/23/2018	Power strip		\$5.17
	020824		01/26/2018	Tips, caps		\$8.63
	022045		01/30/2018	Painting supplies		\$62.47
	022667		02/01/2018	Tape		\$31.04
	034194		02/01/2018	Hose repair		\$16.54
	048636		01/03/2018	Tow strap		\$16.56
	993065		01/03/2018	Returned tow strap		(\$16.56)

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City Checks Issued February 16, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
Continued from previous page					ORCHARD SUPPLY HARDWARE	
	020741		01/25/2018	Chain coil, brush		\$5.68
	020820		01/26/2018	Paint, tape		\$22.13
	027121		01/12/2018	Rake, roller, roof patch		\$90.04
	044000		02/01/2018	Parking meter supplies		\$7.86
	022688		02/01/2018	Parking meter supplies		\$35.60
				1000 - General Fund	\$1,224.69	
				1311 - Wharf	\$226.59	
88823	02/16/2018	Open			ACCELA INC	\$8,334.90
	Invoice		Date	Description		Amount
	INV-ACC37188		01/19/2018	August legislative management software		\$1,190.70
	INV-ACC37189		01/19/2018	September legislative management software		\$1,190.70
	INV-ACC37190		01/19/2018	October legislative management software		\$1,190.70
	INV-ACC37191		01/19/2018	November legislative management software		\$1,190.70
	INV-ACC37192		01/19/2018	December legislative management software		\$1,190.70
	INV-ACC37193		01/19/2018	January legislative management software		\$1,190.70
	INV-ACC37786		02/09/2018	February legislative management software		\$1,190.70
				1320 - PEG - Public Education and Govt		
88824	02/16/2018	Open			BOBBY'S PIT STOP INC.	\$1,596.85
	Invoice		Date	Description		Amount
	0357320		02/08/2018	2006 Ford F250 catalytic converters replaced, smog inspection		\$1,596.85
88825	02/16/2018	Open			COASTAL WATERSHED COUNCIL	\$794.00
	Invoice		Date	Description		Amount
	1642		01/31/2018	January stormwater education services		\$794.00
88826	02/16/2018	Open			DAWN MAC LAUGHLIN	\$69.55
	Invoice		Date	Description		Amount
	2018-00000621		02/12/2018	Winter instructor payment 2018		\$69.55
88827	02/16/2018	Open			EWING IRRIGATION	\$126.10
	Invoice		Date	Description		Amount
	4739276		02/02/2018	Fertilizer & spreader		\$69.24
	4760434		02/07/2018	Glue, PVC cutter, adapter		\$56.86
88828	02/16/2018	Open			FASTENAL COMPANY	\$276.05
	Invoice		Date	Description		Amount
	CASAT46406		01/26/2018	Wharf hardware		\$220.49
	CASAT46407		01/26/2018	Safety vests		\$55.56
				1000 - General Fund	\$55.56	
				1311 - Wharf	\$220.49	

Attachment: 2/16/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 16, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88829	02/16/2018	Open			FERGUSON ENTERPRISES INC.	\$3.12
	Invoice		Date	Description		Amount
	SC146992		01/31/2018	Service charge		\$3.12
88830	02/16/2018	Open			GEORGE McMENAMIN	\$1,375.00
	Invoice		Date	Description		Amount
	2018-5		02/12/2018	January and February Riparian restoration services		\$1,375.00
88831	02/16/2018	Open			GRANITE ROCK COMPANY	\$231.99
	Invoice		Date	Description		Amount
	1085370		01/31/2018	Top soil, twist nozzle		\$231.99
88832	02/16/2018	Open			H. MARCHESE - PETTY CASH CUSTODIAN	\$486.41
	Invoice		Date	Description		Amount
	PC021318		02/13/2018	Petty cash expenses		\$486.41
				1000 - General Fund	\$410.49	
				2210 - ISF - Stores Fund	\$75.92	
88833	02/16/2018	Open			JOHANNA WEINSTEIN	\$55.25
	Invoice		Date	Description		Amount
	2018-00000620		02/12/2018	Winter instructor payments 2018		\$55.25
88834	02/16/2018	Open			KEYSTONE RIDGE DESIGNS INC.	\$5,190.00
	Invoice		Date	Description		Amount
	036336-00		02/09/2018	Six 32-gallon trash cans		\$5,190.00
88835	02/16/2018	Open			KINGS PAINT AND PAPER INC.	\$33.46
	Invoice		Date	Description		Amount
	A0263543		02/06/2018	Painting supplies		\$33.46
88836	02/16/2018	Open			MADELINE C HORN	\$555.00
	Invoice		Date	Description		Amount
	015		02/02/2018	Museum cataloging and organizing artifacts		\$555.00
88837	02/16/2018	Open			NANCY HOWELLS	\$243.10
	Invoice		Date	Description		Amount
	2018-00000622		02/12/2018	Winter instructor payments 2018		\$243.10
88838	02/16/2018	Open			PALACE OFFICE SUPPLIES	\$65.07
	Invoice		Date	Description		Amount
	464738-0		02/07/2018	Pens, post-it notes		\$65.07
				2210 - ISF - Stores Fund		

Attachment: 2/16/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 16, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88839	02/16/2018	Open			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$3,940.00
	Invoice		Date	Description		Amount
	SCCAUDJAN2018		01/31/2018	January citation processing		\$3,940.00
88840	02/16/2018	Open			SANTA CRUZ COUNTY OFFICE OF EDUCATION	\$30.00
	Invoice		Date	Description		Amount
	18178		02/01/2018	Fingerprinting and admin. fee		\$30.00
88841	02/16/2018	Open			SUPPLYWORKS	\$1,134.02
	Invoice		Date	Description		Amount
	427263512		01/30/2018	Cleaning supplies		\$909.70
	427263520		01/30/2018	Soap dispensers		\$150.91
	427263538		01/31/2018	Trash liners		\$73.41
88842	02/16/2018	Open			TARGET SPECIALTY PRODUCTS	\$366.24
	Invoice		Date	Description		Amount
	PI0754030		02/08/2018	Roundup Promax		\$366.24
88843	02/16/2018	Open			TECHNISOIL GLOBAL INC.	\$114.76
	Invoice		Date	Description		Amount
	27904		02/08/2018	Concrete speed set, mixing wand, bucket grip		\$114.76
88844	02/16/2018	Open			U.S. BANK EQUIPMENT FINANCE	\$481.80
	Invoice		Date	Description		Amount
	350168811		02/02/2018	City Hall and Recreation copier leases		\$481.80
				1000 - General Fund	\$25.80	
				2210 - ISF - Stores Fund	\$456.00	
88845	02/16/2018	Open			U.S. BANK EQUIPMENT FINANCE	\$103.56
	Invoice		Date	Description		Amount
	350168613		02/02/2018	Recreation copier lease		\$103.56
88846	02/16/2018	Open			U.S. BANK EQUIPMENT FINANCE	\$288.85
	Invoice		Date	Description		Amount
	350169165		02/02/2018	PD copier lease		\$288.85
88847	02/16/2018	Open			UNITED STATES POSTAL SERVICE	\$5,100.00
	Invoice		Date	Description		Amount
	CM67122		02/12/2018	Late spring brochure postage		\$5,100.00

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City Checks Issued February 16, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88848	02/16/2018	Open			WELLS FARGO BANK	\$6,243.04
	Invoice		Date	Description		Amount
	WF020218		02/02/2018	January credit card purchases		\$6,243.04
				Purchases over \$500 threshold:		
				height adjustable desks	\$3,569.00	
				1000 - General Fund	\$2,005.26	
				1025 - Facilities Reserve	\$3,569.00	
				1311 - Wharf	\$183.54	
				1313 - General Plan Update	\$59.95	
				2210 - ISF - Stores Fund	\$71.01	
				2211 - ISF - Information Tech	\$354.28	
88849	02/16/2018	Open			WESTERN EXTERMINATOR COMPANY	\$114.00
	Invoice		Date	Description		Amount
	5783352		01/31/2018	City Hall - rodent control		\$57.00
	5781807		01/31/2018	Turnouts - rodent control		\$57.00
88850	02/16/2018	Open			Akhtar Javed	\$2,438.00
	Invoice		Date	Description		Amount
	17-0340		02/13/2018	Planner deposit refund #17-0340 836 Bay Ave.		\$2,438.00
88851	02/16/2018	Open			Capitola Hotel II LLC	\$1,736.00
	Invoice		Date	Description		Amount
	17-0425		02/13/2018	Planner deposit refund #17-0425 210 Esplanade		\$1,736.00
88852	02/16/2018	Open			Fuse Architects	\$2,000.00
	Invoice		Date	Description		Amount
	17-0449		02/13/2018	Planner deposit refund #17-0449 523 Burlingame		\$2,000.00
Type Check Totals:						\$44,977.40

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City Checks Issued February 16, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>						
567	02/02/2018	Open			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice		Date	Description		Amount
	JGJVMWR6657		02/02/2018	Employee garnishments PPE 1/27/18 1001 - Payroll Payables		\$1,232.76
568	02/12/2018	Open			WELLS FARGO BANK	\$570.49
	Invoice		Date	Description		Amount
	WF021218		02/12/2018	Client analysis charges		\$570.49
569	02/09/2018	Open			CalPERS Member Services Division	\$47,435.45
	Invoice		Date	Description		Amount
	1001016093		02/09/2018	PERS contributions PPE 1/27/18 1000 - General Fund (\$0.18) 1001 - Payroll Payables \$47,435.63		\$47,435.45
Type EFT Totals:						\$49,238.70

Library - Library

Check	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
53	02/16/2018	Open			NOLL AND TAM ARCHITECTS	\$40,508.88
	Invoice		Date	Description		Amount
	0057593		12/31/2017	December library construction documents 1360 - Library Fund		\$40,508.88
Type Check Totals:						\$40,508.88

Attachment: 2/16/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 16, 2018

Check Number	Invoice Number	Status	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals					Counts:	Totals:
Checks					31	\$44,977.40
EFTs					3	\$49,238.70
All					34	\$94,216.10
Library - Library Totals						
Checks					1	\$40,508.88
EFTs					0	\$0.00
All					1	\$40,508.88
WELLS - Payroll Totals						
Checks					6	\$2,654.78
EFTs					88	\$143,522.42
All					94	\$146,177.20
Grand Totals:						
Checks					38	\$88,141.06
EFTs					91	\$192,761.12
All					129	\$280,902.18

Attachment: 2/16/18 City Check Register (Approval of City Check Registers)

City Main account checks dated February 23, 2018, numbered 88853 to 88905, plus 4 EFT, totaling \$259,386.81, plus 1 Library account check, totaling \$500.00, for a grand total of \$259,886.81, have been reviewed and authorized for distribution by the City Manager.

As of February 23, 2018, the unaudited cash balance is \$4,560,331.41.

CASH POSITION - CITY OF CAPITOLA 2/23/18

	Net Balance
General Fund	\$716,869.65
Payroll Payables	\$156,999.66
Contingency Reserve Fund	\$1,969,845.66
Facilities Reserve Fund	\$390,576.00
Capital Improvement Fund	\$867,176.26
Stores Fund	\$20,705.43
Information Technology Fund	\$72,546.30
Equipment Replacement	\$250,511.58
Self-Insurance Liability Fund	(\$5,558.77)
Workers' Comp. Ins. Fund	\$71,141.79
Compensated Absences Fund	\$49,517.85
TOTAL UNASSIGNED GENERAL FUNDS	\$4,560,331.41

The Emergency Reserve Fund balance is \$1,310,705.54 (not included above).
The PERS Contingency Fund balance is \$565,408.56 (not included above).
The Library Fund balance is \$704,919.78 (not included above).



Jamie Goldstein, City Manager

2/26/18

Date



Peter Wilk, City Treasurer

2/29/18

Date

Attachment: 2/23/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88853	02/23/2018	Open			ALLSAFE LOCK COMPANY	\$31.74
	Invoice		Date	Description		Amount
	50353		02/20/2018	keys		\$31.74
88854	02/23/2018	Open			ARCHIVES & ARCHITECTURE LLC	\$2,340.00
	Invoice		Date	Description		Amount
	AA020818		02/08/2018	Secretary of the Interior standard review 1810 Wharf Rd		\$1,040.00
	AA02082018		02/08/2018	Secretary of the Interior standards review 210 Central Ave		\$1,300.00
88855	02/23/2018	Open			ATCHISON BARISONE CONDOTTI & KOVACEVICH	\$12,092.61
	Invoice		Date	Description		Amount
	ABCK020818		02/08/2018	January city attorney services		\$12,092.61
88856	02/23/2018	Open			AUTOMATION TEST ASSOCIATES	\$40.00
	Invoice		Date	Description		Amount
	45888		02/22/2018	February wharf meter reading 1311 - Wharf		\$40.00
88857	02/23/2018	Open			BAY PHOTO LAB	\$777.08
	Invoice		Date	Description		Amount
	12647550		02/21/2018	photo prints and mounting		\$71.49
	12638492		02/19/2018	photo prints and mounting		\$26.14
	12632441		02/15/2018	photo prints and mounting		\$79.45
	12632408		02/15/2018	photo prints and mounting		\$220.21
	12619007		02/12/2018	photo prints and mounting		\$132.88
	12619113		02/12/2018	photo prints and mounting		\$156.11
	12619161		02/12/2018	photo prints and mounting		\$90.80
88858	02/23/2018	Open			CA DEPARTMENT OF JUSTICE	\$32.00
	Invoice		Date	Description		Amount
	283636		02/05/2018	fingerprinting		\$32.00
88859	02/23/2018	Open			CALE AMERICA INC.	\$57,734.45
	Invoice		Date	Description		Amount
	148559		01/31/2018	parts for meters		\$246.70
	148338		01/31/2018	January active meters		\$1,829.00
	148563		01/31/2018	new parking station interface and training		\$55,658.75
				1000 - General Fund	\$2,075.70	
				2212 - ISF - Equipment Repl.	\$55,658.75	
88860	02/23/2018	Open			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,581.25
	Invoice		Date	Description		Amount
	POA021618		02/16/2018	POA and gym dues PPE 02/10/18 1001 - Payroll Payables		\$1,581.25

Attachment: 2/23/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88861	02/23/2018	Open			CAPITOLA-SOQUEL CHAMBER OF COMMERCE	\$7,500.00
	Invoice		Date	Description		Amount
	2143		01/29/2018	FY17/18 3rd Qtr contract payment		\$7,500.00
88862	02/23/2018	Open			CHLOE WOODMANSEE	\$486.25
	Invoice		Date	Description		Amount
	CW020918		02/09/2018	clerk training		\$486.25
88863	02/23/2018	Open			COMMUNITY ACTION BOARD	\$5,333.33
	Invoice		Date	Description		Amount
	CAB012618		01/26/2018	December emergency housing assistance program 5552 - Cap Hsg Succ- Program Income		\$5,333.33
88864	02/23/2018	Open			CRYSTAL SPRINGS WATER CO.	\$193.00
	Invoice		Date	Description		Amount
	CSW013118		01/31/2018	Monthly Drinking Water		\$193.00
88865	02/23/2018	Open			CVS PHARMACY INC.	\$41.58
	Invoice		Date	Description		Amount
	01-1536-0838699		02/16/2018	Community Center supplies		\$41.58
88866	02/23/2018	Open			EMPLOYMENT DEVELOPMENT DEPT	\$636.00
	Invoice		Date	Description		Amount
	L1346532128		01/29/2018	unemployment insurance benefit charge 2213 - ISF - Self-Insurance Liability		\$636.00
88867	02/23/2018	Open			EXTREME TOWING	\$400.00
	Invoice		Date	Description		Amount
	012055		01/31/2018	tow #111 to corp yard		\$200.00
	012056		02/01/2018	tow #111 from corp yard to dealership		\$200.00
88868	02/23/2018	Open			FASTENAL COMPANY	\$103.77
	Invoice		Date	Description		Amount
	CASAT46425		01/29/2018	slings		\$81.99
	CASAT46443		01/31/2018	safety vests		\$21.78
88869	02/23/2018	Open			FERGUSON ENTERPRISES INC.	\$217.43
	Invoice		Date	Description		Amount
	5675467		12/11/2017	wrench		\$73.08
	5725630		12/11/2017	toilet		\$135.12
	5766035		02/03/2018	urinal bracket		\$9.23

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City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88870	02/23/2018	Open			FIRST ALARM	\$338.91
	Invoice		Date	Description		Amount
	375053		02/15/2018	Community Center alarm monitoring		\$215.16
	373039		01/29/2018	Community Center alarm service call		\$123.75
88871	02/23/2018	Open			FRANCHISE TAX BOARD	\$370.51
	Invoice		Date	Description		Amount
	FD021618		02/16/2018	employee garnishment PPE 2/10/18 1001 - Payroll Payables		\$370.51
88872	02/23/2018	Open			ICMA RETIREMENT TRUST 457	\$6,494.56
	Invoice		Date	Description		Amount
	41569138		02/16/2018	457 contributions PPE 2/10/18 1001 - Payroll Payables		\$6,494.56
88873	02/23/2018	Open			INTERNATIONAL BRONZE PLAQUE COMPANY	\$278.00
	Invoice		Date	Description		Amount
	18-48359		01/24/2018	memorial plaques		\$278.00
88874	02/23/2018	Open			INTERNATIONAL CODE COUNCIL	\$250.00
	Invoice		Date	Description		Amount
	ICC2018		02/22/2018	annual membership renewal - Membreno		\$250.00
88875	02/23/2018	Open			JAMES P ALLEN	\$180.00
	Invoice		Date	Description		Amount
	021218		02/12/2018	consulting arborist City Hall root damage		\$180.00
88876	02/23/2018	Open			JAMIE GOLDSTEIN	\$69.22
	Invoice		Date	Description		Amount
	JG020218		02/02/2018	City managers meeting in Newport Beach		\$69.22
88877	02/23/2018	Open			KBA Docusys Inc.	\$611.50
	Invoice		Date	Description		Amount
	INV632059		02/01/2018	January City Hall copier usage charges		\$430.07
	INV635549		02/12/2018	January Recreation copier overage charges		\$7.85
	INV616312		12/13/2017	November, December Recreation copier overage and supply charges		\$6.85
	INV616068		12/13/2017	November, December City Hall copier overage adn supply charges		\$22.70
	INV622200		01/04/2018	December City Hall copier ovearage and supply charges		\$114.09
	INV636500		02/22/2018	January, February City Hall copier overage and supply charges		\$29.94
				1000 - General Fund	\$14.70	
				2210 - ISF - Stores Fund	\$596.80	

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City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88878	02/23/2018	Open			LANGUAGE LINE SERVICES INC	\$11.28
	Invoice		Date	Description		Amount
	4254846		01/31/2018	language translation		\$11.28
88879	02/23/2018	Open			LEAGUE OF CALIFORNIA CITIES	\$5,844.00
	Invoice		Date	Description		Amount
	179013		01/02/2018	annual membership dues		\$5,844.00
88880	02/23/2018	Open			MACKAY METERS INC	\$1,219.91
	Invoice		Date	Description		Amount
	1049428		01/22/2018	parts for meters		\$918.07
	1049568		01/31/2018	January fee for solo meter credit card transaction		\$301.84
88881	02/23/2018	Open			MASTER CLEANERS	\$930.61
	Invoice		Date	Description		Amount
	MC013118		01/31/2018	uniform cleaning		\$930.61
88882	02/23/2018	Open			NELSON MEMBRENO	\$443.00
	Invoice		Date	Description		Amount
	NB021318		02/13/2018	Math 152, Art of the Americas courses		\$443.00
88883	02/23/2018	Open			NICHOLS CONSULTING ENGINEERS CHTD	\$6,400.00
	Invoice		Date	Description		Amount
	303075506		02/06/2018	Fanmar Way Rehab and Drainage Improvement Project 1200 - Capital Improvement Fund		\$6,400.00
88884	02/23/2018	Open			PALACE OFFICE SUPPLIES	\$248.99
	Invoice		Date	Description		Amount
	464308-0		02/05/2018	phone stand, letter tray, ink refills		\$69.79
	464468-0		02/06/2018	pens, sanitizer, paper, post-it notes		\$165.23
	9473174-0		02/20/2018	photo prints		\$13.97
88885	02/23/2018	Open			PEAK COMMUNICATIONS	\$3,000.00
	Invoice		Date	Description		Amount
	01172018A		01/17/2018	network cabling update installation 2211 - ISF - Information Technology		\$3,000.00
88886	02/23/2018	Open			PITNEY BOWES	\$4,041.98
	Invoice		Date	Description		Amount
	PB021918		02/19/2018	City Hall postage machine refills 2210 - ISF - Stores Fund		\$4,041.98

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City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88887	02/23/2018	Open			PREFERRED BENEFIT INSURANCE ADMIN.	\$5,710.40
	Invoice		Date	Description		Amount
	EIA23552		02/22/2018	February employee dental and vision		\$5,710.40
				1000 - General Fund	\$141.00	
				1001 - Payroll Payables	\$5,569.40	
88888	02/23/2018	Open			QUILL CORPORATION	\$13.71
	Invoice		Date	Description		Amount
	4488300		02/01/2018	name plate holder		\$13.71
88889	02/23/2018	Open			ROYAL WHOLESALE ELECTRIC	\$30.52
	Invoice		Date	Description		Amount
	7719-625803		02/07/2018	photo cell		\$26.16
	7719-626062		02/15/2018	adapter		\$4.36
88890	02/23/2018	Open			SANTA CRUZ COUNTY BANK	\$82,532.87
	Invoice		Date	Description		Amount
	SCCB011518		01/15/2018	Pacific Cove financing lease payment		\$82,532.87
				1420 - Pac Cove Lease Financing		
88891	02/23/2018	Open			SANTA CRUZ MUNICIPAL UTILITIES	\$92.89
	Invoice		Date	Description		Amount
	SCMU011118		01/29/2018	January water service for medians		\$92.89
88892	02/23/2018	Open			SOQUEL CREEK WATER DISTRICT	\$5,256.30
	Invoice		Date	Description		Amount
	SCWD012618		01/30/2018	January water usage and irrigation fees		\$5,256.30
				1000 - General Fund	\$4,797.01	
				1311 - Wharf	\$459.29	
88893	02/23/2018	Open			SPECTRUM BUSINESS	\$3,672.39
	Invoice		Date	Description		Amount
	0000178021918		02/19/2018	February internet service		\$3,672.39
				1000 - General Fund	\$1,369.99	
				2211 - ISF - Information Tech	\$2,302.40	
88894	02/23/2018	Open			STAPLES ADVANTAGE	\$198.93
	Invoice		Date	Description		Amount
	8048440796		01/27/2018	breakroom supplies		\$198.93

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City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88895	02/23/2018	Open			SUMMIT UNIFORMS	\$856.52
	Invoice		Date	Description		Amount
	47615		01/26/2018	uniform for Newton		\$172.62
	46960		01/08/2018	Sandretti uniform		\$368.17
	46961		01/08/2018	Sandretti jacket		\$315.73
88896	02/23/2018	Open			T MOBILE	\$1,177.09
	Invoice		Date	Description		Amount
	20180120		01/22/2018	January cell phone usage		\$588.31
	20171220		12/21/2017	December cell phone usage		\$588.78
88897	02/23/2018	Open			T&T PAVEMENT MARKINGS AND PRODUCTS INC	\$291.80
	Invoice		Date	Description		Amount
	2018056		02/12/2018	hot spots - Hill St. 1310 - Gas Tax		\$291.80
88898	02/23/2018	Open			TECHNISOIL GLOBAL INC.	\$114.76
	Invoice		Date	Description		Amount
	TSG020818		02/08/2018	testing concrete sidewalk patches		\$114.76
88899	02/23/2018	Open			TYLER TECHNOLOGIES	\$4,000.00
	Invoice		Date	Description		Amount
	045-210944		01/03/2018	Saas VPN device, installation 2211 - ISF - Information Technology		\$4,000.00
88900	02/23/2018	Open			UNITED WAY OF SANTA CRUZ COUNTY	\$30.00
	Invoice		Date	Description		Amount
	UW021618		02/16/2018	February United Way contributions 1001 - Payroll Payables		\$30.00
88901	02/23/2018	Open			US BANK PARS	\$180.53
	Invoice		Date	Description		Amount
	PARS021618		02/16/2018	PARS contributions PPE 2/10/18 1001 - Payroll Payables		\$180.53
88902	02/23/2018	Open			V&A CONSULTING ENGINEERS	\$4,095.00
	Invoice		Date	Description		Amount
	17363		01/31/2018	December and January engineer services Noble Gulch		\$4,095.00
88903	02/23/2018	Open			ZEE MEDICAL SERVICE CO.	\$30.16
	Invoice		Date	Description		Amount
	66583077		01/31/2018	first aid kit supplies		\$30.16

Attachment: 2/23/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
88904	02/23/2018	Open			Karen Conley	\$500.00
	Invoice		Date	Description		Amount
	17-109		02/16/2018	refund tree deposit #17-109		\$500.00
88905	02/23/2018	Open			Margaret Campodonico	\$500.00
	Invoice		Date	Description		Amount
	12-042		02/16/2018	refund tree deposit #12-042		\$500.00
Type Check Totals:						\$229,556.83
<u>EFT</u>						
571	02/21/2018	Open			EMPLOYMENT DEVELOPMENT DEPT	\$6,072.74
	Invoice		Date	Description		Amount
	1-274-494-016		02/16/2018	state tax deposit PPE 2/10/18 1001 - Payroll Payables		\$6,072.74
572	02/21/2018	Open			INTERNAL REVENUE SERVICE	\$22,259.04
	Invoice		Date	Description		Amount
	31268351		02/16/2018	federal tax and Medicare deposit PPE 2/10/18 1001 - Payroll Payables		\$22,259.04
573	02/21/2018	Open			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice		Date	Description		Amount
	1DVCTPL6657		02/16/2018	employee garnishments PPE 2/10/18 1001 - Payroll Payables		\$1,232.76
574	02/23/2018	Open			ADP LLC	\$265.44
	Invoice		Date	Description		Amount
	509366018		02/16/2018	ez Labor processing charges 2211 - ISF - Information Technology		\$265.44
Type EFT Totals:						\$29,829.98
Library - Library						
<u>Check</u>						
54	02/23/2018	Open			LOSHKAJIAN AND ASSOCIATES	\$500.00
	Invoice		Date	Description		Amount
	LA013118		02/08/2018	library fundraising contract payment 1360 - Library Fund		\$500.00
Type Check Totals:						\$500.00

Attachment: 2/23/18 City Check Register (Approval of City Check Registers)

City Checks Issued February 23, 2018

Check Number	Invoice number	Status	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals					Counts:	Totals:
						Checks 53 \$229,556.83
						EFTs 4 \$29,829.98
						All 57 \$259,386.81
Library - Library Totals						
						Checks 1 \$500.00
						EFTs 0 \$0.00
						All 1 \$500.00
Grand Totals:						
						Checks 54 \$230,056.83
						EFTs 4 \$29,829.98
						All 58 \$259,886.81

Attachment: 2/23/18 City Check Register (Approval of City Check Registers)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: City Manager Department

SUBJECT: Liability Claim of Norm Gaedtke

RECOMMENDED ACTION: Reject liability claim.

DISCUSSION: Norm Gaedtke has filed a liability claim against the City for an undetermined amount.

Report Prepared By: Liz Nichols
Executive Assistant to the City Manager

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

3/15/2018



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: City Manager Department
SUBJECT: Consider Amended Library Naming Policy

RECOMMENDED ACTION: Approve amended Library Donor Recognition Policy.

BACKGROUND: The City plans to begin construction of a new 11,700-square-foot Capitola Branch Library this summer. Staff intends to seek City Council authorization to bid the project in the next couple months. The current project total cost estimate, including all hard construction and design costs, is \$13.15 million.

In 2017 the Santa Cruz Public Libraries (SCPL) adopted a Library Naming Policy (Attachment 2). That policy establishes the authority and process for donor naming in Santa Cruz Public Libraries interior and exterior spaces, features, and major programs. The policy also assigns authority to local jurisdictions to adopt their own naming policies, consistent with the SCPL policy but tailored to each local jurisdiction.

In July 2017 City Council approved City Policy V-14: Library Donor Recognition. The policy was intended to help the Library Campaign better understand the parameters of their fundraising efforts. Donor recognition and naming rights are important components of that campaign. The revised policy is intended to provide the Library Campaign with a clearer understanding of the donor recognition process.

DISCUSSION: To date the City has identified \$12.43 million in library project funding. The remaining \$720,000 will be generated through donations or future General Fund appropriations.

The Library Campaign set a target of raising at least \$350,000 toward the project. To date, fundraising efforts have been extremely successful, however the proposed revisions to the City's donor recognition policy are critical to ensure the Campaign's ongoing success.

The proposed revisions include several key components, including naming durations for significant donations. The proposed lengths are generally consistent with the practices of other area public sector and non-profit entities. The revised policy states that donations greater than \$10,000 would be acknowledged for the lifetime of the building.

The revised policy also updates the naming opportunities based on the current library design, and adds the indoor donor wall and outdoor donor recognition project components. Both the indoor donor wall and outdoor donor recognition are incorporated into the current project design.

The policy also includes standard language acknowledging that the building will, at some point far in the future, be modified, and incorporates the SCPL policy by reference. If approved, this policy will be forward to the SCPL Board for final approval.

Consider Amending Library Naming Policy
March 22, 2018

FISCAL IMPACT: Funds raised by the Friends of the Capitola Branch Library through this donor recognition program will help finance the new library project.

ATTACHMENTS:

1. V-14 Library Donor Recognition Revised
2. SCPL Naming Policy

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/15/2018



ADMINISTRATIVE POLICY

Number: V-14
 Issued: 7/27/17
 Jurisdiction: City Council

LIBRARY DONOR RECOGNITION

I. PURPOSE

To establish a policy and procedure for donor recognition at the Capitola Branch Library. Naming opportunities provide resources to meet strategic library objectives.

II. POLICY

Consistent with the Santa Cruz Public Library Naming Policy (JPAB Policy #403), this policy establishes the list of Naming Opportunities associated with the Capitola Branch library.

For donations greater than-\$10,000 donor recognition shall last for the life of building.

If within the term outlined above, the Library is upgraded or modified then the donor recognition will be carried forward by the library operator in a similar capacity, as determined by the library operator in consultation with the donor, as feasible.

If within the term outlined above, the library is closed, deconstructed, destroyed, severely damaged or undergoes an end-of-building-life renovation, then the donor recognition will cease.

III. PROCESS

Donor Recognition Naming Opportunities (16 total)

Space	Tentative Description/Notes
Capitola Public Branch Library Building	Council-approved non-corporate entity
Children's Room <u>Wing</u>	
Community Meeting Room	
Teen Room	Teen Zone
Large deck off children's room	Community Porch
Tot Lot	
Electronic Homework/Meeting Room	
Fireplace Area	
Front corner facing Clares by children's room	Adult Reading Nook
<u>Adult Reading Room</u>	
<u>Deck facing Clares</u>	<u>Quiet Reading Deck</u>
Group Study Rooms (2)	
Room behind fireplace	Meeting Room
Media Wall in Teen Zone	
Open seating area between Children's room and	The Gallery

main library	
Building corner facing Clares and Wharf	Rispin View Reading Room

Other Donor Recognition Opportunities

<u>Space</u>	<u>Tentative Description/Notes</u>
<u>Indoor donor wall</u>	<u>Donor recognition on wall between Children’s and Community rooms</u>
<u>Outdoor donor recognition</u>	<u>Pavers in hardscape north and west of building</u>

The Friends of the Capitola Branch Library shall coordinate the fundraising campaign and donor recognition effort.

IV. RESPONSIBILITY

The City Manager’s office shall be responsible for implementation of this policy.

This Policy is Approved and Authorized by:

Jamie Goldstein
City Manager

Attachment: V-14 Library Donor Recognition Revised (Consider Amending Library Naming Policy)



Library Naming Policy

JPAB Policy # 403

Adopted: 3/2/2017

Revised: xx/xx/xxxx

Five-year Review Schedule: 2022

1. Purpose

This policy establishes the authority and process for philanthropic naming or re-naming of Santa Cruz Public Libraries interior and exterior spaces and features, major programs, and collections associated with specific branches. Philanthropic naming opportunities provide the Library with funds to meet strategic objectives.

2. Library Names

The Santa Cruz Public Libraries (the Library) name each branch according to their geographic location in the county, in order to identify each branch with either the neighborhood where it is located or the neighborhood that it primarily serves. This practice allows library users to easily determine the general location of a library facility they want to visit. Member jurisdictions may determine it appropriate to allow the Library building to be included in a naming policy.

3. Naming Criteria

Santa Cruz Public Libraries interior and exterior spaces and features, major programs, and a collection associated with a specific branch may be named in honor of an individual, family, or entity. Naming or re-naming rights is the purview of the local jurisdictions (City of Capitola, City of Scotts Valley, City of Santa Cruz, and County of Santa Cruz) subject to review by the Library Joint Powers Authority Board (JPAB) consistent with this policy.

Naming opportunity is provided only to those that exemplify the attributes of integrity, civic leadership, and deep commitment to the Library and community, specifically where:

- a) the proposed honoree reflects the spirit, values, and mission of the Library in support of free and equal access to information for all.
- b) an individual has provided extraordinary service and support to the Library system.
- c) an individual donor has made a significant monetary contribution to the Library.
- d) an entity's financial sponsorship has allowed the Library to significantly advance the provision of programs, services, or collections.

4. Naming Process

Each jurisdiction shall develop, propose, and maintain a list of Naming Opportunities.

The JPAB shall review each jurisdiction's naming plan to ensure that residents have a unified library experience as they visit branches across jurisdictions, and that the plan is consistent with this policy.



The JPAB shall review each jurisdiction's naming policy to ensure the plan:

- a) is appropriately consistent with other approved naming plans.
- b) does not overly commercialize the library space.
- c) includes clear time limits outlined below.
- d) reserves the right to reject any naming proposal or donation from any individual, family, or entity.

Naming rights shall not extend beyond the normal life of any interior or exterior space or feature, major program, or collection associated with a specific branch, or twenty (20) years, whichever is less. In the event that a named Library interior or exterior space or feature, major program, or collection is significantly altered within (a) 75% of the expected lifespan, or (b) a timeframe agreed upon in the naming rights contract, the JPA jurisdiction will carry the name forward in a similar capacity. A jurisdiction's naming plan may include longer timelines for significant donations, subject to approval by the JPAB.

Naming rights contracts shall be reviewed and approved by the appropriate JPA jurisdiction and reported to the JPAB.

5. Naming Revocation

Any naming opportunity authorized by a JPAB jurisdiction can be revoked only by a vote of that body.

If an individual, family, or entity for whom a naming commitment has been made violates the standards defined in section three (3. Naming Criteria) of this policy, the JPAB may recommend the removal of the individual, family, or entity's name from the naming opportunity, interior or exterior space or feature, major program, or collection associated with a specific branch.

Before taking such action, the JPAB jurisdiction shall undertake due diligence, including consultation with counsel, as to any legal ramifications that the jurisdiction may expect under any pre-existing agreement(s) related to naming opportunities or in regard to any other matter that may have legal bearing upon a proposed change in name.

Where unforeseen circumstances make it impossible for a donor to complete a monetary donation commitment after associated name placement has occurred, the JPAB shall make reasonable efforts to work with the donor to create a plan for completion of the commitment. However, in certain circumstances it may be necessary and in the best interests of the Library to remove the donor's name choice from the naming opportunity.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: City Manager Department

SUBJECT: Consider a Resolution Updating Commission on the Environment Membership

RECOMMENDED ACTION: Adopt resolution.

BACKGROUND/DISCUSSION: The City Council adopted Administrative Policy I-38 at its September 28, 2017, meeting to allow youth participation on various City advisory bodies. With the policy in place, staff began the process of updating the resolutions that establish membership for these bodies. Membership for the Commission on the Environment was defined in Resolution No. 3967.

The new resolution would permit non-voting youth members on the Commission on the Environment in accordance with Administrative Policy I-38. It would also establish a two-year, renewable term for regular members, which has been the practice but was not previously defined. It would also reduce the required number of regular meetings from once a month to quarterly based on recent workloads and attendance.

FISCAL IMPACT: None.

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

3/15/2018

Resolution Updating Commission on the Environment Membership
March 22, 2018

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING RESOLUTION NO. 3967 REGARDING
THE COMMISSION ON THE ENVIRONMENT**

WHEREAS, on October 24, 2013, the City Council of the City of Capitola adopted Resolution No. 3967 creating the Commission on the Environment (Commission) and defining its membership and charge; and

WHEREAS, that resolution does not define the term length for a Commission appointment, which in practice has been two years; and

WHEREAS, the City Council, at its September 28, 2017, meeting, directed staff to apply Administrative Policy I-38 for youth members to the Traffic and Parking Commission;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that Resolution No. 3740 is hereby amended to read as follows:

- Section 3. The COE shall be comprised of five members, consisting of one City Council member and one appointee from each of the remaining four City Council members. The Commission may also recruit youth members pursuant to Administrative Policy I-38 and appoint other non-voting, ex-officio members.
- Section 4. The COE members may be City residents or non-residents. They will serve a term of two years, and may be reappointed.
- Section 5. The regular meetings of the COE will be held at least quarterly.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 22nd day of March, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Michael Termini, Mayor

ATTEST:

Linda Fridy, City Clerk



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: City Manager Department

SUBJECT: Consider a Resolution Updating Traffic and Parking Commission Membership

RECOMMENDED ACTION: Adopt resolution.

BACKGROUND/DISCUSSION: The City Council adopted Administrative Policy I-38 at its September 28, 2017, meeting to allow youth participation on various City advisory bodies. With the policy in place, staff began the process of updating the resolutions that establish membership for these bodies. Membership for the Traffic and Parking Commission was defined in Resolution No. 3740 and later amended in Resolution No. 3941.

The new resolution would replace No. 3941, which eliminated the Pacific Cove Mobile Home Park representative and added the full-time residency requirement for the Village resident member category. The proposed resolution would permit non-voting youth members on the Traffic and Parking Commission in accordance with Administrative Policy I-38. It would also establish a two-year, renewable term for regular members, which has been the practice but was not previously defined.

The Planning Commission discussed the possibility of recommending elimination of its representative to the Traffic and Parking Commission. However, after discussion the Planning Commission felt the shared information is worth a Planning Commissioner's extra time and supported continuing its position on the Traffic and Parking Commission. In addition, the Planning Commission suggested that changes in Traffic and Parking Commission compositions should be reviewed by Traffic and Parking Commission. Therefore, staff is not recommending any changes to the voting membership at this time.

FISCAL IMPACT: None.

Report Prepared By: Linda Fridy
City Clerk

Resolution Updating Traffic & Parking Membership
March 22, 2018

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/15/2018

Resolution Updating Traffic & Parking Membership
March 22, 2018

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING RESOLUTION NO. 3740 AND REPEALING RESOLUTION NO. 3941
REGARDING THE TRAFFIC AND PARKING COMMISSION**

WHEREAS, on February 26, 2009, the City Council of the City of Capitola adopted Resolution No. 3740 creating the Capitola Traffic and Parking Commission (Commission) and defining its membership and charge; and

WHEREAS, Commission membership categories were redefined by Resolution No. 3941 adopted on November 8, 2012; and

WHEREAS, neither of these resolutions defines the term length for a Commission appointment, which in practice has been two years; and

WHEREAS, the City Council, at its September 28, 2017, meeting, directed staff to apply Administrative Policy I-38 for youth members to the Traffic and Parking Commission;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola that Resolution No. 3740 Section C is hereby amended to read as follows:

C. The Commission shall be comprised of the following members:

At-large Appointee of each Council Member	(5)
Planning Commissioner	(1)
Village Resident	(2)
Village Business Owner	(2)

Resident and business appointments shall be made by consensus of the City Council. Resident positions should be filled with full-time Capitola residents. The Commission may also recruit youth members pursuant to Administrative Policy I-38.

BE IT HEREBY FURTHER RESOLVED that the following shall be added to Resolution No. 3740:

E. Commissioners will serve for a term of two years, and may be reappointed.

BE IT HEREBY FURTHER RESOLVED that Resolution No. 3941 is repealed in its entirety.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 22nd day of March, 2018, by the following vote:



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: Community Development

SUBJECT: Appeal of a Director Decision Not To Relinquish a Public Right-of-Way

RECOMMENDED ACTION: Uphold staff's determination to deny a Private Improvement Permit and a Revocable Encroachment Permit for 211 Monterey Avenue.

BACKGROUND: This is an appeal of a director's determination not to issue a private improvement permit and associated revocable encroachment permit to allow a private, front-yard fence in the public right-of-way sidewalk at 211 Monterey Avenue.

The applicant submitted a request for a fence permit on September 9, 2015, to construct a 42-inch front yard fence. The permit was granted with standard conditions that the fence be built on the applicant's property without encroaching into the public right-of-way.

As further detailed in the attached timeline (Attachment 1), staff later realized the proposed fence, although entirely within the applicant's property lines, would encroach into the sidewalk that had been improved with public funds and used as a public right-of-way (ROW) for decades. Because the proposed fence would displace an area historically used as a public sidewalk, a private improvement permit and encroachment permit is required pursuant to Municipal Code section 12.56.060(A).

Staff subsequently ordered all work on the fence to cease and met with the applicant several times in an attempt to find an acceptable compromise. Unfortunately, these efforts were unsuccessful and the applicant has appealed the City's decision denying necessary permits to construct the fence in his desired location. The original appeal letter is Attachment 4; a revised letter received March 13, 2018, is Attachment 5.

DISCUSSION: The subject property fronts a busy Village sidewalk that is used by thousands of pedestrians who travel along Monterey Avenue from the City parking lots to the Village and beach. As proposed by the applicant, the proposed fence would displace an approximately 6-foot by 30-foot area of sidewalk in front of 211 Monterey Avenue. The area is currently occupied by incomplete fence posts, a makeshift plastic fence, and planters (Attachment 2). Staff requested these obstructions be removed while the appeal was pending, but the applicant declined.

Although the extent of the proposed encroachment was not clearly shown on the fence permit application (Attachment 3), staff should have recognized the potential conflict and required additional information prior to granting a permit.

211 Monterey Appeal
March 22, 2018

Notwithstanding staff's error in issuing the permit, the proposed fence location would be inconsistent with General Plan goals to maintain and improve sidewalks in the Village. Allowing the encroachment could also establish precedent for other property owners who own property overlapping with the City's ROW to seek permits to construct private improvements. Based on an analysis by staff, there are seven or eight other locations in the Village that have similar overlapping private property-ROW situations. The proposed fence location would also narrow the sidewalk in this area, inconsistent with recent Council actions to widen sidewalks in the Village.

Although the proposed encroachment area is excessive and would remove valuable pedestrian ROW, staff believes a smaller encroachment potentially could be appropriate.

During the most recent meeting with the applicant, staff proposed a compromise whereby an approximately 30-inch by 30-foot area could be enclosed by a fence to address the applicant's concerns with privacy and vandalism. This 30-inch wide zone would allow the applicant to provide a landscape buffer between the home and the sidewalk. A potentially similar example of this model can be found at 307 Capitola Ave., which has a three-foot, six-inch wide landscaped area between the windows and the sidewalk.


FISCAL IMPACT: None

ATTACHMENTS:

1. Site Pictures
2. Timeline
3. 211 Monterey Fence Application
4. Original 211 Monterey Appeal
5. Revised 211 Monterey Appeal Letter

Report Prepared By: Rich Grunow
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/15/2018

211 MONTEREY AVENUE – CURRENT CONDITIONS



Attachment: Site Pictures (211 Monterey Appeal)

211 Monterey Timeline

DATE	ACTION
Summer 2015	Applicant has informal discussions with City staff about proposed remodel project
September 9, 2015	Applicant submits fence permit application. City issues over-the-counter permit
November 2015	Applicant submits deposit for historic evaluation
December 15, 2015	Architectural Historian issues determination that duplex is not historically significant
January 21, 2016	Applicant submits design permit application for a remodel and new second-story deck facing Monterey Ave
February 10, 2016	Architecture and Site Review Committee Meeting. Committee recommends design modifications and additional information on plans, including location of proposed front yard fence which had not yet been constructed
February 16, 2016	City staff sends applicant email outlining additional submittal requirements based on 2/10/16 Architecture and Site Review Committee meeting
June 7, 2016	Applicant sends email to City staff requesting application be placed on hold. Applicant states that they will focus on interior remodel and resume permitting for exterior work in a couple of months
July 22, 2016	City staff becomes aware that applicant has begun construction of the fence in ROW and orders work to cease
November 8, 2016	City staff meets with applicant at 211 Monterey to discuss issues with the proposed fence location and conflicts it poses to the existing ROW
November 16, 2016	City staff sends applicant letter notifying them that their application will be closed if they do not submit information required from the A&S Committee meeting.
November 29, 2016	Applicant sends revised fence for staff review/comment
December 15, 2016	Applicant sends email requesting an additional week to resubmit. Staff responds and agrees
December 23, 2016	Applicant submits revised plans for design permit application

January 26, 2017	Staff emails applicant and notifies them that staff will not process the design permit application until fence posts and other improvements in the sidewalk ROW are removed
February 3, 2017	Applicant responds to 1/26/17 email and requests a response to fence plans submitted to Public Works on 11/29/16
June 8, 2017	Staff sends letter to applicant responding to 11/29/16 fence proposal. Letter reiterates issues with fence and offers a compromise location which would preserve more of the sidewalk ROW
July 5, 2017	Applicant's attorney sends letter to City Attorney asking about appeal process or a determination that administrative remedies had been exhausted
August 29, 2017	Applicant's attorney sends another letter to City Attorney requesting a determination that administrative remedies had been exhausted
October 17, 2017	City attorney responds to applicant's attorney with notification that the 2015 fence permit had been rescinded
October 30, 2017	Applicant files appeal. Applicant and City later agree to postpone hearing until March, 2018
November 30, 2017	City staff again meets with the applicant in an effort to find a compromise

Attachment: Timeline (211 Monterey Appeal)



CITY OF CAPITOLA

FENCE PERMIT APPLICATION

COPY

A fence includes the following materials: wood, masonry, metal and other permanent materials, but does not include living plants.

INSTRUCTIONS: Fill out completely and return to Planning Department. Attach a property site plan showing the location of the fence, residence, driveway and an elevation of the fence structural plans.

Permit Requirements - Municipal Code Section 17.54

1. Fence shall be built on the applicant's property and shall not encroach into the public right-of-way.
2. Fence height in the front and side yard area shall not exceed 3'-6" with a staff approval permit. If higher, then Planning Commission approval is required.
3. Fence height in the rear and side yard area shall not exceed 8'-0" provided that the top 2'-0" are lattice or other open material with staff approval permit. If higher, then Planning Commission approval is required.
4. Corner Lots: Fencing shall be set back at least 5'-0" from the property line on the side of the lot which has the greatest length along the street.
5. Corner Lot Line of Site: A height no greater than 30" shall extend 20' on the minor street and 30' on the major street and along the driveway extending 15' along the property line (see attached diagram).

Project Address: 211 Monterey Ave APN# _____
 Property Owner: Maor Katz Phone No. 650-353-6544
 Applicant (If other than owner) _____ Phone No. _____

I hereby certify that I will comply with all provisions of Section 17 of the Municipal Code of the City of Capitola, and do hereby declare that the facts given on this application are true and correct to the best of my knowledge.

Property Owner Signature: [Signature] Date: 9/18/15
 Applicant Signature: _____ Date: _____

STAFF USE ONLY

Site Plan and fence detail plan attached
 Fence Permit + 5% Information Technology Fee **\$41.00 + \$2.05**

Planning Department Approval: [Signature] Date: 9/18/15

Attachment: 211 Monterey Fence Application (211 Monterey Appeal)



Imagery ©2015 Google, Map data ©2015 Google 20 ft

COF

3 1/2 Ft.



Image capture: Jul 2015 © 2015 Google

Capitola, California
Street View - Jul 2015

COP

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 (831) 429-0181 • Fax (831) 429-5617

David R. Beck
 Pamela C. Mathiesen
 Attorneys at Law

October 30, 2017

City Planning Commission
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

Personally Delivered

Re: Appeal of Rescission of Fence Permit
 Capitola Muni. Code § 17.54.040

Dear Commissioners;

Please accept this **appeal** of the rescission by the City Attorney of the fence permit (15-152) that was issued September 18, 2015.

The **property** in question is 211 Monterey Avenue, Capitola, APN: 035-185-19.

The **owner** of the property is Dr. Maor Katz.

The appeal is made under a **reservation of rights** because it is not an appeal from the refusal to issue a fence permit. Instead, it is from the rescission of an already-issued fence permit which Appellant contends gave him a vested right.

The **grounds** of the appeal are:

- ▶ A fence permit was issued.
- ▶ After commencing construction, and with no wrong doing by Mr. Katz, City asked Appellant to cease construction.
- ▶ A meeting was held at the site at which Appellant and City expressed their concerns.

Ltr re Appeal of Rescission of Fence Permit, 211 Monterey Ave.
 October 25, 2017

- 1 of 3 -

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

- ▶ A compromise was proposed which:
 - Gives Appellant privacy;
 - Reduces public urination and trash;
 - Eliminates a trip hazard;
 - Maintains a sufficiently wide sidewalk;
 - Keeps the handicap ramp accessible;
 - Keeps utility boxes accessible.
- ▶ At either end of the proposed fence, pedestrian traffic is compressed. The fence merely reduces the expansion of the pedestrian traffic between those two points.
- ▶ There is precedent for this in the Central Village.

EXHIBITS

- A Fence permit application and approval.
- B Letter confirming meeting at site.
- C Proposed fence line to address all concerns.
- D "Directed not to process" email.
- E "Cart before the horse" email.
- F City "3 Feet" instead of "6.5 Feet" proposal.
- G Letter with A, B, C drawings and concerns.
- H A, B, C drawings.
- I Waiver of Administrative Remedies letter.
- J Rescission of fence permit.
- K Photos of property in question.
- L Photos of precedent in the Central Village.

Ltr re Appeal of Rescission of Fence Permit, 211 Monterey Ave.
October 25, 2017

- 2 of 3 -

The Appellant and I thank you for your courtesies and consideration.

Sincerely,



David R. Beck

DRB/rs

encl.

cc: Client (w/encl.)

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

Ltr re Appeal of Rescission of Fence Permit, 211 Monterey Ave.

October 25, 2017

- 3 of 3 -

EXHIBIT A



CITY OF CAPITOLA

FENCE PERMIT APPLICATION

COPY

A fence includes the following materials: wood, masonry, metal and other permanent materials, but does not include living plants.

INSTRUCTIONS: Fill out completely and return to Planning Department. Attach a property site plan showing the location of the fence, residence, driveway and an elevation of the fence structural plans.

Permit Requirements – Municipal Code Section 17.54

1. Fence shall be built on the applicant's property and shall not encroach into the public right-of-way.
2. Fence height in the front and side yard area shall not exceed 3'-6" with a staff approval permit. If higher, then Planning Commission approval is required.
3. Fence height in the rear and side yard area shall not exceed 8'-0" provided that the top 2'-0" are lattice or other open material with staff approval permit. If higher, then Planning Commission approval is required.
4. Corner Lots: Fencing shall be set back at least 5'-0" from the property line on the side of the lot which has the greatest length along the street.
5. Corner Lot Line of Site: A height no greater than 30" shall extend 20' on the minor street and 30' on the major street and along the driveway extending 15' along the property line (see attached diagram).

Project Address: 211 Monterey Ave APN# _____
 Property Owner: Maor Katz Phone No. 650-353-6544
 Applicant (if other than owner) _____ Phone No. _____

I hereby certify that I will comply with all provisions of Section 17 of the Municipal Code of the City of Capitola, and do hereby declare that the facts given on this application are true and correct to the best of my knowledge.

Property Owner Signature: [Signature] Date: 9/18/15
 Applicant Signature: _____ Date: _____

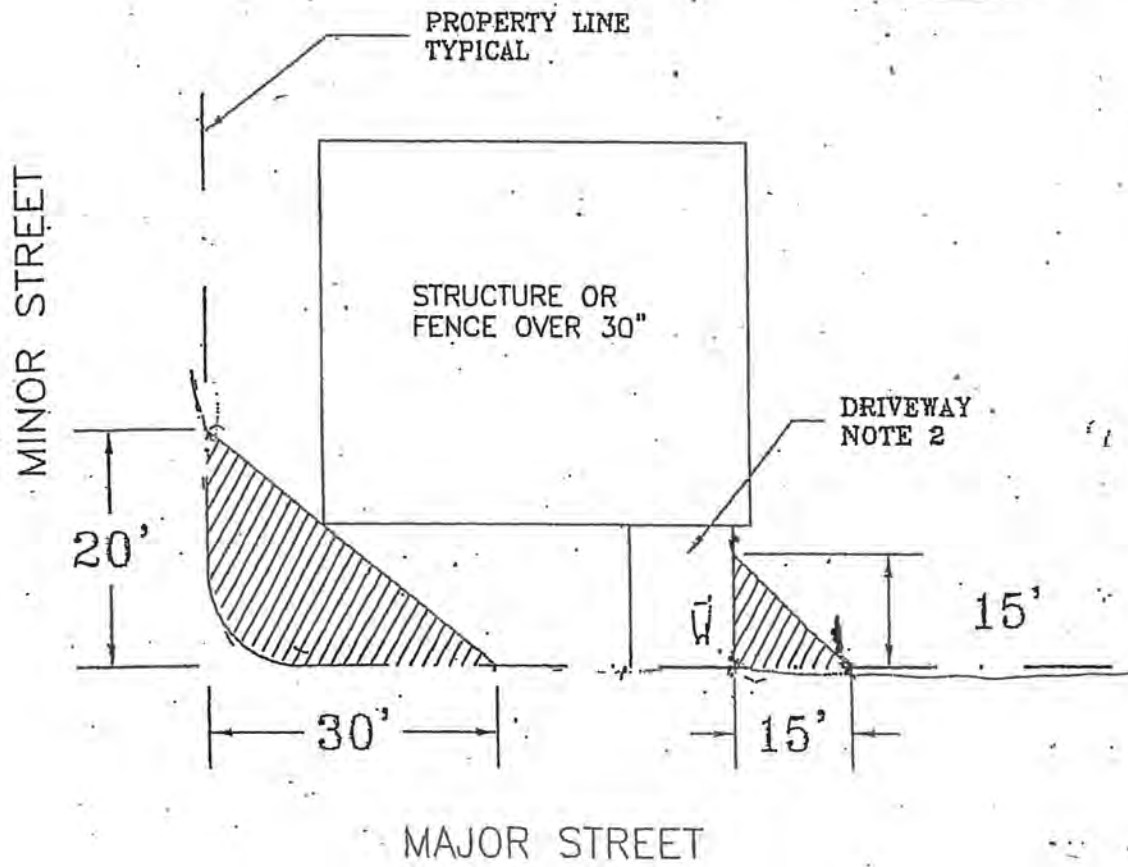
STAFF USE ONLY

- Site Plan and fence detail plan attached
- Fence Permit + 5% Information Technology Fee

\$41.00 + \$2.05

Planning Department Approval: [Signature] Date: 9/18/15

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)



MAXIMUM 30" OBSTRUCTIONS ALLOWED WITHIN AREA

NOTES:

- 1) MAJOR STREET ADT > 2000; MINOR STREET ADT < 2000.
- 2) DRIVEWAY SHALL BE LOCATED AS FAR AS PRACTICAL FROM INTERSECTION.
- 3) SITE DISTANCE TRIANGLE TYPICAL EACH SIDE OF DRIVEWAY.
- 4) ALTERNATIVE ANALYSIS ALLOWED PER TOPIC 405 CALTRANS HIGHWAY DESIGN MANUAL 4TH EDITION.

REVISIONS	CITY OF CAPITOLA	STANDARD PLAN No.
	INTERSECTION SITE DISTANCE	S-30
Approved by: FRED B City En.	JN RCE 36,180	Sheet 1 of 1
		Date 6-2-92

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

Google Maps 208 Monterey Ave

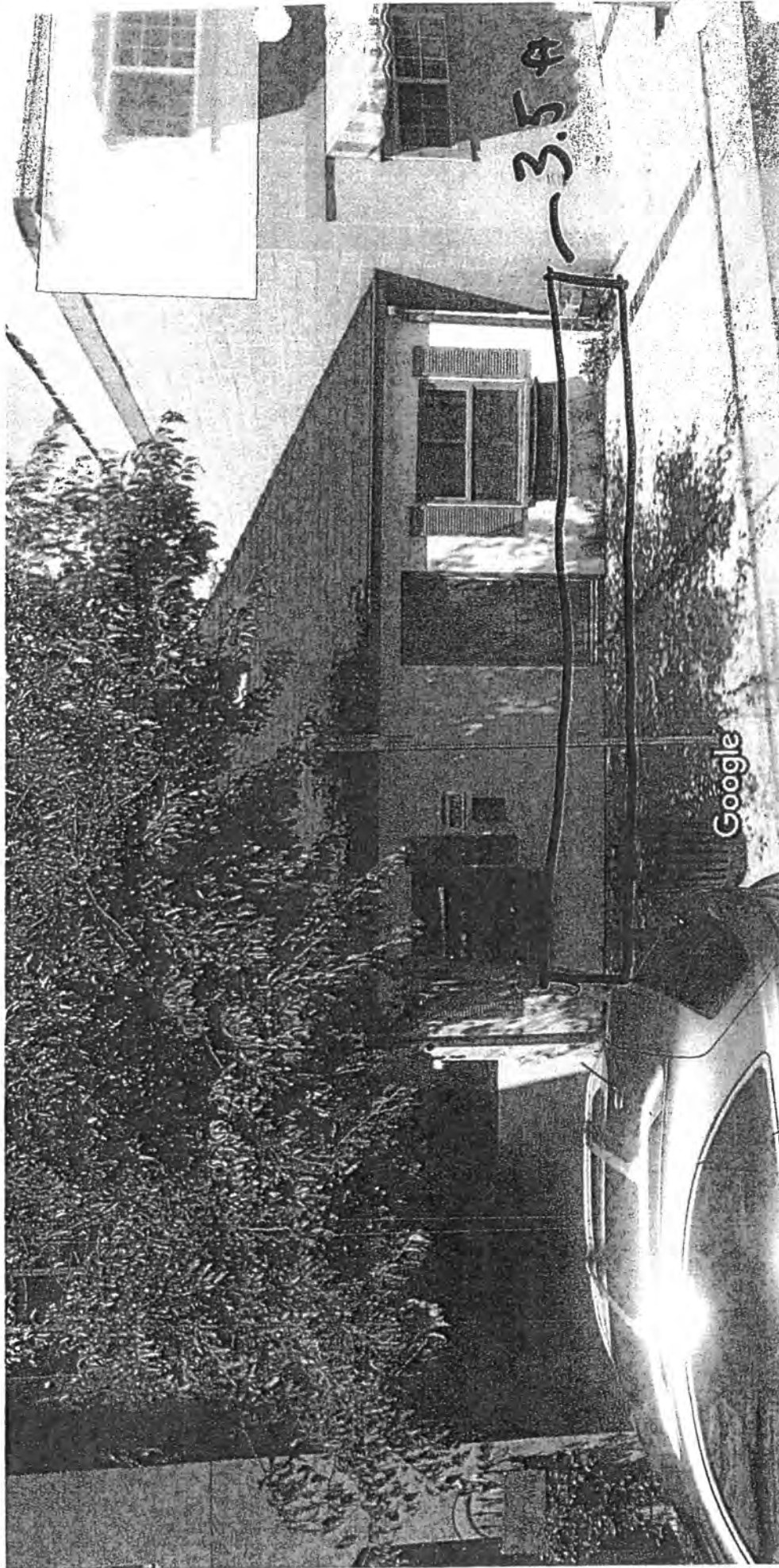


Image capture: Jul 2015 © 2015 Google

Capitola, California
Street View - Jul 2015

Google Maps 211 Monterey Ave



3 1/2 ft.

Imagery ©2015 Google, Map data ©2015 Google 20 ft

COF

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

09/10/2015

COLLECTION STATION
Front Counter

RECEIVED FROM
Maor Katz

DESCRIPTION
fence permit 3.5 feet 211 Monterey ave 15-152

420 Capitola Avenue
Capitola, CA 95010
Phone: 831-475-7300
Fax: 831-479-8879
www.ci.capitola.ca.us

BATCH NO.
2016-03000090
RECEIPT NO.
2016-00000940

9.A.4

CASHIER
Ryan Safty

COPY

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
CDD OTHER	Permits/Fees	\$41.00
CDD TECH FEE	fence	
	Technology Fee 5%	\$2.05
	<p style="text-align: right;">Total Cash \$43.05</p>	
	<p style="text-align: right;">Total Check \$0.00</p>	
	<p style="text-align: right;">Total Charge \$0.00</p>	
	<p style="text-align: right;">Total Other \$0.00</p>	
	<p style="text-align: right;">Total Remitted \$43.05</p>	
	<p style="text-align: right;">Change \$0.00</p>	
	<p style="text-align: right;">Total Received \$43.05</p>	
	Total Amount:	\$43.05

Customer Copy

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT B

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
Santa Cruz, CA 95062
(831) 429-0181 • Fax (831) 429-5617

David R. Beck
Pamela C. Mathiesen
Attorneys at Law

Mr. Steve Jesberg
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

May 22, 2017

Sent VIA US Post and Email To:
sjesberg@ci.capitola.ca.us

Re: Maor Katz, M.D.
211 Monterey Ave.
REQUEST FOR HEARING

Dear Mr. Jesberg;

You met my client and me at 211 Monterey Avenue on November 8, 2016. We discussed the fence that would enclose the area in front of Dr. Katz's house.

As you know, in November, 2014, the City issued a permit for a fence to follow the property line in front of Dr. Katz' house. Dr. Katz followed with more extensive plans for renovations and in 2016, at the request of the City, the permitted fence line was adjusted to follow the line between the two buildings adjacent to Dr. Katz' property. Months later, in July, 2016, during the fence's construction and after Dr. Katz incurred substantial expense and further investment toward the fence's construction, and without any wrongdoing by Dr. Katz, the planned and permitted construction of the fence was halted by the City.

At our meeting on November 8, 2016, the City expressed new concerns that the sidewalks maintain a certain width; the handicap ramp remain useable; and the utility boxes accessible.

Dr. Katz expressed his concern for privacy; to make inaccessible the area in front of his gate that attracts public urination, trash and unsolicited storage of random items on his property by day visitors; and to fence off the trip hazard between the handicap ramp and the house.

The meeting in November ended with you soliciting a further adjusted plan for the permitted fence that, as best as possible, would accommodate everybody's concerns and allow Dr. Katz to proceed with construction under the fence permit he was issued.

The plan for the proposed fence that was delivered to you November 29, 2016, is yet to be acted on by the City.

Meanwhile, on December 23, 2016, Dr. Katz resubmitted an application for a permit for renovations of his home which include creating an inside access to the attic storage room and a small balcony addition to his house. Those plans were discussed with the City's planning staff in 2015, deemed possible following an official historic survey requested by the City and completed on December 21, 2015, and approved with modifications by the City planning committee February 10, 2016.

Thereafter, on January 25, 2017, Mr. Ryan Safty from the Planning Department sent an email saying he had been "directed not to process the application" until certain personal property is removed from the area that is intended to be enclosed by the permitted fence.

It is not clear what it is Mr. Safty was directed not to process. Perhaps it was the plan for the proposed fence you solicited. That is a logical conclusion due to Mr. Safty's reference to the "right-of-way" and to "fence posts, planters, etc." Or, perhaps it was the plans for the storage access and balcony addition. That also is a logical conclusion due to Mr. Safty's reference to "#16-009."

An email to Mr. Safty by my client on February 3, 2017, was not responded to. On February 27 and March 15, 2017, I spoke with Mr. Safty. Both times he said he would have you call me. You have not done that.

It appears the City is holding the fence hostage to the addition; or the addition hostage to the fence; or both. We believe such conduct by the City is inappropriate.

Dr. Katz seeks approval of the adjusted plan for the permitted fence. He also seeks a de-coupling of the fence and the application for the storage access and balcony. He also requests that the application for the permit for the storage access and balcony, into which significant planning, time and funds have been invested in the past 2 years including multiple conversations with City planning staff, official historical review, planning committee preparation and submission, as well as architect and construction engineering work, be processed in the ordinary course of business.

Dr. Katz has a vested right to have his application and permit for the attic/storage room access and balcony completed. He followed the City's planning procedure and requests for that.

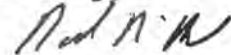
He incurred substantial expenses in furtherance of it. And he has acted in good faith every step of the way. With that application, just as with the application for, and legal issuance of, the fence permit, over the past two years, he has complied with every request the City has made of him. Dr. Katz has a vested right to finish installation of the fence. He was issued a permit for that.

Meanwhile, the City fails to act on the pending adjusted plan for the permitted fence solicited by you, and fails to act on the application for a permit for attic/storage room access and balcony; and fails to communicate. After exhaustion of administrative remedies, Dr. Katz will bring suit, if necessary, for declaratory relief, injunctive relief, and ordinary mandamus to enforce his rights.

Attached please find once more Dr. Katz's proposed adjusted fence plan that, as best as possible, would accommodate everybody's concerns and allow Dr. Katz to proceed with construction under the fence permit he was issued. Our preference remains to settle these issues with the fence line as permitted, and finalize the review of the second story plans to avoid the discomfort, expense and hassle of suit. Please let me know of your decision.

If I do not hear from you within two weeks from the date of this letter, we will assume the City is not willing to work with us to resolve this matter and honor Dr. Katz's vested rights. Should that be the case then THIS LETTER REQUESTS A HEARING SO THAT ADMINISTRATIVE REMEDIES MAY BE EXHAUSTED. Please advise.

Sincerely,



David R. Beck, Esq.

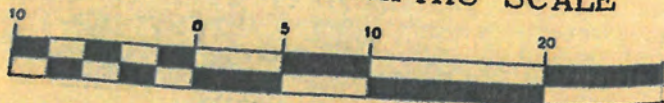
DRB/rs

encl.

cc: client (w/o encl.) ✓
 Katie Cattan (kcattan@ci.capitola.ca.us) (w/encl.) ✓
 Ryan Safty (rsafty@ci.capitola.ca.us) (w/encl.) ✓
 Jamie Goldstien (jgoldstein@ci.capitola.ca.us) (w/encl.) ✓
 Larry Laurent (llaurent@ci.capitola.ca.us) (w/encl.) ✓

mel
A

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

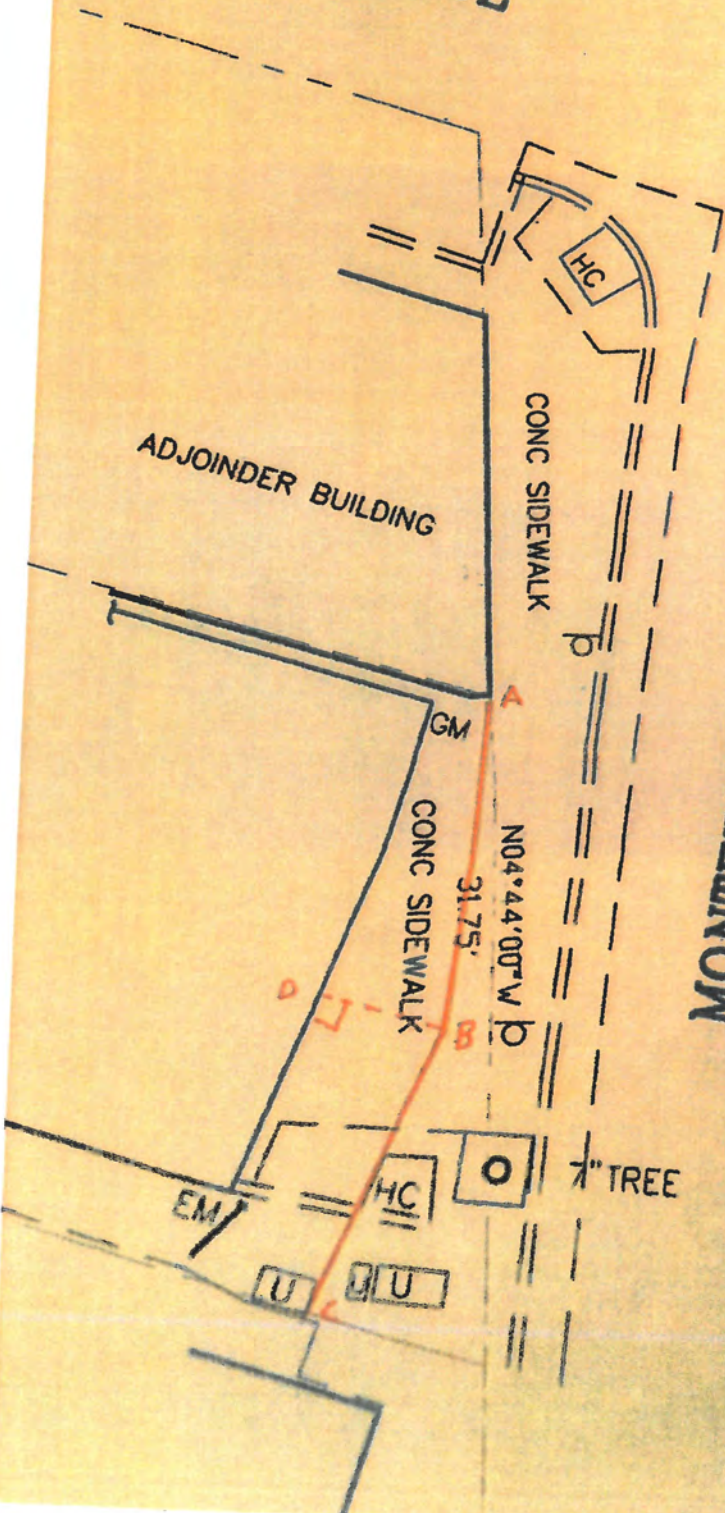
- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- ⊙ SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE
- EDGE OF PAVEMENT
- ≡≡≡ CURB & GUTTER

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

MONTEREY AV



NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17 ft

B to C: 13 ft

D to B: 6.5 ft

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

Subject: Maor Katz' Request for Hearing
From: bandm@cruzio.com
Date: Mon, 22 May, 2017 2:21 pm
To: sjesberg@ci.capitola.ca.us
Cc: kcattan@ci.capitola.ca.us (less)
 rsafty@ci.capitola.ca.us
 jgoldstein@ci.capitola.ca.us
 llaurent@ci.capitola.ca.us
Bcc: "Maor Katz" <maorkatz@gmail.com>
Priority: Normal

Preferences: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Spam](#) | [Not Spam](#) | [Bounce](#)

Dear Mr. Jesberg:

Please find the attached correspondence and related document from David R. Beck, Esq. We look forward to hearing from you.

Thank you.

Rae Spencer
 Legal Assistant

Beck & Mathiesen, APC
 700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 Tel: (831)429-0181
 Fax: (831)429-5617

Information contained herein is intended only for use of addressee. If receiver/reader is not the intended recipient, or the agent responsible to deliver it to intended recipient, you are notified you may not disseminate, distribute or copy this communication. Immediately notify us by telephone (831)429-0181 and destroy the original message.

Attachments:

- | | | | |
|---------------------------------|-------|---------------------|----------|
| (Katz) 17 05-22 Ltr to City.pdf | 2.7 M | [application/pdf] | Download |
| (Katz) Map.pdf | 535 k | [application/pdf] | Download |

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT C

Beck & Mathiesen, APC

Attorneys at Law
700 Frederick Street, Ste. 306
Santa Cruz, CA 95062

HAND-DELIVERED

Mr. Steve Jesberg
City of Capitola
420 Capitola Ave.
Capitola, CA 95010

NOV 29 2016
CITY OF CAPITOLA
CITY CLERK

Susan Sneddon
City Clerk

CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010



431-475-2301 ext. 228
Fax: 431-464-8659
ssneddon@cityofcapitola.com

SUSAN SNEDDON, CMC
City Clerk

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 (831) 429-0181 • Fax (831) 429-5617

David R. Beck
 Pamela C. Mathiesen
 Attorneys at Law

November 29, 2016

Mr. Steve Jesberg
 City of Capitola
 420 Capitola Ave.
 Capitola, CA 95010

HAND-DELIVERED

Re: Maor Katz, M.D.
 211 Monterey Ave.

Dear Mr. Jesberg;

Thank you for meeting my client and me at the site. It was helpful to understand the City's concerns and we have tried to address them.

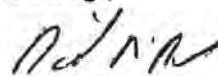
Specifically, please see the sketch, enclosed. What Dr. Katz proposes maintains the minimum width of the sidewalk; maintains unfettered access to the entire width of the handicap ramp; and eliminates the trip hazard to the left of the handicap ramp.

It should also decrease the deposit of trash and urinating between the fence and the gate leading to Dr. Katz's backyard.

We hope the City will view the proposal with favor and remove the "hold" on the building permit.

Thank you for your courtesies.

Sincerely,



David R. Beck

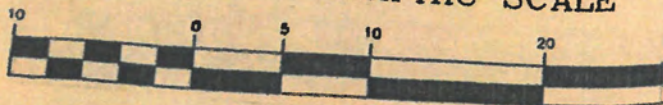
DRB/am
 encl.

cc: client ✓

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

mel
A'

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

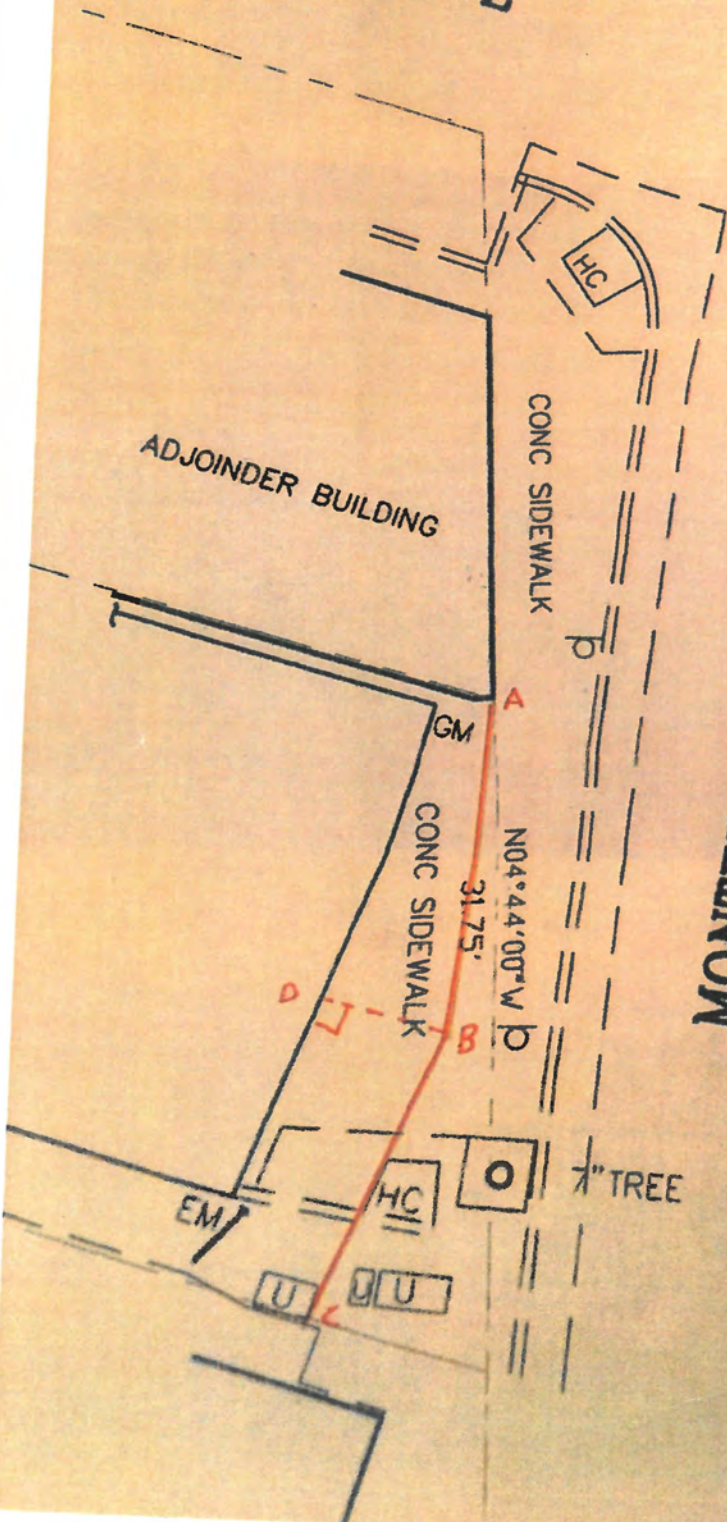
- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- ⊕ SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE
- EDGE OF PAVEMENT
- ≡≡≡ CURB & GUTTER

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

MONTEREY AV



NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:
 A to B: 17 ft
 B to C: 13 ft
 D to B: 6.5 ft

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT D

----- Forwarded message -----

From: **Safty, Ryan (rsafty@ci.capitola.ca.us)** <rsafty@ci.capitola.ca.us>
Date: Wed, Jan 25, 2017 at 2:48 PM
Subject: 211 Monterey Avenue #16-009
To: Blake and Kim Carpenter <carpenterandcarpenter@gmail.com>

Good afternoon Mr. Carpenter,

I have met with both the Public Works Director and Community Development Director in regards to the proposed project. I have been directed to not process the application until all of the improvements within the right-of-way are removed. Please remove these encroachments (fence posts, planters, etc), and contact me once that is completed.

Respectfully,
Ryan Safty
Assistant Planner

City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300



—
Carpenter and Carpenter
Design, Engineering, and Title 24
831-359-8080

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT E

Subject: Fwd:
From: "Maor Katz" <maorkatz@gmail.com>
Date: Fri, 24 February, 2017 4:52 pm
To: "David Beck" <bandm@cruzio.com>
Priority: Normal
Preferences: View Full Header | View Printable Version | Download this as a file | Spam | Bounce | Add to Address Book

here's the note I sent:

----- Forwarded message -----
From: **Maor Katz** <maorkatz@gmail.com>
Date: Fri, Feb 3, 2017 at 9:53 AM
Subject:
To: rsafty@ci.capitola.ca.us, sjesberg@ci.capitola.ca.us

Dear Mr. Safty;

This is Maor Katz. I own 211 Monterey Ave. I am responding to your email to Blake Carpenter of January 25, 2017,

I feel like we are putting the cart before the horses. On November 29, 2016, I had a letter and sketch hand-delivered to Steve Jesberg about the sidewalk, fence, etc.. I have not heard anything back from him or the City about that.

I am assuming my November 29 proposal will be met with approval. It would be helpful to obtain a response to that proposal before I respond to your January 25 email.

Then we could coordinate the two projects. Please get back to me about my sidewalk/fence project first. Thank you.

Sincerely,

Maor Katz, M.D.

--
Maor Katz, MD

Adjunct Clinical Instructor, Stanford Hospital and Clinics.
Director, Feeling Good Institute
2660 Solace Place, Suite A, Mountain View, CA 94040
Tel# 650-353-6544

--
Maor Katz, MD

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT F



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879
Website: www.cityofcapitola.org

June 8, 2017

Mr. David Beck, Esq.
700 Frederik St, Ste 306
Santa Cruz, CA 95062

Subject: 211 Monterey Avenue

Dear Mr. Beck,

The City of Capitola has reviewed the proposed placement of fencing along the sidewalk in front of 211 Monterey Avenue. Based on the drawing you provided it appears that the fence would be placed in the public sidewalk approximately 6.5 feet from the building at the south end of the property.

As the City has stated previously, the sidewalk fronting 211 Monterey Avenue is a public sidewalk. It has been openly used by the public for decades and was last improved with public funding in 2000 when new sidewalks and landscaping were constructed.

While the City does recognize that the property lines for 211 Monterey Avenue extend into the area used by the public, the City maintains that it must remain open to public use. As a compromise, the City would propose fencing of a smaller portion of the sidewalk area. Specifically, based on your drawing the city would propose that dimension B-D be reduced to 3 feet and that segment B-C run parallel to the structure at an offset distance of 3 feet.

Sincerely,

Steven Jesberg
Public Works Director

cc: Tony Condotti, City Attorney

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT G

Beck & Mathiesen
A Professional Corporation

700 Frederick Street, Ste. 306
Santa Cruz, CA 95062
(831) 429-0181 • Fax (831) 429-5617
BandM@cruzio.com

David R. Becl
Pamela C. Mathiesen
Attorneys at Law

July 5, 2017

Mr. Anthony P. Condotti, City Attorney
Atchison, Barisone & Condotti
333 Church Street
Santa Cruz, CA 95060

Sent VIA Email To:
tcondotti@abc-law.com

Re: 211 Monterey Ave., Capitola

Dear Mr. Condotti;

I represent Dr. Maor Katz. Dr. Katz owns a home at 211 Monterey Avenue, Capitola. In 2014 Dr. Katz was granted a permit to erect a fence on his property line. In good faith, and after consulting with the City again in 2016, reaffirming the permit, he purchased materials and started construction. After substantial funds and labor were put into the project, but before completion, the City of Capitola requested that Dr. Katz halt construction. He did. The permit was never revoked, nor are there any grounds to revoke it.

The fence matter seems to have become unnecessarily complicated and adversarial. Indeed, it has been coupled with an unrelated application for a permit to construct storage room interior access and an outside balcony. I will let my letter to Mr. Jesberg of May 22, 2017, and Mr. Jesberg's responsive letter of June 8, 2017, fill in the details for you.

I write you because Mr. Jesberg copied you on his letter. I am now assuming the City is represented by legal counsel in this matter. That is a good thing.

I enclose three drawings. Drawing A depicts in yellow what was originally permitted. Drawing B depicts in yellow what Dr. Katz proposed by way of compromise. Drawing C depicts in yellow what the City has offered. What the City has offered is unacceptable.

It is important to know that there was a meeting at the site in November, 2016. The City expressed three concerns, to wit:

1. Keeping the sidewalk wide enough for pedestrian use.
2. Keeping the handicap ramp accessible.
3. Keeping the utility boxes accessible.

Those are all reasonable requests. Dr. Katz had reasonable requests too. They are:

1. A desire for privacy (i.e. keeping pedestrians away from his front door and window).
2. The blocking off of the area in front of his gate which currently attracts public urination, trash, and has been an unofficial storage area for day visitors.
3. Elimination of a trip hazard which is just to the left (on the drawings) of the handicap ramp (designated "HC").

Dr. Katz's proposal, as set forth on Drawing B, accommodates everybody's concerns. City's counterproposal, on Drawing C, does not accommodate any of Dr. Katz's concerns. That is why it is unacceptable.

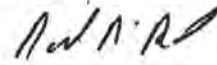
If the City feels that Dr. Katz's proposal does not leave enough room for pedestrian passage (it does leave over 5 ft width of passage), it should consider removing the tree. The tree is the biggest impediment to the free flow of pedestrian traffic in the area. It is not a special tree.

Dr. Katz and I solicit any suggestion you have for resolution of this matter. At present, no final decisions have been made by the City with regard to the fence location issue or application no. 16-009 for the small balcony and storage room access. All communications have been in the spirit of compromise and we hope to reach a cooperative resolution.

Short of that, we seek a hearing before whatever body we need to appeal to so as to exhaust administrative remedies. There is some confusion about how to proceed because the fence permit was not refused; it was issued. See Capitola Municipal Code § 17.54.040. Alternatively, please advise if the City will waive administrative remedies.

Thank you for your consideration. I look forward to hearing from you soon.

Sincerely,



David R. Beck

DRB/rs

encl.

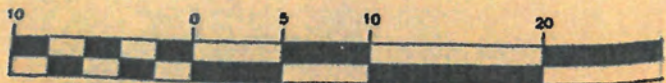
cc: Client (w/encl.)

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT H

mel
A

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- σ SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE
- - - - - EDGE OF PAVEMENT
- ≡≡≡≡≡≡ CURB & GUTTER

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

CONC SIDEWALK

MONTEREY AV

NO. 4.44.00" W
31.75'

7" TREE

EDGE OF PAVEMENT
CURB & GUTTER

NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17 ft

B to C: 13 ft

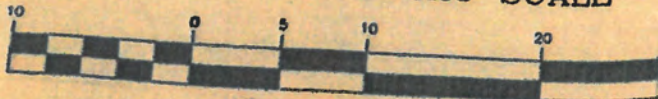
D to B: 6.5 ft



Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

mel
A'

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE

- EDGE OF PAVEMENT
- ≡≡≡≡≡ CURB & GUTTER

NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17ft

B to c: 13ft

D to B: 6.5ft

" B "

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

CONC SIDEWALK

MONTEREY AV

7" TREE

EM

HC

U

U

U

31.75'

N04°44'00"W

GM

A

B

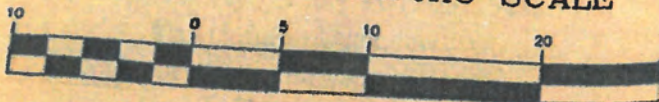
D

D

HC

mel
A

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- ⊙ SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE

- EDGE OF PAVEMENT
- ≡≡≡ CURB & GUTTER

NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17 ft

B to C: 13 ft

D to B: 6.5 ft

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

CONC SIDEWALK

MONTEREY AV

N04°44'00"W
31.75'

7" TREE



Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT I

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 (831) 429-0181 • Fax (831) 429-5617
 BandM@cruzio.com

David R. Beck
 Pamela C. Mathiesen
 Attorneys at Law

August 29, 2017

Mr. Anthony P. Condotti, City Attorney Sent via CMRRR
 Atchison, Barisone & Condotti
 333 Church Street
 Santa Cruz, CA 95060

Re: 211 Monterey Ave., Capitola
 WAIVER OF ADMINISTRATIVE REMEDIES

Dear Mr. Condotti;

I sent you a letter dated July 5, 2017. It included a copy of my letter to Steven Jesberg dated May 22, 2017, with an attachment. It also included a copy of Mr. Jesberg's letter to me dated June 8, 2017, and three exhibits labeled "A," "B," and "C."

In my letter of July 5, 2017, I sought a hearing to exhaust administrative remedies, or alternatively, that the City waive administrative remedies. I acknowledged that there really is no provision for appeal (i.e. – administrative remedy) in this case under Capitola Municipal Code § 17.54.040 because the fence permit wasn't refused – it was granted.

Ever since the City requested my client cease construction, the parties have been discussing settlement. The most recent settlement communication came from the City on June 8, 2017. I responded to it by writing you because you were copied on Mr. Jesberg's June 8 letter.

Said another way, there has been no appealable decision made, notwithstanding that no procedure is in place to handle an appeal of a fence permit that was **issued**. But my client is now ready to file suit.

Therefore, this letter is written to give the City an opportunity to assert some administrative remedy process applies, which my client will participate in; or to waive it.

If no response to this letter is received by **September 15, 2017**, it will be deemed a WAIVER OF ADMINISTRATIVE REMEDIES.

Sincerely,



David R. Beck

DRB/rs
cc: Client. ✓

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT J

LAW OFFICES
ATCHISON, BARISONE & CONDOTTI
 A PROFESSIONAL CORPORATION

PO BOX 481
 SANTA CRUZ, CALIFORNIA 95061-0481
 WEBSITE: WWW.ABC-LAW.COM

TELEPHONE: (831) 423-8383
 FAX: (831) 576-2269
 EMAIL: ADMIN@ABC-LAW.COM

JOHN G. BARISONE
 ANTHONY P. CONDOTTI
 BARBARA H. CHOI
 LAUREN VALK WILLS
 CASSIE M. BRONSON
 REED W. GALLOGLY
 HEATHER J. LENHARDT
 STEPHANIE Y. HALL
 AMY E. B. KAPP

October 17, 2017

*Via Electronic Mail (BandM@cruzio.com)
 And United States Mail*

David R. Beck
 Beck & Mathiesen
 700 Frederick Street, Suite 306
 Santa Cruz, CA 95062

Re: 211 Monterey Avenue
 (Dr. Maor Katz)

Dear David:

Per our phone conversation Monday, this letter shall serve as the City of Capitola's notice that the fence permit issued in late 2015 (Application No. 15-152) is hereby rescinded, effective immediately. As we discussed, the City believes the permit was issued in error, based upon the fact that the area proposed to be enclosed is a public right of way, by virtue of its having been improved and maintained by the City of Capitola as a sidewalk accessible to passers-by, and through passage of time.

Please feel free to contact me if you have any questions or comments with regard to the foregoing.

Sincerely,

/s/

TONY CONDOTTI
 City Attorney

cc: Steve Jesberg, Public Works Director

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT K



10/19/2017 14:30

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)



Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)



PAY TO
PARK AT
PAYSTATION
REMEMBER YOUR
SPACE NUMBER

10/19/2017 14:14



Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

EXHIBIT L

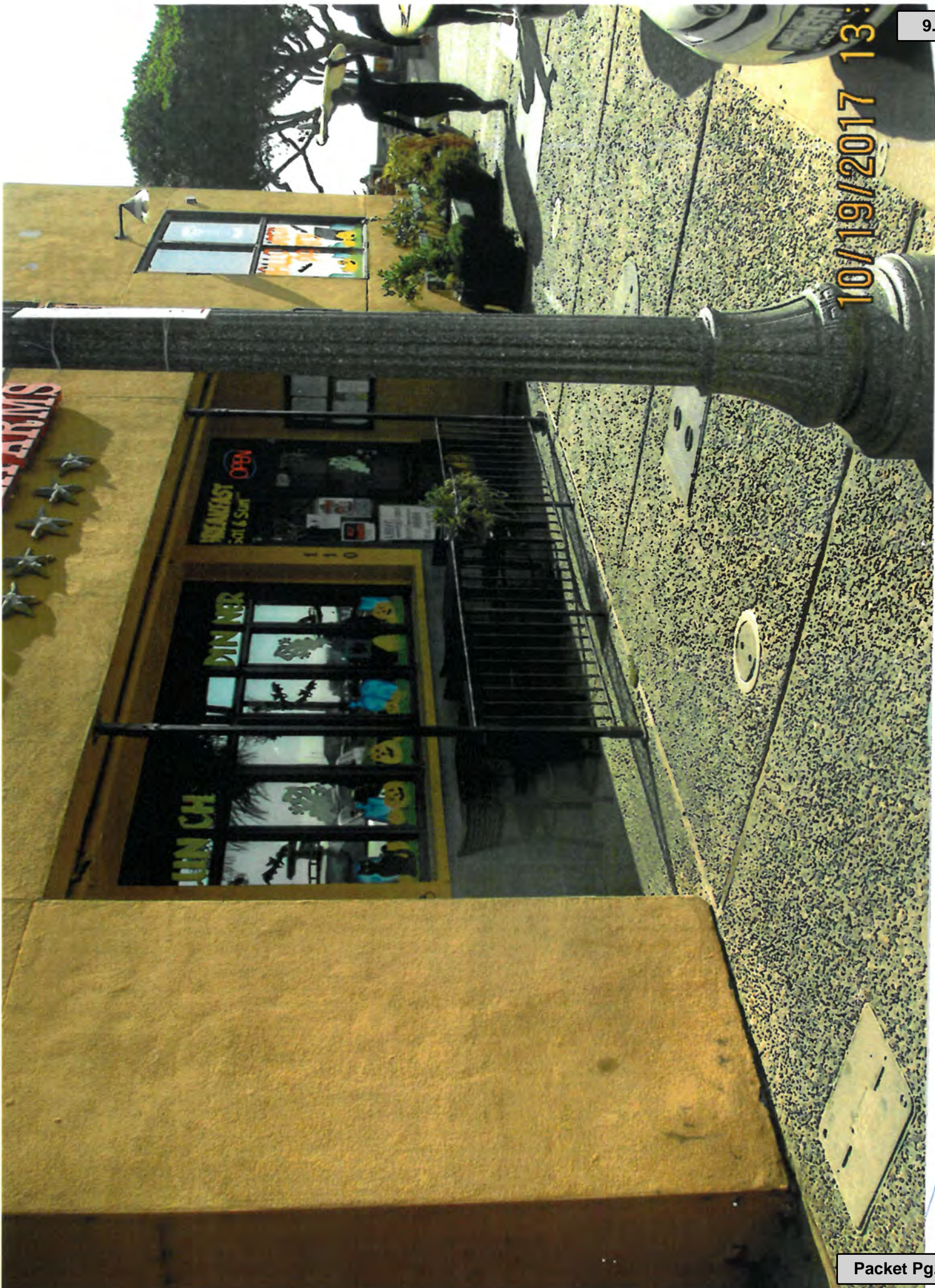


10/19/2017 14:00



Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

10/19/2017 13:13



Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)



10/19/2017 13:13

Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)



Attachment: Original 211 Monterey Appeal (211 Monterey Appeal)

700 Frederick Street, Ste. 306
Santa Cruz, CA 95062
(831) 429-0181 • Fax (831) 429-5617

David R. Beck
Pamela C. Mathiesen
Attorneys at Law

March 13, 2018

Capitola City Council
420 Capitola Avenue
Capitola, CA 95010

Re: Revised Appeal of Rescission of Fence Permit
Capitola Muni. Code § 17.54.040

Dear City Council Members;

Please accept this **appeal** of the rescission by the City Attorney of the fence permit (15-152) that was issued September 18, 2015.

The **property** in question is 211 Monterey Avenue, Capitola, APN: 035-185-19.

The **owner** of the property is Dr. Maor Katz.

The appeal is made under a **reservation of rights** because it is not an appeal from the refusal to issue a fence permit. Instead, it is from the rescission of an already-issued fence permit which Appellant contends gave him a vested right.

The **grounds** of the appeal are:

- ▶ A fence permit was issued.
- ▶ Major decisions and expenditures were made based upon the issuance of a valid fence permit.
- ▶ After commencing construction, and with no wrong doing by Mr. Katz, City asked Appellant to cease construction.
- ▶ A meeting was held at the site at which Appellant and City expressed their concerns.

Ltr re Appeal of Rescission of Fence Permit
211 Monterey Ave., Capitola
- 1 of 6 -

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

- ▶ A compromise was proposed which:
 - Gives Appellant privacy;
 - Reduces public urination and trash;
 - Eliminates a trip hazard;
 - Maintains a sufficiently wide sidewalk;
 - Keeps the handicap ramp accessible;
 - Keeps utility boxes accessible.
- ▶ At either end of the proposed fence, pedestrian traffic is compressed. The fence merely reduces the expansion of the pedestrian traffic between those two points.
- ▶ There is precedent for this in the Central Village.

FACTS

Dr. Katz purchased 211 Monterey Avenue in June, 2014. It contained three units – A, B, and C – from street to rear. It was purchased as a rental property.

There were problems at the front of the house. Pedestrians could stick their noses in the windows and peek into Unit A. Pedestrians would urinate in an area sheltered by the wall of the neighboring building and a gate that leads to the rear. Day visitors would use the sheltered area for storage. Also, there is a trip hazard between the handicap ramp and the house itself.

In August, 2015, Dr. Katz communicated with City staff. Dr. Katz was told “a fence at the property line... would probably be fine.” Public Works said “you may install a fence at the property line.” See **Exhibit A**.

In September, 2015, Dr. Katz applied for, and obtained, a fence permit. It included a “Site Plan.” See **Exhibit B**. The Site Plan showed the proposed location of the fence, to wit: from the corner of the adjacent building on the right to the corner of the adjacent building on the left. The Site Plan is not in the City’s file anymore.

Based upon receipt of the fence permit, Dr. Katz and his family made two major decisions: First, they decided to move from Mt. View to Capitola. Second, they decided to combine Units A and B and to make that into their living quarters instead of combining Units B and C.

In April, 2016, work commenced on combining Units A and B. Work was commenced on the fence too. But in July, 2016, the City asked Dr. Katz to voluntarily cease works on the fence. He did.

A meeting was held at the house in November, 2016. City said its needs were:

- ▶ Maintain the sidewalk sufficiently wide.
- ▶ Maintain access to the handicap ramp.
- ▶ Maintain access to two utility boxes.

Dr. Katz said his needs were:

- ▶ Give occupants privacy from peeping Toms.
- ▶ Reduce public urination and public storage.
- ▶ Eliminate the trip hazard.

Accordingly, City requested that Dr. Katz submit a proposal to accommodate everybody's needs. He did so in November, 2016. It met all the City's needs and met all of Dr. Katz' needs. See **Exhibit C**.

In December, 2016, Dr. Katz applied for a building permit to construct an interior stairway to the attic; and for construction of a small, second-story, balcony that would overlook Monterey Avenue.

In January, 2017, Dr. Katz inquired about the status of the proposed alternative fence location. He hadn't heard anything in a couple of months. He finally received an email from Assistant Planner Ryan Safty that read "I have been directed not to process the application until all of the improvements within the right-of-way are removed." See **Exhibit D**.

It is not known if the permit application that Assistant Planner Safty was "directed not to process" was the fence application, or the stairway and balcony application, or both.

Two fence posts had already been installed (before the City requested that work cease). 147 planks had been purchased, sanded and painted for the fence. Cost of the fence alone to that point is over \$5,000.00.

Dr. Katz felt like the fence was being held hostage to the stairway and balcony; or the stairway and balcony were being held hostage to the fence; or both. He resubmitted the plan that meets everybody's needs. It called for an angled fence that is 6.5 feet away from the house at the most. It does not compress pedestrian traffic anymore than it is already compressed at each of the adjacent buildings. See **Exhibit E**.

The City suggested a straight fence that is three feet away from the house. See **Exhibit F**. City took no other action. Meanwhile, pedestrians still urinate, still store personal belongings, still litter, and peep into the windows. Dr. Katz has a new baby and his wife breastfeeds. The peeping Toms see this.

Had it not been for the approval of the fence, Dr. Katz would have combined Units B and C. To date he has spent over \$142,000.00 on combining Units A and B.

Dr. Katz wrote to the City Attorney. Dr. Katz requested administrative review so he could seek relief from the courts. He also provided 3 diagrams. Diagram A shows what the City initially approved. Diagram B shows what Dr. Katz suggested. Diagram C shows what the City suggested. See **Exhibit G**.

There is no ordinance that provides for administrative review unless a fence permit has been rejected. In our case, the fence permit was granted. See **Exhibit H**. Dr. Katz again sought to exhaust administrative remedies. See **Exhibit I**.

To remedy this conundrum, the City Attorney rescinded the fence permit that was issued in 2015. See **Exhibit J**. It was agreed this direct appeal to the City Council would constitute compliance with exhaustion of administrative remedies. In other words, the need to go through the Planning Commission first was obviated.

Ltr re Appeal of Rescission of Fence Permit
211 Monterey Ave., Capitola

- 4 of 6 -

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

It is noted that at least four other buildings in the Central Village encroach, with fences or other obstructions, into the public space. See **Exhibit K**.

Allowing Dr. Katz to construct the fence at the proposed alternative location meets everybody's needs. The main objection City has to the alternative location is the belief that foot traffic will be impaired. Two things about that:

1. The width for pedestrian traffic adjacent to Dr. Katz' house will be wider than it is on either side of Dr. Katz' house where the neighbors' buildings stick out further.
2. A tree (not a heritage tree) could be removed to open up the width for foot traffic in the only tight spot. This is shown by the diagrams and photos. See **Exhibit L (4 photographs)**.

EXHIBITS

- | | |
|---|--|
| A | Emails from City re building a fence at the property line. |
| B | Fence permit application and approval. |
| C | Letter confirming meeting at site with diagram. |
| D | "Directed not to process" email. |
| E | Letter resubmitting diagram and setting forth chronology. |
| F | City "3 Feet" instead of "6.5 Feet" proposal. |
| G | Letter with A, B, C diagrams and concerns. |
| H | Capitola Muni Code Ord. 17.54.040 |
| I | Waiver of Administrative Remedies letter. |
| J | Rescission of fence permit. |
| K | Photos of precedent in the Central Village. |
| L | Photos of property in question. |

The Appellant and I thank you for your courtesies and consideration.

Sincerely,



David R. Beck

DRB/rs
encl.
cc: Client (w/encl.)

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT A

Beck & Mathiesen

From: Maor Katz, FGI <maor@feelinggoodinstitute.com>
Sent: Tuesday, August 02, 2016 3:35 PM
To: bandm@cruzio.com
Subject: Fwd: 211 Monterey Ave

On Aug 25, 2015, at 15:28, Jesberg, Steve (sjesberg@ci.capitola.ca.us) <sjesberg@ci.capitola.ca.us> wrote:

Hello Maor, let's see if I can address your questions:

1. I will talk with my Maintenance Superintendent about moving the trash can. We have made efforts to distribute them throughout the Village and I need to discuss this with him. Would moving the can to the other side of the tree work, or are you looking to have it removed completely from the area?
2. Regarding the sidewalk, I am not aware of any agreements with previous owners. I am having a search done of the records back in 2000 when the current sidewalk was built. I have talked with Katie and understand you are interested in building a fence at the property line. Let me check on any agreement, but in theory that would probably be fine.

I will get back to you ASAP once I have some more definitive answers.

-Steve

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

From: "Jesberg, Steve (sjesberg@ci.capitola.ca.us)" <sjesberg@ci.capitola.ca.us>
Date: August 26, 2015 at 17:01:41 PDT
To: "Maor Katz, FGI" <maor@feelinggoodinstitute.com>
Cc: "Cattan, Katie (kcattan@ci.capitola.ca.us)" <kcattan@ci.capitola.ca.us>, "Garcia, Eddie Ray (ergarcia@ci.capitola.ca.us)" <ergarcia@ci.capitola.ca.us>
Subject: RE: 211 Monterey Ave

Maor,

Good news on all fronts. First, my Maintenance Superintendent will be moving the trash can in the coming weeks. He is not sure if it will be before or after the festivals coming up, but it is on his list. I think we are going to move it down to the intersection at Monterey and Capitola Ave. Second, I could find no agreement regarding the sidewalk fronting your building. I suspect there was a verbal agreement to let us replace it. In any case, from a Public Works stand point you may install a fence at the property line. You will need to obtain a fence permit from the Community Development Department, who will also inform you of any requirements/restrictions on the fence itself.

Have a good day.

-Steve

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT B



CITY OF CAPITOLA

FENCE PERMIT APPLICATION

COPY

A fence includes the following materials: wood, masonry, metal and other permanent materials, but does not include living plants.

INSTRUCTIONS: Fill out completely and return to Planning Department. Attach a property site plan showing the location of the fence, residence, driveway and an elevation of the fence structural plans.

Permit Requirements – Municipal Code Section 17.54

1. Fence shall be built on the applicant's property and shall not encroach into the public right-of-way.
2. Fence height in the front and side yard area shall not exceed 3'-6" with a staff approval permit. If higher, then Planning Commission approval is required.
3. Fence height in the rear and side yard area shall not exceed 8'-0" provided that the top 2'-0" are lattice or other open material with staff approval permit. If higher, then Planning Commission approval is required.
4. Corner Lots: Fencing shall be set back at least 5'-0" from the property line on the side of the lot which has the greatest length along the street.
5. Corner Lot Line of Site: A height no greater than 30" shall extend 20' on the minor street and 30' on the major street and along the driveway extending 15' along the property line (see attached diagram).

Project Address: 211 Monterey Ave APN# _____
 Phone No. 650-353-6544

Property Owner Maor Katz
 Applicant _____
 (If other than owner) _____ Phone No. _____

I hereby certify that I will comply with all provisions of Section 17 of the Municipal Code of the City of Capitola, and do hereby declare that the facts given on this application are true and correct to the best of my knowledge.

Property Owner Signature: [Signature] Date: 9/18/15
 Applicant Signature: _____ Date: _____

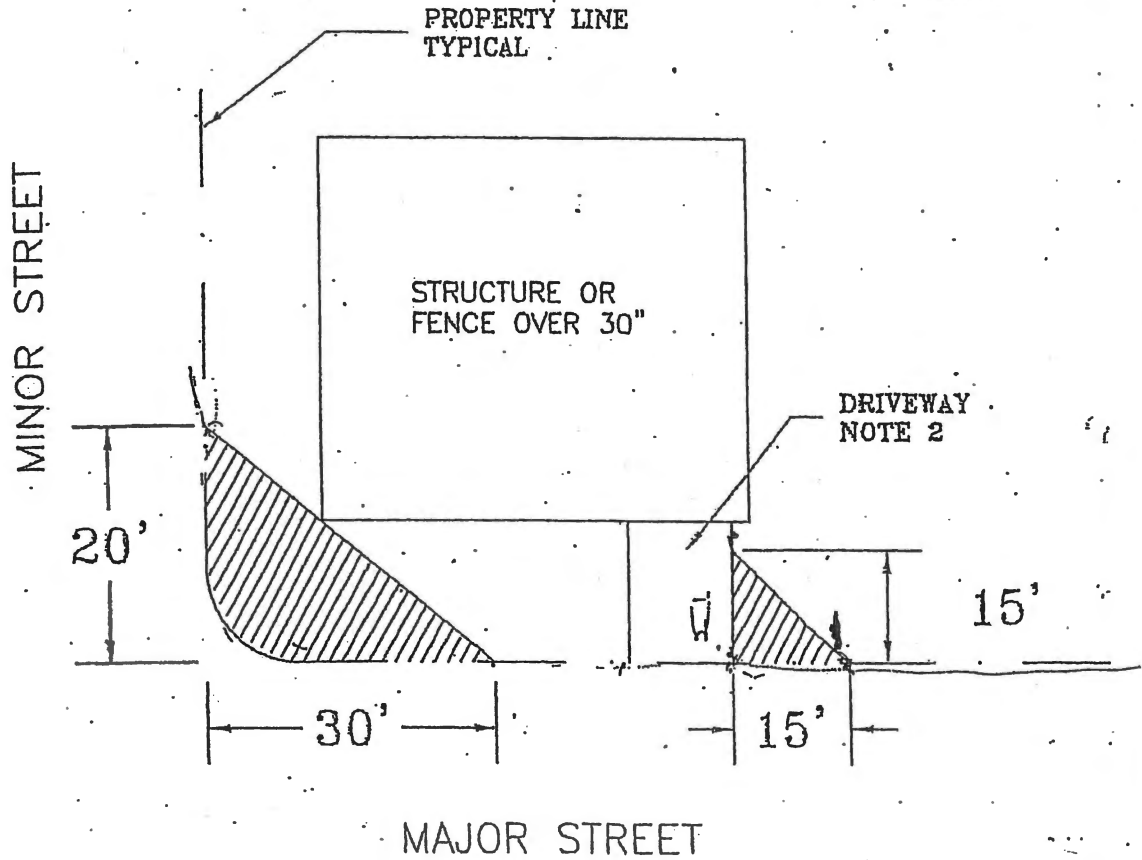
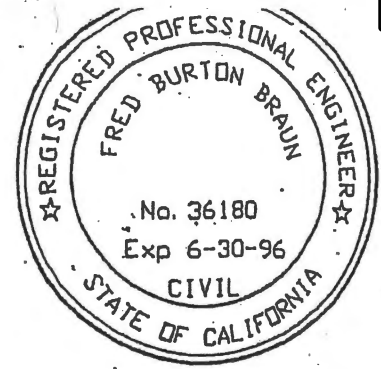
STAFF USE ONLY


- Site Plan and fence detail plan attached
- Fence Permit + 5% Information Technology Fee

\$41.00 + \$2.05

Planning Department Approval: [Signature] Date: 9/18/15

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)



 MAXIMUM 30" OBSTRUCTIONS ALLOWED WITHIN AREA

- NOTES:
- 1) MAJOR STREET ADT > 2000; MINOR STREET ADT < 2000.
 - 2) DRIVEWAY SHALL BE LOCATED AS FAR AS PRACTICAL FROM INTERSECTION.
 - 3) SITE DISTANCE TRIANGLE TYPICAL EACH SIDE OF DRIVEWAY.
 - 4) ALTERNATIVE ANALYSIS ALLOWED PER TOPIC 405 CALTRANS HIGHWAY DESIGN MANUAL 4TH EDITION.

REVISIONS	CITY OF CAPITOLA	STANDARD PLAN No.
	INTERSECTION SITE DISTANCE	S-30
Approved by: FRED B City En.	JN RCE 36,180	Sheet 1 of 1
		Date 6-2-92

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

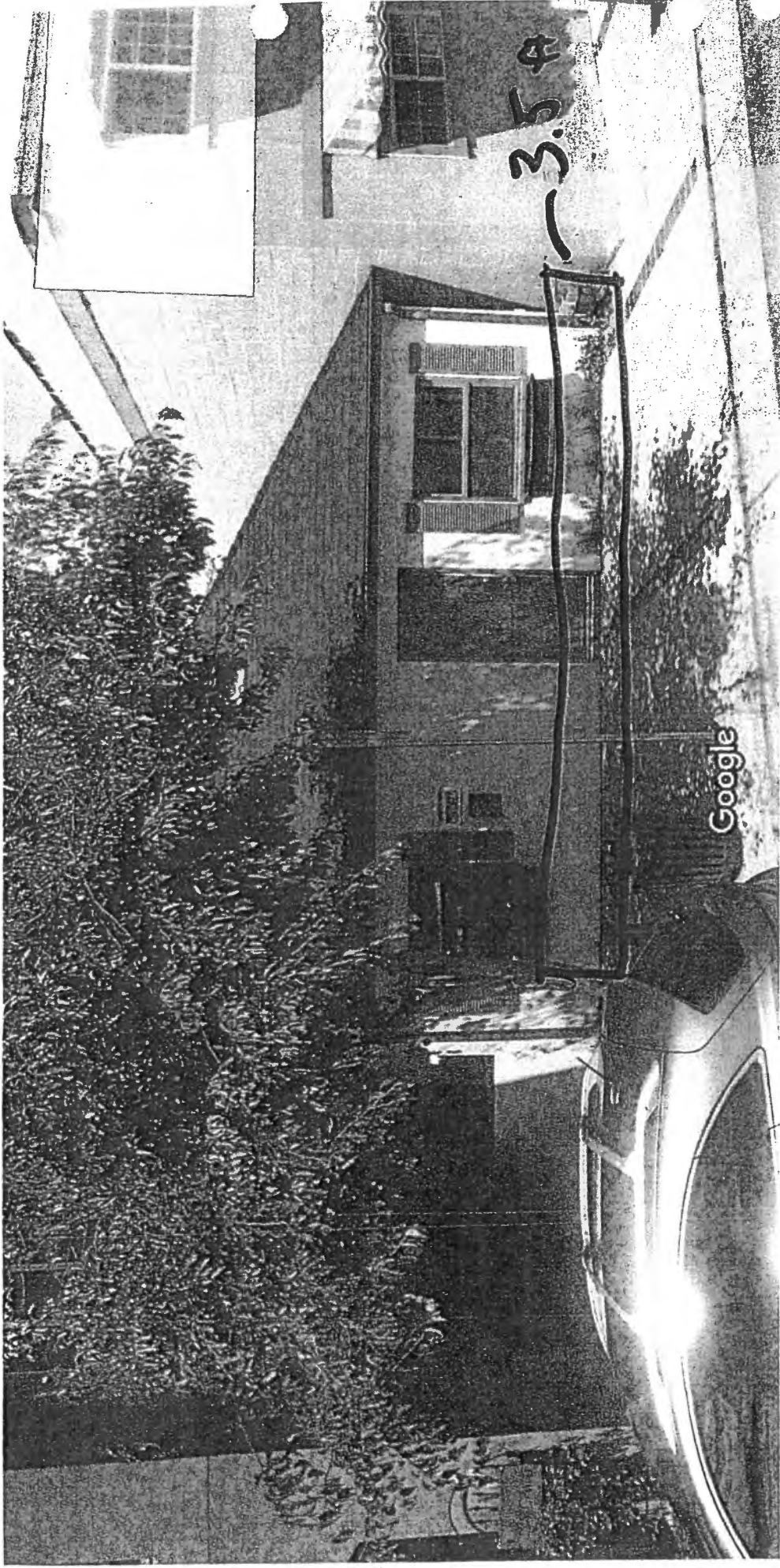


Image capture: Jul 2015 © 2015 Google

Capitola, California
Street View - Jul 2015

COP

9.A.5

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

Google Maps 211 Monterey Ave

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)



3 1/2 ft.

Imagery ©2015 Google, Map data ©2015 Google 20 ft

COP

SEP 10/2015
COLLECTION STATION
 Front Counter
RECEIVED FROM
 Maor Katz

420 Capitola Avenue
Capitola, CA 95010
Phone: 831-475-7300
Fax: 831-479-8879
www.ci.capitola.ca.us

BATCH NO.
 2016-03000000
RECEIPT NO.
 2016-00000940

9.A.5

CASHIER
 Ryan Safty

DESCRIPTION
 fence permit 3.5 feet 211 Monterey ave 15-152

COPY

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT														
CDD OTHER	Permits/Fees	\$41.00														
CDD TECH FEE	fence Technology Fee 5%	\$2.05														
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Total Cash</td> <td style="text-align: right;">\$43.05</td> </tr> <tr> <td>Total Check</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Charge</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Other</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Remitted</td> <td style="text-align: right;">\$43.05</td> </tr> <tr> <td>Change</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Received</td> <td style="text-align: right;">\$43.05</td> </tr> </table>		Total Cash	\$43.05	Total Check	\$0.00	Total Charge	\$0.00	Total Other	\$0.00	Total Remitted	\$43.05	Change	\$0.00	Total Received	\$43.05	
Total Cash	\$43.05															
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Total Charge	\$0.00															
Total Other	\$0.00															
Total Remitted	\$43.05															
Change	\$0.00															
Total Received	\$43.05															
Total Amount:		\$43.05														

Customer Copy

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT C

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 (831) 429-0181 • Fax (831) 429-5617

David R. Beck
 Pamela C. Mathiesen
 Attorneys at Law

November 29, 2016

Mr. Steve Jesberg
 City of Capitola
 420 Capitola Ave.
 Capitola, CA 95010

HAND-DELIVERED

Re: Maor Katz, M.D.
 211 Monterey Ave.

Dear Mr. Jesberg;

Thank you for meeting my client and me at the site. It was helpful to understand the City's concerns and we have tried to address them.

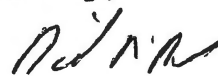
Specifically, please see the sketch, enclosed. What Dr. Katz proposes maintains the minimum width of the sidewalk; maintains unfettered access to the entire width of the handicap ramp; and eliminates the trip hazard to the left of the handicap ramp.

It should also decrease the deposit of trash and urinating between the fence and the gate leading to Dr. Katz's backyard.

We hope the City will view the proposal with favor and remove the "hold" on the building permit.

Thank you for your courtesies.

Sincerely,



David R. Beck

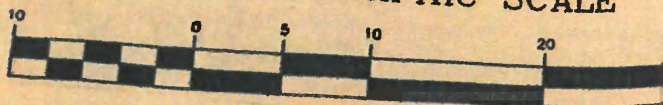
DRB/am
 encl.

cc: client ✓

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

mel
A'

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

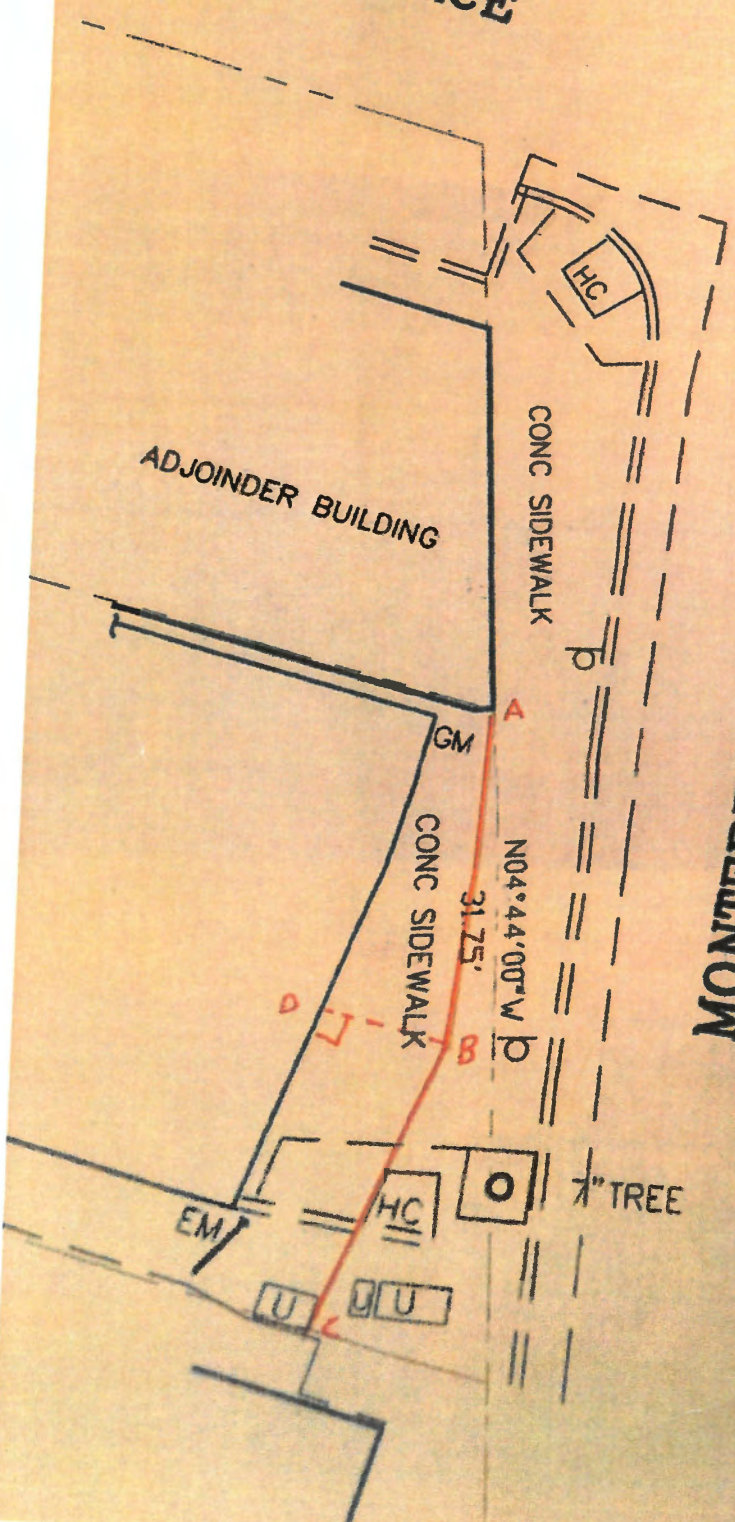
- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- σ SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

MONTEREY AV



- EDGE OF PAVEMENT
- CURB & GUTTER

NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

- A to B: 17 ft
- B to C: 13 ft
- D to B: 6.5 ft

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

Beck & Mathiesen, APC

Attorneys at Law
700 Frederick Street, Ste. 306
Santa Cruz, CA 95062

HAND-DELIVERED

Mr. Steve Jesberg
City of Capitola
420 Capitola Ave.
Capitola, CA 95010

NOV 29 2016

CITY OF CAPITOLA
CITY CLERK

Susan Sneddon
City Clerk

CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010



831-475-7300, ext 228
Fax: 831-464-8659
ssneddon@ci.capitola.ca.us

SUSAN SNEDDON, CMC
City Clerk

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT D

----- Forwarded message -----

From: **Safty, Ryan (rsafty@ci.capitola.ca.us)** <rsafty@ci.capitola.ca.us>
Date: Wed, Jan 25, 2017 at 2:48 PM
Subject: 211 Monterey Avenue #16-009
To: Blake and Kim Carpenter <carpenterandcarpenter@gmail.com>

Good afternoon Mr. Carpenter,

I have met with both the Public Works Director and Community Development Director in regards to the proposed project. I have been directed to not process the application until all of the improvements within the right-of-way are removed. Please remove these encroachments (fence posts, planters, etc), and contact me once that is completed.

Respectfully,

Ryan Safty
Assistant Planner

City of Capitola
420 Capitola Avenue
Capitola, CA 95010
(831) 475-7300



--
Carpenter and Carpenter
Design, Engineering, and Title 24
831-359-8080

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT E

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
Santa Cruz, CA 95062
(831) 429-0181 • Fax (831) 429-5617

David R. Beck
Pamela C. Mathiesen
Attorneys at Law

Mr. Steve Jesberg
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

May 22, 2017

Sent VIA US Post and Email To:
sjesberg@ci.capitola.ca.us

Re: Maor Katz, M.D.
211 Monterey Ave.
REQUEST FOR HEARING

Dear Mr. Jesberg;

You met my client and me at 211 Monterey Avenue on November 8, 2016. We discussed the fence that would enclose the area in front of Dr. Katz's house.

As you know, in November, ²⁰¹⁵~~2014~~, the City issued a permit for a fence to follow the property line in front of Dr. Katz' house. Dr. Katz followed with more extensive plans for renovations and in 2016, at the request of the City, the permitted fence line was adjusted to follow the line between the two buildings adjacent to Dr. Katz' property. Months later, in July, 2016, during the fence's construction and after Dr. Katz incurred substantial expense and further investment toward the fence's construction, and without any wrongdoing by Dr. Katz, the planned and permitted construction of the fence was halted by the City.

At our meeting on November 8, 2016, the City expressed new concerns that the sidewalks maintain a certain width; the handicap ramp remain useable; and the utility boxes accessible.

Dr. Katz expressed his concern for privacy; to make inaccessible the area in front of his gate that attracts public urination, trash and unsolicited storage of random items on his property by day visitors; and to fence off the trip hazard between the handicap ramp and the house.

The meeting in November ended with you soliciting a further adjusted plan for the permitted fence that, as best as possible, would accommodate everybody's concerns and allow Dr. Katz to proceed with construction under the fence permit he was issued.

- 1 of 3 -

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

The plan for the proposed fence that was delivered to you November 29, 2016, is yet to be acted on by the City.

Meanwhile, on December 23, 2016, Dr. Katz resubmitted an application for a permit for renovations of his home which include creating an inside access to the attic storage room and a small balcony addition to his house. Those plans were discussed with the City's planning staff in 2015, deemed possible following an official historic survey requested by the City and completed on December 21, 2015, and approved with modifications by the City planning committee February 10, 2016.

Thereafter, on January 25, 2017, Mr. Ryan Safty from the Planning Department sent an email saying he had been "directed not to process the application" until certain personal property is removed from the area that is intended to be enclosed by the permitted fence.

It is not clear what it is Mr. Safty was directed not to process. Perhaps it was the plan for the proposed fence you solicited. That is a logical conclusion due to Mr. Safty's reference to the "right-of-way" and to "fence posts, planters, etc." Or, perhaps it was the plans for the storage access and balcony addition. That also is a logical conclusion due to Mr. Safty's reference to "#16-009."

An email to Mr. Safty by my client on February 3, 2017, was not responded to. On February 27 and March 15, 2017, I spoke with Mr. Safty. Both times he said he would have you call me. You have not done that.

It appears the City is holding the fence hostage to the addition; or the addition hostage to the fence; or both. We believe such conduct by the City is inappropriate.

Dr. Katz seeks approval of the adjusted plan for the permitted fence. He also seeks a de-coupling of the fence and the application for the storage access and balcony. He also requests that the application for the permit for the storage access and balcony, into which significant planning, time and funds have been invested in the past 2 years including multiple conversations with City planning staff, official historical review, planning committee preparation and submission, as well as architect and construction engineering work, be processed in the ordinary course of business.

Dr. Katz has a vested right to have his application and permit for the attic/storage room access and balcony completed. He followed the City's planning procedure and requests for that.

He incurred substantial expenses in furtherance of it. And he has acted in good faith every step of the way. With that application, just as with the application for, and legal issuance of, the fence permit, over the past two years, he has complied with every request the City has made of him. Dr. Katz has a vested right to finish installation of the fence. He was issued a permit for that.

Meanwhile, the City fails to act on the pending adjusted plan for the permitted fence solicited by you, and fails to act on the application for a permit for attic/storage room access and balcony; and fails to communicate. After exhaustion of administrative remedies, Dr. Katz will bring suit, if necessary, for declaratory relief, injunctive relief, and ordinary mandamus to enforce his rights.

Attached please find once more Dr. Katz's proposed adjusted fence plan that, as best as possible, would accommodate everybody's concerns and allow Dr. Katz to proceed with construction under the fence permit he was issued. Our preference remains to settle these issues with the fence line as permitted, and finalize the review of the second story plans to avoid the discomfort, expense and hassle of suit. Please let me know of your decision.

If I do not hear from you within two weeks from the date of this letter, we will assume the City is not willing to work with us to resolve this matter and honor Dr. Katz's vested rights. Should that be the case then THIS LETTER REQUESTS A HEARING SO THAT ADMINISTRATIVE REMEDIES MAY BE EXHAUSTED. Please advise.

Sincerely,



David R. Beck, Esq.

DRB/rs

encl.

cc: client (w/o encl.) ✓

Katie Cattan (kcattan@ci.capitola.ca.us) (w/encl.) ✓

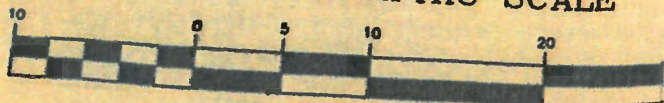
Ryan Safty (rsafty@ci.capitola.ca.us) (w/encl.) ✓

Jamie Goldstien (jgoldstein@ci.capitola.ca.us) (w/encl.) ✓

Larry Laurent (llaurent@ci.capitola.ca.us) (w/encl.) ✓

mel
A

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

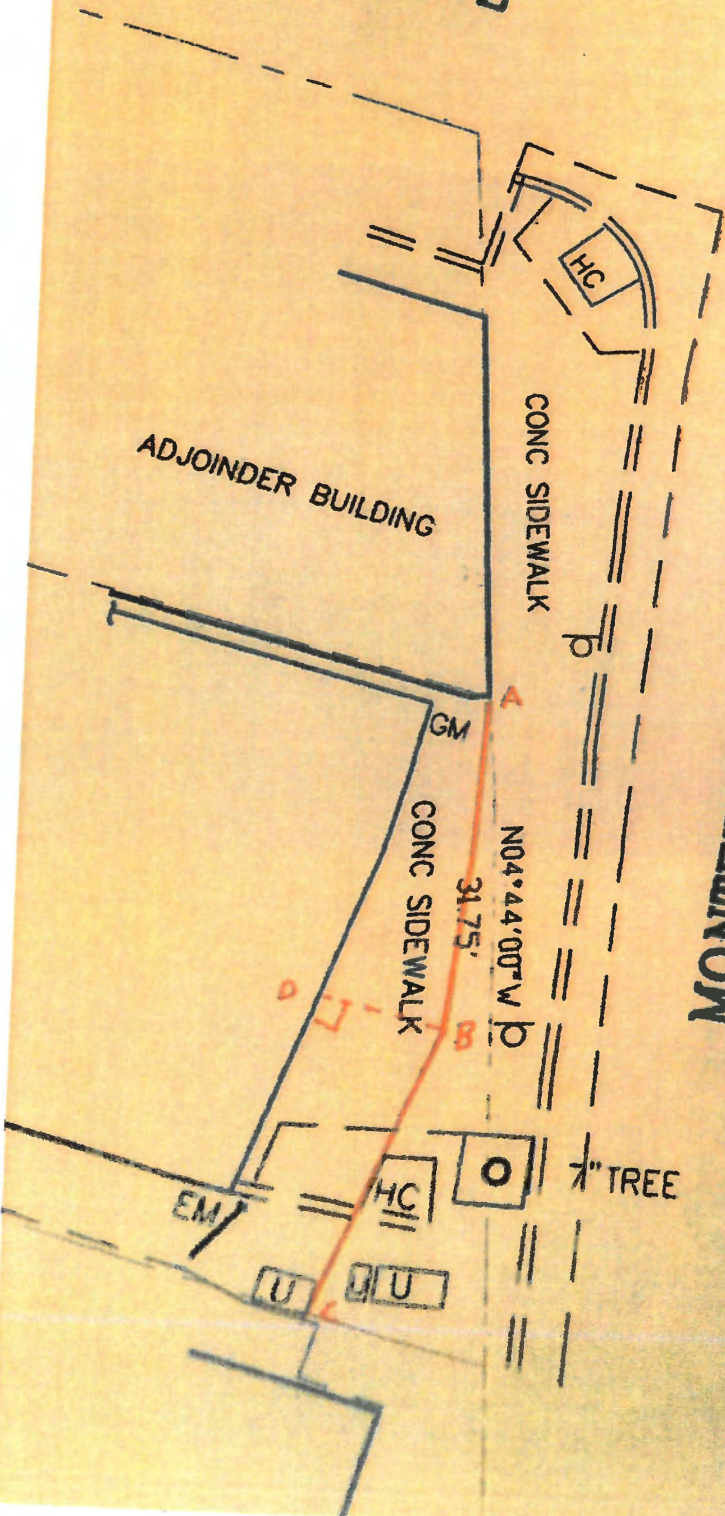
- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- ⊙ SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE
- EDGE OF PAVEMENT
- ≡≡≡ CURB & GUTTER

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

MONTEREY AV



NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17ft

B to C: 13ft

D to B: 6.5ft

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

Subject: Maor Katz' Request for Hearing
From: bandm@cruzio.com
Date: Mon, 22 May, 2017 2:21 pm
To: sjesberg@ci.capitola.ca.us
Cc: kcattan@ci.capitola.ca.us (less)
 rsafty@ci.capitola.ca.us
 jgoldstein@ci.capitola.ca.us
 llaurent@ci.capitola.ca.us
Bcc: "Maor Katz" <maorkatz@gmail.com>
Priority: Normal

Preferences: [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Spam](#) | [Not Spam](#) | [Bounce](#)

Dear Mr. Jesberg;

Please find the attached correspondence and related document from David R. Beck, Esq. We look forward to hearing from you.

Thank you.

Rae Spencer
 Legal Assistant

Beck & Mathiesen, APC
 700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 Tel: (831)429-0181
 Fax: (831)429-5617

Information contained herein is intended only for use of addressee. If receiver/reader is not the intended recipient, or the agent responsible to deliver it to intended recipient, you are notified you may not disseminate, distribute or copy this communication. Immediately notify us by telephone (831)429-0181 and destroy the original message.

Attachments:

(Katz) 17 05-22 Ltr to City.pdf	2.7 M	[application/pdf]	Download
(Katz) Map.pdf	535 k	[application/pdf]	Download

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT F



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879
Website: www.cityofcapitola.org

June 8, 2017

Mr. David Beck, Esq.
700 Frederik St, Ste 306
Santa Cruz, CA 95062

Subject: 211 Monterey Avenue

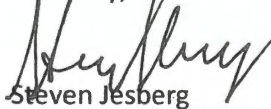
Dear Mr. Beck,

The City of Capitola has reviewed the proposed placement of fencing along the sidewalk in front of 211 Monterey Avenue. Based on the drawing you provided it appears that the fence would be placed in the public sidewalk approximately 6.5 feet from the building at the south end of the property.

As the City has stated previously, the sidewalk fronting 211 Monterey Avenue is a public sidewalk. It has been openly used by the public for decades and was last improved with public funding in 2000 when new sidewalks and landscaping were constructed.

While the City does recognize that the property lines for 211 Monterey Avenue extend into the area used by the public, the City maintains that it must remain open to public use. As a compromise, the City would propose fencing of a smaller portion of the sidewalk area. Specifically, based on your drawing the city would propose that dimension B-D be reduced to 3 feet and that segment B-C run parallel to the structure at an offset distance of 3 feet.

Sincerely,

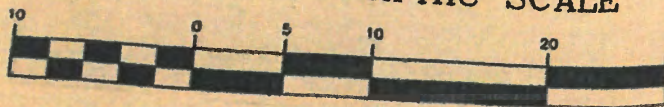

Steven Jesberg
Public Works Director

cc: Tony Condotti, City Attorney

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

mel
A

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

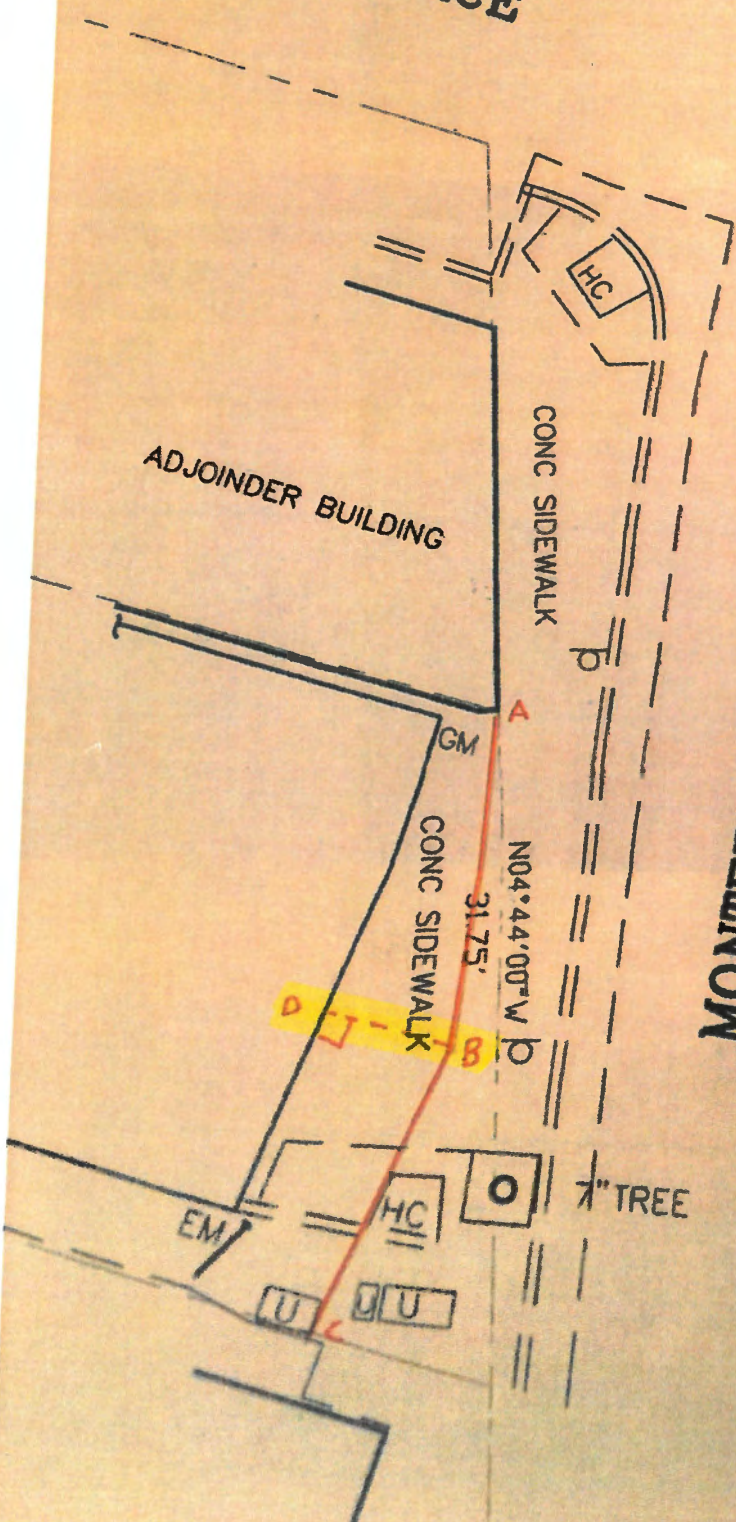
- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

MONTEREY AV



EDGE OF PAVEMENT

CURB & GUTTER

NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17 ft

B to C: 13 ft

D to B: 6.5 ft

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT G

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 (831) 429-0181 • Fax (831) 429-5617
 BandM@cruzio.com

David R. Beck
 Pamela C. Mathiesen
 Attorneys at Law

July 5, 2017

Mr. Anthony P. Condotti, City Attorney
 Atchison, Barisone & Condotti
 333 Church Street
 Santa Cruz, CA 95060

Sent VIA Email To:
 tcondotti@abc-law.com

Re: 211 Monterey Ave., Capitola

Dear Mr. Condotti;

I represent Dr. Maor Katz. Dr. Katz owns a home at 211 Monterey Avenue, Capitola. In 2014 Dr. Katz was granted a permit to erect a fence on his property line. In good faith, and after consulting with the City again in 2016, reaffirming the permit, he purchased materials and started construction. After substantial funds and labor were put into the project, but before completion, the City of Capitola requested that Dr. Katz halt construction. He did. The permit was never revoked, nor are there any grounds to revoke it.

The fence matter seems to have become unnecessarily complicated and adversarial. Indeed, it has been coupled with an unrelated application for a permit to construct storage room interior access and an outside balcony. I will let my letter to Mr. Jesberg of May 22, 2017, and Mr. Jesberg's responsive letter of June 8, 2017, fill in the details for you.

I write you because Mr. Jesberg copied you on his letter. I am now assuming the City is represented by legal counsel in this matter. That is a good thing.

I enclose three drawings. Drawing A depicts in yellow what was originally permitted. Drawing B depicts in yellow what Dr. Katz proposed by way of compromise. Drawing C depicts in yellow what the City has offered. What the City has offered is unacceptable.

It is important to know that there was a meeting at the site in November, 2016. The City expressed three concerns, to wit:

1. Keeping the sidewalk wide enough for pedestrian use.
2. Keeping the handicap ramp accessible.
3. Keeping the utility boxes accessible.

Those are all reasonable requests. Dr. Katz had reasonable requests too. They are:

1. A desire for privacy (i.e. keeping pedestrians away from his front door and window).
2. The blocking off of the area in front of his gate which currently attracts public urination, trash, and has been an unofficial storage area for day visitors.
3. Elimination of a trip hazard which is just to the left (on the drawings) of the handicap ramp (designated "HC").

Dr. Katz's proposal, as set forth on Drawing B, accommodates everybody's concerns. City's counterproposal, on Drawing C, does not accommodate any of Dr. Katz's concerns. That is why it is unacceptable.

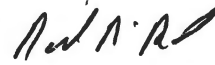
If the City feels that Dr. Katz's proposal does not leave enough room for pedestrian passage (it does leave over 5 ft width of passage), it should consider removing the tree. The tree is the biggest impediment to the free flow of pedestrian traffic in the area. It is not a special tree.

Dr. Katz and I solicit any suggestion you have for resolution of this matter. At present, no final decisions have been made by the City with regard to the fence location issue or application no. 16-009 for the small balcony and storage room access. All communications have been in the spirit of compromise and we hope to reach a cooperative resolution.

Short of that, we seek a hearing before whatever body we need to appeal to so as to exhaust administrative remedies. There is some confusion about how to proceed because the fence permit was not refused; it was issued. See Capitola Municipal Code § 17.54.040. Alternatively, please advise if the City will waive administrative remedies.

Thank you for your consideration. I look forward to hearing from you soon.

Sincerely,



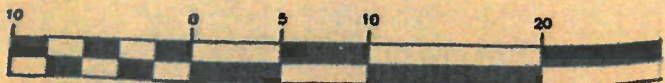
David R. Beck

DRB/rs
encl.
cc: Client (w/encl.)

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

mel
A

GRAPHIC SCALE

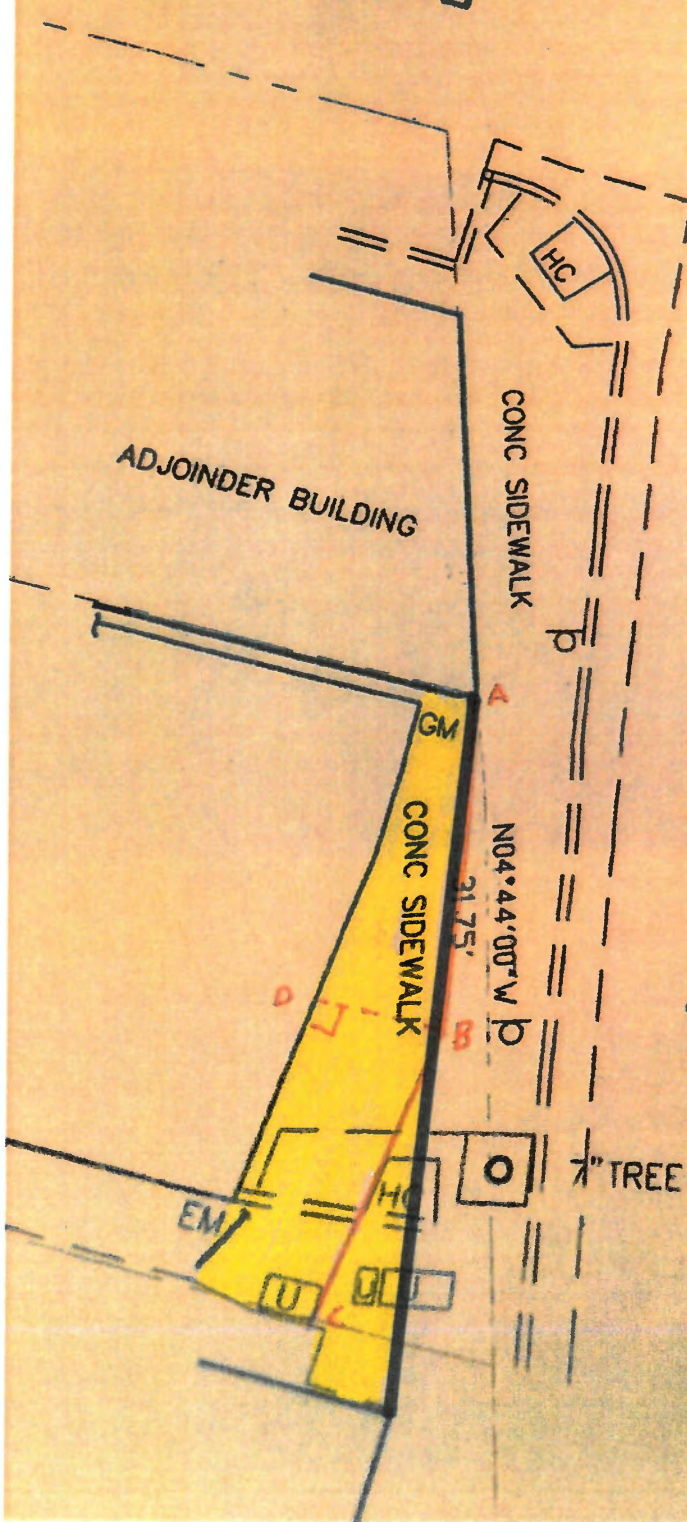


(IN FEET)
1 inch = 10 ft.

LEGEND

- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- σ SIGN
- U UTILITY BOX
- GATE
- PROPERTY LINE

PARK PLACE



- EDGE OF PAVEMENT
- CURB & GUTTER

NOTES

- FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17 ft

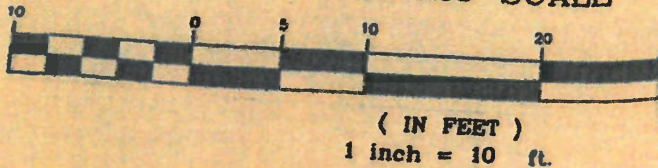
B to C: 13 ft

D to B: 6.5 ft



mel
A

GRAPHIC SCALE



LEGEND

- GM GAS METER
- EM ELECTRIC METER LOCATION
- HC HANDICAP RAMP
- SIGN
- UTILITY BOX
- GATE
- PROPERTY LINE

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

MONTEREY AV

CONC SIDEWALK
31.75'

N04°44'00"W
31.75'

7" TREE

- EDGE OF PAVEMENT
- ≡≡≡ CURB & GUTTER

NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17ft

B to C: 13ft

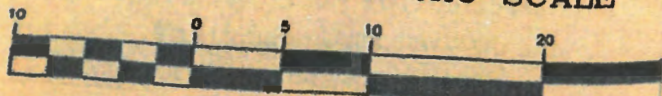
D to B: 6.5ft

B

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

mel
A

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.

LEGEND

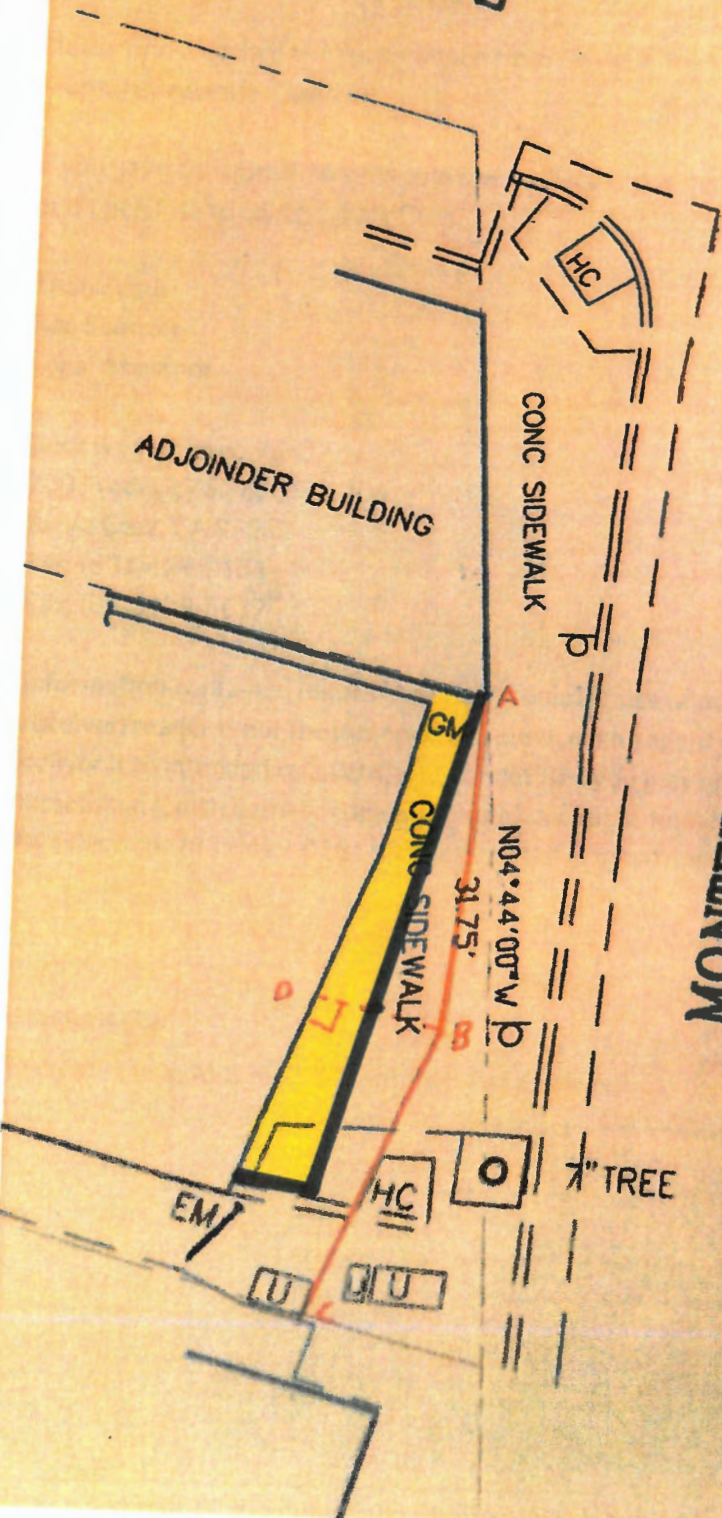
- GM GAS METER
- EM ELECTRIC METER LOCATION
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- GATE
- PROPERTY LINE
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- ≡≡≡≡≡ CURB & GUTTER

PARK PLACE

ADJOINER BUILDING

CONC SIDEWALK

MONTEREY AV



NOTES

1. FIELD DATA COLLECTED ON MARCH

Need distance:

A to B: 17 ft

B to C: 13 ft

D to B: 6.5 ft



Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT H

Chapter 17.54 FENCES

Sections:

- [17.54.010](#) Defined.
- [17.54.020](#) Permit requirements.
- [17.54.030](#) Fire or vehicle hazard prohibited.
- [17.54.040](#) Appeal.
- [17.54.050](#) Appeal to council.
- [17.54.060](#) Temporary or construction fences.
- [17.54.070](#) Penalty for violation.
- [17.54.080](#) Permit fee.

17.54.010 Defined.



The term "fence" as used in this chapter, includes the following materials: wood, masonry, metal and other permanent materials, but does not include living plants. (Ord. [955](#) § 14, 2011; Ord. [711](#) § 1, 1991; Ord. [112](#) § 1, 1957; Ord. [64](#) § 4A, 1951)

17.54.020 Permit requirements.



A. The planning department shall issue fence permits, upon application from the property owner, in the following instances:

1. Between that portion of any private property in front of the setback line established by the zoning ordinance or other ordinances of the city, and that portion in front of the front line of any [residence](#) or other principal [building](#) now erected on any private property, to a maximum height of three feet six inches;
2. On that part of the property back of the front line of any [building](#) or capital [building](#) now on the premises, to a maximum height of eight feet; provided, that the top two feet of the fence be made of lattice or other open material;
3. On [corner lots](#), the fence shall be set back at least five feet from the property line on that side of the [lot](#) which has the greatest length along the [street](#).

B. Alternative locations, height, and material for fences shall be approved by the planning commission. (Ord. [711](#) § 2, 1991; Ord. [64](#) § 1, 1951)

17.54.030 Fire or vehicle hazard prohibited.



The [building](#) inspector shall not grant a permit for the erection of any fence or [structure](#) in the nature of a fence which constitutes a fire hazard either of itself or in connection with the existing [structures](#) in the vicinity, nor which will interfere with the access in case of fire by the fire department to [buildings](#) in the vicinity or which will constitute a hazard to [street](#) traffic or to pedestrians, including the hazard resulting from motor vehicles crossing [streets](#) by private driveways. (Ord. [64](#) § 2, 1951)

17.54.040 Appeal.



- A. **Any person, firm or corporation to whom a permit for the erection of a fence under the terms of this chapter has been refused by the [building](#) inspector, shall have an appeal to the city planning commission from such refusal.**
- B. Such appeal shall be **in writing**, and shall state **the name of the owner** of the property involved, and shall contain a sufficient **description of the property** to enable it to be identified upon the city maps, and shall state the **ground of such appeal**.
- C. **Such appeal shall be taken within fifteen days after the refusal** of the [building](#) inspector to grant a permit.

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

D. In the event that no appeal is taken within the time provided in this chapter, the ruling of the [building](#) inspector upon such appeal, the ruling of the city planning commission, after hearing such appeal, shall be final and conclusive unless an appeal be taken to the council as in Section [17.54.050](#). (Ord. [64](#) § 3, 1951)

17.54.050 Appeal to council.



An appeal may be taken to the council from the action of the city planning commission. Such appeal must be in writing and shall be taken within fifteen days from the refusal of the commission to grant a permit. Appeals to the council shall be in the same form as appeals to the commission. The ruling of the council upon such appeals shall be final and conclusive. (Ord. [64](#) § 3A, 1951)

17.54.060 Temporary or construction fences.



Nothing contained in this chapter shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to [building](#) ordinances of the city. (Ord. [64](#) § 4, 1951)

17.54.070 Penalty for violation.



Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than five hundred dollars or by imprisonment of not more than six months, or by both such fine and imprisonment. (Ord. [64](#) § 6, 1951)

17.54.080 Permit fee.



The application fee may be established and changed from time to time by city council resolution. (Ord. [711](#) § 3, 1991)

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT I

Beck & Mathiesen

A Professional Corporation

700 Frederick Street, Ste. 306
 Santa Cruz, CA 95062
 (831) 429-0181 • Fax (831) 429-5617
 BandM@cruzio.com

David R. Beck
 Pamela C. Mathiesen
 Attorneys at Law

August 29, 2017

Mr. Anthony P. Condotti, City Attorney Sent via CMRRR
 Atchison, Barisone & Condotti
 333 Church Street
 Santa Cruz, CA 95060

Re: 211 Monterey Ave., Capitola
 WAIVER OF ADMINISTRATIVE REMEDIES

Dear Mr. Condotti;

I sent you a letter dated July 5, 2017. It included a copy of my letter to Steven Jesberg dated May 22, 2017, with an attachment. It also included a copy of Mr. Jesberg's letter to me dated June 8, 2017, and three exhibits labeled "A," "B," and "C."

In my letter of July 5, 2017, I sought a hearing to exhaust administrative remedies, or alternatively, that the City waive administrative remedies. I acknowledged that there really is no provision for appeal (i.e. - administrative remedy) in this case under Capitola Municipal Code § 17.54.040 because the fence permit wasn't refused - it was granted.

Ever since the City requested my client cease construction, the parties have been discussing settlement. The most recent settlement communication came from the City on June 8, 2017. I responded to it by writing you because you were copied on Mr. Jesberg's June 8 letter.

Said another way, there has been no appealable decision made, notwithstanding that no procedure is in place to handle an appeal of a fence permit that was issued. But my client is now ready to file suit.

Therefore, this letter is written to give the City an opportunity to assert some administrative remedy process applies, which my client will participate in; or to waive it.

If no response to this letter is received by **September 15, 2017**, it will be deemed a WAIVER OF ADMINISTRATIVE REMEDIES.

Sincerely,



David R. Beck

DRB/rs
cc: Client.✓

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT J

LAW OFFICES
ATCHISON, BARISONE & CONDOTTI

A PROFESSIONAL CORPORATION

PO BOX 481

SANTA CRUZ, CALIFORNIA 95061-0481

WEBSITE: WWW.ABC-LAW.COM

JOHN G. BARISONE
 ANTHONY P. CONDOTTI
 BARBARA H. CHOI
 LAUREN VALK WILLS
 CASSIE M. BRONSON
 REED W. GALLOGLY
 HEATHER J. LENHARDT
 STEPHANIE Y. HALL
 AMY E. B. KAPP

TELEPHONE: (831) 423-8383
 FAX: (831) 576-2269
 EMAIL: ADMIN@ABC-LAW.COM

October 17, 2017

*Via Electronic Mail (BandM@cruzio.com)
 And United States Mail*

David R. Beck
 Beck & Mathiesen
 700 Frederick Street, Suite 306
 Santa Cruz, CA 95062

Re: 211 Monterey Avenue
 (Dr. Maor Katz)

Dear David:

Per our phone conversation Monday, this letter shall serve as the City of Capitola's notice that the fence permit issued in late 2015 (Application No. 15-152) is hereby rescinded, effective immediately. As we discussed, the City believes the permit was issued in error, based upon the fact that the area proposed to be enclosed is a public right of way, by virtue of its having been improved and maintained by the City of Capitola as a sidewalk accessible to passers-by, and through passage of time.

Please feel free to contact me if you have any questions or comments with regard to the foregoing.

Sincerely,

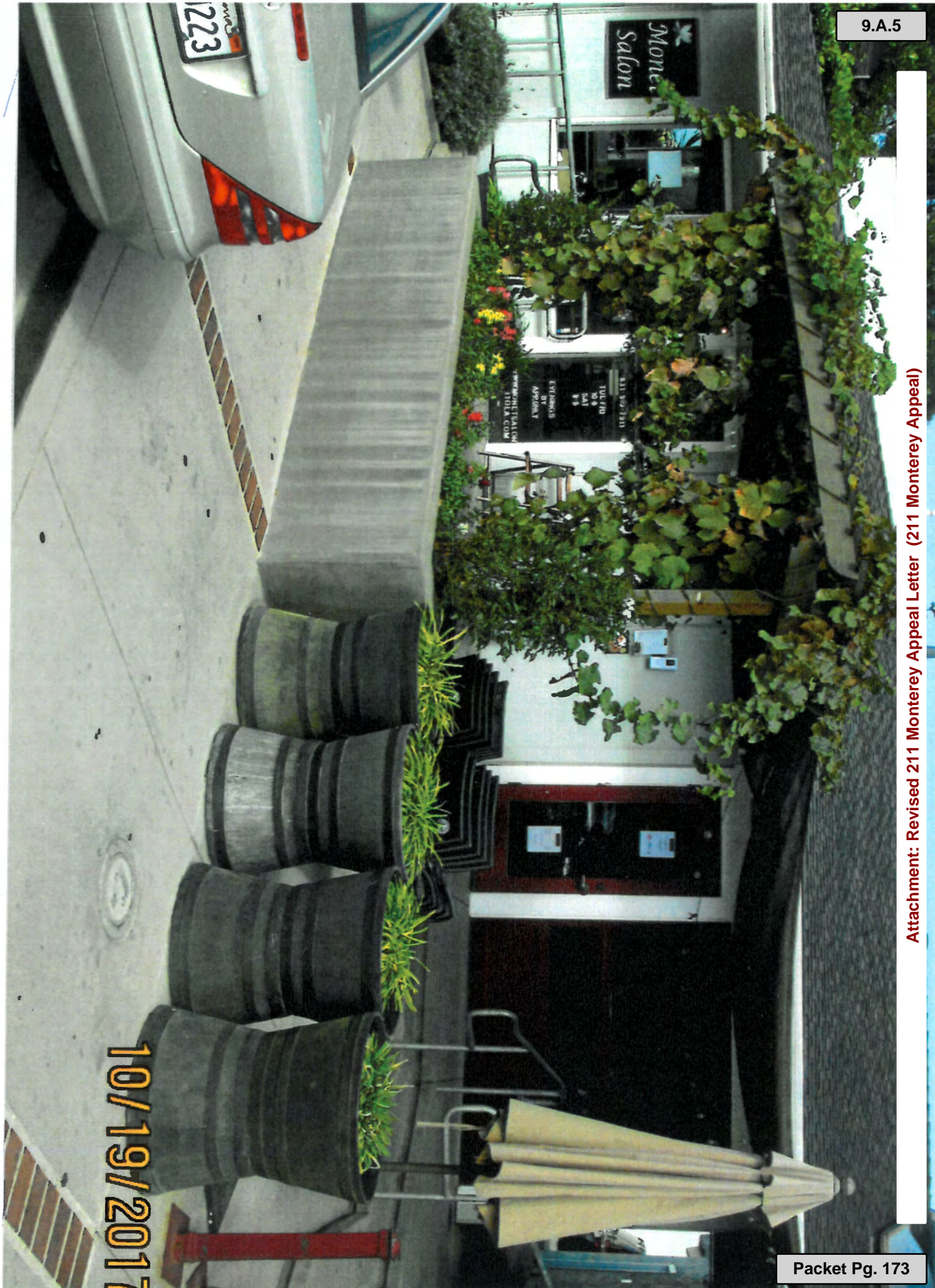
/s/

TONY CONDOTTI
 City Attorney

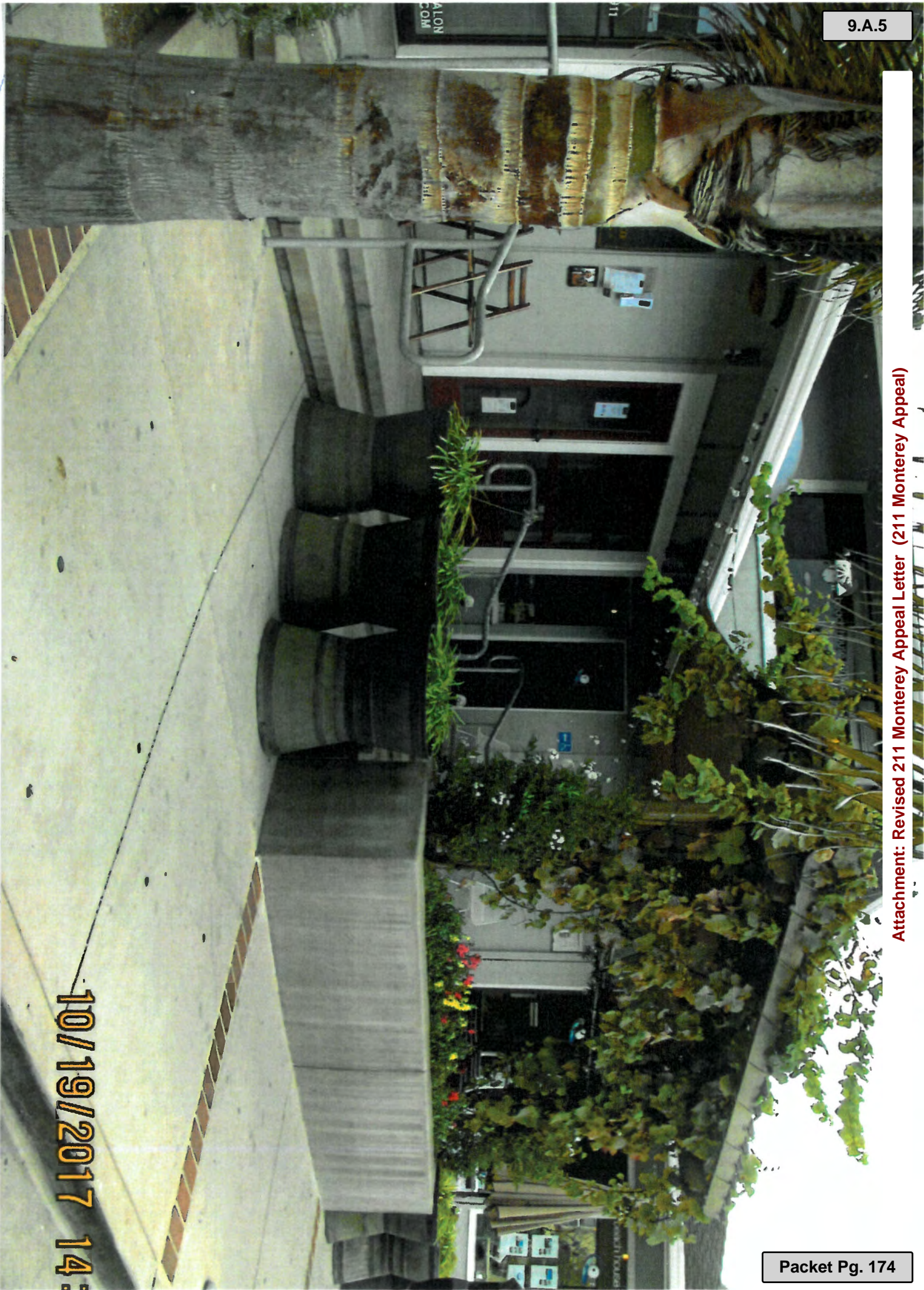
cc: Steve Jesberg, Public Works Director

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

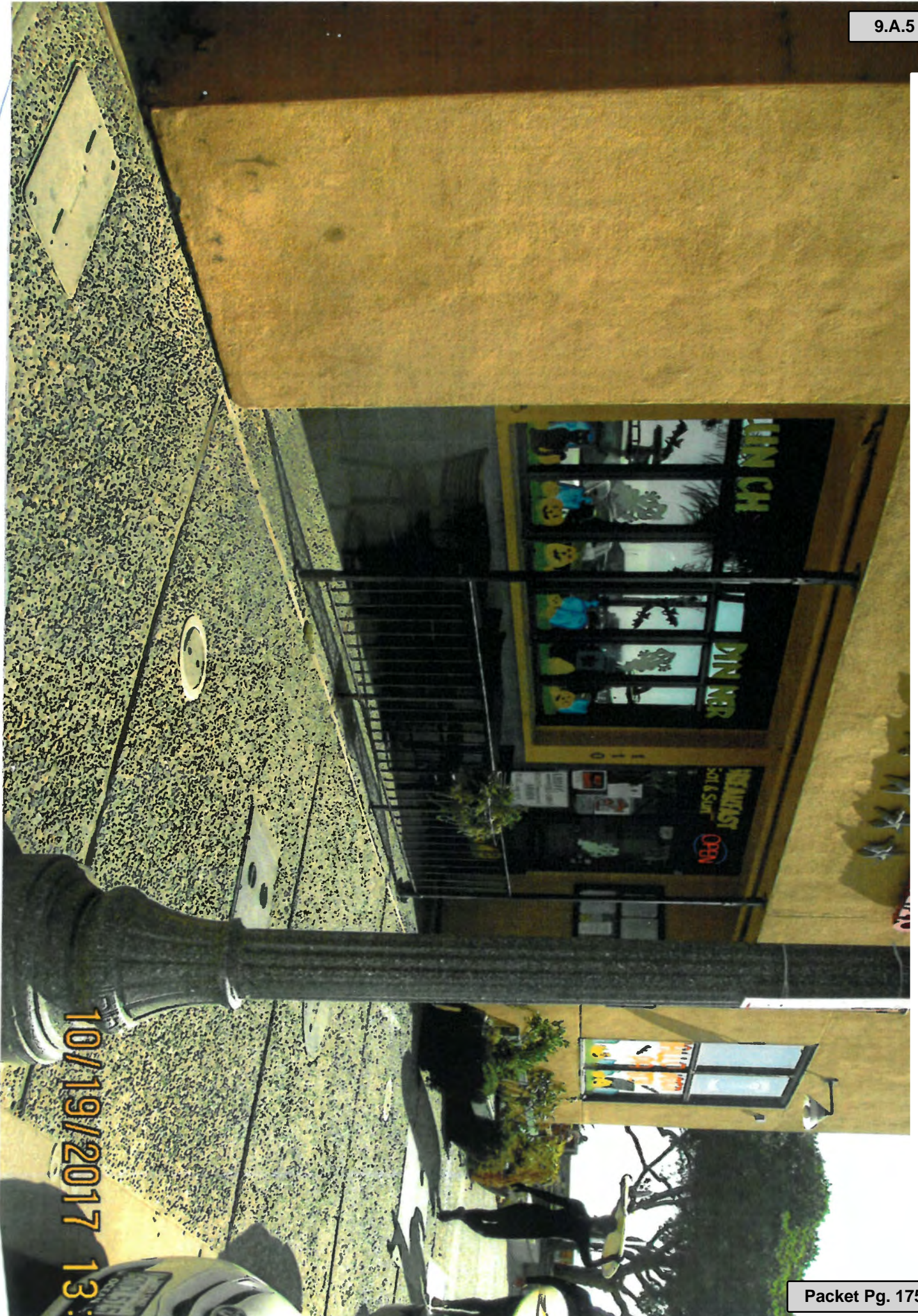
EXHIBIT K



Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)



10/19/2017 14:00



10/19/2017 13:

10/19/2017 13:00





10/19/2017

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

EXHIBIT L

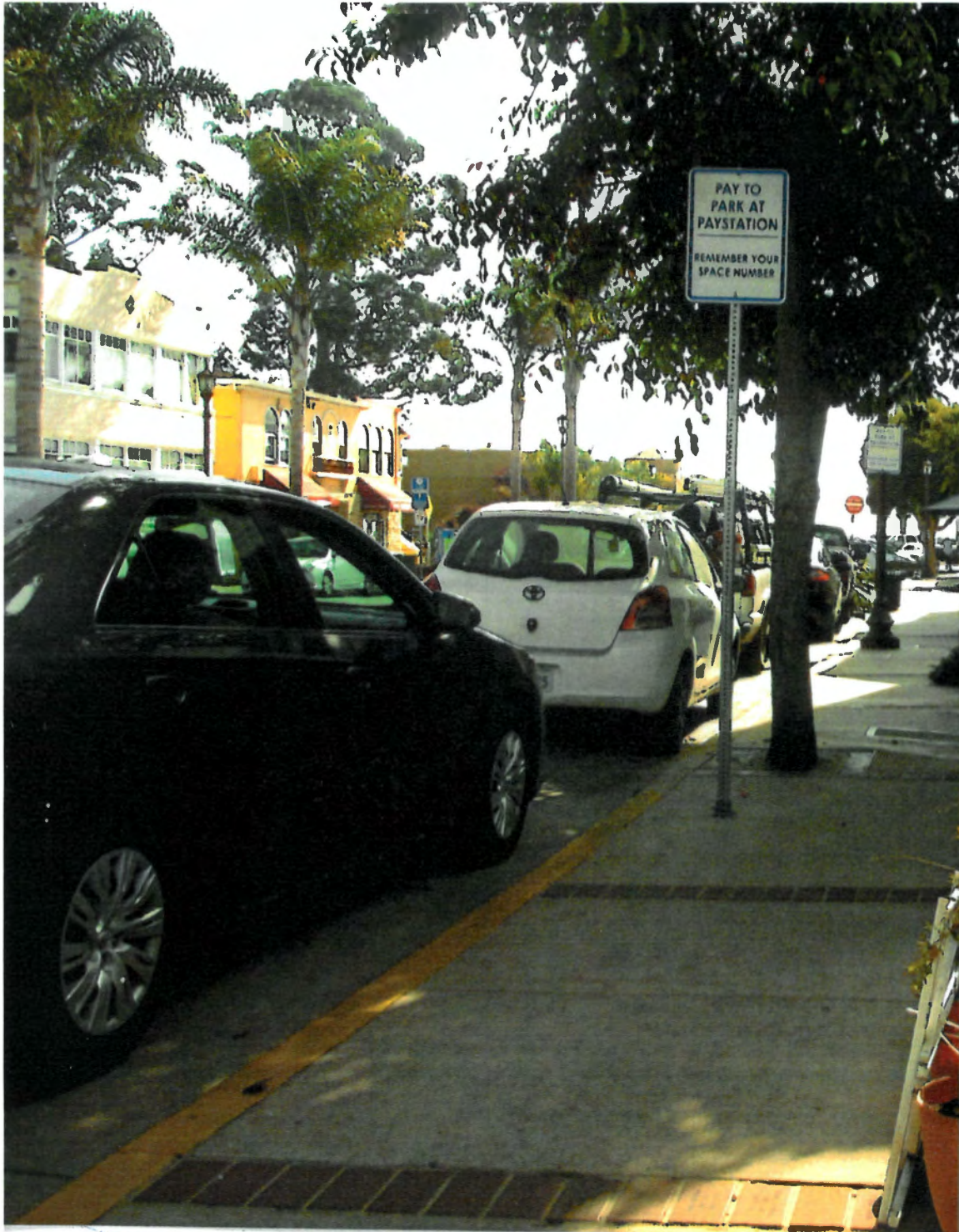


Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)

10/19/2017 1



Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)



10/19/2017 1

Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)



Attachment: Revised 211 Monterey Appeal Letter (211 Monterey Appeal)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: Community Development
SUBJECT: General Plan Clean-up Discussion

RECOMMENDED ACTION: Authorize staff to initiate the proposed General Plan Amendments

BACKGROUND: The General Plan Update was adopted on June 26, 2014. The General Plan Update represented a comprehensive overhaul of the City's previous 1989 General Plan and included new and revised goals, policies, actions, and an amended land use map.

Following adoption of the General Plan, staff turned its focus to updating the City's Zoning Code. Over the next three years, the City conducted extensive public outreach, held dozens of public hearings, and prepared several drafts of the new Zoning Code. The Zoning Code Update process culminated on January 25, 2018, when the new code was adopted by City Council.

DISCUSSION: Regular maintenance of the General Plan and Zoning Code is essential to ensure the City's regulatory framework remains consistent with state and federal law and current with City goals and policies. Since the 2014 adoption of the General Plan Update, there have been physical and regulatory changes that should be reflected in the General Plan. Accordingly, staff proposes to process a General Plan Amendment later this year to update outdated information, provide clarifications, and to correct minor inconsistencies with the new Zoning Code.

Prior to initiating a General Plan Amendment process, staff is presenting the proposed revisions to the Planning Commission and City Council to receive feedback. Once direction is received, staff will prepare a General Plan Amendment package and release the information to the public for a 45-day review period. The General Plan Amendment would then be presented to the Planning Commission for a recommendation to the City Council.

The proposed General Plan Amendment would include the following revisions (see Attachment 2 for all proposed changes:

- 1. Land Use Map (page LU-16):** The zoning designations for several properties were changed during the Zoning Code update process resulting in inconsistencies between the zoning map and General Plan land use map. In addition, staff has identified several errors in the current land use map which should be corrected. A complete list of properties with inconsistent zoning and land use designations is provided in Attachment 1.

General Plan Clean-up Discussion
March 22, 2018

2. **Table LU-1, Existing Parks (page LU-9):** Staff proposes to revise this table to add the planned Rispin Mansion Park and to delete the word “planned” from the now completed McGregor Park.
3. **Figure LU-3, Public Facilities and Parks (page LU-10):** This figure would be revised to show the planned Rispin Mansion Park location.
4. **Development Intensity Controls (page LU-14):** The General Plan controls development intensity in commercial and mixed-use designations through floor area ratio limits whereas intensity in residential designations is controlled by density. Staff proposes to clarify that residential development in commercial and mixed-use designations is subject only to FAR and other zoning standards.
5. **Multi-Family Residential Designation Description (page LU-17 and LU-18):** The general plan establishes a maximum density of 20 dwelling units per acre (du/ac) for all properties with a R-MF (Multi-Family Residential) land use designation. The zoning code establishes three different multi-family zones: RM-L, RM-M, and RM-H (Multi-Family Low, Medium, and High). These zoning designations allow densities of 10 du/ac, 15 du/ac, and 20 du/ac, respectively.

While processing a recent application which included a state density bonus request, it was revealed that the City is obligated under state law to allow the highest density permitted by either the General Plan or Zoning Code. For example, if a property had a R-MF general plan land use designation and a RM-L zoning classification, the property owner would be entitled to 20 du/ac rather than the more restrictive 10 du/ac limit established by the Zoning Code.

To close this loophole, staff proposes to add a statement on page LU-17 and LU-18 that more restrictive density limits established by the zoning code shall prevail. Staff will work with the City Attorney’s office to develop legally enforceable language.

6. **Visitor Accommodations Land Use Designation (page LU-19):** The new zoning map eliminates the previous VS (Visitor-Serving) zoning district and adds a VS overlay zone to properties with important visitor serving amenities. There are currently three properties designated as VA (Visitor Accommodations) under the General Plan: Monarch Cove, Shadowbrook, and Depot Hill Inn). Staff proposes to eliminate the VA designation and replace the land use designation for these three properties to the corresponding zoning designation and a VS overlay (as applicable) as shown in Attachment 1.
7. **Action LU-7.3, Hotel Floor Area Ratio (page LU-33):** During a previous Planning Commission hearing, one or more commissioners commented that the additional floor area ratio provision was intended to apply only to a future hotel on the former Capitola Theater property. As written, this action item suggests that the additional floor area ratio could be granted to any hotel in the Village. Staff is seeking direction from the Planning Commission and City Council on whether this language should be modified to explicitly limit the additional FAR to the former theater property.
8. **Action LU-9.3, Increased Floor Area Ratio (page LU-39):** Staff proposes to add clarification that the increased FAR allowance for properties within the 41st Avenue corridor applies to the entire mall property.

General Plan Clean-up Discussion
March 22, 2018

Planning Commission Recommendations

Staff presented the proposed General Plan amendments to the Planning Commission on March 1, 2018. The commission endorsed staff's proposed changes and recommended the General Plan clarify that additional floor area ratio in the Village apply only to a future hotel at the former Capitola theater property. Additionally, the commission recommended the naming conventions for General Plan land use designations be changed to align with the Zoning Code update; namely changing the R-SF (Single-Family Residential) designation to R-1 and the R-MF (Multi-family Residential) designation to R-M.

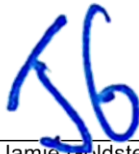
FISCAL IMPACT: Public noticing and document reproduction is estimated to between \$3,000 and \$5,000. Adequate funds are available in the General Plan Maintenance Fund.

ATTACHMENTS:

1. Proposed Land Use Map Revisions
2. Revised General Plan Pages

Report Prepared By: Rich Grunow
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/15/2018

Address	APN	Current Zone	Proposed Zone	Current GP Designation	Proposed GP Designation	Notes
500 Bay Ave 502 Bay Ave	036-062-37 036-062-38	CN CN	MU-N MU-N	R-MF R-MF	MU-N MU-N	Gayle's site. GP mapping error.
402 Blue Gum 404 Blue Gum 406 Blue Gum 408 Blue Gum	035-131-20 035-131-21 035-131-22 035-131-23	R-1 R-1 R-1 R-1	R-1 R-1 R-1 R-1	MU-N MU-N MU-N MU-N	R-SF R-SF R-SF R-SF	GP mapping error
3865 Brommer 3881 Brommer 3891 Brommer 3895 Brommer	034-164-43 034-164-16 034-164-14 034-164-15	CC CC CC CC	RM-H RM-H RM-H RM-H	CC CC CC CC	R-MF R-MF R-MF R-MF	Property owners requested different designation during ZO update
911 Capitola Ave	036-011-11, 036-011-12, 036-011-14, 036-011-13	AR/CN & AR/RM-M	MU-N	R-MF	MU-N	Tea House property. GP amend to align with zone change
912 Capitola Ave	036-021-37	RM-M	RM-M	R-MH	R-MF	GP mapping error
610 Center St 620 Center St 640 Center St	035-021-38 035-021-44 035-021-45	RM-LM RM-LM RM-LM	RM-L RM-L RM-L	R-SF R-SF R-SF	R-MF R-MF R-MF	GP mapping error
219 Central Ave	036-111-20	RM-LM	RM-L	R-SF	R-MF	GP mapping error
1207 Dazzle Lane 1215 Dazzle Lane 1223 Dazzle Lane 1231 Dazzle Lane 1249 Dazzle Lane 1257 Dazzle Lane	034-641-06 034-641-05 034-641-04 034-641-03 034-641-02 034-641-01	PD PD PD PD PD PD	PD PD PD PD PD PD	CC CC CC CC CC CC	R-SF R-SF R-SF R-SF R-SF R-SF	GP mapping error
609 El Salto Dr 620 El Salto Dr 700 El Salto Dr 701 El Salto Dr 705 El Salto Dr 709 El Salto Dr 710 El Salto Dr	036-143-11 036-143-31, 036-142-27, 036-142-28 036-142-29 036-143-19 036-143-24 036-143-26 036-142-30	R-1 VS AR/R-1 AR/R-1 AR/R-1 AR/R-1 AR/R-1	R-1 R-1/VS Overlay R-1 R-1 R-1 R-1 R-1	R-SF/VS Overlay VA R-SF/VS Overlay R-SF/VS Overlay R-SF/VS Overlay R-SF/VS Overlay R-SF/VS Overlay	R-SF R-SF/VS Overlay R-SF R-SF R-SF R-SF R-SF	Depot Hill Visitor-Serving Properties. Properties rezoned during ZO update. GP amendment to align designations.

Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)


Address	APN	Current Zone	Proposed Zone	Current GP Designation	Proposed GP Designation	Notes
720 El Salto Dr	036-142-32	VS/R-1	R-1	VA	R-SF	
723 El Salto Dr	036-143-35	VS/R-1	R-1/VS Overlay	VA	R-SF/VS Overlay	
701 Escalona Dr	036-142-18	AR/R-1	R-1	R-SF/VS Overlay	R-SF	
705 Escalona Dr	036-142-20	AR/R-1	R-1	R-SF/VS Overlay	R-SF	
709 Escalona Dr	036-142-31	VS/R-1	R-1	VA	R-SF	
410 Kennedy Lane	036-041-24	I	I	P/QP	I	GP mapping error
101 Livermore Ave	036-143-14	AR/R-1	R-1	R-SF/VS Overlay	R-SF	Part of Depot Hill VS changes during ZO update
102 Livermore Ave	036-143-34	AR/R-1	R-1	R-SF/VS Overlay	R-SF	
103 Livermore Ave	036-143-15	AR/R-1	R-1	R-SF/VS Overlay	R-SF	
105 Livermore Ave	036-143-20	AR/R-1	R-1	R-SF/VS Overlay	R-SF	
107 Livermore Ave	036-143-12	AR/R-1	R-1	R-SF/VS Overlay	R-SF	
106 Livermore Ave	036-143-32	AR/R-1	R-1	R-SF/VS Overlay	R-SF	
250 Monterey Ave	036-121-38, 036-121-33	AR/VS	R-1/VS Overlay	VA	R-SF/VS Overlay	Inn at Depot Hill site. Zone change during ZO update. GP amend to align designations.
865 Monterey Ave	036-041-28	P/OS	R-1	P/OS	R-SF	Shoreline Church. GP mapping error
4800 Opal Cliff Dr	034-462-05	AR/R-1	RM-M	R-SF	R-MF	Opal Cliffs Condos. Developed with MF. Zone change during ZO update.
4820 Opal Cliff Dr	034-463-04	AR/R-1	RM-M	R-SF	R-MF	
402 Riverview Ave	035-131-12	R-1	R-1	MU-N	R-SF	
410 Riverview Ave	035-131-15	R-1	R-1	MU-N	R-SF	
412 Riverview Ave	035-131-32	R-1	R-1	MU-N	R-SF	

Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)


Address	APN	Current Zone	Proposed Zone	Current GP Designation	Proposed GP Designation	Notes
414 Riverview Ave	035-131-34	R-1	R-1	MU-N	R-SF	GP mapping error, area also includes Blue Gum parcels shown above.
416 Riverview Ave	035-131-17	R-1	R-1	MU-N	R-SF	
418 Riverview Ave	035-131-18	R-1	R-1	MU-N	R-SF	
420 Riverview Ave	035-131-19	R-1	R-1	MU-N	R-SF	
489 Riverview Dr	035-131-24	R-1	R-1	MU-N	R-SF	
727 Rosedale	036-062-21	RM-M	RM-M	P/QP	R-MF	GP mapping error
1750 Wharf Rd	035-111-04	AR/VS	MU-N/VS Overlay	VA (restaurant); R-1 (parking lot)	MU-N/VS Overlay	Zoning change during ZO update. GP amend to align designations.
Unaddressed - Shadowbrook Parking	034-024-01	AR/R-1	MU-N	R-SF	MU-N	Zone change during ZO update. GP amend to align designations

Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

500 AND 502 BAY AVENUE			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
CN	MU-N	R-MF	MU-N
<p>APN(s): 036-062-37, 036-062-38</p> <p>Notes: Sites currently occupied by Gayle's Bakery. Proposed change would align zoning and general plan designations and be consistent with the existing use type.</p>			



BLUE GUM AND RIVERVIEW PARCELS			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
R-1	R-1	MU-N	R-SF
<p>APN(s): 035-131-21, 035-131-22, 035-131-23, 035-131-12, 035-131-15, 035-131-32, 035-131-34, 035-131-17, 035-131-18, 035-131-19, 035-131-24</p> <p>Notes: Sites currently developed with residential uses. Proposed change would correct a mapping error and align zoning and general plan designations.</p>			



Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

BROMMER STREET PARCELS

Zoning		GP Designation	
Current	Proposed	Current	Proposed
CC	RM-H	CC	R-MF

APN(s): 034-164-43, 034-164-16, 034-164-14, 034-164-15

Notes: Property owners requested rezone from community commercial to multi-family. Proposed change would align multi-family residential designations.



911 CAPITOLA AVENUE

Zoning		GP Designation	
Current	Proposed	Current	Proposed
AR/CN & AR/RM-M	MU-N	R-MF	MU-N


APN(s): 036-011-11, 036-011-12, 036-011-14, 036-011-13

Notes: Site currently occupied by day spa and former English tea shop. Proposed change would unify zoning and general plan designations over each of the property's four separate parcels.




Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

912 CAPITOLA AVENUE			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
RM-M	RM-M	R-MH	R-MF
<p>APN(s): 036-021-37</p>			
<p>Notes: Site occupied by multi-family apartments. Proposed change would correct mapping error.</p>			




CENTER STREET PARCELS			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
RM-LM	RM-L	R-SF	R-MF
<p>APN(s): 035-021-38, 035-021-44, 035-021-45</p>			
<p>Notes: Site occupied by multi-family apartments. Proposed change would correct mapping error.</p>			



Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)


219 CENTRAL AVENUE			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
RM-LM	RM-L	R-SF	R-MF
<p>APN(s): 036-111-20</p> <p>Notes: Site currently occupied by multi-family development. Proposed change would align multi-family zoning and general plan designations.</p>			



219 Central Avenue

October 23, 2017

DAZZLE LANE PARCELS			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
PD	PD	CC	R-SF
<p>APN(s): 034-641-06, 034-641-05, 034-641-04, 034-641-03, 034-641-02, 034-641-01</p> <p>Notes: Site currently occupied by single-family development permitted as a planned development. Proposed change would align multi-family zoning and general plan designations.</p>			



Dazzle Lane Parcels

October 23, 2017

Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

DEPOT HILL VISITOR-SERVING PARCELS				
PROPERTIES	ZONING		GP DESIGNATION	
	Current	Proposed	Current	Proposed
609 El Salto	R-1	R-1	R-SF/VS overlay	R-SF
620 El Salto (Monarch Cove)	VS	R-1/VS overlay	VA	R-SF/VS overlay
700, 701, 705, 709, 710 El Salto	AR/R-1	R-1	R-SF/VS overlay	R-SF
720 El Salto	VS/R-1	R-1	VA	R-SF
723 El Salto	VS/R-1	R-1/VS overlay	VA	R-SF/VS overlay
701, 705 Escalona	AR/R-1	R-1	R-SF/VS overlay	R-SF
709 Escalona	VS/R-1	R-1	VA	R-SF
101, 102, 103, 105, 106, 107 Livermore	AR/R-1	R-1	R-SF/VS overlay	R-SF
Unaddressed – Livermore/Grand Ave parcel	AR/R-1	R-1	R-SF/VS overlay	R-SF
Unaddressed – Bluff near Monarch Cove	P/OS	P/OS	VA	P/OS

APN(s): 036-143-33, 036-143-36, 036-143-14, 036-143-34, 036-143-15, 036-143-20, 036-143-12, 036-143-32, 036-143-11, 036-143-31, 036-142-27, 036-142-28, 036-142-29, 036-143-19, 036-143-24, 036-143-26, 036-142-30, 036-142-32, 036-143-35, 036-142-18, 036-142-20, 036-142-31

Notes: Proposed change would remove Visitor Accommodation (VA) general plan designation and replace it on select parcels with a Visitor Service (VS) overlay. Changes would align zoning and general plan designations. See below for details on proposed changes.

410 KENNEDY DRIVE			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
I	I	P/QP	I

APN(s): 036-041-24

Notes: Site currently occupied by industrial uses. Proposed change would correct a mapping error.

Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

250 MONTEREY AVENUE			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
AR/VS	R-1/VS overlay	VA	R-SF/VS overlay
<p>APN(s): 036-121-38, 036-121-33</p>			
<p>Notes: Site occupied by Inn at Depot Hill. Zoning Code update eliminates Automatic Review (AR) zone. Proposed change would align zoning and general plan designations to single-family with visitor serving overlay.</p>			

865 MONTEREY AVENUE			
Zoning		GP Designation	
Current	Proposed	Current	Proposed
P/OS	R-1	P/OS	R-SF
<p>APN(s): 036-041-28</p>			
<p>Notes: Site occupied by Shoreline Community Church and multi-family housing owned by the church. Proposed change would correct mapping error.</p>			

Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

4800 AND 4820 OPAL CLIFFS DRIVE

Zoning		GP Designation	
Current	Proposed	Current	Proposed
AR/R-1	RM-M	R-SF	R-MF

APN(s): 034-462-05, 034-463-04

Notes: Sites occupied by multi-family condos. Properties being rezoned to multi-family to reflect on the ground conditions. Proposed change would align zoning and general plan designations.



727 ROSEDALE AVE

Zoning		GP Designation	
Current	Proposed	Current	Proposed
RM-M	RM-M	R/QP	R-MF

APN(s): 036-062-21

Notes: Site is developed with a single-family home. Proposed change would correct a mapping error.



Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

SHADOWBROOK PARCELS			
Zoning		GP Designation	
1750 Wharf Rd			
Current	Proposed	Current	Proposed
AR/VS	MU-N/VS overlay	VA (restaurant); R-1 (parking lot)	MU-N/VS overlay
Shadowbrook Parking Lot Parcel			
AR/R-1	MU-N	R-SF	MU-N
APN(s): 035-111-04, 034-024-01			
<p>Notes: Automatic Review zone (AR) would be eliminated in zoning code update. Proposed change would reclassify Shadowbrook properties as MU-N with a visitor-serving overlay on the restaurant site.</p>			



Attachment: Proposed Land Use Map Revisions (General Plan Clean-up Discussion)

Parks and Recreation

As shown in Table LU-2, there are eight City parks in Capitola, totaling over 18 acres. Seven of these parks are smaller neighborhood parks, and one park (Jade Street) is a larger park with a community center intended to serve the entire community. Although not a City park, New Brighton State Beach is also located within Capitola. The Soquel Union Elementary School District (SUESD), which owns the Jade Street park property, intends to construct a new elementary school on a portion of the Jade Street park property. Table LU-2 generally describes the amenities provided at each park. The location of these parks is shown in Figure LU-3.

TABLE LU-2 EXISTING PARKS

Name	Size	Type	Amenities
Cortez Park	1.1 acres	Neighborhood Park	Open field and playground equipment
Esplanade Park	1.2 acres	Neighborhood Park	Oceanfront seating and grassy field
Jade Street Park*	9.9 acres	Community Center and Park	Community center, open field, and athletics fields, tennis courts, playground equipment
McGregor Park	1 acre	Community Park	Planned to bicycle, skateboard, and dog run amenities
Monterey Park	4.0 acres	Neighborhood Park	Baseball diamond and athletic fields
New Brighton State Beach**	86.5 acres	State Park	Picnic areas, camping, and trails
Noble Gulch Park	1.3 acres	Neighborhood Park	Open field and picnic tables
Peery Park	0.8 acres	Neighborhood Park	Soquel Creek wooded area
Stockton Bridge Park	2,500 sq. ft.	Neighborhood Park	Walking trail, bench, interpretive signage
Total	105 acres		

* Property owned by SUESD.
 **State park area within Capitola city limit

Commented [GR1]: Add Rispin Mansion Park

Source: City of Capitola, 2011.

FIGURE LU-3 PUBLIC FACILITIES AND PARKS



Source: Santa Cruz County and RBF Consulting, 2011.

Commented [GR2]: Add Rispin Mansion Park and remove "future" from McGregor

Land Use Map and Designations

This section outlines land use designations for land within city limits, as shown in Figure LU-4. All new development in the city must conform to these designations.

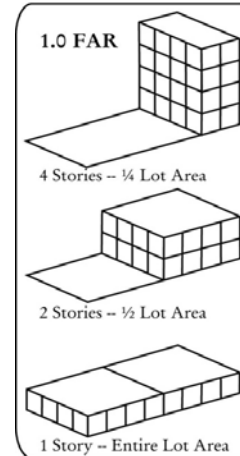
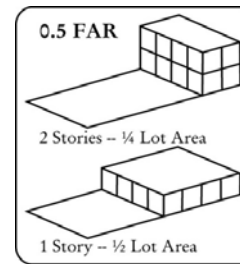
This General Plan defines various land use designations by their allowable uses and maximum densities and intensities. The land use designations in the Land Use Element establish a range of densities and intensities of use in order to provide flexibility for development while still maintaining Capitola’s existing character. The development levels listed here do not create entitlements to a specific number of dwelling units or amount of floor area. Densities on individual parcels may be lower due to site constraints or other City regulations such as minimum lot sizes as specified in the zoning code.

In this General Plan, standards of building intensity for residential uses are stated as the allowable range of dwelling units per gross acre; this means that the number of allowable units on a parcel can be calculated by multiplying the total number of acres by the allowable density. The zoning code also establishes maximum floor area ratios for residential uses.

Standards of building intensity for non-residential uses are stated as maximum floor-area ratio (FAR) based on gross acreage. FAR is a ratio of the gross building square footage permitted on a lot to the gross square footage of the lot. Generally, FAR decreases as lot size increases. For example, on a site with 10,000 square feet of land area, a FAR of 1.0 will allow 10,000 gross square feet of building floor area to be built. On the same site, a FAR of 2.0 would allow 20,000 square feet of floor area. This could take the form of a two-story building with 100 percent lot coverage, or a four-story building with 50 percent lot coverage. A FAR of 0.4 would allow 4,000 square feet of floor area.

Residential uses in commercial and mixed-use land use designations shall be subject to FAR limitations. General Plan density limits shall not apply to residential uses in commercial or mixed-use land use designations.

LU-14



Examples of floor-area ratio (FAR) calculation. FAR does not regulate building placement or form, only the spatial relationship between building size and lot size.

land use element
capitola general plan

The goals, policies, and actions contained in this Element provide direction on how the various land use designations should be developed to contribute to the overall character of Capitola. Allowed uses are generally characterized within each land use designation description of this General Plan. Additional use types may be permitted as specified by the zoning ordinance.

Residential Designations

- ◆ **Single-Family Residential (R-SF).** The R-SF designation applies to residential neighborhoods primarily characterized by detached single-family homes. Permitted land uses include single-family homes and public facilities such as schools, religious institutions, parks, and other community facilities appropriate within a residential neighborhood. The maximum permitted residential density in the R-SF designation is 10 dwelling units per acre.¹
- ◆ **Multi-Family Residential (R-MF).** The R-MF designation applies to areas primarily intended for multi-family residential development. All residential uses are permitted in the R-MF designation, including single-family homes, duplex homes, townhomes, and multi-family structures. Public facilities, such as schools, religious institutions, parks, and other community facilities appropriate within a multi-family residential setting are also permitted. The maximum permitted residential density in the R-MF designation is between 10 and 20 dwelling units per acre depending upon the zoning classification.



Jewel Box homes in the R-SF designation (top) and Fanmar Way homes in the R-MF designation (bot-

¹ Maximum densities prescribed by the General Plan are not entitlements and may not be realized due to other development regulations, including but not limited to, minimum lot size, setbacks, height, and parking requirements.

- ◆ **Regional Commercial (C-R).** The C-R designation provides an area for general retail and services for Capitola residents and regional visitors. Permitted land uses include shopping malls, auto sales, general retail, personal and business services, restaurants, offices, similar commercial uses, and mixed-use residential projects. The maximum permitted FAR in the C-R designation is 1.5, with an FAR of 2.0 permitted if special criteria are met as established in Action LU-9.3.
- ◆ **Community Commercial (C-C).** The C-C designation provides an area for commercial uses primarily serving Capitola residents. Permitted land uses include general retail, personal services, restaurants, offices, and multi-family housing as part of a mixed-use project. The maximum permitted FAR in the C-C designation is 1.0, with an FAR of 2.0 permitted if special criteria are met as established in Action LU-9.3.
- ◆ ~~Visitor Accommodations (VA).~~ ~~The VA designation applies to areas that provide overnight visitor accommodations. Permitted land uses in the VA designation include hotels, motels, hostels, bed and breakfast lodgings, campgrounds, resorts, and ancillary visitor-serving food and service establishments. The maximum permitted FAR in the VA designation is 0.5.~~
- ◆ **Industrial (I).** The I designation provides an area in Capitola for light industrial and other employment uses. Permitted land uses include manufacturing facilities, vehicle repair, research and development laboratories, administrative offices, warehouses, and homeless shelters. The maximum permitted FAR in the I designation is 0.5.

Other Designations

- ◆ **Parks and Open Space (P/OS).** The P/OS designation applies to public natural space, parks, and open space intended for recrea-



land use element
capitola general plan

LU-19

Action LU-7.3 Hotel Floor Area Ratio. A Hotels in the Village [at the former Capitola Theater site](#) may be developed with a maximum FAR of 3.0 if authorized by the City Council. To approve a request for an increased FAR, the City Council must find that 1) the additional FAR results in a superior project with substantial community benefit; 2) the project enhances economic vitality; and, 3) the project is designed to minimize adverse impacts to neighboring properties.

Goal LU-8 Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

Policies

Policy LU-8.1 Phased Mall Redevelopment. Encourage a phased approach to redevelopment of the Mall property. Early phases may include improvements to the Mall façade and front entrance, and new retail pads fronting 41st Avenue. These early improvements shall not conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Vision Plan (see Figure LU-6).

Actions

Action LU-9.1 Auto Plaza Access. During the Highway 1 High Occupancy Vehicle (HOV) lane project design phase, work with Caltrans to identify ways to enhance visibility from 41st Avenue. Possible improvements include improved signage and pedestrian connections.

Action LU-9.2 Auto Plaza Signage. Amend the Zoning Ordinance to allow more prominent signage for the Auto Plaza.

Action LU-9.3 Increased Floor Area Ratio. The City Council may authorize increased FAR for properties located within the 41st Avenue corridor as follows:

- ◆ Properties fronting 41st Avenue or the 41st Avenue/Capitola Road intersection, including the Capitola Mall property bound by 41st Avenue, Capitola Road, and Clares Street, with a Regional Commercial or Community Commercial land use designation may be developed at a maximum FAR of 2.0.
- ◆ Structures on properties fronting the east side of 41st Avenue must be set back a minimum of 100 feet from the property line abutting a residential property.

To approve a request for an increased FAR, the City Council must find that 1) the additional FAR results in a superior project with substantial community benefit; 2) the project enhances economic vitality; and, 3) the project is designed to minimize adverse impacts to neighboring properties.

Action LU-9.4 Retail/Office Mix. Take action to maintain an appropriate mix of retail and non-retail uses along the 41st Avenue corridor. These actions will include:

- ◆ Continuing to require a Conditional Use permit for offices, medical services, and other non-retail uses in the Regional Commercial designation.
- ◆ Amending the Zoning Code to require the Planning Commission to specifically find that a proposed non-retail use will not detract from the economic viability of the corridor.
- ◆ Preparing a study to examine the optimal socio-economic mix of retail and office/professional uses on 41st Avenue.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 22, 2018

FROM: Public Works Department
SUBJECT: Report on Soquel Creek Management Plan

RECOMMENDED ACTION: Accept report.

BACKGROUND: As part of the City's operations and maintenance of Capitola Beach and Soquel Creek, a management plan was first developed by Don Alley and Associates in 1990. The plan was subsequently updated in 2004. The purpose of the plan is twofold: first, to document the lagoon construction conducted annually by the City and ensure that it does not negatively impact the creek habitat, and second, to identify enhancements to the habitat. Over the years the City has completed many of the enhancements identified in the plan.

DISCUSSION: Don Alley, author of the plan, also serves as the fisheries biologist for the City in implementing the annual construction of the lagoon and fall breaching. His duties include monitoring of the lagoon environment while the lagoon is in place and conducting annual fish censuses in the creek. Mr. Alley has been performing this work since the 1990 plan was approved by the City and multiple resource agencies that oversee the natural resources in the creek, beach, and bay. Mr. Alley will present a report on the condition of the creek and lagoon including the most recent fish census results. Mr. Alley's report will also review completed enhancement projects.

A copy of the 2004 plan without its appendices is included as Attachment 1.

FISCAL IMPACT: None

ATTACHMENTS:

1. Excerpts from 2004 Soquel Creek Lagoon Management and Enhancement Plan

Report Prepared By: Steve Jesberg
Public Works Director

Report on Soquel Creek Management Plan
March 22, 2018

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/15/2018

**2004 SOQUEL CREEK LAGOON
MANAGEMENT AND ENHANCEMENT PLAN UPDATE**



Prepared by

Donald W. Alley, Principal Aquatic Biologist, D.W. ALLEY & Associates

Kathy Lyons, Senior Botanist, Biotic Resources Group

Shawn Chartrand, Geomorphologist, Balance Hydrologics, Inc.

Yehudit Sherman, Editor

Prepared for

The **CITY OF CAPITOLA**
420 Capitola Avenue
Capitola, California 95010

June 2004

Project #192-01

IMPLEMENTATION POLICIES AND ACTIONS

Matrices of prioritized policies (**Appendix F**; page 131) and the projects (**Appendix G**; page 138) stemming from them are provided in the appendices. Policies and actions are prioritized as high, medium and low and arranged by environmental topic, educational opportunity and staffing requirements. Projects are prioritized numerically from 1 (highest priority) to 5 (lowest priority). They are grouped by similarity.

1) FISHERY ISSUES

Situation: The management/protection of federally protected steelhead and tidewater goby is mandated by law. Steelhead populations in the Soquel Creek Lagoon are threatened by inadequate stream inflow in summer during drought years. They are potentially stressed by high summer water temperatures when several consecutive days occur without morning fog or when tidal overwash brings salt water into the lagoon. Oxygen depletion threatens juvenile steelhead in the lagoon when the sandbar breaches prematurely in fall after a small stormflow. Kelp, seagrass, and saltwater enter, get trapped after the sandbar reforms, and begin to decompose. Juvenile steelhead are threatened by oxygen depletion in the lagoon when the first storm of the season washes pollutants into the lagoon, causing water turbidity, aquatic plant mortality, and decomposition. Migrating adult steelhead are vulnerable to angling pressure and illegal snagging if they become delayed in deeper pools at Nob Hill and Highway 1 due to inadequate passage flows. Water temperature is currently too warm in summer in the lower gradient mainstem of Soquel Creek to support coho salmon and allow their recovery. The quality of shelter (escape cover) has been further degraded by loss of riparian trees that overhang the lagoon in residential areas, as detected by the botanist between 1990 and the present. Riparian tree canopy, which provides shade to the lagoon and creek channel upstream, may be threatened by proposed development. Shallowing of the lagoon from excessive sediment inputs threatens steelhead

habitat by increasing bird predation and increasing daily water temperature fluctuations. Stream sedimentation reduces spawning habitat quality and spawning success in the lower creek, where young-of-the-year steelhead that seed the lagoon are produced.

Major goals are to increase steelhead numbers in lower Soquel Creek and the lagoon and to restore coho salmon to the watershed. This may be done by restoring, maintaining, and enhancing the Creek habitat. Key aspects of this include the following: (1) actively increasing streamside vegetation and shading to reduce water temperature; (2) leaving large woody material in the stream channel to create habitat complexity and cover; (3) reducing sediment input to improve spawning habitat and insect production; (4) improving lagoon water quality by preventing point source and reducing non-point source pollution, particularly from commercial businesses; (5) maximizing water percolation during winter storms by reducing surface runoff from impermeable surfaces into the creek; and (6) protecting lower Creek baseflow in the spring and summer from water diversion and extraction to prevent channel dewatering and provide fast-water feeding habitat for steelhead. Agency planning must reflect these major goals.

1.1. Policies and Actions for General Habitat Restoration and Protection

- 1.1.1. The City will work with the City's fisheries biologist to identify and map (within the City limits) immediately critical microhabitats for steelhead and tidewater goby (such as potential fish habitat or pollutant gateways) requiring protection, habitat restoration, or other action. Aerial photos can be utilized.
- 1.1.2. The City will define immediate and long-range projects to enhance fish habitat.
- 1.1.3. The City will create "experimental habitats" that will provide escape cover for juvenile steelhead to avoid bird predation (refer to **Appendix H** (page 141)). This effort will be coordinated with streambank stabilization projects.
- 1.1.4. The City will restore critical fish habitat in the lagoon and support restoration efforts in the upper creek. Recommended efforts above the lagoon are outlined in the Soquel Creek Watershed Assessment and Enhancement Plan (**2003**).
- 1.1.5. The City will propagate native trees in critical areas to insure a continuous riparian canopy.
- 1.1.6. The City shall request Begonia Festival participants to propel floats from shore or with a limited number of people on surfboards rather than by people walking in the creek. If wading is deemed necessary, The City shall perform 3 years of pre- and

post-festival water quality monitoring for biological oxygen demand and hydrogen sulfide concentration, along with the current monitoring of turbidity and dissolved oxygen. Important statistics will be recorded, such as number of floats, number of waders and number of surfboard paddlers each year. This monitoring will help determine if wading has significant impacts on lagoon water quality. Barring such monitoring, the Department of Fish and Game (CDFG) believes that festival participants should be discouraged or prohibited from wading (Urquhart 2002). As conditions of the permit, the City will allow passage of floats in one direction only, presumably downstream and then to the dismantling location near the Stockton Avenue Bridge. In the past, floats were walked down the lagoon and then back upstream through the lagoon before dismantling at the lower end near the bridge.

- 1.1.7. The City will request that the CDFG include in the fishing regulations that no fishing may occur at streamflows when adult steelhead have difficulty passing upstream. Request that the CDFG arrive at this minimum streamflow determination that will allow adult fish movement. The City will request a regulation similar to that on the Carmel River where anglers may call and find out the streamflow at the USGS gage on Soquel Creek to determine if sufficient flows exist to allow fishing. This will prevent anglers from snagging adult steelhead that are congregating in deeper pools until sufficient passage flows develop. The Soquel Creek Water District funded an adult steelhead passage study, although the results have not been finalized.
- 1.1.8. The City shall leave all large woody material in the stream channel as valuable escape cover for steelhead. Cutting it into smaller pieces destroys its value. Rearrangement and cutting of woody material may be required if it poses a flood hazard. Cutting will require a CDFG Streambed Alteration Agreement. Wood rearrangement/ cutting will be supervised by a qualified fishery biologist.
- 1.1.9. The City will pursue long-range efforts to improve the quality of stormwater runoff with installation and maintenance of silt and grease traps on City storm drains, with the incorporation of a twice-yearly maintenance program for silt and grease traps for commercial properties. All new commercial projects will be conditioned so that the applicant provides to the Community Development Director evidence that a contract is in place for twice-yearly cleaning of all silt and grease traps in the stormwater system.
- 1.1.10. The City will advocate for the priority inclusion of Soquel Creek in the demonstration Recovery Program for coho salmon with the CDFG and the National Marine Fisheries Service.

- 1.1.11. The City will work with the six-county effort to analyze policies regarding fishery issues.
- 1.1.12. The City will consider either replacing the Stockton Avenue Bridge with a free-span design or retrofitting the existing bridge to alleviate the danger of wood jamming on it during high stormflows.

1.2. Policies and Actions for Management and Enhancement of Riparian Vegetation Resources

Situation: There are significant opportunities for improving and managing the native riparian vegetation resources along Soquel Creek. Improvements to native riparian vegetation resources will provide benefit to the overall botanical diversity of the creek, conserve native plant communities, and contribute to improved water quality (reduced water temperatures) in the creek. These opportunities are present throughout the creek; specific actions will vary depending upon the vegetation type and its location along the creek. All actions will require the participation of willing landowners. **Table 3** (page 54) displays the key botanical problems along the creek and remedial opportunities. Removal of vegetation must be consistent with the Environmentally Sensitive Habitats Ordinance.

- 1.2.1. Landowners will be encouraged by the City to preserve and manage the native riparian habitats on their properties. The City will re-publish and re-distribute the Stream Care Guide prepared as an enhancement project in the original Management Plan.
- 1.2.2. The City will solicit participation from landowners and City residents in implementing management and enhancement activities along the creek.

There are currently few incentives given to landowners to encourage voluntarily improvements to native habitats on their property, despite that these habitats are protected by both City policy and State regulations. There need to be more incentives for these activities. Examples include streamlining permits for the removal of invasive, non-native trees, waiving permit fees, and the City (and County assessor's office) providing property tax credits to property owners who implement habitat restoration and commit to maintaining a continuous native riparian corridor on their property; City-sponsored creek clean-up days; City-sponsored training days; and City-sponsored dumpster service (for removal of invasive, non-native plant species).

- 1.2.3. The City will encourage restoration of degraded portions of the riparian corridor through riparian revegetation of residential areas. The City will provide incentives for property owners living adjacent to Soquel Creek to encourage enhancement of riparian and wildlife habitat. In addition, the City shall require planting of riparian vegetation during the development review process. The desire is to improve riparian cover and increase lagoon shading in order to reduce summer lagoon temperatures.

City Property Adjacent to the Stockton Avenue Bridge: Restore riparian habitat with appropriate plants resistant to saltwater spray and the saline estuary. The restoration plan may include removal of the pump station adjacent to the bridge. The purpose of the riparian vegetation would be to provide lagoon shading and/or overhanging cover for juvenile steelhead. The riparian restoration would serve as a model for other properties along Soquel Creek.

Yards Fronting the Creek along the Downstream Portion of Soquel Creek (Riverview Avenue Area): Encourage the establishment of woody riparian cover by having landowners plant a minimum of 1 native riparian tree per parcel (approximately 30 feet on-center) to provide some riparian cover along the creek. Encourage landowners to plant native understory plants and incorporate bio-technical bank protection techniques during the replacement of existing retaining walls. Require riparian habitat enhancement and management as a condition of permit approvals for site improvements.

All Landowners with Yards Fronting Soquel Creek: Encourage landowners to maintain and enhance native riparian vegetation along the creek bank. Encourage landowners to remove invasive plant species, to re-plant with native trees, shrubs, and groundcovers, and to incorporate bio-technical streambank protection techniques during any bank stabilization or erosion repair work. Require riparian habitat enhancement and management as a condition of permit approvals for site improvements.

- 1.2.4. The City will strive to increase native plant species diversity through revegetation and control/removal of occurrences of invasive, non-native plant species. Removal of non-native vegetation along with revegetation with native riparian vegetation can better stabilize streambanks and provide better stream shading than current invasives. Non-native invasives also discourage or prevent re-establishment of native vegetation. Work must be consistent with the Environmentally Sensitive Habitat ordinance.

Remove ivy (English and Cape ivy) from native trees. Ivy stems should be cut and plant materials pulled from the trees (as much as feasible).

Remove pampas grass from the riparian corridor. Plumes should be cut and removed; root crowns should also be removed

Remove French broom, giant reed, and acacia. Plants should be hand-removed, with cut materials removed from the site.

Areas for Restoration:

Rispin Mansion Open Space: Remove ivy (English and Cape ivy) from native trees; remove and control French broom, pampas grass, and acacia.

Riparian Corridor between Highway 1 and Peery Park: Remove ivies (English and Cape) from native trees.

West Bank of the Creek Upstream of the Railroad Trestle: Remove ivies (English and Cape) from native trees.

Creek Banks between the Shadowbrook Restaurant and the Stockton Street Bridge: Remove pampas grass.

Redtree Property Downstream of Highway 1: Remove pampas grass, giant reed, acacia, and French broom.

CalTrans Highway 1 Right-of-Way: Remove French broom, pampas grass, and acacia.

- 1.2.5. The City will utilize vegetation as part of stream bank erosion control and streambank stabilization projects (i.e., the use of bio-technical streambank stabilization techniques where feasible). Refer to **Appendix C** (page 110) for revegetation guidelines. Refer to **Figure 14** (page 171) in this Plan Update and the California Salmonid Stream Habitat Restoration Manual (**Flosi and others 1998**) in the Project Implementation Part VII for bio-technical approaches to streambank stabilization.

Table 3. Summary of Opportunities and Constraints for Riparian Vegetation Enhancement and Management along Soquel Creek.

OPPORTUNITIES	CONSTRAINTS
Maintain existing riparian forest to benefit native species richness and diversity.	<p>Need participation from landowners.</p> <p>Need to educate landowners of the benefits of maintaining intact riparian forest habitat.</p> <p>Need to educate landowners of City and State regulations relating to removal of riparian vegetation.</p>
<p>Restore degraded riparian areas to benefit native riparian biodiversity (e.g., control erosion from stream banks, remove invasive, non-native plants, install native plants).</p> <p>Opportunity to obtain grants, which may help pay for cost of restoration</p>	<p>Need participation from landowners.</p> <p>Need to educate landowners of the benefits of maintaining intact riparian forest habitat and the value of removing invasive, non-native plant species.</p> <p>Potential cost of enhancement and management, such as special labor needs (tree removal for invasive trees), tools, revegetation materials, dumpster services.</p> <p>Need to train landowners in techniques for the removal of invasive plants.</p> <p>Need to train landowners in techniques of planting and maintaining riparian revegetation areas.</p> <p>Need to require use of bio-technical bank slope protection and riparian enhancement and management as part of City permitting action for site improvements.</p>
Encourage use of bio-technical bank slope protection	<p>Need to train landowners in techniques of bio-technical bank slope protection.</p> <p>Need to require use of bio-technical bank slope protection as part of City permitting action.</p>
Develop and outreach programs to local volunteer groups (e.g., Santa Cruz Bird Club, Friends of Soquel Creek, Mid-County Senior Center, etc.) and partnerships with educational institutions to encourage them to conduct and monitor enhancement and management actions.	<p>Need participation from landowners.</p> <p>Need to educate participants on techniques to monitor riparian resources.</p> <p>Potential cost of enhancement and management actions and monitoring.</p>

1.3. Policies and Actions for Lagoon Preparation and Sandbar Construction

Situation: Currently, the City may install an artificial sandbar at the mouth of Soquel Creek in the week prior to the Memorial Day weekend or afterwards. The City notifies CDFG of the date of closure and obtains the necessary CDFG 1601 agreement to close the estuary. After the 1601 agreement is made, the City notifies the Coastal Commission, Army Corps of Engineers, the monitoring group, and streamside businesses/residents of the date of closure. In order to prevent adverse impacts of artificial sandbar installation, the City will carry out the policies and actions outlined below:

- 1.3.1. The City shall perform all grading from the beach only. No grading of the channel bottom in the area of the summer lagoon embayment shall be undertaken except to eliminate sharp drop-offs within 25 feet of the culvert (flume) entrance and immediately along the sandy shore of the first 10 linear feet of the lagoon bottom (below the elevation of the top of the culvert, from Venetian Courts on the west to the pilings adjacent to the restaurants on the east side). Kelp shall not be buried in the lagoon. Heavy tracked equipment shall not be used in the lagoon area for kelp removal. Only hand rakes and shovels shall be used for kelp removal.
- 1.3.2. The City shall screen the intake pipe to the pump used to pump water from the channel adjacent to the flume into the flume to clear it of sand. This will prevent intake of fish.
- 1.3.3. The sandbar shall be installed during the lowest tide occurring within the week prior to the Memorial Day weekend or after, when the estuary is at its minimum depth, in order to reduce salt water present after sandbar installation.
- 1.3.4. The City shall minimize the number of days required to stockpile sand, prepare the flume inlet for fish passage, construct the sandbar, and rake out the decomposing organic material in order to minimize the artificial fluctuation of the lagoon water level. The City shall provide a maximum number of personnel to rake decomposing organic material into the bay and to clear the flume of sand in order to minimize the days needed to prepare the lagoon for the summer.
- 1.3.5. To minimize the time required for sandbar construction, the City shall also remain flexible on the timing of the work. If rain is in the forecast within 2 days after the intended starting date for sandbar construction, Public Works shall postpone construction until clear weather is forecasted. If 4–5 working days are set aside to construct the sandbar, the sandbar construction may be delayed as late as 4–5 days

before the Memorial Day weekend yet may still satisfy the tradition of lagoon formation before that weekend.

- 1.3.6. As stipulated in past Streambed Alteration Agreements with the Department of Fish and Game, the City shall continue to rake as much kelp and sea grass out of the lagoon as possible before final closure, including plant material trapped under the restaurants, in depressions around the bridge, and at the mouth of Noble Gulch. The specific mechanisms/procedures shall be developed during the permitting process. Sufficient City staff shall be assigned to quickly rake out decomposing kelp and clear the sand-filled flume.
- 1.3.7. The City shall dispose of kelp in the Bay rather than bury it in the sandbar. It will be disperse up and down the beach. County Environmental Health approved this method as long as kelp is spread over a wide area (**J. Ricker, pers. comm.**).
- 1.3.8. During sandbar construction, the City shall continue to close the lagoon each day before the incoming tide can wash salt water and kelp into the lagoon. The City shall re-open the sandbar and unplug the flume each morning, if necessary, at low tide to drain out more kelp.
- 1.3.9. The City shall construct the sandbar sufficiently high to reduce the likelihood of tidal overwash during the summer. Creation of a temporary ponding area on the beach may be required.
- 1.3.10. The City shall retain large woody material in the lagoon for fish cover. Rearrangement of wood may be required for flood control purposes. A qualified fishery biologist shall supervise any rearrangement activities.
- 1.3.11. Before the sandbar is closed the first night of sandbar construction activities, the City shall remove sand from the culvert (flume) to allow passage of water and salmonid smolts through the flume and to prevent flooding.
- 1.3.12. To speed the conversion of the lagoon to freshwater, the City shall use the fishgate/shroud that was designed by the CDFG on the flume entrance to draw salt water off the lagoon bottom, if necessary, for one to two continuous weeks after sandbar closure. The top flashboard on each side shall be notched 3-4 inches deep and 6 inches wide to focus water and facilitate juvenile salmonid smolt out-migration. If adult steelhead are seen in the lagoon at this time, the shroud may be removed from one side of the flume for a week with an underwater portal 8 inches square shall

be cut in the in the existing flashboards on that side to allow adult out-migration. The improved flume inlet will also provide this portal. Fish and Game and the National Marine Fisheries Service shall review the exact dimensions of this configuration. After this week period, City Public Works shall reinstall the shroud with the original flashboard. The shroud shall be left on the flume entrance for longer periods to pull poor-quality water off the bottom, provided there is sufficient flow to keep the culvert open to the bay.

- 1.3.13. In the event that a storm is forecasted after sandbar closure or high spring streamflow requires high-flow capacity through the flume, the City shall remove the shroud on one side of the culvert along with 2 or more flashboards in order to increase the flow capacity of the culvert. For public safety, the culvert opening is to be covered with 4-inch by 6-inch meshed screening, with the longest dimension in the vertical direction. Further, the manhole cover situated on the top of the culvert, closest to the flashboards, will be removed, if necessary. It, too, is to be screened for public safety. If the storm does not materialize or once streamflow has subsided after the storm, the flashboards and shroud shall be reinstalled as soon as possible.
- 1.3.14. The City shall annually evaluate the structural integrity of the flume and its supports. Repair cracks and supports as necessary.
- 1.3.15. The City shall hire a qualified fishery biologist to monitor sandbar closure, sandbar breaching, and lagoon water quality throughout the summer lagoon period and to provide annual reports to the City. The City shall include the recommendations provided in these reports in future management policies related to the summer lagoon.
- 1.3.16. The City shall submit necessary monitoring reports on sandbar closure and lagoon monitoring to the U.S. Army Corps of Engineers and other regulatory agencies.
- 1.3.17. The City will request from Cal-Trans that they shield Soquel Creek from lights on Highway 1.

1.4. Policies and Actions for Management of the Lagoon for Fishes and Maintaining Fish Passage through the Flume

Situation: To maximize water quality and fishery habitat in the summer lagoon, the City must maximize lagoon depth, insure sufficient stream inflow to the lagoon and maintain smolt passage. Fluctuation in lagoon level must be minimized until the sandbar actually breaches. Sustaining

lagoon habitat until later in the fall when storm frequency and streamflows increase will maximize the lagoon's benefit to juvenile steelhead. Out-migration to the ocean shall be insured through the culvert for adult steelhead through June 15th and for steelhead smolts until June 30th. This requires a notch in the top flashboard, 3-4 inches deep and 6 inches wide under existing conditions and a 4–5 inch wide opening at the entrance in the improved flume inlet to allow smolts to easily pass from the lagoon into the culvert. Fish and Game and the National Marine Fisheries Service shall review the exact dimensions of this opening. Notching the top flashboards focuses water and makes the shrouded flume entrance passable to smolts. Sufficient water depth in the culvert must also be maintained.

- 1.4.1. The City shall immediately ameliorate sewage spills into the lagoon. As was done in 1996, an effort will be made to dilute the sewage and flush it out of the lagoon by removing flume flashboards. The lagoon may be lowered approximately one foot without a significant increase in fish predation when refilling may occur overnight. The California Department of Fish and Game shall be notified immediately after the spill, and the lagoon shall be partially drained immediately after the sewage spill with their approval. In the future, the City will require that maps and cautious excavation be employed to avoid future accidents that could contaminate the lagoon.
- 1.4.2. If early storms create turbidity that prevents light penetration to the lagoon bottom, the City shall lower the lagoon level until the bottom becomes visible. This will allow algal growth despite the high turbidity. Plant photosynthesis will produce oxygen and prevent anoxic conditions. The shroud shall be used to pull anaerobic layers off the bottom to exit the lagoon. The City shall re-establish maximum lagoon depth after turbidity has subsided. The City shall not breach the sandbar artificially to release organic material from the lagoon in early fall.
- 1.4.3. Road repaving and application of petrochemicals shall be done early in the summer. This will allow penetration and drying before fall rains.
- 1.4.4. Although no adverse impacts have been detected from the Begonia Festival, the City will ask Begonia Festival participants to propel floats with paddlers on surfboards or in boats instead of wading through the lagoon.
- 1.4.5. To prevent water quality problems in the lagoon, the City shall issue a permit to the organizers of the Begonia Festival stipulating the following: (1) discourage wading in the lagoon to propel floats until 3 years of more extensive water quality monitoring is done before and after festival activities to show that impacts are insignificant, (2) only partially dismantle floats in the lagoon, to the extent needed to carefully remove floats

from the water; (3) the remainder of the dismantling to be done away from the lagoon; (4) begonias at the dismantling site to be disposed of off-site; and (5) remaining begonias to be removed from the lagoon within 48 hours of the end of the Begonia Festival and disposed of off-site. The City Public Works Department shall insure that these steps are taken.

- 1.4.6. If the lagoon water level begins to drop despite efforts to minimize outlet flow through the flume, the City will begin to daily monitor streamflow at Nob Hill and the Walnut Street walk bridge to determine if the stream becomes intermittent. The City will alert CDFG when the lagoon water level cannot be maintained and when stream intermittency is observed, recording the date at which intermittency is first observed.
- 1.4.7. If the streamflow in Soquel Creek in the vicinity of Soquel Village approaches the point of losing surface flow, the City will notify nurseries with surface diversions upstream and the California Department of Fish and Game of the streamflow conditions so that water extraction may be reduced or discontinued until flow returns. The goal will be to avoid complete loss of surface flow.
- 1.4.8. The City shall secure the flume boards so that vandals cannot pry them up and drain the lagoon. This will prevent tidal surges through the flume from doing the same thing.
- 1.4.9. It is harmful to steelhead to drop the lagoon level in anticipation of a storm that fails to develop and then fail to re-install the flume boards afterwards. Many forecasts for rain and storm intensities are incorrect in the early fall. The City will remove flume boards as the first small storms begin in fall and replace the boards after the stormflow has subsided. Boards will not be removed until rain appears imminent. Upon completion of the flume inlet improvement, the capacity of the flume to pass water without removing boards will be increased significantly. This will reduce the need to lower the lagoon level in preparation for a storm.
- 1.4.10. The City will attempt to maintain the lagoon in fall until streamflow has increased enough (20–25 cfs) to prevent stranding of spawning adult steelhead or coho salmon and to prevent osmotic stress to lagoon-inhabiting steelhead. If necessary, the City will install a perimeter fence with 2"x 4" mesh with 6-foot panels around the flume entrance by October to prevent plugging of the flume's screen with aquatic vegetation during the first minor storms. The goal will be to maintain the lagoon until approximately Thanksgiving, in late November, before allowing stormflow to breach the sandbar.

- 1.4.11. In drought years, if surface streamflow becomes intermittent upstream of the lagoon, thus stranding juvenile steelhead, the City will make emergency inquiries to the Department of Fish and Game as to the cause of dewatering and measures to be taken to prevent fish mortality. Twelve years of lagoon censusing indicates that in most years, the number of juvenile steelhead inhabiting the lagoon is less than 1,000, although it supported an estimated 2,700 juveniles in 1993 with water quality similar to other years. This implies that the lagoon can support many more juveniles in most years than typically utilize the lagoon, making it an appropriate location to place rescued fish.
- 1.4.12. The City will obtain "No Fishing" signs from CDFG and post them at the lagoon and downstream of Highway 1 during the off-fishing season.
- 1.4.13. If algal mats are determined to be causing water quality problems related to oxygen supply, or are deemed aesthetically detrimental, the City shall remove them manually downstream of Stockton Avenue Bridge. This can be done with two maintenance personnel, skimming algae off the surface with a wooden beam and collecting it on a floating barge. Use no chemicals to kill algae.
- 1.4.14. The City shall maintain the underwater portal in the flume intake for out-migration of adult steelhead until June 15.
- 1.4.15. The City shall maintain a notched top plank at the top of the flashboards in the flume inlet for out-migration of smolts until 1 July.
- 1.4.16. The City shall annually re-install the 1-foot-high baffle inside the flume as needed for safe entrance of out-migrating smolts into the flume inlet.
- 1.4.17. The City shall continue to maintain a 6- to 8-inch depth at the outlet of the flume until July 1. The City shall install 4" x 4" planks in the outlet, if necessary, as George Heise (CDFG passage expert) originally recommended.
- 1.4.18. The City shall remove sand at the ocean end of the culvert (daily, if necessary) through July 1st in order to assure fish passage.
- 1.4.19. In the fall, during the first early storms that do not completely breach the sandbar, fish passage for spawning adults need not be maintained through the flume, and in fact will be discouraged, until sufficient stormflows develop to provide passage up the Creek. If adult salmonids enter too early, they will become stranded in the lagoon and be

unable to migrate upstream because of insufficient streamflow.

- 1.4.20. Trees that have naturally fallen into Soquel Creek shall remain undisturbed to provide fish habitat. Rearrangement of fallen timber may be required for flood control purposes. A qualified fishery biologist shall oversee any rearrangement.
- 1.4.21. Trees, 6 inches or greater diameter at breast height (dbh) that are to be cut on property adjacent to Soquel Creek after obtaining the necessary City permit for tree removal, shall be felled into the creek (branches intact), to provide fish habitat. Length of the pieces shall be maximized to the extent that safety will dictate during the felling. Cut trees and shrubs trimmings less than 6 inches dbh shall not be dumped into the lagoon or creek.
- 1.4.22. The City shall continue to annually monitor numbers of juvenile steelhead in the lagoon as required in their Army Corps permit to construct the sandbar and will pursue funding to continue censusing the steelhead population throughout the watershed.

1.5. Policies and Actions for Emergency Sandbar Breaching

Situation: Lagoon water quality and steelhead survival are maximized if the sandbar is maintained until approximately Thanksgiving, while passing early stormflows through the flume by removing flashboards (or operating an upgraded inlet structure). If the sandbar breaches prematurely, it allows kelp and saltwater to enter and become trapped after the sandbar re-closes. Decomposing kelp and saltwater cause water quality deterioration for steelhead and aesthetic problems for streamside residents and businesses. Fish passage need not be maintained through the flume and shall be discouraged in fall until sufficient stormflow develops to provide passage upstream. If adult salmonids enter too early, they may become stranded with insufficient streamflow to migrate.

- 1.5.1. City of Capitola Public Works shall notch the sandbar in fall at an elevation slightly lower than that of the piling bolt. The City may have to periodically re-establish the notch if it does not rain or high tides obliterate it. If a storm is predicted, notch the sandbar to prevent flooding. By notching the sandbar, runoff from a larger, late fall storm will breach the sandbar prior to flooding. Make the notch 20-30 feet wide so as to minimize the downcutting during sandbar breaching and maintain estuary depth after breaching.
- 1.5.2. The City shall post warning signs to instruct the public to avoid the sandbar notch

and surrounding beach when sandbar breaching appears imminent.

- 1.5.3. The City shall notify their lagoon biologist prior to any anticipated emergency breaching and/or facilitated natural breaching to allow monitoring.
- 1.5.4. The City shall remove flashboards as needed immediately prior to the forecasted approach of the first storms in fall to lower the lagoon water level and to increase the outflow capacity of the culvert. The specific procedure for removing boards (how many to remove and how much the lagoon level shall be reduced in expectation of impeding flood flows) needs to be specified in the Fish and Game 1601 agreement. This will delay the need for sandbar breaching until the arrival of larger winter storms and runoff capable of keeping the lagoon open. This will mimic or even enhance natural conditions and reduce maintenance. However, large, repetitive reductions in lagoon volume in expectation of storm flows may be detrimental to aquatic species inhabiting the lagoon.
- 1.5.5. If necessary, the City will clear the sand away from the top of the flume back to the first porthole cover beyond the flume inlet to delay sandbar breaching. As stated in the 1993 monitoring report, management options to delay sandbar breaching include installation of a perimeter fence around the flume inlet to collect algae and the opening of the first flume portal behind the flume inlet. The portal must be screened and isolated from human access to prevent a hazard to public safety. The City shall replace the boards after the stormflow subsides, removing them for each succeeding storm until the sandbar is eventually breached during later, larger storms, usually occurring after Thanksgiving. The City shall remove the first flume portal cover and screen it if the entrance of the flume and the grated opening in the flume ceiling cannot handle the volume of the stormflow in October and early November. After the stormflow subsides, the City shall replace the cover until the next storm.
- 1.5.6. If the sandbar breaches early in the rainy season, followed by a period of 2–4 weeks of a reformed sandbar that prevents water exchange with the ocean, the City will attempt to pull the decomposing kelp out of the stagnating lagoon. This will be done by opening the flume and encouraging streamflow out with the shroud installed and lagoon depth maximized. Specifics for how this is done shall be clearly stated in the CDFG 1601 agreement.
- 1.5.7. The City shall not breach the sandbar artificially to release organic material from the lagoon in early fall. Breaching of the lagoon will increase the opportunity for more kelp to enter and probably will not empty the entire lagoon anyway. If a stagnant,

kelp-filled lagoon forms in fall after an early breach and a dry period, the flume shall be used to pull salt water out.

- 1.5.8. The City shall upgrade the flume inlet (see recommendation 1.4.1.) to more easily open the flume inlet and prevent flooding before the sandbar breaches.

1.6. Policies and Actions for Sediment Reduction

Situation: Stream sedimentation reduces steelhead spawning success, insect productivity and juvenile rearing habitat. It shallows the summer lagoon, leading to poor water quality. Efforts to remove sediment from the creek or lagoon (except behind sediment catchment basins) would be damaging to water quality in the vicinity of dredging, would not likely be allowed by regulatory agencies and would not address the root causes of sedimentation. Refer to **Table 4** (page 65) for opportunities for fishery enhancement in Soquel Creek and Lagoon.

- 1.6.1. The City will support watershed efforts to treat sediment sources, such as landslides, eroding streambanks, and gullies, with appropriate erosion control/land-stability measures. The City will seek funding for proposal writing to seek funding of feasibility studies and corrective measures of significant sediment sources, such as the eroding streambank between the lagoon and Highway 1 in Capitola, the eroding streambank at the Whitehead bend upstream of the Bargetto Winery, as well as landslides and associated streambank erosion detected in Bates, Amaya and Hester creeks, Grover Gulch and the upper West Branch during field surveys in preparation of the Soquel Creek Fisheries Assessment and Enhancement Plan (2003).
- 1.6.2. The City will, with staff resources permitting, review timber harvest plans submitted to the California Department of Forestry (CDF) for the Soquel Creek watershed and make recommendations for reducing erosion and sediment flow into the watershed.
- 1.6.3. The City will submit a letter to the State Board of Forestry to add regulations that provide no cut/no entry buffers along all stream courses (perennial and ephemeral). The City will submit an additional letter to NOAA Fisheries requesting that they review timber harvest plans and protect riparian corridors from logging.
- 1.6.4. The City will support erosion control measures to reduce sedimentation during late season stormflows.
- 1.6.5. The City will submit a letter to the County of Santa Cruz to monitor progress on one currently known source of Creek sediment, the slide on Highland Way. Contact

NRCS and the Santa Cruz County Resource Conservation District concerning a volunteer effort to stabilize the area after the slide is removed.

- 1.6.6. Where feasible, the City will retrofit City storm drains leading into Soquel Creek with detention basins that will collect surface runoff and meter it out at a slower rate and reduce streamflow flashiness. Refer to the policies and actions regarding the Rispin Mansion.
- 1.6.7. The City will pursue funding for proposal writing to obtain funding to study the feasibility of using the Bates Creek Dam as a sediment catchment basin. Reduction in sediment input to Bates Creek and lower Soquel Creek offer significant opportunity to reduce sediment impairment of the lower creek and lagoon and to create better spawning conditions in Bates Creek.
- 1.6.8. The City will support efforts to locate and develop long-term sediment spoil sites in the watershed. Substantial sediment is removed from inside ditches and road surfaces during the winter months due to general erosion and removal of landslide debris. Rather than depositing this sediment at road turnouts or on the outside edge of road surfaces adjacent to streams, established sites are needed for effective disposal of sediment.
- 1.6.9. The City will support watershed management efforts to retain wood clusters in Soquel Creek to increase channel complexity (scouring of deeper pools and provision of fish cover) and to create steep, constricting riffles adjacent to the wood clusters that cause bar formation. This will increase spawning habitat in this sediment-laden stream.
- 1.6.10. The City will support efforts of Fish and Game to obtain a conservation easement or purchase of open space land in the Soquel Village and Capitola area where urban surface runoff may be piped and infiltrated more slowly into the groundwater.
- 1.6.11. The City will support County and private efforts to reduce erosion from unpaved rural roads, such as timber harvest roads. Ways to reduce such erosion were included the Zayante Area Sediment Study in the San Lorenzo River drainage (**Swanson and Dvorsky 2001**). Items included surfacing of year-round access roads, 5-year monitoring and maintenance periods of unsurfaced roads after land-use activities, such as logging, are completed, fixing of erosion problems on legacy roads prior to re-occurring rural and use, and certification of all grading on inner gorge slopes by a Registered Engineering Geologist.

Table 4. Opportunities for Fishery Enhancement in Soquel Lagoon & Creek

OPPORTUNITIES	CONSTRAINTS
Reduce fecal coliform bacteria in the lagoon Improve lagoon water quality	Need to enact gull and pigeon management measures Must reduce water pollution in summer/fall lagoon Must re-stencil storm drains Must protect permeable surfaces during development Imperative to reduce water temperatures in lagoon Must install and maintain silt and grease traps on storm drains (in progress) Commercial businesses need to install and maintain silt and grease traps entering the stormdrain system Need to clean parking lots prior to fall storms Must continue to rake kelp out of lagoon at sandbar closure Must insure light penetration to the bottom after first fall storm by lowering the lagoon level
Restore coho salmon and increase juvenile steelhead in the lower watershed	Imperative to reduce weekly average summer water temperature to 16–17°C to satisfy coho salmon requirements Must leave large woody material in the stream channel Necessary to restore riparian corridor with tall trees Need to protect instream flow through conscientious water extraction and water conservation during water shortage Will have to stock Soquel Creek with juvenile coho to re-establish the run
Maximize lagoon water depth	Water conservation measures needed Requires reduction of sedimentation to the lagoon/creek Necessitates maintaining adequate summer stream inflow Need to improve regulation of lagoon water level; must mandate that peddle boat concession not dictate lagoon water level Must increase diligence in manipulating flashboards/ new system (in progress) Must prevent breach sandbar too early in the fall Must prevent vandalism to flume inlet
Provide environmental education	Funding needed Need to provide a permanent venue (Capitola Library and Park) Qualified staff must be hired
Reduce potential for flood damage to lagoon residents Reduce streambank erosion and sedimentation basin-wide Reduce streambank erosion between Nob Hill and Hwy 1 and basin-wide	Must prevent woody debris jam at Stockton Avenue bridge Must build a free-span bridge or retrofit the existing bridge to alleviate the problem Must resolve the conflict between leaving woody material in the creek to provide fish and wildlife habitat versus cutting it up to reduce potential jams on bridges and flooding Removal of wood for flood control/prevention as part of any ongoing stream channel maintenance program requires a Fish and Game 1601 Agreement. Must address watershed issues—such as establishing no cut buffer strips along streams during logging and the threat of increased surface runoff from development and more impermeable surfaces Must preserve permeable surfaces and open space Must detain surface runoff from impermeable surfaces Must increase diligence in manipulating flashboards/louvers (in progress) Revegetation of riparian corridor imperative Streambank stabilization projects needed; must revegetate

OPPORTUNITIES	CONSTRAINTS
	streambanks
Restore riparian corridor	Need to educate streamside residents to protect riparian habitat Must revegetate riparian border of lagoon, including City property adjacent to the Stockton Avenue Bridge as a model Must remove non-native trees and plants Must discourage streamside development that threatens to reduce riparian vegetation

1.7. Policies and Actions for Reducing Summer Water Temperature

Situation: In the Mattole River system (northern California) coho were found only in tributaries where the maximum weekly average water temperatures were 16.7°C (62°F) or less and the maximum weekly maximum temperatures were 18.0°C (64°F) or less (**Welsh et al. 2001**). For further details, refer to **Appendix E** (page 121). Because of the generally sandy substrate in the Soquel Creek system, and the presence of steelhead, the temperature limits found in the Mattole River are the appropriate goal for re-establishing coho in the low gradient portions of the middle Soquel Creek watershed from the Moores Gulch confluence to the beginning of the canyon, upstream of the Olive Springs quarry (Reaches 7-10; **Alley 2002**). Soquel Creek. In Scott and Waddell creeks in Santa Cruz County, coho were found at warmer sites, but only where the pools were very productive (small pools, abundant algae, extensive and productive riffles upstream of the pools) (**Smith pers. observation**).

Because of the existing spawning challenges for coho and typical summer water temperatures found in the mainstem below the Moores Gulch confluence, no acceptable water temperature goal can realistically be attained for coho downstream of Moores Gulch. It is highly unlikely that coho salmon can successfully spawn in the mainstem Creek below the Moores Gulch confluence in most years (**Appendix J**; page 144).

Steelhead are tolerant of higher water temperatures than coho salmon. In Soquel Creek, water temperature is primarily a food issue. In lower Soquel Creek and the lagoon, water temperature is probably not directly lethal. But higher temperatures increase food demands and restrict the steelhead to faster habitats for feeding, especially above 21°C (70°C) (**Smith and Li 1983**). For more details, refer to **Appendix E** (page 121). The lethal level for steelhead would probably be above 26-28°C (79-82°F) for several hours during the day. But this is rarely, if ever reached, unless significant tidal overwash has occurred in the lagoon. Even so, warmer temperatures could result in slow growth or starvation in steelhead if food supply becomes very limited. As part of annual steelhead monitoring on the San Lorenzo River in 1997-2001, **Alley (2001)** regularly measured water temperatures of 21°C+ (69.8°F+) in August and September in the lower and middle River in a number of reaches from Paradise Park to Brookdale, except during the cool

and high-flow summer of 1998.

Regarding Soquel Creek Lagoon in summer, where food is more abundant than upstream, a management goal for steelhead shall be to maintain water temperature at or below 20°C (68°F) at dawn within 0.25 m of the bottom and an afternoon maximum below 22°C (71.6°F) near the bottom. Maximum daily water temperature should not reach 26.5°C (79.5°F). Water temperatures above 20°C (68°F) are considered limiting to juvenile coho salmon in the presence of steelhead (depending on food abundance), and temperatures below 16°C (60.8°F) are preferred (**J. Smith, personal communication**). Therefore, the management target for making Soquel Creek Lagoon habitable for coho shall be to maintain summer water temperature below 20°C (68°F). However, we do not believe that Soquel Creek Lagoon may be cooled sufficiently for juvenile coho salmon.

The management goal for steelhead regarding water temperature in stream habitat upstream of the lagoon shall be maintenance below 20°C (68°F) in April and May. This is when baseflow still remains above summer low-flow conditions and juvenile salmonids are feeding and growing rapidly. From June 1 to September 1, the water temperature shall not rise above 20°C (68°F) more than 4 hours a day (15% of the month) and preferably the maximum daily temperature, averaged weekly, shall not rise above 21°C (70°F). Refer to Table 4 for opportunities for fishery enhancement in Soquel Creek and Lagoon.

- 1.7.1. The City will determine locations where riparian vegetation is lacking from the Soquel Creek Assessment and Enhancement Plan and offer support in the design and implementation of specific revegetation projects to achieve a reduction in water temperature in Reaches 7–9 of the middle watershed (**Figure 4**; page 161). The goal will be to bring maximum weekly average water temperatures in summer/fall down to 16.7°C (62°F) or less and the maximum weekly maximum temperature down to 18.0°C (64°F) or less (see **Appendix E** (page 121) for temperature considerations for coho salmon habitat). The Department of Fish and Game concurs with these temperature targets (**Urquhart 2002**).
- 1.7.2 The City will follow policies and actions in Section 1.2 to protect and restore the riparian corridor within the City limits.
- 1.7.3 The City will endeavor to protect stream inflow to the lagoon, maximizing it in drier years.
- 1.7.4 The City will reduce chance of tidal overwash by constructing a high sandbar.

2) HIGH BACTERIAL COUNTS IN THE LAGOON AND ALONG THE BEACH

Situation: Fecal coliform counts need to be reduced sufficiently to allow human contact in the lagoon and prevent beach closings by reducing inputs of fecal coliform bacteria. Past work has identified bird excrement as the primary source of fecal coliform to the lagoon. Reduction of bird excrement will also reduce nutrient inputs, algal blooms, and oxygen depletion.

Policies and Actions for the Reduction of Gull and Rock Dove Populations in an Effort to Reduce Bacteria in the Lagoon

- 2.1. The City will enact policies and actions for the reduction of non-point-source pollution (Section 7).
- 2.2. The City shall enact policies and actions for lagoon preparation and sandbar construction (specifically, those regarding the raking and disposing of kelp from the lagoon) (Section 1.3.).
- 2.3. The City will install gull-proof trashcans on the beach. Use enough gull-proof refuse cans on the beach to satisfy the demand for refuse disposal.
- 2.4. The City will pursue plans to control Esplanade restaurant runoff (which includes avian fecal matter) by hooking up roof and deck runoff to the sewer system. Commence this effort by initiating discussions with the appropriate agencies. Seal off storm drains on the west side of the street in front of the Esplanade. This will occur from May 15 to the time of sandbar breaching in the fall. Remind restaurant owners that sidewalk cleaning during the summer is to be done by steam cleaning rather than by water hose. Seal sidewalk grates along the Esplanade during the same period. This will reduce pollution from restaurant clean up. (Many smokers leave cigarette filters on sidewalks, which are then swept or washed into storm drains. These filters are mistaken as food by fish and ingested if they reach the water. This may cause serious digestive problems and potential fish mortality.)
- 2.5. The City will encourage and facilitate installation of "gull sweeps" on Esplanade roofs. These are available from West Marine Products [\$32.00 each (in 2000) and 6 feet across]. According to the catalogue, "Powered by the slightest breeze, the Gull Sweep's motion will deter the most determined bird." Effectiveness may be tested first on the roof of one establishment.

- 2.6. The City will pursue permission and a plan to screen and add prongs to the railroad trestle to discourage roosting of rock doves.

3) WATERSHED PERSPECTIVE/CUMULATIVE IMPACTS ANALYSIS

Situation: Soquel Creek is affected by development, logging, water extraction, flood control measures, etc., outside the City's jurisdiction. Overall management coordination is needed to bring all of the public and private entities throughout the watershed together in a meaningful way. Furthermore, solid information on the extent of all upper watershed influences is needed. More research, comprehensive monitoring, and riparian system models are necessary foundations for appropriate watershed management. Watershed photographs and a map are provided in **Appendix J** (page 144). The City will develop public policies that support watershed awareness, such as developing a watershed component of the Capitola General Plan, including issues raised in the Soquel Creek Task Force document, staff recommendations, and through citizen participation.

Policies and Actions to Increase Capitola's Watershed Perspective and Awareness of Cumulative Watershed Impacts

- 3.1. The City will incorporate watershed factors into the conservation element of the Capitola General Plan.
- 3.2. The City will continue discussions with various agencies in the watershed. Support existing watershed restoration efforts and participate in revitalizing a CRMP (Coordinated Resources Management and Planning) group. Join the Blue Circle and other technical advisory committees to establish a format for interagency communication.
- 3.3. The City will endeavor to support increased commitment to watershed husbandry with programs, funding, and internships.
- 3.4. The City will work to establish an awards and incentives program for City staff that does environmental work, such as a yearly "Friend of the Creek" award and recognition for a staff-initiated "Creek Public Awareness Project."
- 3.5. Due to concerns regarding genetic diversity, overstocking, and competition, the City will formulate a letter of concern to NOAA Fisheries and to the California Department of Fish and Game regarding any further introduction of steelhead stock from other watersheds into Soquel Creek.

- 3.6. The City will develop a resources guide that explains who to call for specific environment-related problems.

4) ENHANCEMENT OF THE RISPIN MANSION PARCEL

Situation: The City has been involved in plans to develop the Rispin parcel into a hotel with the capacity to provide services for weddings. Any new plan needs to consider potential impacts to steelhead habitat in the lagoon. Riparian vegetation needs to be protected in a comprehensive manner that considers vegetation that provides shading to the stream and lagoon. Riparian indicator species and past mapping of vegetation should be considered with input from regulatory agencies. Loss of shade canopy and increased landsliding are potential adverse impacts of site development that need to be adequately mitigated. The lagoon beside the Rispin parcel provides very productive nursery habitat for steelhead. However, water temperatures are usually quite warm. Any loss of lagoon shading may elevate temperatures further and add physiological stress to steelhead. The present storm drain runoff adjacent to the Mansion contributes to high flashiness of stormflow to lower Soquel Creek. Any future development will add to this flashiness unless properly mitigated. The existing Mansion lacks a proper drainage system and the retaining wall is in disrepair. The creek bordering the Rispin parcel is important as a migration corridor for adult salmonids and is an important rearing habitat for juvenile steelhead in the summer lagoon (**Photos 16-18**; pages 71-73).

The eucalyptus grove south of the Rispin Mansion has been used by roosting Monarch butterflies in the past. As part of their overwintering habitat, these areas of Monarch roosting may be considered Environmentally Sensitive Habitat Area (ESHA) by the California Coastal Commission and as such must be protected. Overwintering monarchs require vegetation that retains its leaves in the winter to provide thermal protection during roosting. They need filtered light from a somewhat open overstory where they roost. Monarchs respond to light where they choose to roost in that in the fall they avoid light while in the winter they seek it out to maintain warmth. Non-native eucalyptus and acacia retain their leaves and filter light. In overwintering areas, Monarchs also require flowering plants that provide nectar and a water source, such as morning dew.

According to some Monarch experts, the Rispin site has become degraded by loss of trees during windy winter storms, combined with trimming along Wharf Road. Openings have developed and windbreaks have been lost. As a result, formerly used roosting trees (eucalyptus) are no longer used. Some experts have recommended eventual substitution of alternative tree species to the acacia on the periphery of the roosting area to provide better windbreaks for roosting trees. Red

iron bark, Chinese elm, Flaxleaf paperbark and Cajeput tree have been suggested to provide effective windbreaks and dappled sunlight in the area. They may be preferable to acacia, which are so easily uprooted by wind. Regarding the eventual substitution of other tree species after natural attrition of eucalyptus trees, some Monarch experts recommend postponing plans to plant alternative trees among the eucalyptus until after a period of years have past without Monarch roosting and with approval of the California Coastal Commission and the Department of Fish and Game.



Photo 16. Steep Riparian Corridor with Rispin Parcel on the Right, Looking Downstream from Peery Park Bridge 8 March 2002



Photo 17. Short-cut Pathway Down to Peery Park Bridge

8 March 2002



Photo 18. Undermined Peery Park Bridge Abutment

8 March 2002

Policies and Actions for Enhancement of the Rispin Mansion Parcel

- 4.1. In any future development of the Rispin parcel, proposed removal of trees will be reviewed with respect to butterfly habitat and particularly if the trees provide shade to the creek and summer lagoon. The City will seek concurrence from the Coastal Commission and consult with NOAA Fisheries and the California Department of Fish and Game on tree removal.
- 4.2. The City shall protect the eucalyptus grove and patches of redwood trees as valuable sources of shade to the stream, erosion prevention on the steep slope, and as Monarch butterfly habitat (with respect to the eucalyptus trees). However, the City will work under guidance from a monarch butterfly expert and a fishery biologist to allow the eucalyptus grove to disappear by attrition while eventually planting replacement trees. Native trees of tall stature such as redwood may be planted on the canyon slope to provide shade for the lagoon, while other trees may be planted as windbreaks and Monarch butterfly habitat, such as Red iron bark, Chinese elm, Flaxleaf paperbark and Cajeput tree. These substitute trees will provide shade to the lagoon and overwintering and roosting habitat for Monarch butterflies. Plantings among the eucalyptus shall not occur until Monarchs have failed to roost on the Rispin parcel for a period of consecutive years and until approval is granted by the Coastal Commission and the Department of Fish and Game. When plantings are approved, trees will be planted within the eucalyptus grove in areas cleared of debris and fallen eucalyptus leaves on the canyon slope and plateau where at least morning sun is available. Watering of the seedlings will likely be necessary for the first 2-3 years of establishment.
- 4.3. The City will plant tree seedlings recommended by the monarch butterfly expert on the windward, western periphery of the acacia-dominated area on the plateau south of the Mansion. Encourage tree survival so that they will eventually add to and substitute as a windbreak for the non-native, easily uprooted acacia. Do not remove acacia because they may constitute wind protection for Monarch butterflies and the Coastal Commission (2001) may consider them within an Environmentally Sensitive Habitat Area. The City of Capitola LCP (1981) states that trees adjacent to the Monarch butterfly overwintering trees need protection because they provide a windbreak for potentially roosting butterflies that may use the larger eucalyptus in the future. **Appendix I** (page 143) provides cost estimates for revegetation efforts.
- 4.4. The City will revegetate at least a portion of the clearing to the north of the Mansion

with coast live oak and other native species.

- 4.5. To reduce the flashiness of storm runoff in the storm drain system passing through the Rispin parcel, the City will consult with a drainage engineer to explore the feasibility of detaining runoff from the library parking lot to reduce the peak discharge level to the pre-development rate. If detention appears feasible, the City will make long range plans to install a buried stormwater detention facility.
- 4.6. To further reduce flashiness of storm runoff, the storm drainpipe buried across the Rispin bench shall be redesigned so as to meter out water at a slower rate. The City will consult with an engineer to determine the appropriate size of any detention tank that might be used for this purpose. One design could be a detention tank that can meter out water at a slower rate, with an overflow that would function if the tank were overwhelmed.
- 4.7. The City will stabilize the drainage channel leading from the energy dissipater to the creek. One design could be to rock the channel with large cobbles that would not wash way. The cobbles could be grouted with concrete to insure stability.
- 4.8. The City will ensure repair or replacement of the retaining wall at the top of the slope along the eastern edge of the Mansion.
- 4.9. The City will replace the fence above the retaining wall to prevent trails down to the creek.
- 4.10. The City will prevent any increase in impermeable surfaces on the Rispin parcel that would lead to increased surface runoff toward the creek. Construction of any new parking areas or new structures will be accompanied with an effective drainage plan in which increased runoff created by additional impermeable surfaces will be captured as much as possible on the bench without additional overland flow of water down the steep slope toward the creek. Such a plan should include two water detention facilities: one for clean roof/patio runoff and one for parking lot runoff. One design might be to direct runoff from any new parking area on the Rispin site into an open detention and settling basin such that water will drain from the bottom at a metered rate into a culvert and oily pollutants may be removed from the basin and disposed.
- 4.11. If a road to the Mansion is deemed necessary in the future, the existing paved road will be replaced with porous pavement blocks.

- 4.12. The City will re-work the compacted, relatively impermeable driveway immediately south of the Mansion so that it becomes more permeable for better percolation of rain.
- 4.13. Whether new development is approved or not, a drainage plan will be devised such that the bench immediately surrounding the existing Mansion will capture and retain roof and patio runoff from the Mansion and prevent uncontrolled surface runoff toward the creek. If a gutter system is inappropriate for restoration, an alternative design could be a paved ditch constructed around the foundation facing the creek to collect all runoff and feed it into a storm drain system.
- 4.14. The desire of anglers and others to access the creek will continue to result in unofficial and erodible “way trails” if no formal access trail is provided. To combat this, the City will explore the feasibility of constructing a zigzag footpath to the creek that would be more stable, safer and less erosive than the existing trail that parallels the storm drain down to the energy dissipater. If the trail proves feasible, it will be constructed. Existing trees shall not be removed during construction. The trail shall be designed to avoid the concentration of storm runoff. Making one trail will discourage the network of unofficial trails that was observed. The City shall not make the trail obvious or encourage its use.
- 4.15. The City will not allow construction of footpaths on the Rispin Mansion parcel other than the one to the creek. Other new trails may necessitate cutting or pruning of existing trees and will prevent future re-vegetation in the footpath location. Reduction in tree canopy and ground cover will be discouraged in close vicinity to the steep slope leading to the creek.
- 4.16. Proper erosion control measures will accompany any revegetation measures after removal of the invasive non-native plants. Remove ivy and periwinkle from the understory in stages. Strips of exotics may be removed along the contour of the slope, separated by undisturbed strips that may prevent erosion. The cleared strips will be covered with erosion control matting, and natives may be planted into the ground through the matting.
- 4.17. The City will strive to remove Cape ivy from all trees trunks on the Rispin parcel.
- 4.18. The City will remove the acacia trees down on the floodplain and replant with native alder, big leaf maple, and willow, unless it is determined that they provide a windbreak for Monarch butterflies.

- 4.19. The City will remove pampas grass in the vicinity of the Peery Park Bridge.
- 4.20. The City will investigate the source of water flowing under the west footing of the Peery Park Bridge and direct it away from the footing to a stable release point.
- 4.21. The City will extend the drainpipe to the creek from the walkway grate leading to the Peery Park Bridge.
- 4.22. The City will plant thorny shrubs, such as blackberry, adjacent to the walkway on the west side to discourage use of a shortcut path. Revegetate the existing shortcut path.

5) EDUCATION OF THE PUBLIC AND CITY STAFF REGARDING PROTECTION OF NATURAL RESOURCES

Situation: The public is generally unaware of the elements of a healthy creek/lagoon ecosystem. Watershed photographs and a map are provided in **Appendix J** (page 144). Many are still uninformed about how their activities affect the quality of the water they wish to enjoy. Education regarding non-point-source pollution is needed. School children are not involved in restoration efforts. The annual return of steelhead goes largely unnoticed instead of being celebrated. Human intrusion into valuable riparian habitats can be limited with trails and viewpoints that educate while containing visitors. “Best management” practices for land use need to be implemented. There is a feeling among some citizens that public agencies are sometimes unresponsive to environmental concerns regarding impacts to the riparian corridor from development and public access. Some feel that riparian protection policies need strengthening, particularly protection from development. Future health of Soquel Creek and Lagoon will require an ecological approach to identifying and protecting vegetation that influences the aquatic environment with regard to shading, nutrient input, erosion control and fish cover.

Policies and Actions for Educational Opportunities

- 5.1. The City shall enforce the regulations within the Environmentally Sensitive Habitats Chapter 17.95 in order to protect and enhance marine and stream water quality, and environmentally sensitive and locally unique habitats, including riparian and monarch butterfly habitats.

- 5.2. The City will reproduce and re-circulate the existing Stream Care Guide to residents living along the lagoon.
- 5.3. The City will enhance public awareness of the elements of a healthy creek/lagoon ecosystem and participation in restoration through media exposure.
- 5.4. The City will develop and annually circulate the educational flier on non-point-source pollution. The flier may be delivered door-to-door, perhaps by the recycling company.
- 5.5. The City will identify and/or modify a video for restaurant and shopping center staff about wise water use and avoiding runoff (see existing examples from the Monterey Bay Sanctuary). Distribute the video to Esplanade establishments through the Chamber of Commerce for viewing by employees.
- 5.6. The City will identify and/or modify a hazardous chemicals flier and disseminate it with the landfill telephone number. See the example from the California Department of Fish and Game. Contact Ecology Action for this flier.
- 5.7. The City will produce educational placemats to teach children not to feed the birds and to respect the creek habitat. Encourage local restaurateurs to use them.
- 5.8. The City will create and display a watershed map (contact Ecology Action) at public events, such as the Begonia Festival and Art and Wine Festival.
- 5.9. The City will pursue long-range plans to establish non-intrusive public "viewing stations" with educational signage along the Creek's riparian corridor where access is available without new trails.
- 5.10. The City will create educational tools such as "Summer Baseflow Level Today Is HIGH/AVERAGE/LOW" and "Bacterial Count Is ____" signage and newspaper postings to educate water users about seasonal conditions for fish and suitability for human contact.

6) PROTECTION OF INSTREAM FLOW FOR SALMONIDS

Situation: Sufficient passage flows are required in winter and spring for adult salmonids to negotiate more shallow areas (riffles) to reach spawning habitat and for out-migrating smolts to reach the ocean. Proposed winter diversions may potentially reduce winter streamflow

sufficiently to prevent or slow spawning migration in some years. If the creek becomes intermittent in the spring of drought years, smolts will be unable to reach the ocean. Adequate baseflow in Soquel Creek is necessary to provide rearing habitat for juvenile salmonids. Sufficient creek depth also helps maintain water temperatures within levels tolerable to fish. Baseflow may be diminished by increasing development, groundwater pumping of the underflow of the creek, and direct surface water diversions. Paved surfaces and rooftops restrict/inhibit percolation of rainwater that would replenish the groundwater. Surface water runoff is increased, with a more rapid increase in winter streamflow and loss of the water to the ocean. A well-functioning watershed maximally retains rainwater as a catchment basin that releases the water more slowly to the stream during the dry season. Currently, there is a lack of means to declare summer baseflow emergencies, thus delaying the instigation of measures to increase baseflow at critical times when portions of the stream channel become dewatered (**Photo 19**; page 79). Vandalism to the flume has also drained the lagoon at inappropriate times, endangering fish populations.

The California State Water Resources Control Board (SWRCB) administrated an adjudication of Soquel Creek in response to a 1971 petition. The procedure was directed by the Santa Cruz County Superior Court. The final decree was issued in 1977. The adjudication is still supervised by the Superior Court, and there is no Water Master or active regulatory supervision of Soquel Creek water use.



Photo 19. Mainstem Soquel Creek Subject to Dewatering in Drought Near the Walnut Street Bridge and Grange in Soquel Village

In the adjudication, users of creek water were requested in 1972 to provide proof of their creek water use to the SWRCB. The procedure is described in more detail in the Soquel Creek Stream System Order of Determination published by the SWRCB in 1975.

To locate the adjudication document on the Internet, go to the following site:

<http://www.waterrights.ca.gov/hearings/Judgements/SoquelCreekJudgement&Decree.pdf>

Based on claimed or estimated use at that time, the SWRCB staff assigned 4 classes of water right. The right assignment describes the user's maximum daily use in each of the four classes. The water desired in each class of user must be fully satisfied before water may be apportioned to the next higher numbered class. Within the *riparian* use classes, Classes 1, 2 and 4, water is to be simultaneously shared among all the users of that class in proportion to the user's allotment in that class. This implies that if there is insufficient water to satisfy everyone's right, and someone with a water right complains of not getting enough, then a determination must be made of how much water is available. Then that amount is to be prorated among the users of that class who wish to divert stream flow. The amount of water available must be divided according to the proportion of the total that each water user within a class is entitled to. However, the Class 1 members are guaranteed 250 gallons per day per dwelling. A Water Master is often employed for this kind of regulatory administration and would require appointment by the County Superior Court.

Class 1. This class of water right included riparian users with small allotments of mostly 500-1,000 gallons/day for domestic use only.

Class 2. This class of riparian water right included existing users other than domestic, such as riparian irrigators and other large riparian users at the time of the adjudication, including the Olive Springs Quarry. These users were given assigned rates of daily diversion.

Class 3. This class of water right included appropriative rights that were applied for and granted. Examples of these at the time of the adjudication were the Villa Del Monte Mutual Water Company, the Soquel Union School District, Laurel Community League, Inc., Summit Mutual Water Company and the City of Capitola. These appropriative rights were prioritized sequentially, based on the time of appropriative application. The Soquel Creek Water District has an application submitted but not completed. There were 11 appropriative users with prior application to the City, which has an appropriative right of 3 cubic feet per second. Therefore, these 11 appropriative users

must be satisfied before the City can obtain its 3 cubic feet per second.

Class 4. These were riparian property owners who were not using water at the time of adjudication, but were assigned a water right by virtue of their owning land adjacent to the creek. This is the right with the least priority.

If the creek goes intermittent and a party to the adjudication with a water right downstream of the dry section, such as the City of Capitola, files a water rights protest with the Division of Water Rights that it is not receiving its share of the water, then upstream users within priority Classes 2 and 3 would be required to reduce their diversion rates to allow surface flow to resume. "Water may be diverted under second and third priority class rights for consumptive purposes in any schedule of allotments only during such times as there is a visible surface flow at the downstream end of the stream or reach of stream for any particular schedule." Those diverters without water rights could be prosecuted. The protesting party could petition the County Superior Court for appointment of a Water Master to determine the amount of water available and to meter out the water to those wanting it according to the original adjudication.

Riparian users that were assigned Class 2 water rights at the time of the adjudication could lease their water right portion to the City of Capitola for protection of the fish in the stream, who would be the receiver of instream flow. This procedure is described in State Water Code, Section 1707. The Internet path to this section is as follows:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wat&group=01001-02000&file=1700-1707>

The Internet path to the entire Water Code is as follows:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=wat&codebody=&hits=20>

This would better protect fish habitat by protecting streamflow leading to the lagoon and inflow to the lagoon. This would occur because Class 2 rights would take precedence over all appropriative rights, which are in the Class 3 priority. Then, if the stream went intermittent, the City could protest and demand that streamflow equal to the amount leased to it by Class 2 users should be allowed to flow in the stream to the lagoon in Capitola, or at least the prorated share.

Hydrologic analysis was performed during development of the original lagoon management plan (**Habitat Restoration Group 1990**). It was determined at that time that lagoon inflow of between 0.15 and 0.2 cubic feet per second was recommended to maintain a stable water surface in Soquel Lagoon. Less than this may result in loss of pool volume and shall be avoided.

Water quality in the lagoon was assumed to be adequate if lagoon level could be maintained. However, 11 years of monitoring lagoon water quality indicate that water quality, with respect to cooler water temperatures, does improve with higher inflow. Also, juvenile steelhead in the stream benefit from higher baseflow with higher growth rates and higher proportions of young-of-the-year fish reaching smolt size the first year in mainstem Soquel Creek (**Alley 2002; Soquel Creek Watershed Assessment and Enhancement Plan (2003)**) and the middle mainstem of the San Lorenzo River (**Alley and others 2003**).

Since the development of the original Lagoon Management Plan and more than a decade of lagoon monitoring, the relationship between lagoon inflow and water quality for fish is still imprecise because of the multiple factors that play into water quality. However, the lagoon was clearly warmest during the drought in 1991 and 1992 (a negative effect of less inflow) and was coolest in years of high summer inflow, such as 1996 and 1998 (a positive effect of more inflow) (**Alley 1992-2002a**). This indicated a general benefit from higher lagoon inflow. However, the years 1997 and 2001 had particularly hot periods of water temperature due to tidal overwash, partially independent of lagoon inflow. Other factors besides stream inflow determine water quality, such as the water temperature of stream inflow (dependent on the coolness of the summer climate and the degree of stream shading upstream of the lagoon, along with streamflow volume), the prominence of foggy versus sunny days at the lagoon (also dependent on climatic patterns), the degree of lagoon shading (dependent on the density and stature of riparian vegetation adjacent to the lagoon), the production level of aquatic plant-life each summer (dependent on coarseness of the substrate after winter flows, water temperature, nutrient inputs and proportion of sunny days), occurrence of tidal overwash (dependent on height of the sandbar and tidal patterns) and the lagoon depth (dependent on the degree of scour or sedimentation resulting from winter flows and the skill of City staff to maximize the board height at the flume inlet). If tidal overwash occurs, the more the lagoon inflow, the sooner the trapped saltwater may be flushed from the lagoon and the less lagoon heating that will occur before the saltwater is flushed. In conclusion, water temperature targets have been recommended for the lagoon, and higher lagoon inflow generally improves the likelihood of reaching those targets. However, the minimum summer inflow necessary for lagoon health may annually vary depending on the amount of tidal overwash, climatic conditions and the degree of stream shading upstream of the lagoon.

Policies and Actions to Insure Instream Flows for Steelhead

- 6.1 The City will review development plans and make recommendations to encourage and influence planners, architects, and property owners through the permit review process to maximize water percolation and to filter out and collect surface runoff pollutants from new and existing land development within the City limits and upstream.

- 6.2 The City will support water conservation measures throughout the City and watershed. Work with appropriate agencies and water users to increase summer baseflow. Work with responsible agencies, including the California Department of Fish and Game, NMFS, the County of Santa Cruz, and the State Water Resources Control Board, on management recommendations.
- 6.3 The City will encourage the California Department of Fish and Game to establish optimum/minimum baseflow levels to sustain steelhead and coho salmon populations and riparian viability.
- 6.4 To protect stream in-flow to the lagoon, the City will routinely monitor streamflow at Soquel Village when in-flow becomes minimal. If the streamflow in Soquel Creek in the vicinity of Soquel Village approaches the point of losing surface flow, the City will notify watershed nurseries and the California Department of Fish and Game of the streamflow conditions so that direct water pumping from the stream may be reduced or discontinued until flow returns.
- 6.5 The City will pursue funding to continue to annually monitor juvenile steelhead populations to better understand how the juvenile population size is influenced by baseflow, winter stormflow patterns and rearing habitat quality (escape cover from overhanging vegetation and wood and water temperature). The previous 6 consecutive years of monitoring did not include a drought period. We do not know the drought impacts on the juvenile population nor the recovery time of the population after a drought.
- 6.6 The City will support watershed efforts to maximize summer baseflow through proper watershed management and cooperation from landowners. Maximize streamflow into the summer lagoon. Important considerations include maximization of water percolation to supply underground aquifers by minimizing impermeable surfaces. Where new housing and commercial developments are planned, water catchment basins should be constructed to encourage percolation and to slow runoff into the creek. Surface water diversions and groundwater pumping should be minimized when they draw from the creek or underflow during salmonid out-migration, the critical spring growth period and during summer rearing of juvenile salmonids.
- 6.7 For instream flow concerns for salmonid rearing, the City will pursue funding to install additional continuous streamflow monitoring stations for the months of May through September to better understand the gaining and losing of streamflow. These low-flow

gages will be less expensive than the year round USGS gage. Gages will be placed in the Nob Hill reach above the lagoon, just downstream of the Walnut Street Park and other locations up the watershed.

- 6.8 In order to maximize the instream flow benefits to fish, the City will encourage water extraction from the stream channel or its underflow for domestic and commercial uses as low in the watershed as possible, where this action is feasible. The City will recommend that water diversions be consolidated where feasible. Removing water from the headwaters of the Soquel Creek watershed limits the conjunctive use of that water for stream habitat functions. By removing the water at the lowest point in the system, the water becomes available to aquatic resources for important rearing and growth. Water supply agencies will be encouraged to assess their operations and cooperate to develop an efficient system that sustains the aquatic and riparian ecosystem and preserves the water supply.
- 6.9 The City will encourage water supply pumping during nighttime hours in summer and fall. Streamflow is often the highest during the nighttime hours as evaporation and vegetative transpiration are reduced. This is also the period of time when fish are relatively inactive and not feeding. During the low-flow summer months, water that is being stored off-channel for use during peak demand periods will be diverted during the hours of 9 p.m. and 5 a.m. Municipal water suppliers will assess their operations during low-flow summer months based on this recommendation.
- 6.10 The City will encourage water diverters to be proactive in developing critical instream flow levels for juvenile salmonids in impacted stream reaches. Instream flow levels should be updated every few years because of the dynamic nature of streambed morphology in the mainstem of Soquel Creek. A stream monitoring system will be established to inform water diverters and the community when water conservation is of greatest importance. Critical flow values would include minimum bypass flow requirements for upstream adult migration during winter months and rearing habitat conditions in the summer and fall months. These flow requirements may vary before and after large flood flows that widen the channel and flatten it with sediment, necessitating periodic re-evaluation of fishery needs.
- 6.11 The City will support and pursue the appointment of a Water Master to carry out the adjudication of water rights on Soquel Creek.

- 6.12 The City will support efforts to protect existing and potential salmonid refugia from catastrophic events and to secure additional refugia where possible.
- 6.13 The City will support efforts to protect hydraulic continuity throughout the watershed. The goal will be to prevent loss of surface streamflow that has occurred in the past.
- 6.14 The City will support use of appropriate methods, such as exceedence probability curves or the rainfall-runoff curve developed from the Watsonville waterworks station, to predict late summer flow conditions. Exceedence probability curves would be based on historic flow data for wet, average, dry, and drought conditions. This information, specifically the data developed for the Main Street USGS gage in Soquel Village, can be used to determine the range of flows that could be expected in the low-flow summer/fall months. If predicted flows are below the critical level to maintain viable rearing habitat for salmonids, measures to reduce water consumption can be initiated by municipal water suppliers and other primary diverters through conservation programs.
- 6.15 The City will support watershed efforts to adequately screen water diversions to prevent juvenile salmonid mortalities.

7) NON-POINT-SOURCE POLLUTION

Situation: Several factors degrade the water quality for humans, fish, and other flora and fauna: high fecal coliform counts, pollution from Noble Gulch, the presence of pesticides and nitrates, and silt from erosion. Contaminants (toxic and oxygen-demanding substances) also drain into the lagoon from urban stormwater runoff and leaking sewer lines. Non-point source pollution may potentially flow into Soquel Creek from existing commercial facilities (i.e. the Auto Mall and Nob Hill shopping area). There is the feeling by some that there is inadequate testing and upgrades of storm drains and septic systems, and that there is also too little enforcement of pertinent regulations (fines, etc.). (Storm drain improvements have been funded and are underway.)

The City of Capitola will be required by the State Water Quality Control Board to implement a program that addresses polluted runoff and reduces the discharge of pollutants in storm water runoff. The City will be required to develop a formal urban runoff program (URP). To obtain the model urban runoff planning document on the Internet, go to the following website:
<http://www.swrcb.ca.gov/stormwtr/murp.html>.

Best management practices (BMP's) must be developed for controlling, preventing, reducing or removing pollutants in urban runoff. Street sweeping is an effective BMP, for example. Installing functional silt and grease traps with adequate maintenance are BMP's. Problems specific to Capitola must be addressed.

Initially, the problem of polluted runoff must be assessed within Capitola and the watershed. This involves information gathering and research to identify resources, problems, opportunities, and priorities for implementing BMP's. After the problems are identified, the City will develop effective control policies and a funding program to enforce BMP's and reduce the polluted runoff. This will require education of the community about the problem and promoting public participation in reaching a solution. Next the BMP's must be carried out. The urban runoff program must provide the details of who implements the BMP's, when they are implemented, where they are implemented and how they are implemented. Finally, the success of the urban runoff program must be evaluated. The program must be held accountable to maintain and improve its effectiveness. The program must be allowed to adapt to new information, and evolve to address new problems and changing conditions with new BMP's.

Policies and Actions to Reduce Non-Point-Source Pollution

- 7.1. The City shall make a written request for an agreement with the Zone 5 Flood Control District to annually inspect and enforce maintenance of silt and grease traps in storm drains emptying into Soquel Creek and to retrofit them with detention tanks. This agreement will require the District to install silt and grease traps and detention tanks in all older storm drains and require maintenance. The City will condition any future storm drains to include detention tanks/basins and annual cleaning of silt and grease traps. Energy dissipaters will be installed at drain outlets as they enter the creek/lagoon. (The City has obtained funding to install silt and grease traps on certain storm drains entering Soquel Creek).
- 7.2. The City will negotiate with appropriate agencies to connect Esplanade runoff to the sewer system during the dry months (including the first road runoff of the season). Seal off storm drains on the west side of the street in front of the Esplanade. All sidewalk grates shall be covered to prevent refuse from accumulating in them. Inform restaurant owners that sidewalk cleaning during the summer is to be done by steam cleaning rather than by water hose. This shall occur from May 15 to the time of sandbar opening in the fall. This will reduce pollution from restaurant clean-up.

- 7.3. The City will check for and require repair of illegal and malfunctioning storm drain connections.
- 7.4. The City will identify an "environmental officer" for the City to monitor for compliance with appropriate regulations and ordinances. Duties regarding creek, riparian, and environmental concerns could be immediately assigned to this officer. The officer will give enforcement warnings with a copy of "Creek Protection Under California Law."
- 7.5. The City will comply with state law by developing a formal Urban Runoff Program to structure and direct non-point-source pollution management consistent with California's non-point-source pollution control program.
- 7.6. The City will comply with requirements for obtaining stormwater runoff permits. Stormwater runoff permits were required for cities with populations over 100,000 people in 1999.
- 7.7. The City will comply with requirements for implementation of the "Model Urban Runoff Plan for Small Cities."
- 7.8. The City will identify pollution sources (such as those in the Nob Hill Center, Noble Gulch and along the Esplanade) and pursue all available strategies to address them in Capitola, such as through conditions of permit approval, pursuing grants and working with the County Environmental Health Department.
- 7.9. The City will explore ways to minimize storm drain runoff into Noble Gulch during the dry season and pursue them if feasible. Usually when cloudy water enters the lagoon from Noble Gulch, the water is clear upstream in Noble Gulch at the park beyond Bay Street. This indicates that pollutants enter Noble Gulch from the lower village near Soquel Creek. If there are domestic ducks living at the mobile home park up that drainage, investigate their removal and relocation to reduce nutrient influxes and coliform bacterial inputs.
- 7.10. Another drain is situated under the railroad trestle, where slight oxygen depletion has been detected in recent years. The City will explore ways to cap this drain during the summer if it is feasible to redirect runoff into the sewer system.
- 7.11. The City will use vacuum-type street sweepers to thoroughly clean paved surfaces, including parking lots and streets draining into the lagoon, especially just before the rainy season. This will reduce the pollutants entering the lagoon during the first storm

of the season.

- 7.12. Roadwork such as repaving and application of fresh petrochemicals to pavement shall be done early in the summer to allow sufficient time for penetration and drying before the rainy season. These chemicals can be lethal to fish.
- 7.13. Existing commercial properties having parking areas shall provide evidence to the City that a contract is in place for street sweeping of paved areas at appropriate intervals. Being consistent with state law, new projects with large parking lots shall be conditioned with the requirement that the applicant provides evidence that a contract is in place for street sweeping of paved areas at appropriate intervals. Signage needs to be included for times of sweeping and associated fines for parking in these areas during scheduled sweeping.

8) STREAMBANK EROSION IN THE NOB HILL REACH

Situation: The west bank of Soquel Creek as it approaches the lagoon has experienced substantial erosion over the past 4-5 years (**Photo 20**; page 89; **Figure 5**; page 162). Several mature cottonwoods that existed on the terrace above the creek have fallen into the channel. Several others are in danger of being lost if the erosion continues. More tree canopy will be lost and water temperatures may be expected to increase, as more riparian shading is lost. Water temperatures in the lagoon are already warm in the summer lagoon, and further loss of riparian forest will exacerbate this water quality problem. Also, Soquel Creek Lagoon has been designated by the State Water Quality Control Board as a sediment-impaired reach. Further streambank erosion immediately upstream of the lagoon will result in further impairment.



Photo 20. Eroding Streambank on Soquel Creek in the Nob Hill Reach Above the Lagoon in 2002

The primary reason for present day erosion of the west bank through the Nob Hill reach (between the bedrock outcrop adjacent to the sewage lift station and Highway 1) is the current location of the bar along the eastern bank, as illustrated in **Figures 6 and 7** (pages 163-164). At high flows, this bar diverts flow towards the western bank, thereby providing the energy to erode the bank. This bar is theorized to have migrated downstream from the position of bar 2 as

discussed in review of the 1956, 1963 and 1985 aerial photographs. Over the past 17 years the bar has migrated roughly 150 feet to its present day location. Bar and channel form migration are a natural process of river systems (**Leopold, and others, 1964**). Because similar banks are retreating throughout the reach affected by coarsening bed material, there can be no guarantee that it will be feasible to stabilize this particular feature.

Any actions to stabilize the eroding streambank will require a Fish and Game 1601 Agreement, as well as other federal permits. According to Urquhart (**2002**), design approaches must be justified with the review and approval of a fluvial geomorphologist, Registered Engineering Geologist or Certified Hydrologist. Balance Hydrologics has the required technical staff to evaluate the benefits and method of streambank stabilization.

Due to the expense of detailed hydraulic modeling, existing FEMA flood elevations might be considered as adequate for a crib wall design process. However, this would need to be determined by the project design engineer. It is also possible that adjacent property owners may indicate concern towards the construction project with regards to altering flood paths and elevations. In this case, it would be likely that hydraulic modeling would be required to document the potential project effects through the reach.

Policies and Actions Regarding the Streambank Erosion

- 8.1. The City will explore alternatives for addressing bank instability, including (a) accepting the eventual loss of this bank and taking measures to slow the retreat rate, such as trimming and repositioning destabilized trees, (b) removing or re-location of coarse material present on the bar surface opposite the retreating bank⁸, and (c) attempting to stabilize the bank, perhaps with a combination of fresh riparian woodland planting on the face⁹ of the retreating bank and at the toe of the bank. Combinations of these alternatives may be applied. If the coarse bar material is to be re-located, it could simply be moved to the top edge of the bar along the east margin of the channel, out of the active channel.

⁸ Removal of the coarse material could be accomplished with a conservation corps team working with their hands and wheelbarrows. The team should be directed by someone familiar with the project, in addition to the team leader.

⁹ Revegetation of the streambank might require use of seed netting draped over the bank slope.

- 8.2. If the City decides that the west bank is to be stabilized, a design similar to the recommend a crib wall structure illustrated in **Figure 14** (page 171) will be considered. Logs will be placed in the channel to provide fish escape cover with this design. Implementation of the crib wall approach would need to occur simultaneously with lowering of the bar on the opposite side of the channel (as discussed above). If the crib wall were to make it past the first several winters of high flows, it could provide between 30 to 40 years of bank protection, although nothing can be guaranteed. Construction of the crib wall as illustrated in Figure 14 would require the use of heavy equipment and digging in the streambed, these factors may make it difficult for the project to be permitted. It should be noted that a not-dissimilar bank just upstream of the Highway 1 over-crossing has been hardened structurally rather than stabilized by revegetation. The project will require environmental permitting through the Department of Fish and Game and the Army Corps of Engineers.
- 8.3. The reach will be monitored on a bi-annual basis once enhancement plans are implemented along the western bank.
- 8.4. Native, riparian species will be planted along the eastern bank and remove nonnative ivy climbing the trunks of existing trees to increase future vegetative support along this bank.
- 8.7. The reach will be level-surveyed under current conditions to establish baseline conditions in 2004 and to track changes in subsequent years.

9) FUNDING TO ACT UPON POLICIES AND ACTIONS

Situation: Scientific research and data collection, public and staff education, restoration of habitat, watershed management, and enforcement all require funding for success. A committed, long-term effort is needed to insure that the policies and actions contained in this Plan Update are acted upon. A matrix that prioritizes policies and actions related to managing and enhancing the environment and providing education and funding is provided in **Appendix F** (page 131). A matrix of prioritized projects and staffing requirements is provided in **Appendix G** (page 138).

Policies and Actions for Obtaining Funding

- 9.1. The City will seek to make grant writing a priority task of a paid Soquel Creek

Education Coordinator, a joint venture between Capitola and a nonprofit group, such as the Friends of Soquel Creek.

- 9.2. The City will explore general funding possibilities for research and specific projects with CDFG, Coastal Conservancy and the Packard Foundation.
- 9.3. The City will encourage public participation in the budgeting process to earmark funds for creek-related programs, projects, and research.
- 9.4. The City will pursue alternative funding resources available for urban stream restoration.
- 9.5. The City will encourage local high schools to seek funding for projects on Soquel Creek.
- 9.6. The City will encourage universities to use Soquel Creek for research purposes by creating incentives, such as sharing of City facilities, providing City staff and related contractors as mentors and providing City planning documents and monitoring reports as background material for further research.