

City of Capitola Agenda

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



CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, AUGUST 22, 2019

7:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

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

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

LIABILITY CLAIMS [Govt. Code § 54956.95]

Claimant: James Devereaux on behalf of Spartan Recoveries LLC,
subrogee of Robin Lasser
Agency claimed against: City of Capitola

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code § 54956.9 (d)(1)]

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

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

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

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. PRESENTATIONS

Presentations are limited to eight minutes.

A. Central Fire Lifeguard Update

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

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

5. ADDITIONS AND DELETIONS TO AGENDA

6. PUBLIC COMMENTS

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

7. CITY COUNCIL / STAFF COMMENTS

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

8. 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.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
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- A. Consider the July 25, 2019, City Council Regular Meeting Minutes and the August 1 and August 13 Special Closed Session Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Planning Commission Action Minutes
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated July 5, July 12, July 19, and July 26, 2019
RECOMMENDED ACTION: Approve check registers.
- D. Liability Claim of James Devereux on behalf of Spartan Recoveries LLC
RECOMMENDED ACTION: Reject liability claim.

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. Conceptual Review for a Hotel at 120 Monterey Avenue
APN: 035-261-10, 035-262-02, 035-262-04, 035-262-11
Conceptual Review to receive guidance on a preliminary development concept for an 88-room hotel including meeting/banquet space, bar/lounge, swimming pool, and 92 onsite parking spaces in the C-V (Central Village) Zoning District. Proposed hotel concept varies in height from two to five stories
This project is a conceptual review; therefore, a Coastal Development Permit is not required.
Owner: Green Valley Corporation
Representative: Swenson Builders, Filed: 05.03.2019
RECOMMENDED ACTION: Receive the presentation by Swenson Builders of its conceptual plan for a hotel in Capitola Village and provide feedback on the project prior to submission of a formal application.
- B. Report on the Draft Mid-County Groundwater Sustainability Plan
RECOMMENDED ACTION: Receive report.
- C. Consider Contracts for a Planning Consultant and Economic Consultant for Capitola Mall Redevelopment
RECOMMENDED ACTION: Authorize the City Manager to award a contract to JHS Consulting for \$206,000 and Kosmont Companies for \$63,000 to establish the City's technical team to review the application to redevelop the Capitola Mall.
- D. Consider a Resolution To Subdivide City of Capitola Undergrounding Utilities District No. 6
RECOMMENDED ACTION: Approve a resolution amending Resolution No. 3098 and subdividing a district within the boundary map for Undergrounding Utilities District No. 6.
- E. Designation of the Voting Delegate and Alternate for the 2019 League of California Cities Annual Conference
RECOMMENDED ACTION: Designate Capitola's voting delegate and alternate(s), if desired.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
August 22, 2019

- F. Consider a Contract with Burke, Williams, & Sorensen, LLP, for City Attorney Services

RECOMMENDED ACTION: Direct the City Manager to enter into a five-year, hourly-rate contract with Burke, Williams, & Sorensen, LLP, for Samantha Zutler to provide City Attorney services beginning September 1, 2019.

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.

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

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

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

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



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: City Manager Department
SUBJECT: Central Fire Lifeguard Update

BACKGROUND/DISCUSSION: Chief Steven Hall of the Central Fire Protection District will provide an update on this summer's Junior Guard training program and Central Fire's effort to establish a Marine Safety Division in partnership with the City.

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

8/15/2019



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: City Manager Department

SUBJECT: Consider the July 25, 2019, City Council Regular Meeting Minutes and the August 1 and August 13 Special Closed Session Minutes

RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the regular meeting of July 25, 2019, and for the special closed sessions on August 1 and August 13.

ATTACHMENTS:

1. 7-25 draft minutes
2. 8-1 special closed draft minutes
3. 8-13 special closed draft minutes

Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:

A handwritten signature in black ink, appearing to be "J. Goldstein".

Jamie Goldstein, City Manager

8/15/2019

**DRAFT
CAPITOLA CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, JULY 25, 2019**

CALL TO ORDER

Mayor Bertrand called the meeting to order at 8:30 a.m.

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

No members of the public were present and the Council adjourned to the Community Room with the following items to be discussed in Closed Session. A recess was taken at 4:30 p.m. and the closed session resumed at 6 p.m. in the City Manager's Office:

PUBLIC EMPLOYEE APPOINTMENT [Govt. Code § 54957(b)]

Title: City Attorney

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Govt. Code § 54956.9 (d)(1)]

(Two cases)

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

Savanah Smith and Thanh-Thanh Hoang v. County of Santa Cruz, et. al
Luke Smith, et al. v. County of Santa Cruz
U.S. Northern California District Court Case Nos. 17-CV-05095 and 17-CV-06594

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. REPORT ON CLOSED SESSION

City Attorney Reed Gallogly reported that Council met from 8:30 a.m. to 4:30 p.m. on the appointment item and after a recess reconvened at 6 p.m. to discuss the litigation matters. No reportable action was taken.

3. ADDITIONAL MATERIALS

A. Item 9.A – Six public comment emails

B. Item 9.D – Copy of related municipal code section, public comment letter, appellant's

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

July 25, 2019

reply to staff report, letters in support of appellant's position

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

Cherrie McCoy, resident, spoke to safety on 41st Avenue, red light cameras, and the impacts of housing in a mall redevelopment on traffic.

6. CITY COUNCIL / STAFF COMMENTS

Council Member Brooks asked the City to consider updating the water fountain by the bandstand with a water bottle hydration station, and asked to recruit for an alternate to the Santa Cruz County Children's Network.

Council Member Petersen reminded the community that Food Truck Friday debuts tomorrow at Monterey Park at 4:30 p.m.

7. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS**A. Historical Museum Board Appointment**

RECOMMENDED ACTION: Appoint Dean Walker to a three-year term on the Capitola Historical Museum Board as recommended by its trustees.

MOTION:	APPOINT DR. WALKER AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristen Petersen, Vice Mayor
SECONDER:	Sam Storey, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

B. Appointment of Youth Member to Advisory Boards

RECOMMENDED ACTION: Appoint Bryce Ebrahimian to a one-year term as a youth member of the Commission on the Environment and the Finance Advisory Committee.

Council Member Petersen noted the new youth member already attended a Finance Advisory Commission and expressed her enthusiasm to have youth participation.

MOTION:	APPOINT BRYCE EBRAHIMIAN AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks, Council Member
SECONDER:	Kristen Petersen, Vice Mayor
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

8. CONSENT CALENDAR

Council Member Storey noted he has a conflict of interest with Item 7.E and recused himself. A separate vote was held for that item.

Council Member Brooks had a question about the seasonal salary schedule for Item 7.F and pulled the item to be heard during General Government.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
July 25, 2019

MOTION:	APPROVE ITEMS A, B, C, D, AND G AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Vice Mayor
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

MOTION:	APPROVE ITEM F AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Vice Mayor
AYES:	Brooks, Bottorff, Petersen, Bertrand
RECUSED:	Storey

- A. Consider the June 13 and June 27, 2019, City Council Regular Meeting Minutes
RECOMMENDED ACTION: Approve minutes.
- B. Receive the June 6, 2019, Planning Commission Regular Meeting Action Minutes
RECOMMENDED ACTION: Receive minutes.
- C. Approval of City Check Registers Dated June 7, June 14, June 21, and June 28, 2019
RECOMMENDED ACTION: Approve check registers.
- D. Update on the Capitola Branch Library Project
RECOMMENDED ACTION: Receive report.
- E. Consider Community Grant Review Contract
RECOMMENDED ACTION: Authorize the City Manager to enter into a contract with Optimal Solution Consulting in the amount not to exceed \$7,000 to review the City's Community Grant Program.
- F. Consider a Resolution Approving Recreation Job Classifications [1050-10]
RECOMMENDED ACTION: Consider a Resolution approving new Recreation job classifications for Afterschool Coordinator and Afterschool Leader and amending the Part-Time/Seasonal Pay Schedule.

This item was heard under General Government following 9.D. Council Member Brooks requested the job descriptions include the specific ages or grade levels and asked why a starting level was \$14.39 rather than the 2022 minimum wage of \$15 an hour. She would like to create a foundation of better wages during the pilot program to attract quality applicants and encourage longevity.

Assistant to the City Manager Larry Laurent explained that the new afterschool position salaries were set 5 percent above the Camp Capitola leader and coordinator. He also noted that staff annually reviews the seasonal schedule for both minimum wage standards and adjustments to avoid compaction of other positions' rates.

Mayor Bertrand asked about salary steps. Recreation Supervisor Nikki Bryant LeBlond agreed that a higher rate is appropriate, which is how it is designed. She explained that a hire who meets minimum requirements would start at step 0 and after the six-month probation would be eligible for a step increase. A candidate with

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a degree could come in at a higher step.

MOTION:	ADOPT THE RESOLUTION INCLUDING DESCRIPTIONS AND SALARY SCHEDULE AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Sam Storey, Vice Mayor
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

G. Second Reading of an Ordinance Amending Title 5, Business Taxes, Licenses and Regulations, and Title 8, Health and Safety, of the Capitola Municipal Code Pertaining to Prohibiting Sales of Flavored Tobacco Products

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

9. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Consider a Report on the Jewel Box Traffic Calming Project Results
RECOMMENDED ACTION: Accept report and provide direction to staff.

Public Works Director Steve Jesberg presented the staff report including a history of hearings and public outreach, the actions taken this spring, and related traffic monitoring.

Council Member Bottorff confirmed there appeared to be a reduction in overall traffic counts post-action.

Neal Savage, Opal Street resident, praised the lower speeds and wished the turn restriction was more successful.

Shelle Thomas, Opal Street resident, asked Council to address the increase in traffic and speed.

Alan Cable, Topaz Street resident, felt there has been an overall improvement in redirecting traffic to larger collector and arterial streets. He asked for more enforcement at 47th Avenue and larger signs.

An Opal Street resident expressed concern about increased traffic on streets other than Topaz Street.

Melinda Vento, Topaz Street resident, thanked Council for its efforts and asked for enforcement numbers. She agreed with the previous speaker that the intent is not to push traffic to other residential streets.

Jim Hobbs, Topaz Street resident, said he has noticed a decrease in traffic, but some drivers claim not to see signs.

Linda Smith, Prospect Street resident, supports current efforts and speed tables.

Cherry McDonald, Jewel Street resident, said she has seen little change especially in speed and weekend drivers.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES
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Dave Aaron, Garnet Street resident, asked for studies on the other side of 47th Avenue.

Ron Burke, 47th Avenue resident, said he appreciates efforts to reduce pass-through traffic. The speed tables are especially successful and he requested that the City replace a 47th Avenue speed "hump" with a table.

Joanne Kisling, Wharf Road resident, asked for a look at wider impacts and balance.

Council Member Storey said overall efforts have been effective reducing traffic on Topaz and more measures may be needed. Highway 1 traffic backup is a huge factor in local traffic. He would like Public Works to investigate other, better signage and encouraged more enforcement, discussion, and outreach.

Council Member Petersen said equalizing traffic is not achievable and acknowledged overall poor behavior by some individuals. She supports maintaining current efforts and perhaps increasing sign visibility.

Council Member Brooks confirmed there was outreach to online mapping services and agrees impacts are regional.

Council Member Bottorff noted color changes on signs may not be permitted but lighting could be an option.

MOTION:	MAINTAIN CURRENT TRAFFIC CALMING EFFORTS AND RETURN IN A YEAR WITH UPDATED TRAFFIC COUNTS, PUBLISH AN ITEM ON LOCAL TRAFFIC IN THE CITY NEWSLETTER, AND LOOK INTO MORE VISIBLE SIGNAGE AND REPLACING A SPEED BUMB WITH A TABLE ON 47TH AVENUE.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kristen Petersen, Vice Mayor
SECONDER:	Ed Bottorff, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

- B. Consider a Resolution for the Levy of Capitola Village and Wharf Business Improvement Area Assessments for Fiscal Year 2019/2020 [140-05]
RECOMMENDED ACTION: Conduct the public hearing and adopt the proposed Resolution levying the Fiscal Year 2019/2020 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget.

Council Member Storey is a Village business owner and therefore recused himself and left the dais.

Finance Director Jim Malberg presented the staff report, noting the Capitola Wharf and Village Business Improvement Association converted two restaurant categories to four to better reflect current businesses. The City received one letter opposing the assessments. Carin Hanna and Vice President Daniel Castagnola of the CVWBIA said it was also looking at increased hydration stations as part of its improvement programs.

Attachment: 7-25 draft minutes (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

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There was no public comment.

MOTION:	ADOPT THE RESOLUTION AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Vice Mayor
AYES:	Brooks, Bottorff, Petersen, Bertrand
RECUSED:	Storey

C. Sidewalk Vending and Compliance with Senate Bill 946

RECOMMENDED ACTION: Provide staff direction on future regulations for sidewalk vending in Capitola.

Community Development Director Katie Herlihy presented the staff report, offering approaches to regulate time, place, and manner standards for sidewalk vending with examples of limited and more protective restrictions.

Council Member Storey confirmed that food vendors would be subject to health and food safety permitting and inspections.

Council also asked for clarification about whether the legislation includes the Wharf and pathways such as the river walk and Depot Hill pathway.

In public comment, Carin Hanna said the CWVBIA discussed this item at a recent meeting and a unanimous straw vote supported a more restrictive approach.

MOTION:	DIRECT STAFF TO RETURN WITH A HIGHLY RESTRICTIVE SIDEWALK VENDING ORDINANCE
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvette Brooks, Council Member
SECONDER:	Kristen Petersen, Vice Mayor
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

D. Consider an Appeal by Embarc Capitola of the Selection Committee's Decision to Issue Cannabis Retail Licenses to The Apothecarium Capitola and TreeHouse Capitola

RECOMMENDED ACTION: Hold requested public appeal hearing and uphold staff's issuance of preliminary retail cannabis licenses to The Apothecarium Capitola and TreeHouse Capitola.

Following a short recess, City Council Members each shared ex parte communication with Embarc about its application prior to the selection. Council Members Petersen, Brooks, and Storey said they met with Embarc prior to the permit decision and Council Member Brooks and Mayor Bertrand noted they had been contacted by Embarc.

Police Chief Terry McManus walked the Council through the timeline and process for the development and implementation of the retail cannabis application.

Attorney for the appellant Mark Masara provided a written last-minute response to the staff report and other additional materials, and requested an additional five minutes for his presentation. He was granted two additional minutes. He challenged the process according to the municipal code, asserting that the only legal evaluation

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

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is the first phase application. He also claimed Embarc partner Jason Sweatt mislead the panel and used knowledge and site information to benefit the Apothecarium application.

In the City rebuttal, staff said that no other applicant claimed to have a lease for 1850 41st Avenue and that Mr. Sweatt's participation with Embarc was considered a positive rather than a negative. City Attorney Reed Gallogly addressed specific issues raised in the appeal, challenging the appellant's interpretation of code and the use of "may."

In public comment, Scott Hawkins of Apothecarium noted the firm submitted a response to allegations and reiterated that Apothecarium did not receive any materials from Mr. Sweatt. He told Apothecarium he had another partner. Apothecarium spoke with the leasing agent for 1850 41st Avenue and knew the lease was contingent.

Mr. Masara disputed the City's discretion to establish specific, additional criteria.

Mayor Bertrand asked if other applicants were able to answer the ownership question. City Manager Goldstein recalled that the top two applicants were able to clearly answer the question.

Mr. Gallogly summarized the content of the appellant's written response to the staff report.

Council Members agreed that it was made clear that a lease was not required for the application and that a multi-phase evaluation process with an interview is a best practice and was expected.

Council Member Petersen said she found the appeal has a "conspiratorial" tone that is not appropriate to what has been shown to be a well-thought-out and considered application process.

Council Member Storey said the difference is clear between may and shall and noted 5.36.030(12) allows for additional criteria. He also noted the appellant did not object to the interview process at the time.

Mayor Bertrand said he finds the evasive answer to a topic provided ahead of time (ownership) concerning.

MOTION:	UPHOLD STAFF'S ISSUANCE OF PRELIMINARY RETAIL CANNABIS PERMITS AS RECOMMENDED
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ed Bottorff, Council Member
SECONDER:	Kristen Petersen, Vice Mayor
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

Following a short recess, the Council heard the pulled consent calendar item 8.F.

- E. Consider Public Banking Legislation
RECOMMENDED ACTION: No recommended action. Council discretion to consider

Attachment: 7-25 draft minutes (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES

July 25, 2019

directing the Mayor to send a letter Regarding Assembly Bill 857 or Senate Bill 528 to the City's State legislative delegation and to the bills' authors, or take no action at this time.

City Manager Goldstein presented the staff report overview of two recent pieces of state legislation related to public banking. He noted that Senate Bill 528 is more similar to the successful Bank of North Dakota but it has been tabled for this legislative session.

There was no public comment.

MOTION:	AUTHORIZE THE MAYOR TO SEND LETTERS OF SUPPORT FOR BOTH PROPOSED LEGISLATIONS.
RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Storey, Council Member
SECONDER:	Ed Bottorff, Council Member
AYES:	Brooks, Bottorff, Storey, Petersen, Bertrand

10. ADJOURNMENT

The meeting adjourned at 10:38 p.m.

Jacques Bertrand, Mayor

ATTEST:

Linda Fridy, City Clerk

**DRAFT
CAPITOLA CITY COUNCIL
SPECIAL MEETING MINUTES
THURSDAY, AUGUST 1, 2019**

1. CALL TO ORDER

Vice Mayor Petersen called the meeting to order at 5:30 p.m.

Council Member Yvette Brooks: Present, Council Member Ed Bottorff: Present, Council Member Sam Storey: Present, Vice Mayor Kristen Petersen: Present, Mayor Jacques Bertrand: Late (arrived 6 p.m.)

No members of the public were present and the Council closed the Community Room with the following items to be discussed in Closed Session:

PUBLIC EMPLOYEE APPOINTMENT [Govt. Code § 54957(b)]

Title: City Attorney

2. CLOSED SESSION

3. REPORT ON CLOSED SESSION

City Manager Jamie Goldstein said the Council discussed the matter listed on the closed session agenda and took no reportable action.

4. ADJOURNMENT

The meeting adjourned at 6:45 p.m.

Jacques Bertrand, Mayor

ATTEST:

Linda Fridy, City Clerk

Attachment: 8-1 special closed draft minutes (Approval of City Council Minutes)

**DRAFT
CAPITOLA CITY COUNCIL
SPECIAL MEETING MINUTES
TUESDAY, AUGUST 13, 2019**

1. CALL TO ORDER

Mayor Bertrand called the meeting to order at 8:30 a.m.

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

No members of the public were present and the Council closed the Chambers with the following items to be discussed in Closed Session:

PUBLIC EMPLOYEE APPOINTMENT [Govt. Code § 54957(b)]

Title: City Attorney

2. CLOSED SESSION

3. REPORT ON CLOSED SESSION

City Manager Jamie Goldstein said the Council discussed the matter listed on the closed session agenda and took no reportable action.

4. ADJOURNMENT

The meeting adjourned at 9:15 a.m.

Jacques Bertrand, Mayor

ATTEST:

Linda Fridy, City Clerk

Attachment: 8-13 special closed draft minutes (Approval of City Council Minutes)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: City Manager Department

SUBJECT: Planning Commission Action Minutes

RECOMMENDED ACTION: Receive minutes.

DISCUSSION: Attached for Council review are the action minutes of the July 18, 2019, and August 1, 2019, Planning Commission regular meetings.

ATTACHMENTS:

1. 7-18-19 Action
2. 8-1-19 Action

Report Prepared By: Chloe Woodmansee
Records Coordinator

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

8/15/2019



**ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JULY 18, 2019
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Christiansen, Newman, and Routh and Chair Welch were present. Commissioner Wilk was absent.

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - none**
- B. Public Comments**
- C. Commission Comments - none**
- D. Staff Comments**

3. PRESENTATIONS

- A. Administrative Policy on Social Media Use By City Council and Advisory Body Members**

4. APPROVAL OF MINUTES

- A. Planning Commission - Regular Meeting - Jun 6, 2019 7:00 PM**

MOTION: Approve the minutes from the regular meeting of the planning commission on June 6, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mick Routh
SECONDER:	Edward Newman
AYES:	Newman, Welch, Routh, Christiansen
ABSENT:	Peter Wilk

5. CONSENT CALENDAR

- A. 2195 41st Avenue #19-0219 APN: 034-192-10**
 Sign Permit for a monument sign with new digital changeable copy for gasoline pricing for the 76 Gas Station located within the C-R (Regional Commercial) zoning district.
 This project is not in the Coastal Zone and does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Gawfco Enterprises, Inc.
 Representative: Sign Development, Inc., Filed: 05.07.19

Attachment: 7-18-19 Action (PC minutes)

MOTION: Approve the Sign Permit.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Courtney Christiansen
SECONDER:	Edward Newman, Commissioner
AYES:	Newman, Welch, Routh, Christiansen
ABSENT:	Peter Wilk

6. PUBLIC HEARINGS

A. 511 Escalona Drive #19-0165 APN: 036-125-02

Design Permit for a second-story addition to an existing single-family residence, an internal Secondary Dwelling Unit, and a Major Revocable Encroachment Permit for a fence in the public right of way located within the R-1 (Single-Family) zoning district.

This project is in the Coastal Zone and 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: Christine Meserve

Representative: Valerie Hart, Filed: 04.10.2019

MOTION: Approve Design Permit, Secondary Dwelling Unit, Major Revocable Encroachment Permit, and Coastal Development Permit.

RESULT:	APPROVED [3 TO 0]
MOVER:	Mick Routh
SECONDER:	Courtney Christiansen
AYES:	Newman, Routh, Christiansen
ABSENT:	Peter Wilk
RECUSED:	TJ Welch

7. DIRECTOR'S REPORT

8. COMMISSION COMMUNICATIONS

9. ADJOURNMENT

Chloé Woodmansee, Clerk to the Commission

Attachment: 7-18-19 Action (PC minutes)



**ACTION MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, AUGUST 1, 2019
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Christiansen, Newman, Routh, Wilk and Chair Welch were all present.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

C. Commission Comments

D. Staff Comments

3. CONSENT CALENDAR

A. 523 Riverview Drive #19-0323 APN: 035-042-05

Coastal Development Permit to replace an existing retaining wall located within the R-1 (Single-Family Residential) zoning district.

Note: Request to Continue to September 5, 2019.

This project is in the Coastal Zone and 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: Ed Bottorff

Representative: Ed Bottorff, Filed: 07.11.2019

MOTION: Continue to the next regular meeting on September 5, 2019.

RESULT:	CONTINUED [SEPTEMBER 5, 2019 MEETING]
MOVER:	Edward Newman
SECONDER:	Peter Wilk
AYES:	Newman, Welch, Wilk, Routh, Christiansen

B. 3744 Capitola Road #19-0321 APN: 034-181-16

Conditional Use Permit Amendment to allow outdoor dining for a restaurant located within the C-C (Community Commercial) zoning district.

This project is not located in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: William Lau

Representative: Troy Malmin, Filed: 07.11.2019

MOTION: Approve Amendment to the Conditional Use Permit.

Attachment: 8-1-19 Action (PC minutes)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward Newman
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Wilk, Routh, Christiansen

C. 1404 38th Avenue #19-0246 APN: 034-164-41

Conditional Use Permit for a bouldering gym and fitness center, Design Permit for two new entrances, and a Sign Permit for monument sign and wall sign requesting special signage for commercial sites located in geographically constrained areas located within the CC (Community Commercial) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Ow Trusts

Representative: John Hester, Filed: 05.17.19

Chair Welch pulled this item from the Consent Calendar and it was heard before Item 4.A.

MOTION: Approve Conditional Use Permit, Design Permit, Sign Permit for two signs, and Coastal Development Permit.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward Newman
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Wilk, Routh, Christiansen

4. PUBLIC HEARINGS

A. 207 Saxon Avenue #18-0278 APN: 036-122-06

Design Permit and Conditional Use Permit for reconstruction of an historic detached garage with a Variance for the side setback, rear setback, and nonconforming structural alteration limit located on the same parcel as an historic single-family home within the R-1 (Single-Family) zoning district.

This project is in the Coastal Zone and 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: 207 Saxon LLC

Representative: 207 Saxon LLC (John Nicholson) Filed: 06.13.2018

MOTION: Approve the Design Permit, Conditional Use Permit, and Coastal Development Permit.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Edward Newman
SECONDER:	Courtney Christiansen
AYES:	Newman, Welch, Wilk, Routh, Christiansen

B. 120 Monterey Avenue #19-0214 Multiple APNs (below)

APN: 035-261-10, 035-262-02, 035-262-04, 035-262-11

Conceptual Review to receive guidance on a preliminary development concept for an 88-room hotel including meeting/banquet space, bar/lounge, swimming pool, and 92 onsite parking spaces in the C-V (Central Village) Zoning District. Proposed hotel concept varies in height from two to five stories

This project is a conceptual review; therefore, a Coastal Development Permit is not required.

Owner: Green Valley Corporation

Representative: Swenson Builders, Filed: 05.03.2019

RESULT: REVIEWED PROJECT CONCEPT, PROVIDED DIRECTION

5. **DIRECTOR'S REPORT – NONE**
6. **COMMISSION COMMUNICATIONS**
7. **ADJOURNMENT**

The meeting adjourned at 9:15 pm to the next regular meeting of the Planning Commission on September 5, 2019.

Chloé Woodmansee, Clerk to the Commission



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: Finance Department

SUBJECT: Approval of City Check Registers Dated July 5, July 12, July 19, and July 26, 2019

RECOMMENDED ACTION: Approve check registers.

Account: City Main				
Date	Starting Check #	Ending Check #	Payment Count	Amount
7/5/2019	93022	93075	56	\$310,056.42
7/12/2019	93076	93159	89	\$343,692.45
7/19/2019	93160	93246	87	\$59,342.39
7/26/2019	93247	93327	86	\$260,170.64

The main account check register dated June 28, 2019, ended with check #93021.

Account: Library				
Date	Starting Check #	Ending Check #	Payment Count	Amount
7/5/2019	137	137	1	\$1,845
7/12/2019	138	138	1	\$10,660
7/19/2019	139	140	2	\$287,836.65
7/26/2019	141	142	2	\$13,665.16

The library account check register dated June 28, 2019, ended with check #136.

Account: Payroll				
Date	Starting Check #	Ending Check #	Payment Count	Amount
7/5/2019	5545	5550	126	\$206,424.92
7/19/2019	5551	5557	129	\$199,871.61

The payroll account check register dated June 28, 2019, ended with check #5544.

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

Check	Issued to	Dept	Description	Amount
93022	RWG Legal	CM	July city attorney services	\$11,130
93062	Santa Cruz Regional 911	PD	FY19/20 first quarter payment	\$172,447.45

Approval of City Check Registers
August 22, 2019

93069	Vavrinek Trine Day and Company LLP	FN	Interim audit services	\$15,000
EFT 797	CalPERS Health Insurance	CM	July health insurance	\$64,712.67
93096	Cresco Equipment Rentals	PW	Beach CAT D6T tractor rental	\$10,300.01
93136	SCC Auditor-Controller	PD	June citation processing	\$12,343
93150	US Bank	FN	Pac Cove facility lease	\$77,056.37
93152	Visit Santa Cruz County	FN	April – June TMD remittance	\$52,778.56
EFT 798	CalPERS Member Services	FN	PERS contributions PPE 6/29/19	\$50,733.42
EFT 800	IRS	FN	Federal taxes and Medicare PPE 6/29/19	\$31,059.35
138	Bogard Construction Inc.	PW	Library construction project management services	\$10,660
139	John F. Otto Escrow	PW	June library construction 5% retainage	\$14,391.83
140	Otto Construction Inc.	PW	June library construction	\$273,444.82
93255	Atchison Barisone and Condotti	CM	June city attorney services	\$14,549.56
93292	Pacific Gas and Electric	PW	July gas and electricity	\$16,078.93
93299	RWG Legal	CM	August general city attorney services	\$11,130
93305	Soquel Creek Water District	PW	May & June irrigation water, June Corp. yard water	\$23,893.14
EFT 804	IRS	FN	Federal taxes and Medicare PPE 7/13/19	\$30,755.02
EFT 805	CalPERS Member Services	FN	PERS contributions PPE 7/13/19	\$52,472.41

ATTACHMENTS:

1. 7/5/19 City Check Register
2. 7/12/19 City Check Register
3. 7/19/19 City Check Register
4. 7/26/19 City Check Register

Report Prepared By: Maura Herlihy
Accountant I

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

8/15/2019

City main account checks dated July 5, 2019, numbered 93022 to 93075 plus 2 EFTs totaling \$310,056.42, 1 Library check totaling \$1,845.00, and 6 Payroll checks plus 120 EFTs totaling \$206,424.92, for a grand total of \$518,326.34, have been reviewed and authorized for distribution by the City Manager.

As of July 5, 2019, the unaudited cash balance is \$6,071,409.37.

CASH POSITION - CITY OF CAPITOLA 7/5/19

	<u>Net Balance</u>
General Fund	\$774,976.71
Payroll Payables	\$147,176.02
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$449,433.06
Capital Improvement Fund	\$1,692,278.57
Stores Fund	\$46,675.67
Information Technology Fund	\$201,864.42
Equipment Replacement	\$387,375.89
Self-Insurance Liability Fund	\$151,656.61
Workers' Comp. Ins. Fund	\$231,640.79
Compensated Absences Fund	(\$48,014.03)
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$6,071,409.37</u></u>


The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$846,123.83 (not included above).
The Library Fund balance is \$2,391,368.60 (not included above).



Jamie Goldstein, City Manager

7/16/19

Date



Jim Malberg, City Treasurer

7/8/19

Date

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 5, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93022	07/02/2019			RWG LEGAL	\$11,130.00
	Invoice	Date	Description		Amount
	RWG070119	07/01/2019	July general city attorney services		\$11,130.00
93023	07/05/2019			ALEX P HOEGN LUCERO	\$400.00
	Invoice	Date	Description		Amount
	AL071419	05/15/2019	Sunday Art and Music performance 7/14		\$400.00
93024	07/05/2019			ALLIANT INSURANCE SERVICES INC.	\$2,350.00
	Invoice	Date	Description		Amount
	ACIP56	05/23/2019	Crime insurance premium FY 19/20 2213 - ISF - Self-Insur Liab		\$2,350.00
93025	07/05/2019			ALLSAFE LOCK COMPANY	\$2.71
	Invoice	Date	Description		Amount
	51718	06/28/2019	Facility key		\$2.71
93026	07/05/2019			ALVAREZ TECHNOLOGY GROUP INC	\$260.00
	Invoice	Date	Description		Amount
	51709	06/24/2019	July anti-virus software 2211 - ISF - Info Tech		\$260.00
93027	07/05/2019			AMAZON CAPITAL SERVICES	\$227.43
	Invoice	Date	Description		Amount
	1FYD-7QN9-7DPW	06/27/2019	iPad case		\$141.69
	1GXQ-Q7WX-3V4N	07/02/2019	Soccer balls (12)		\$85.74
93028	07/05/2019			AMERICAN RED CROSS TRAINING SERVICES	\$262.00
	Invoice	Date	Description		Amount
	22203620	06/26/2019	CPR and first aid training for seasonal staff		\$262.00
93029	07/05/2019			ANTHEA SHORE	\$133.27
	Invoice	Date	Description		Amount
	AS062419	06/24/2019	Camp star store supplies		\$133.27
93030	07/05/2019			ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS	\$3,282.00
	Invoice	Date	Description		Amount
	3964	07/01/2019	AMBAG dues and board member meeting allowance		\$3,282.00
93031	07/05/2019			B & B SMALL ENGINE REPAIR	\$34.75
	Invoice	Date	Description		Amount
	423223	06/25/2019	Chainsaw bar		\$34.75

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 5, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93032	07/05/2019			BECKY ADAMS	\$156.00
	Invoice	Date	Description		Amount
	BA070119	07/01/2019	Instructor payment		\$156.00
93033	07/05/2019			BILL TASHNICK	\$117.00
	Invoice	Date	Description		Amount
	BT070219	07/02/2019	Softball official services		\$117.00
93034	07/05/2019			CALE AMERICA INC.	\$3,381.22
	Invoice	Date	Description		Amount
	154925	06/25/2019	Paystation coin canister, 3G modem upgrade, LTE antennas		\$3,381.22
93035	07/05/2019			CALIFORNIA POLICE CHIEFS ASSOCIATION	\$145.00
	Invoice	Date	Description		Amount
	12707	05/01/2019	501 membership renewal		\$145.00
93036	07/05/2019			COASTAL WATERSHED COUNCIL	\$880.00
	Invoice	Date	Description		Amount
	1746	06/30/2019	May - June Soquel Creek pollution prevention		\$880.00
93037	07/05/2019			DEFIB THIS	\$2,200.00
	Invoice	Date	Description		Amount
	101470	06/04/2019	CPR trainings (2)		\$2,200.00
93038	07/05/2019			DON CARUTH	\$1,000.00
	Invoice	Date	Description		Amount
	DC071019	05/21/2019	Twilight concert performance 7/10		\$1,000.00
93039	07/05/2019			EMBROIDERY WORKS	\$1,063.20
	Invoice	Date	Description		Amount
	17-4203	06/26/2019	Junior guards patches		\$1,063.20
93040	07/05/2019			EXTREME TOWING	\$393.75
	Invoice	Date	Description		Amount
	014280	06/21/2019	Evidence tow 19c-01018		\$393.75
93041	07/05/2019			FASTENAL COMPANY	\$666.62
	Invoice	Date	Description		Amount
	CASAT53076	05/31/2019	Bulk finishing screws, portable fuel can, bulk sleeve anchors		\$565.64
	CASAT53157	06/07/2019	Bulk lock bolt sleeve anchors, pilot pin		\$100.98

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 5, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93042	07/05/2019			FOLD A GOAL	\$562.80
	Invoice	Date	Description		Amount
	152159A	06/21/2019	Field marking paint (6 cases)		\$562.80
93043	07/05/2019			FRED C. BEYERS	\$156.00
	Invoice	Date	Description		Amount
	FB070219	07/02/2019	Softball official services		\$156.00
93044	07/05/2019			GEORGE McMENAMIN	\$724.62
	Invoice	Date	Description		Amount
	2019-13	06/30/2019	June riparian restoration services		\$724.62
93045	07/05/2019			GINA ENRIQUEZ	\$6,625.45
	Invoice	Date	Description		Amount
	GE070119	07/01/2019	Instructor payment		\$6,625.45
93046	07/05/2019			HOME DEPOT CREDIT SERVICES	\$1,782.92
	Invoice	Date	Description		Amount
	408405	05/03/2019	Wall cabinet for fleet shop		\$162.41
	508424	05/03/2019	Cabinet for fleet shop		\$358.61
	6620614	05/27/2019	AA bateries, wire brushes, scraper kit		\$28.25
	4625220	06/28/2019	Fire extinguisher, tire gauge, emergency kit		\$53.99
	5066392	06/27/2019	Keys for room B & C closets		\$7.16
	7642751	06/25/2019	Depot Hill memorial plaques lumber and tools		\$181.59
	1614657	06/21/2019	Community center supplies		\$30.96
	4524316	06/28/2019	41st median supplies		\$136.91
	2623998	06/20/2019	Two way radios		\$141.67
	1644902	06/21/2019	Hex key set, gloves, supplies		\$46.47
	2642989	06/10/2019	Cable ties, utility knife, wrecking bar, metal DC wheel		\$56.88
	1614684	06/21/2019	Community center electrical supplies		\$93.08
	5343601	06/27/2019	Jade St. park rapid set mortar, carriage bolts, hex nuts		\$44.80
	5031070	06/27/2019	Shop trash cans, wet/dry vac, shovel, bucket, respirator, bits		\$322.10
	7066122	06/25/2019	Esplanade bathrooms bowl brush, dust pan		\$18.48
	6524151	06/26/2019	Towels, bungee cords, sprayer, disinfectant, sponges		\$99.56
93047	07/05/2019			HUB INTERNATIONAL	\$184.80
	Invoice	Date	Description		Amount
	HUB070119	07/01/2019	Block party event insurance 2213 - ISF - Self-Insur Liab		\$184.80

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 5, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93048	07/05/2019			iWorQ Systems Inc.	\$3,875.00
	Invoice	Date	Description		Amount
	1144	06/04/2019	iWorQ software renewal 1317 - Tech Fee Fund		\$3,875.00
93049	07/05/2019			LESLIE FELLOWS	\$2,380.00
	Invoice	Date	Description		Amount
	LF070119	07/01/2019	Art and music at the beach program coordinator		\$2,380.00
93050	07/05/2019			LUXLAUNDER	\$922.56
	Invoice	Date	Description		Amount
	LUX053119	06/11/2019	May uniform cleaning service		\$922.56
93051	07/05/2019			MADELINE C HORN	\$307.50
	Invoice	Date	Description		Amount
	35	06/27/2019	Begonia Festival cataloging and organizing artifacts		\$307.50
93052	07/05/2019			MARTHA MACAMBRIDGE	\$405.00
	Invoice	Date	Description		Amount
	936	06/10/2019	Summer newsletter mailing services		\$405.00
93053	07/05/2019			MID COUNTY AUTO SUPPLY	\$268.10
	Invoice	Date	Description		Amount
	MID-360474	06/21/2019	Polisher		\$237.65
	MID-368501	06/27/2019	Mini bulbs, sanding pad		\$30.45
93054	07/05/2019			MISSION LINEN SUPPLY	\$201.87
	Invoice	Date	Description		Amount
	510108034	06/17/2019	Community Center mop and mat service		\$78.06
	510178331	06/26/2019	Fleet linen service		\$36.16
	510178332	06/26/2019	Uniform cleaning and towels		\$87.65
93055	07/05/2019			NANCY HOWELLS	\$61.10
	Invoice	Date	Description		Amount
	NH070119	07/01/2019	Instructor payment		\$61.10
93056	07/05/2019			NETFILE INC	\$4,000.00
	Invoice	Date	Description		Amount
	6122	06/12/2019	Annual subscription service 2211 - ISF - Info Tech		\$4,000.00

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 5, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93057	07/05/2019			O'REILLY AUTO PARTS	\$133.89
	Invoice	Date	Description		Amount
	2763-461612	06/24/2019	Car battery		\$95.27
	2763-462240	06/27/2019	Mini lamp		\$6.73
	2763-461589	06/24/2019	Flow sensor, fuel cap		\$31.89
93058	07/05/2019			PACIFIC MONARCH	\$360.00
	Invoice	Date	Description		Amount
	51954-b	06/28/2019	Simpkins Swim Center field trip transportation		\$210.00
	51956	06/28/2019	Natural history museum/Pacific Edge field trip transportation		\$150.00
93059	07/05/2019			PACIFIC YACHTING AND SAILING	\$507.00
	Invoice	Date	Description		Amount
	PS070119	07/01/2019	Instructor payment		\$507.00
93060	07/05/2019			PALACE OFFICE SUPPLIES	\$1.79
	Invoice	Date	Description		Amount
	9609408-0	06/06/2019	Note pad		\$1.79
93061	07/05/2019			SAN LORENZO LUMBER	\$48.40
	Invoice	Date	Description		Amount
	55-0467404	06/27/2019	Jade St. park lumber		\$22.33
	55-0466644	06/25/2019	Flume timber hex screws		\$26.07
93062	07/05/2019			SANTA CRUZ REGIONAL 911	\$172,447.45
	Invoice	Date	Description		Amount
	SCR911-061519	06/15/2019	Regional 911 FY 19/20 first quarter payment		\$172,447.45
93063	07/05/2019			SC Swimming CAFL	\$444.60
	Invoice	Date	Description		Amount
	QSC070119	07/01/2019	Instructor payment		\$444.60
93064	07/05/2019			SESE EGAN GEDDES	\$140.40
	Invoice	Date	Description		Amount
	SEG070119	07/01/2019	Instructor payment		\$140.40
93065	07/05/2019			SOQUEL CREEK WATER DISTRICT	\$370.43
	Invoice	Date	Description		Amount
	SCWD061919	06/19/2019	June water service		\$370.43
93066	07/05/2019			STAPLES ADVANTAGE	\$140.58
	Invoice	Date	Description		Amount
	8054702800	06/15/2019	USB drives, custom stamps		\$140.58

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 5, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93067	07/05/2019			T MOBILE	\$344.30
	Invoice	Date	Description		Amount
	2019-05	05/21/2019	May cell phone usage		\$344.30
93068	07/05/2019			TRANSPORTATION ALLIANCE BANK INC.	\$674.71
	Invoice	Date	Description		Amount
	650519	05/15/2019	Magnetic sensor for street sweeper 1310 - Gas Tax		\$674.71
93069	07/05/2019			VAVRINEK TRINE DAY AND COMPANY LLP	\$15,000.00
	Invoice	Date	Description		Amount
	VT24813	06/30/2019	Interim audit services		\$15,000.00
93070	07/05/2019			WE ALL RIDE SANTA CRUZ	\$49.11
	Invoice	Date	Description		Amount
	4162785	06/27/2019	Motorcycle gloves		\$49.11
93071	07/05/2019			YOSHIE MORRISSEY	\$195.00
	Invoice	Date	Description		Amount
	YM070119	07/01/2019	Instructor payment		\$195.00
93072	07/05/2019			Capitola Associates LLC	\$810.00
	Invoice	Date	Description		Amount
	19-0134	06/27/2019	Deposit refund for 115 San Jose Ave.		\$810.00
93073	07/05/2019			Gang Hu Liang	\$1,281.00
	Invoice	Date	Description		Amount
	19-0153	06/27/2019	Deposit refund for 1200 41st Ave. Suite C permit		\$1,281.00
93074	07/05/2019			Joseph Wilson	\$98.00
	Invoice	Date	Description		Amount
	222126233	06/26/2019	Citation refund		\$98.00
93075	07/05/2019			Sandra Costanza	\$1,536.00
	Invoice	Date	Description		Amount
	19-0140	06/27/2019	Deposit refund for 115 San Jose Ave. pizzeria permit		\$1,536.00
Type Check Totals:					\$245,125.33

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 5, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
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EFT

796	07/02/2019			INTERNAL REVENUE SERVICE	\$218.42
	Invoice	Date	Description		Amount
	53104830	07/02/2019	Medicare for employee's final paycheck 1001 - Payroll Payables		\$218.42

797	07/02/2019			CalPERS Health Insurance	\$64,712.67
	Invoice	Date	Description		Amount
	1001351320	07/02/2019	July health insurance 1000 - General Fund 1001 - Payroll Payables	\$2,761.11 \$61,951.56	\$64,712.67

Type EFT Totals: \$64,931.09

Library - Library

Check

137	07/05/2019			JAMES P ALLEN	\$1,845.00
	Invoice	Date	Description		Amount
	063019	06/30/2019	Library arborist services 1360 - Library Fund		\$1,845.00

Type Check Totals: \$1,845.00

CITY - Main City Totals	Count:	Total:
Checks	54	\$245,125.33
EFTs	2	\$64,931.09
All	56	\$310,056.42

Library - Library Totals	Count:	Total:
Checks	1	\$1,845.00
EFTs	0	\$0.00
All	1	\$1,845.00

WELLS - Payroll Totals	Count:	Total:
Checks	6	\$6,378.43
EFTs	120	\$200,046.49
All	126	\$206,424.92

Grand Totals:	Count:	Total:
Checks	61	\$253,348.76
EFTs	122	\$264,977.58
All	183	\$518,326.34

Attachment: 7/5/19 City Check Register (Approval of City Check Registers)

City main account checks dated July 12, 2019, numbered 93076 to 93159 plus 5 EFTs totaling \$343,692.45, 1 Library check totaling \$10,660.00, for a grand total of \$354,352.45, have been reviewed and authorized for distribution by the City Manager.

As of July 12, 2019, the unaudited cash balance is \$6,030,498.00.

CASH POSITION - CITY OF CAPITOLA 7/12/19

	<u>Net Balance</u>
General Fund	\$813,558.38
Payroll Payables	\$41,755.94
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$449,433.06
Capital Improvement Fund	\$1,729,846.27
Stores Fund	\$46,675.67
Information Technology Fund	\$197,910.54
Equipment Replacement	\$387,375.89
Self-Insurance Liability Fund	\$151,656.61
Workers' Comp. Ins. Fund	\$231,640.79
Compensated Absences Fund	(\$55,700.81)
TOTAL UNASSIGNED GENERAL FUNDS	<u><u>\$6,030,498.00</u></u>

The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$846,123.83 (not included above).
The Library Fund balance is \$2,897,252.43 (not included above).

 _____ Jamie Goldstein, City Manager	7/16/19 Date
 _____ Jim Malberg, City Treasurer	7/17/19 Date

Attachment: 7/12/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93076	07/08/2019			EXTREME TOWING	\$225.00
	Invoice	Date	Description		Amount
	013911	03/19/2019	Evidence vehicle tow		\$225.00
93077	07/12/2019			A TOOL SHED	\$450.00
	Invoice	Date	Description		Amount
	1338260-5	07/05/2019	Light towers for 4th of July		\$450.00
93078	07/12/2019			ADT SECURITY SERVICES INC.	\$205.46
	Invoice	Date	Description		Amount
	ADT062919	06/29/2019	Corp. yard & museum ADT monitoring		\$205.46
93079	07/12/2019			ADVENTURE OUT LLC	\$2,170.00
	Invoice	Date	Description		Amount
	2002004	06/24/2019	Camp Capitola surf day host		\$2,170.00
93080	07/12/2019			ALLSAFE LOCK COMPANY	\$10.00
	Invoice	Date	Description		Amount
	51720	07/02/2019	Repair deadbolt at Esplanade bathrooms		\$10.00
93081	07/12/2019			AMAZON CAPITAL SERVICES	\$198.40
	Invoice	Date	Description		Amount
	1ND3-QFYV-LH4J	07/01/2019	Tennis balls		\$34.40
	1ND3-QFYV-R4JN	07/02/2019	Soccer cones		\$17.95
	1RN6-NDJT-NGNM	07/02/2019	Water bottle pump		\$25.12
	11WL-TDFD-46GR	07/03/2019	Disc golf set, karaoke speaker		\$120.93
93082	07/12/2019			AUTHENTIC APPROACH	\$1,900.00
	Invoice	Date	Description		Amount
	11005	07/01/2019	BIA communication, marketing and social media services 1321 - BIA - Cap Village-Wharf		\$1,900.00
93083	07/12/2019			B & B SMALL ENGINE REPAIR	\$89.92
	Invoice	Date	Description		Amount
	424011	07/03/2019	Air filter, starter grip elastost, recoil repair		\$35.44
	423918	07/02/2019	Weed trimmer line		\$54.48
93084	07/12/2019			BEAR ELECTRICAL SOLUTIONS INC.	\$4,085.00
	Invoice	Date	Description		Amount
	8368	05/28/2019	May traffic signal maintenance services - response		\$860.00
	8299	05/30/2019	May traffic signal maintenance services - routine		\$616.00
	8575	06/28/2019	June traffic signal maintenance services - response		\$1,993.00
	8502	06/30/2019	June traffic signal maintenance services - routine 1310 - Gas Tax		\$616.00

Attachment: 7/12/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93085	07/12/2019			BSN SPORTS LLC	\$177.88
	Invoice	Date	Description		Amount
	905487541	06/26/2019	Disc golf set		\$177.88
93086	07/12/2019			BUELL WETSUITS AND SURF INC	\$4,346.44
	Invoice	Date	Description		Amount
	INV137	07/03/2019	Junior guard surf boards (5)		\$1,818.12
	INV138	07/03/2019	Junior guard surf boards (10)		\$2,142.86
	INV139	07/03/2019	Rash guards (30)		\$385.46
93087	07/12/2019			CA DEPARTMENT OF JUSTICE	\$320.00
	Invoice	Date	Description		Amount
	389886	06/30/2019	Camp Capitola staff fingerprinting		\$320.00
93088	07/12/2019			CA DEPT OF TAX AND FEE ADMINISTRATION	\$782.00
	Invoice	Date	Description		Amount
	0-005-594-599	07/11/2019	Quarterly use tax on lifeguard supplies, dog waste bags, bench		\$782.00
93089	07/12/2019			CALE AMERICA INC.	\$1,924.00
	Invoice	Date	Description		Amount
	155222	06/28/2019	Paystation programming		\$95.00
	154992	06/30/2019	June active meters		\$1,829.00
93090	07/12/2019			CALIFORNIA COAST UNIFORM COMPANY	\$1,160.85
	Invoice	Date	Description		Amount
	7207	06/11/2019	VIP uniform shirts		\$1,160.85
93091	07/12/2019			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,694.00
	Invoice	Date	Description		Amount
	POA070519	07/05/2019	POA and gym dues PPE 6/29/19 1001 - Payroll Payables		\$1,694.00
93092	07/12/2019			CARIN HANNA	\$758.57
	Invoice	Date	Description		Amount
	CH070219	07/02/2019	BIA postage, mailing, storage and supplies reimbursement 1321 - BIA - Cap Village-Wharf		\$758.57
93093	07/12/2019			CLAUDIO FRANCA	\$182.00
	Invoice	Date	Description		Amount
	CF070919	07/09/2019	Instructor payment		\$182.00

Attachment: 7/12/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93094	07/12/2019			CLEAN BUILDING MAINTENANCE CO.	\$3,719.13
	Invoice	Date	Description		Amount
	22661	06/30/2019	June janitorial services		\$3,719.13
			1000 - General Fund	\$3,453.63	
			1311 - Wharf	\$265.50	
93095	07/12/2019			COMMUNITY PRINTERS	\$1,539.91
	Invoice	Date	Description		Amount
	24981011	07/01/2019	City summer newsletter printing		\$1,539.91
93096	07/12/2019			CRESCO EQUIPMENT RENTALS	\$10,300.01
	Invoice	Date	Description		Amount
	4918600-0001	06/28/2019	Beach CAT D6T tractor rental		\$10,300.01
93097	07/12/2019			CRYSTAL SPRINGS WATER CO.	\$242.62
	Invoice	Date	Description		Amount
	CSW063019	06/30/2019	June drinking water		\$242.62
93098	07/12/2019			D & G SANITATION	\$915.86
	Invoice	Date	Description		Amount
	261794	06/30/2019	Wharf portable toilet rental		\$657.93
	261795	06/30/2019	Lower parking lot portable toilet rental		\$257.93
			1000 - General Fund	\$257.93	
			1311 - Wharf	\$657.93	
93099	07/12/2019			DAVID SCOTT COBABE	\$1,723.40
	Invoice	Date	Description		Amount
	DSC070919	07/09/2019	Instructor payment		\$1,723.40
93100	07/12/2019			DAWN MAC LAUGHLIN	\$608.40
	Invoice	Date	Description		Amount
	DM070919	07/09/2019	Instructor payment		\$608.40
93101	07/12/2019			DELL COMPUTERS	\$1,191.51
	Invoice	Date	Description		Amount
	XK4MC6DM2	06/26/2019	Server warranties		\$1,191.51
			2211 - ISF - Info Tech		
93102	07/12/2019			Division of the State Architect	\$34.00
	Invoice	Date	Description		Amount
	DSA06302019	06/30/2019	April - June disability access & education fee		\$34.00

Attachment: 7/12/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93103	07/12/2019			EWING IRRIGATION	\$62.99
	Invoice	Date	Description		Amount
	7709526	06/20/2019	Jade St. park irrigation supplies		\$62.99
93104	07/12/2019			FERGUSON ENTERPRISES INC 795	\$63.44
	Invoice	Date	Description		Amount
	6765489	07/01/2019	Wharf supplies 1311 - Wharf		\$63.44
93105	07/12/2019			FIRST SECURITY	\$382.50
	Invoice	Date	Description		Amount
	IN-0011256	07/06/2019	July Esplanade patrol service		\$382.50
93106	07/12/2019			FIRST SECURITY	\$356.42
	Invoice	Date	Description		Amount
	IN-0011255	07/06/2019	July skate park patrol service		\$356.42
93107	07/12/2019			FIRST SECURITY	\$893.75
	Invoice	Date	Description		Amount
	IN-0009346	06/27/2019	Car show security		\$893.75
93108	07/12/2019			FIRST SECURITY	\$1,773.75
	Invoice	Date	Description		Amount
	IN-0008571	06/14/2019	Car show security		\$1,773.75
93109	07/12/2019			FRANCHISE TAX BOARD	\$336.84
	Invoice	Date	Description		Amount
	607119956-2	07/05/2019	Earnings withholding order for taxes 1001 - Payroll Payables		\$336.84
93110	07/12/2019			HOME DEPOT CREDIT SERVICES	\$421.15
	Invoice	Date	Description		Amount
	0631461	07/02/2019	Clearweld for memorial plaques		\$10.20
	0513062	07/02/2019	Memorial plaques supplies and tools		\$251.92
	0646692	07/02/2019	Hinges		\$45.70
	1631233	07/01/2019	Jade St. park wasp traps		\$5.42
	4640755	07/08/2019	Utility pump		\$107.91
93111	07/12/2019			HOPE REHABILITATION SERVICES	\$2,250.00
	Invoice	Date	Description		Amount
	S168979	06/30/2019	June litter abatement services		\$2,250.00

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City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93112	07/12/2019			HUMBOLDT PETROLEUM LLC	\$32.50
	Invoice	Date	Description		Amount
	088423	06/30/2019	June car washes		\$32.50
93113	07/12/2019			ICMA RETIREMENT TRUST 457	\$8,100.54
	Invoice	Date	Description		Amount
	41767957	07/05/2019	457 contributions PPE 6/29/19 1001 - Payroll Payables		\$8,100.54
93114	07/12/2019			INTERNATIONAL BRONZE PLAQUE COMPANY	\$139.00
	Invoice	Date	Description		Amount
	19-52486	06/28/2019	Memorial bench plaque		\$139.00
93115	07/12/2019			JEANI MITCHELL	\$210.60
	Invoice	Date	Description		Amount
	JM070919	07/09/2019	Instructor payment		\$210.60
93116	07/12/2019			JODI CHRISTIANSEN DESIGNS	\$249.60
	Invoice	Date	Description		Amount
	JC070919	07/09/2019	Instructor payment		\$249.60
93117	07/12/2019			KATHY D'ANGELO	\$12.00
	Invoice	Date	Description		Amount
	000V-06192019	07/02/2019	Museum interview copies (2)		\$12.00
93118	07/12/2019			KBA Document Solutions LLC	\$366.66
	Invoice	Date	Description		Amount
	INV810309	07/01/2019	Clty Hall copier usage charges		\$236.78
	INV810308	07/01/2019	City Hall and Recreation copier usage charges		\$129.88
			1000 - General Fund	\$55.05	
			2211 - ISF - Info Tech	\$311.61	
93119	07/12/2019			LABORMAX STAFFING	\$3,780.18
	Invoice	Date	Description		Amount
	26-109073	07/05/2019	Seasonal labor 6/29 - 7/5/19		\$3,780.18
93120	07/12/2019			LEAGUE OF CALIFORNIA CITIES Monterey Bay Division	\$300.00
	Invoice	Date	Description		Amount
	104946	06/19/2019	2019 Local Street and Roads Needs Assessment funding		\$300.00
93121	07/12/2019			LORRAINE KINNAMON	\$35.75
	Invoice	Date	Description		Amount
	LK070919	07/09/2019	Instructor payment		\$35.75

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City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93122	07/12/2019			MACKAY METERS INC	\$241.54
	Invoice	Date	Description		Amount
	1053507	04/30/2019	April meter and credit card transaction fees		\$241.54
93123	07/12/2019			MARQUIS BOOTH	\$1,140.92
	Invoice	Date	Description		Amount
	MB061219	06/12/2019	POST funded SBSLI leadership training reimbursement		\$1,140.92
93124	07/12/2019			MBS BUSINESS SYSTEMS	\$1,039.52
	Invoice	Date	Description		Amount
	364137	06/30/2019	PD copier usage charges		\$1,039.52
93125	07/12/2019			MIKE HAMMAR	\$1,000.00
	Invoice	Date	Description		Amount
	MH071719	05/21/2019	Twilight concert performance 7/17		\$1,000.00
93126	07/12/2019			MISSION LINEN SUPPLY	\$90.95
	Invoice	Date	Description		Amount
	510225730	07/03/2019	Linen & mat/towel service		\$90.95
93127	07/12/2019			MONTEREY BAY AIR RESOURCES DISTRICT	\$4,812.80
	Invoice	Date	Description		Amount
	0002144	07/05/2019	MBARD assessment fees		\$4,812.80
93128	07/12/2019			NICHOLAS BIANCHINI	\$92.18
	Invoice	Date	Description		Amount
	NB070119	07/01/2019	Camp Capitola carnival toys reimbursement		\$92.18
93129	07/12/2019			OPENGOV INC.	\$3,333.00
	Invoice	Date	Description		Amount
	INV-000383	07/01/2019	FY 19/20 OpenGov software		\$3,333.00
93130	07/12/2019			PABLO RIVIERE	\$200.00
	Invoice	Date	Description		Amount
	PR072119	05/21/2019	Art and music at the beach performance 7/21		\$200.00
93131	07/12/2019			PACIFIC GALVANIZING	\$886.39
	Invoice	Date	Description		Amount
	PG1161250	06/19/2019	Esplanade park handrails		\$722.51
	PG1161407	06/26/2019	Esaplande park supplies		\$163.88

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City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93132	07/12/2019			PACIFIC MONARCH	\$5,600.00
	Invoice	Date	Description		Amount
	51964	03/25/2019	Camp Capitola transportation for multiple events		\$4,000.00
	52110-b	04/12/2019	Junior guards regional competition transportation		\$1,600.00
93133	07/12/2019			PALACE OFFICE SUPPLIES	\$148.73
	Invoice	Date	Description		Amount
	539180-0	07/02/2019	Paper		\$95.90
	9607852-0	05/31/2019	Pens, folders, document holder, binder		\$30.35
	9616069-0	07/02/2019	Pens, document flags, binder tabs		\$22.48
93134	07/12/2019			SAN LORENZO LUMBER	\$96.12
	Invoice	Date	Description		Amount
	55-0468968	07/03/2019	Wharf lumber		\$13.07
	55-0469686	07/08/2019	Sockets, tools		\$83.05
			1000 - General Fund	\$83.05	
			1311 - Wharf	\$13.07	
93135	07/12/2019			SANDY MARRUJO	\$491.40
	Invoice	Date	Description		Amount
	SM070919	07/09/2019	Instructor payment		\$491.40
93136	07/12/2019			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$12,343.00
	Invoice	Date	Description		Amount
	SCC070319	07/03/2019	June citation processing		\$12,343.00
93137	07/12/2019			SANTA CRUZ COUNTY INFORMATION SERVICES	\$633.68
	Invoice	Date	Description		Amount
	SCC070319	07/03/2019	July open query scan charges		\$633.68
93138	07/12/2019			SANTA CRUZ COUNTY SHERIFF	\$6,940.00
	Invoice	Date	Description		Amount
	070119	07/01/2019	Annual SART contribution		\$6,940.00
93139	07/12/2019			SANTA CRUZ FIRE EQUIPMENT CO.	\$207.23
	Invoice	Date	Description		Amount
	104309	06/28/2019	Wharf house semi-annual fire supression inspection, supplies		\$207.23
			1311 - Wharf		
93140	07/12/2019			SANTA CRUZ LIVE SCAN INC	\$360.00
	Invoice	Date	Description		Amount
	1204	07/01/2019	New hire live scans		\$360.00

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City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93141	07/12/2019			SCC ENVIRONMENTAL HEALTH SVC	\$165.00
	Invoice	Date	Description		Amount
	SCC062519	06/25/2019	Juvenile steelhead & stream habitat monitoring program		\$165.00
93142	07/12/2019			SPECTRUM BUSINESS	\$3,256.60
	Invoice	Date	Description		Amount
	0000178061919	06/19/2019	June internet service		\$3,256.60
			1000 - General Fund	\$1,304.31	
			2211 - ISF - Info Tech	\$1,952.29	
93143	07/12/2019			SPORT ABOUT GRAPHICS	\$6,262.81
	Invoice	Date	Description		Amount
	7893	07/01/2019	Junior guard staff t-shirts		\$273.00
	7896	07/08/2019	Camp Capitola staff t-shirts		\$43.38
	7898	07/08/2019	Camp participant t-shirts - session 3 and 4		\$2,848.82
	7897	07/08/2019	Junior guard t-shirts session 2		\$3,097.61
93144	07/12/2019			STAPLES ADVANTAGE	\$129.28
	Invoice	Date	Description		Amount
	8054779053	06/22/2019	Tape, paper towels, wipes, dust off, pens		\$129.28
93145	07/12/2019			SUMMIT UNIFORMS	\$1,328.48
	Invoice	Date	Description		Amount
	59583	06/05/2019	566 uniform		\$86.31
	59872	06/18/2019	523 uniform		\$227.24
	59919	06/19/2019	200 uniform patches		\$655.50
	60108	06/27/2019	Pants, boots, shirt		\$359.43
93146	07/12/2019			THE HOME DEPOT PRO	\$2,909.00
	Invoice	Date	Description		Amount
	499018422	06/26/2019	Cleaning and restroom supplies		\$2,909.00
93147	07/12/2019			TPX COMMUNICATIONS	\$1,588.23
	Invoice	Date	Description		Amount
	117898727-0	06/23/2019	June phone service		\$1,588.23
			1000 - General Fund	\$800.76	
			2211 - ISF - Info Tech	\$787.47	
93148	07/12/2019			UNITED CAMPS CONFERENCES AND RETREATS	\$70.00
	Invoice	Date	Description		Amount
	40054-b	06/27/2019	Lodging for Camp Capitola Monte Toyon event		\$70.00

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City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93149	07/12/2019			UNITED PARCEL SERVICE	\$35.19
	Invoice	Date	Description		Amount
	0000954791269	06/29/2019	Document shipping		\$35.19
93150	07/12/2019			US BANK	\$77,056.37
	Invoice	Date	Description		Amount
	62852	07/01/2019	Pac Cove facility lease A/C#207877000 1421 - Pac Cove Park		\$77,056.37
93151	07/12/2019			US BANK PARS Acct 6746022400	\$3,984.10
	Invoice	Date	Description		Amount
	PARS070519	07/05/2019	PARS contributions PPE 6/29/19 1001 - Payroll Payables		\$3,984.10
93152	07/12/2019			VISIT SANTA CRUZ COUNTY	\$52,778.56
	Invoice	Date	Description		Amount
	VSCC063019	06/30/2019	April - June TMD remittance		\$52,778.56
93153	07/12/2019			VIVIAN SIMON	\$200.00
	Invoice	Date	Description		Amount
	VS072119	05/21/2019	Art and music at the beach performance 7/21		\$200.00
93154	07/12/2019			WATSONVILLE BLUEPRINT	\$26.77
	Invoice	Date	Description		Amount
	86309	07/02/2019	Venetian court scans		\$26.77
93155	07/12/2019			WENDY NOLAN	\$299.00
	Invoice	Date	Description		Amount
	WN070919	07/09/2019	Instructor payment		\$299.00
93156	07/12/2019			ZEE MEDICAL SERVICE CO.	\$206.66
	Invoice	Date	Description		Amount
	66584021	05/14/2019	Corp. yard and fleet medical supplies		\$206.66
93157	07/12/2019			Cheryl Wong	\$513.00
	Invoice	Date	Description		Amount
	405PineStreet	07/09/2019	Tree deposit refund 405 Pine St.		\$513.00
93158	07/12/2019			OTC Brands Inc.	\$163.00
	Invoice	Date	Description		Amount
	696954478-01	06/26/2019	Camp Capitola games and prizes		\$163.00

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City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93159	07/12/2019			UC Regents Seymour Center	\$273.00
	Invoice	Date	Description		Amount
	SMDC070519	07/05/2019	Camp Capitola field trip admission		\$273.00
Type Check Totals:					\$251,624.54
<u>EFT</u>					
798	07/09/2019			CalPERS Member Services Division	\$50,733.42
	Invoice	Date	Description		Amount
	1001356797-800	07/09/2019	PERS contributions PPE 6/29/19		\$50,733.42
			1000 - General Fund	(\$0.26)	
			1001 - Payroll Payables	\$50,733.68	
799	07/09/2019			EMPLOYMENT DEVELOPMENT DEPT	\$8,278.81
	Invoice	Date	Description		Amount
	1-108-224-704	07/09/2019	State taxes PPE 6/29/19		\$8,278.81
			1001 - Payroll Payables		
800	07/09/2019			INTERNAL REVENUE SERVICE	\$31,059.35
	Invoice	Date	Description		Amount
	72469380	07/09/2019	Federal taxes and Medicare PPE 6/29/19		\$31,059.35
			1001 - Payroll Payables		
801	07/08/2019			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice	Date	Description		Amount
	3HLSV056657	07/08/2019	Employee garnishments PPE 6/29/19		\$1,232.76
			1001 - Payroll Payables		
802	07/11/2019			WELLS FARGO BANK	\$763.57
	Invoice	Date	Description		Amount
	WF071119	07/11/2019	July client analysis charges		\$763.57
			1001 - Payroll Payables		
Type EFT Totals:					\$92,067.91
Library - Library					
<u>Check</u>					
138	07/12/2019			BOGARD CONSTRUCTION INC.	\$10,660.00
	Invoice	Date	Description		Amount
	160707-34	06/30/2019	Library construction project management services		\$10,660.00
			1360 - Library Fund		
Type Check Totals:					\$10,660.00

Attachment: 7/12/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 12, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
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CITY - Main City Totals				Count:	Total:
Checks				84	\$251,624.54
EFTs				5	\$92,067.91
All				89	\$343,692.45
Library - Library Totals					
Checks				1	\$10,660.00
EFTs				0	\$0.00
All				1	\$10,660.00
Grand Totals					
Checks				85	\$262,284.54
EFTs				5	\$92,067.91
All				90	\$354,352.45

Attachment: 7/12/19 City Check Register (Approval of City Check Registers)

City main account checks dated July 19, 2019, numbered 93160 to 93246, totaling \$59,342.39, 2 Library checks totaling \$287,836.65, and 7 Payroll checks plus 122 EFTs totaling \$199,871.61, for a grand total of \$547,050.65, have been reviewed and authorized for distribution by the City Manager.

As of July 19, 2019, the unaudited cash balance is \$5,806,245.69.

CASH POSITION - CITY OF CAPITOLA 7/19/19

	<u>Net Balance</u>
General Fund	\$456,957.98
Payroll Payables	\$183,086.49
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$449,433.06
Capital Improvement Fund	\$1,724,143.77
Stores Fund	\$46,057.47
Information Technology Fund	\$195,248.78
Equipment Replacement	\$387,375.89
Self-Insurance Liability Fund	\$151,656.61
Workers' Comp. Ins. Fund	\$231,640.79
Compensated Absences Fund	(\$55,700.81)
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$5,806,245.69</u>


The Emergency Reserve Fund balance is \$1,344,205.54 (not included above).
The PERS Contingency Fund balance is \$867,087.95 (not included above).
The Library Fund balance is \$2,625,568.27 (not included above).



Jamie Goldstein, City Manager

7/19/19

Date



Jim Malberg, City Treasurer

7/19/19

Date

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93160	07/19/2019			AMAZON CAPITAL SERVICES	\$86.03
	Invoice	Date	Description		Amount
	16PX-TJRD-FG99	07/08/2019	Bulk hand sanitizer		\$86.03
93161	07/19/2019			ASTRO EVENTS OF SAN JOSE	\$675.00
	Invoice	Date	Description		Amount
	C326-1	07/15/2019	Obstacle course and jumping castle rental		\$675.00
93162	07/19/2019			AT&T	\$9.12
	Invoice	Date	Description		Amount
	ATT070119	07/01/2019	July long distance charges		\$9.12
			1000 - General Fund	\$4.48	
			2211 - ISF - Information Technology	\$4.64	
93163	07/19/2019			BAY PHOTO LAB	\$8.82
	Invoice	Date	Description		Amount
	14467111	07/05/2019	Photo prints for museum		\$8.82
93164	07/19/2019			BILL TASHNICK	\$78.00
	Invoice	Date	Description		Amount
	BT071219	07/12/2019	Softball official services 7/1 & 7/8		\$78.00
93165	07/19/2019			BRINKS AWARDS & SIGNS	\$893.66
	Invoice	Date	Description		Amount
	80103	07/10/2019	Junior guards award plaques and trophies		\$893.66
93166	07/19/2019			CAPITOLA BEACH FESTIVAL ASSOCIATION	\$5,000.00
	Invoice	Date	Description		Amount
	222	06/30/2019	Beach Festival sponsorship		\$5,000.00
93167	07/19/2019			CAPITOLA SELF STORAGE	\$600.00
	Invoice	Date	Description		Amount
	CSS071119	07/11/2019	Museum storage rent unit #2823 (6 months)		\$600.00
93168	07/19/2019			COVELLO & COVELLO PHOTOGRAPHY	\$1,562.28
	Invoice	Date	Description		Amount
	6591	07/10/2019	Junior guards photographs		\$1,562.28
93169	07/19/2019			CVS PHARMACY INC.	\$78.60
	Invoice	Date	Description		Amount
	7574	07/12/2019	Camp prizes		\$15.89
	7573	07/15/2019	Sunblock		\$62.71

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93170	07/19/2019			DEBORAH ELIZABETH ROCHA	\$104.00
	Invoice	Date	Description		Amount
	DR071519	07/15/2019	Instructor payment		\$104.00
93171	07/19/2019			EXTRA LARGE	\$1,000.00
	Invoice	Date	Description		Amount
	2341	05/06/2019	Twilight Concert performance 7/24		\$1,000.00
93172	07/19/2019			FIRST SECURITY	\$344.93
	Invoice	Date	Description		Amount
	IN-0010648	07/06/2019	July Jade Street Park patrol		\$344.93
93173	07/19/2019			FRED C. BEYERS	\$195.00
	Invoice	Date	Description		Amount
	FB071219	07/12/2019	Softball official services		\$195.00
93174	07/19/2019			GARDAWORLD	\$201.55
	Invoice	Date	Description		Amount
	10498284	07/01/2019	July armored vehicle service		\$201.55
93175	07/19/2019			HEALTH EDUCATION SERVICES	\$309.74
	Invoice	Date	Description		Amount
	24514	06/12/2019	Batteries for AEDs		\$309.74
93176	07/19/2019			HOME DEPOT CREDIT SERVICES	\$15.17
	Invoice	Date	Description		Amount
	4525280	07/08/2019	Camp supplies		\$15.17
93177	07/19/2019			KATHY D'ANGELO	\$500.00
	Invoice	Date	Description		Amount
	000V-06202019	07/06/2019	Museum interview and video services		\$500.00
93178	07/19/2019			LESLIE FELLOWS	\$600.00
	Invoice	Date	Description		Amount
	LF071519	07/15/2019	Sunday Art and Music at the Beach coordinator		\$300.00
	LF070819	07/08/2019	Sunday Art and Music at the Beach coordinator		\$300.00
93179	07/19/2019			MACKAY METERS INC	\$219.21
	Invoice	Date	Description		Amount
	1054116	06/30/2019	June meter and credit card transaction fees		\$219.21

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93180	07/19/2019			MICHAEL G LEW	\$234.00
	Invoice	Date	Description		Amount
	ML071519	07/15/2019	Instructor payment		\$234.00
93181	07/19/2019			MILLER'S TRANSFER & STORAGE CO.	\$356.50
	Invoice	Date	Description		Amount
	91234	07/08/2019	July record storage and June warehouse handling		\$356.50
93182	07/19/2019			MISSION LINEN SUPPLY	\$78.06
	Invoice	Date	Description		Amount
	510207259	07/01/2019	Community Center mop and mat service		\$78.06
93183	07/19/2019			PACIFIC YACHTING AND SAILING	\$507.00
	Invoice	Date	Description		Amount
	PS071519	07/15/2019	Instructor payment		\$507.00
93184	07/19/2019			PALACE OFFICE SUPPLIES	\$210.92
	Invoice	Date	Description		Amount
	538860-0	06/26/2019	Protective folder, staples		\$16.95
	9617547-0	07/09/2019	Museum ink cartridge		\$20.82
	539536-0	07/09/2019	Paper, post-it notes, notebooks		\$110.49
	C538860-0	07/02/2019	Return protective folder		(\$12.10)
	539911-0	07/12/2019	Reinforced folders		\$31.39
	539888-0	07/11/2019	Expandable files		\$43.37
			1000 - General Fund	\$131.31	
			2210 - ISF - Stores Fund	\$79.61	
93185	07/19/2019			PEDRO ZAMORA	\$248.78
	Invoice	Date	Description		Amount
	PZ071219	07/12/2019	Meal reimbursement for armory school training		\$248.78
93186	07/19/2019			SCC INFORMATION SERVICES	\$2,922.63
	Invoice	Date	Description		Amount
	SCC070219	07/02/2019	July - September point to point VPN service		\$2,109.48
	RadioShop 6/19	07/08/2019	April - June radio shop charges		\$813.15
93187	07/19/2019			SANTA CRUZ SENTINEL	\$854.00
	Invoice	Date	Description		Amount
	0001200280	06/30/2019	BIA public hearing notice, twilight concert advertising		\$854.00
			1000 - General Fund	\$430.00	
			1321 - BIA - Capitola Village-Wharf	\$424.00	

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93188	07/19/2019			SIRCHIE	\$109.82
	Invoice	Date	Description		Amount
	0407219-IN	07/09/2019	Evidence supplies		\$109.82
93189	07/19/2019			US BANK EQUIPMENT FINANCE	\$481.78
	Invoice	Date	Description		Amount
	389339870	07/03/2019	City Hall & Recreation copier leases		\$481.78
			1000 - General Fund	\$25.80	
			2210 - ISF - Stores Fund	\$455.98	
93190	07/19/2019			US BANK EQUIPMENT FINANCE	\$103.55
	Invoice	Date	Description		Amount
	389339771	07/03/2019	Recreation copier lease		\$103.55
93191	07/19/2019			US BANK EQUIPMENT FINANCE	\$288.85
	Invoice	Date	Description		Amount
	389340258	07/03/2019	PD copier lease		\$288.85
93192	07/19/2019			WELLS FARGO BANK	\$8,779.60
	Invoice	Date	Description		Amount
	WF070319	07/03/2019	June credit card charges		\$8,779.60
			Purchases over \$500 threshold:		
			League of CA Cities conference	\$ 550.00	
			City seal decals for fleet	\$ 781.14	
			4 canopies for guards	\$ 799.95	
			IT consulting	\$2,500.00	
			1000 - General Fund	\$6,039.87	
			2210 - ISF - Stores Fund	\$82.61	
			2211 - ISF - Information Technology	\$2,657.12	
93193	07/19/2019			Allyson Kosek	\$80.00
	Invoice	Date	Description		Amount
	AK070319	07/03/2019	Junior leader stipend		\$80.00
93194	07/19/2019			Angela Marie	\$500.00
	Invoice	Date	Description		Amount
	AM071519	07/15/2019	Kuzanga Marimba performance at Food Truck Friday		\$500.00
93195	07/19/2019			Bryan Garrison	\$100.00
	Invoice	Date	Description		Amount
	BG043019	04/30/2019	Art and Culture promotional postcard art		\$100.00

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93196	07/19/2019			Carlo Bianco Jr.	\$56.00
	Invoice	Date	Description		Amount
	CB071219	07/12/2019	Junior leader stipend		\$56.00
93197	07/19/2019			Carolina Ruiz	\$100.00
	Invoice	Date	Description		Amount
	CR070219	07/02/2019	Art and Culture postcard art		\$100.00
93198	07/19/2019			Cem Yazgan	\$80.00
	Invoice	Date	Description		Amount
	CY070319	07/03/2019	Junior leader stipend		\$80.00
93199	07/19/2019			Chloe Boutell	\$152.00
	Invoice	Date	Description		Amount
	CB070319	07/03/2019	Junior leader stipend		\$152.00
93200	07/19/2019			Chloe Boutell	\$64.00
	Invoice	Date	Description		Amount
	CB07122019	07/12/2019	Junior leader stipend		\$64.00
93201	07/19/2019			Dakota Heid	\$128.00
	Invoice	Date	Description		Amount
	DH07122019	07/12/2019	Junior leader stipend		\$128.00
93202	07/19/2019			Dakota Heid	\$112.00
	Invoice	Date	Description		Amount
	DH070319	07/03/2019	Junior leader stipend		\$112.00
93203	07/19/2019			Delilah Howser	\$78.00
	Invoice	Date	Description		Amount
	DH071219	07/12/2019	Junior leader stipend		\$78.00
93204	07/19/2019			Julia Bollinger	\$72.00
	Invoice	Date	Description		Amount
	JB070319	07/03/2019	Junior leader stipend		\$72.00
93205	07/19/2019			Julia Bollinger	\$80.00
	Invoice	Date	Description		Amount
	JB071219	07/12/2019	Junior leader stipend		\$80.00
93206	07/19/2019			Julian Kamos	\$80.00
	Invoice	Date	Description		Amount
	JK070319	07/03/2019	Junior leader stipend		\$80.00

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93207	07/19/2019			Julian Kamos	\$32.00
	Invoice	Date	Description		Amount
	JK071219	07/12/2019	Junior leader stipend		\$32.00
93208	07/19/2019			Kendal Wilson	\$144.00
	Invoice	Date	Description		Amount
	KW070319	07/03/2019	Junior leader stipend		\$144.00
93209	07/19/2019			Kendal Wilson	\$142.00
	Invoice	Date	Description		Amount
	KW071219	07/12/2019	Junior leader stipend		\$142.00
93210	07/19/2019			Linneah Keence	\$78.00
	Invoice	Date	Description		Amount
	LK071219	07/12/2019	Junior leader stipend		\$78.00
93211	07/19/2019			Madison Heid	\$160.00
	Invoice	Date	Description		Amount
	MH070319	07/03/2019	Junior leader stipend		\$160.00
93212	07/19/2019			Madison Heid	\$136.00
	Invoice	Date	Description		Amount
	MH07122019	07/12/2019	Junior leader stipend		\$136.00
93213	07/19/2019			Marci Ryther	\$36.00
	Invoice	Date	Description		Amount
	700124238	07/11/2019	Citation refund		\$36.00
93214	07/19/2019			Max Perko	\$160.00
	Invoice	Date	Description		Amount
	MP070319	07/03/2019	Junior leader stipend		\$160.00
93215	07/19/2019			Max Perko	\$144.00
	Invoice	Date	Description		Amount
	MP071219	07/12/2019	Junior leader stipend		\$144.00
93216	07/19/2019			Sascha McCauley	\$80.00
	Invoice	Date	Description		Amount
	SM070319	07/03/2019	Junior leader stipend		\$80.00
93217	07/19/2019			Sevin Vargas	\$152.00
	Invoice	Date	Description		Amount
	SV070319	07/03/2019	Junior leader stipend		\$152.00

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93218	07/19/2019			Sevin Vargas	\$66.00
	Invoice	Date	Description		Amount
	SV071219	07/12/2019	Junior leader stipend		\$66.00
93219	07/19/2019			Tanner Lujan	\$80.00
	Invoice	Date	Description		Amount
	TL070319	07/03/2019	Junior leader stipend		\$80.00
93220	07/19/2019			Tess Ortiz	\$32.00
	Invoice	Date	Description		Amount
	TO071219	07/12/2019	Junior leader stipend		\$32.00
93221	07/19/2019			Vera Badagliacca	\$144.00
	Invoice	Date	Description		Amount
	VB071219	07/12/2019	Junior leader stipend		\$144.00
93222	07/19/2019			BOWMAN & WILLIAMS INC.	\$706.25
	Invoice	Date	Description		Amount
	13841	07/12/2019	Rispin Peery pathway engineering and drafting 1200 - Capital Improvement Fund		\$706.25
93223	07/19/2019			CITY OF SANTA CRUZ	\$1,412.00
	Invoice	Date	Description		Amount
	036632	06/06/2019	Stream habitat and juvenile salmonid monitoring		\$1,412.00
93224	07/19/2019			EMERGENCY VEHICLE SPECIALISTS INC.	\$285.83
	Invoice	Date	Description		Amount
	10041	07/03/2019	PD car #181 PA mic replaced (plus a spare)		\$285.83
93225	07/19/2019			EWING IRRIGATION	\$215.87
	Invoice	Date	Description		Amount
	7796005	07/02/2019	Carson box, hand crank spreader		\$66.11
	7837325	07/09/2019	Jade St. park plumbing supplies		\$149.76
93226	07/19/2019			FASTENAL COMPANY	\$241.07
	Invoice	Date	Description		Amount
	CASAT53343	06/20/2019	Hex cap screws, washers, lock nuts		\$235.98
	CASAT53449	06/28/2019	Carbon steel hex nuts		\$5.09

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93227	07/19/2019			FLYERS ENERGY LLC	\$4,644.10
	Invoice	Date	Description		Amount
	19-933841	06/27/2019	389 gallons gasoline		\$1,533.60
	19-933840	06/27/2019	134 gallons diesel		\$522.48
	19-937368	07/03/2019	514 gallons gasoline		\$2,040.29
	19-937372	07/03/2019	143 gallons diesel		\$547.73
93228	07/19/2019			GEORGE McMENAMIN	\$793.31
	Invoice	Date	Description		Amount
	2020-01	07/14/2019	Riparian restoration services		\$793.31
93229	07/19/2019			HOME DEPOT CREDIT SERVICES	\$373.82
	Invoice	Date	Description		Amount
	2610741	07/10/2019	Loctite, brass coupling, bucket		\$50.23
	0633219	07/12/2019	Broom, toilet brush, weed blocker		\$49.97
	0372869	07/12/2019	Gorilla tape, white striping		\$35.31
	3513555	07/09/2019	Nozzle, shutoff couplings, brass elbow		\$37.57
	0610912	07/12/2019	Galvanized plugs, brass plugs		\$13.69
	2632848	07/10/2019	Paint, rollers, tray		\$32.30
	3620777	07/09/2019	Steel bars (4)		\$57.12
	7620138	07/05/2019	Super glue, tape, painters tape		\$42.99
	9625918	07/03/2019	Plasti-dip, batteries		\$54.64
93230	07/19/2019			HYDROSCIENCE ENGINEERS INC.	\$2,947.50
	Invoice	Date	Description		Amount
	331010009	07/01/2019	Stormwater review services 4199 Clares St.		\$2,947.50
93231	07/19/2019			INTERSTATE BATTERY SYSTEM OF SAN JOSE IN	\$201.36
	Invoice	Date	Description		Amount
	50278853	07/01/2019	Parking meter batteries		\$201.36
93232	07/19/2019			LABORMAX STAFFING	\$4,541.46
	Invoice	Date	Description		Amount
	26-109360	07/12/2019	Seasonal labor 7/6 - 7/12/19		\$4,541.46
93233	07/19/2019			MICHAEL ARNONE	\$4,996.25
	Invoice	Date	Description		Amount
	201503-6	07/08/2019	Rispin Park plan development phase II 1200 - Capital Improvement Fund		\$4,996.25

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93234	07/19/2019			MID COUNTY AUTO SUPPLY	\$247.82
	Invoice	Date	Description		Amount
	MID-296906	05/08/2019	Return protectant		(\$83.70)
	MID-369604	06/27/2019	Ratcheting tap and die set		\$147.50
	MID-380652	07/06/2019	Light bulbs		\$6.58
	MID-382437	07/08/2019	Oil filters (6)		\$22.54
	MID-386066	07/10/2019	Super clean		\$14.95
	MID-386074	07/10/2019	Valve cap, core remover		\$15.57
	MID-387493	07/11/2019	Fuel pump, fitting, hose, fuel tank epoxy		\$76.87
	MID-388723	07/11/2019	Auto paint, brushes, sanding pads		\$47.51
93235	07/19/2019			MISSION LINEN SUPPLY	\$159.97
	Invoice	Date	Description		Amount
	510273665	07/10/2019	Corp. yard linen service & towels		\$87.65
	510273664	07/10/2019	Fleet uniform service and shop towels		\$36.16
	510225729	07/03/2019	Fleet linen service		\$36.16
93236	07/19/2019			O'REILLY AUTO PARTS	\$39.07
	Invoice	Date	Description		Amount
	2763-465291	07/10/2019	Oil filters (8)		\$39.07
93237	07/19/2019			PARTSMASTER	\$816.11
	Invoice	Date	Description		Amount
	23433499	06/24/2019	Garage work lights		\$816.11
93238	07/19/2019			PRAXAIR DISTRIBUTION INC.	\$122.41
	Invoice	Date	Description		Amount
	90165313	06/22/2019	Acetylene rental		\$122.41
93239	07/19/2019			SAN LORENZO LUMBER	\$810.17
	Invoice	Date	Description		Amount
	55-0470443	07/10/2019	Sun glasses		\$52.95
	55-0465953	06/21/2019	Oil drain plug		\$8.39
	57-0047632	06/25/2019	Door		\$748.83
93240	07/19/2019			SANTA CRUZ MUNICIPAL UTILITIES	\$69.50
	Invoice	Date	Description		Amount
	SCMU063019	06/30/2019	June water service for medians		\$69.50
93241	07/19/2019			SANTA CRUZ SENTINEL	\$431.74
	Invoice	Date	Description		Amount
	SENTINEL070119	07/04/2019	Corp. yard newspaper subscription		\$431.74

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93242	07/19/2019			SOQUEL CREEK WATER DISTRICT	\$2,083.75
	Invoice	Date	Description		Amount
	SCWD062019	06/27/2019	June water service		\$2,083.75
93243	07/19/2019			THE HOME DEPOT PRO	\$1,550.30
	Invoice	Date	Description		Amount
	500453360	07/05/2019	Restroom and cleaning supplies		\$1,550.30
93244	07/19/2019			TRANSPORTATION ALLIANCE BANK INC.	\$481.68
	Invoice	Date	Description		Amount
	651591	07/09/2019	Sweeper pump, hardware 1310 - Gas Tax		\$481.68
93245	07/19/2019			WESTERN EXTERMINATOR COMPANY	\$128.00
	Invoice	Date	Description		Amount
	7138839	06/30/2019	Turnouts rodent control		\$64.00
	7138838	06/30/2019	City Hall rodent control		\$64.00
93246	07/19/2019			ZEP SALES & SERVICE	\$118.45
	Invoice	Date	Description		Amount
	9004389907	07/05/2019	Auto glass cleaner		\$118.45
Type Check Totals:					\$59,342.39
Library - Library					
<u>Check</u>					
139	07/19/2019			JOHN F OTTO INC ESCROW NO 02-701154	\$14,391.83
	Invoice	Date	Description		Amount
	13199retainer	07/11/2019	Library construction 5% escrow 1360 - Library Fund		\$14,391.83
140	07/19/2019			OTTO CONSTRUCTION INC.	\$273,444.82
	Invoice	Date	Description		Amount
	13199	07/11/2019	June library construction 1360 - Library Fund		\$273,444.82
Type Check Totals:					\$287,836.65

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 19, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
CITY - Main City Totals				Count:	Total:
Checks				87	\$59,342.39
EFTs				0	\$0.00
All				87	\$59,342.39
Library - Library Totals					
Checks				2	\$287,836.65
EFTs				0	\$0.00
All				2	\$287,836.65
WELLS - Payroll Totals					
Checks				7	\$6,038.63
EFTs				122	\$193,832.98
All				129	\$199,871.61
Grand Totals:					
Checks				96	\$353,217.67
EFTs				122	\$193,832.98
All				218	\$547,050.65

Attachment: 7/19/19 City Check Register (Approval of City Check Registers)

City main account checks dated July 26, 2019, numbered 93247 to 93327 plus 5 EFTs totaling \$260,170.64 and 2 Library checks totaling \$13,665.16, for a grand total of \$273,835.80, have been reviewed and authorized for distribution by the City Manager.

As of July 26, 2019, the unaudited cash balance is \$6,236,100.35.

CASH POSITION - CITY OF CAPITOLA 7/26/19

	<u>Net Balance</u>
General Fund	\$1,002,119.65
Payroll Payables	\$70,162.38
Contingency Reserve Fund	\$2,036,345.66
Facilities Reserve Fund	\$449,433.06
Capital Improvement Fund	\$1,724,143.77
Stores Fund	\$43,970.25
Information Technology Fund	\$194,953.10
Equipment Replacement	\$387,375.89
Self-Insurance Liability Fund	\$151,656.61
Workers' Comp. Ins. Fund	\$231,640.79
Compensated Absences Fund	(\$55,700.81)
TOTAL UNASSIGNED GENERAL FUNDS	<u>\$6,236,100.35</u>

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

The PERS Contingency Fund balance is \$867,087.95 (not included above).

The Library Fund balance is \$2,612,353.11 (not included above).



 Jamie Goldstein, City Manager

8/2/19

 Date



 Jim Malberg, City-Treasurer

8/2/19

 Date

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93247	07/24/2019			DIXON AND SON INC.	\$599.54
	Invoice	Date	Description		Amount
	219811	06/05/2019	Tires, mounting, disposal		\$599.54
93248	07/26/2019			AIMEE FITZGERALD	\$182.00
	Invoice	Date	Description		Amount
	AF072219	07/22/2019	Instructor payment		\$182.00
93249	07/26/2019			ALVAREZ TECHNOLOGY GROUP INC	\$240.00
	Invoice	Date	Description		Amount
	52045	07/19/2019	August anti-virus software 2211 - ISF - Info Tech		\$240.00
93250	07/26/2019			AMAZON CAPITAL SERVICES	\$145.73
	Invoice	Date	Description		Amount
	1CCQ-RF7K-JW	07/17/2019	Cell phone case		\$27.75
	16LY-LQ41-TDN	07/11/2019	584 boots		\$117.98
93251	07/26/2019			ANDREW J. MORALES	\$1,000.00
	Invoice	Date	Description		Amount
	LTR073119	05/21/2019	Long Train Running Twilight Concert performance		\$1,000.00
93252	07/26/2019			APEX ADVENTURES INC.	\$500.00
	Invoice	Date	Description		Amount
	071919-C(b)	07/22/2019	Camp ropes course field trip balance		\$500.00
93253	07/26/2019			AT&T/CALNET 3	\$476.88
	Invoice	Date	Description		Amount
	0013335151	07/13/2019	July telephone service		\$476.88
			1000 - General Fund	\$456.25	
			2211 - ISF - Info Tech	\$20.63	
93254	07/26/2019			AT&T/CALNET 3	\$889.28
	Invoice	Date	Description		Amount
	0013335819	07/13/2019	July T-1 access		\$889.28
93255	07/26/2019			ATCHISON BARISONE & CONDOTTI	\$14,549.56
	Invoice	Date	Description		Amount
	ABC071719	07/17/2019	Monthly city attorney services		\$14,549.56

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93256	07/26/2019			AUTOMATION TEST ASSOCIATES	\$40.00
	Invoice	Date	Description		Amount
	47612	07/22/2019	July wharf meter reading 1311 - Wharf		\$40.00
93257	07/26/2019			AVENU MUNISERVICES	\$5,879.82
	Invoice	Date	Description		Amount
	INV06-006464	07/19/2019	Quarterly STARS service		\$41.90
	INV06-006463	07/19/2019	Quarterly sales tax auditing services		\$5,837.92
93258	07/26/2019			B & B SMALL ENGINE REPAIR	\$357.39
	Invoice	Date	Description		Amount
	423796	07/01/2019	Hedge trimmer accessory, pruning saw		\$305.18
	424932	07/16/2019	Chainsaw chains (2)		\$52.21
93259	07/26/2019			BATTERIES PLUS	\$555.66
	Invoice	Date	Description		Amount
	P16167568	07/01/2019	562 wheelchair batteries		\$555.66
93260	07/26/2019			BEN NOBLE URBAN AND REGIONAL PLANNING	\$992.00
	Invoice	Date	Description		Amount
	1227	07/16/2019	LCP implementation planning consultant 1313 - General Plan		\$992.00
93261	07/26/2019			BIG CREEK LUMBER	\$392.81
	Invoice	Date	Description		Amount
	1176221	07/15/2019	4x6 lumber (64)		\$392.81
93262	07/26/2019			CA DEPARTMENT OF TRANSPORTATION	\$1,723.69
	Invoice	Date	Description		Amount
	SL191068	07/10/2019	April - June signals and lighting 1310 - Gas Tax		\$1,723.69
93263	07/26/2019			CALIFORNIA COAST UNIFORM COMPANY	\$274.72
	Invoice	Date	Description		Amount
	7226	07/09/2019	Name tags		\$60.93
	7232	07/11/2019	Uniform tailoring		\$22.00
	7231	07/11/2019	562 uniform jacket		\$191.79
93264	07/26/2019			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,694.00
	Invoice	Date	Description		Amount
	POA072319	07/19/2019	POA and gym dues PPE 7/13/19 1001 - Payroll Payables		\$1,694.00

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93265	07/26/2019			CAROLYN FLYNN	\$1,620.00
	Invoice	Date	Description		Amount
	CBF-06-2019	07/15/2019	Affordable housing staff training		\$1,620.00
93266	07/26/2019			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$596.75
	Invoice	Date	Description		Amount
	2686	07/16/2019	June Planning Commision and City Council meeting footage		\$596.75
93267	07/26/2019			CREATIVE SERVICES OF NEW ENGLAND	\$393.95
	Invoice	Date	Description		Amount
	019-23819	07/22/2019	junior sticker badges		\$393.95
93268	07/26/2019			CUMBA C SIEGLER	\$65.00
	Invoice	Date	Description		Amount
	CS072219	07/22/2019	Instructor payment		\$65.00
93269	07/26/2019			CVS PHARMACY INC.	\$33.26
	Invoice	Date	Description		Amount
	6114	07/19/2019	Camp awards		\$33.26
93270	07/26/2019			DON CARUTH	\$400.00
	Invoice	Date	Description		Amount
	DC080419	05/21/2019	Art and Music at the Beach performance		\$400.00
93271	07/26/2019			FLYERS ENERGY LLC	\$2,302.53
	Invoice	Date	Description		Amount
	19-942694	07/11/2019	464 gallons gasoline		\$1,803.21
	19-942695	07/11/2019	111 gallons diesel		\$427.71
	CSF-1994376	07/15/2019	fuel for training to Susanville		\$71.61
93272	07/26/2019			FRANCHISE TAX BOARD	\$298.58
	Invoice	Date	Description		Amount
	607119956-3	07/19/2019	Employee garnishment PPE 7/13/19 1001 - Payroll Payables		\$298.58

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93273	07/26/2019			HOME DEPOT CREDIT SERVICES	\$188.29
	Invoice	Date	Description		Amount
	3611654	07/19/2019	Steel rods		\$26.09
	5015369	07/17/2019	Coil chain		\$22.04
	7015101	07/15/2019	Stop sets, clamp sets, wire rope		\$27.42
	1061242	07/11/2019	Drain kit		\$14.15
	1615904	07/01/2019	ABS pipe, pvc cutter, p-trap, adapters, couplings, cement		\$46.34
	7033417	07/15/2019	Caution tape		\$52.25
			1000 - General Fund	\$141.95	
			1311 - Wharf	\$46.34	
93274	07/26/2019			HOPE REHABILITATION SERVICES	\$2,400.00
	Invoice	Date	Description		Amount
	S169094	07/15/2019	July litter abatement week 1 & 2		\$2,400.00
93275	07/26/2019			HOUSING AUTHORITY OF THE COUNTY OF SANTA CRZ	\$2,388.00
	Invoice	Date	Description		Amount
	19-12CSD	07/12/2019	June security deposit assistance and income eligibility fees		\$2,388.00
			5552 - Cap Hsg Succ- PI		
93276	07/26/2019			HUMBOLDT PETROLEUM LLC	\$84.50
	Invoice	Date	Description		Amount
	088457	07/15/2019	July car wash service		\$84.50
93277	07/26/2019			ICMA RETIREMENT TRUST 457	\$8,046.38
	Invoice	Date	Description		Amount
	41771055	07/19/2019	457 contributions PPE 7/13/19		\$8,046.38
			1001 - Payroll Payables		
93278	07/26/2019			JANICE THERESA ENSMINGER	\$336.70
	Invoice	Date	Description		Amount
	JE072219	07/22/2019	Instructor payment		\$336.70
93279	07/26/2019			KBA Document Solutions LLC	\$74.88
	Invoice	Date	Description		Amount
	INV814541	07/12/2019	July copier usage charges		\$33.80
	INV814540	07/12/2019	July copier usage charges		\$41.08
			1000 - General Fund	\$39.83	
			2211 - ISF - Info Tech	\$35.05	

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93280	07/26/2019			KIMLEY HORN AND ASSOCIATES INC	\$4,858.60
	Invoice	Date	Description		Amount
	14145904	06/30/2019	June Brommer Street complete street project services		\$3,358.60
	14064598	06/30/2019	1404 38th Ave parking study - project #19-0246		\$1,500.00
			1000 - General Fund	\$1,500.00	
			1309 - RTC Streets	\$3,358.60	
93281	07/26/2019			LABORMAX STAFFING	\$8,426.64
	Invoice	Date	Description		Amount
	26-108782	06/28/2019	Public works seasonal labor		\$4,351.14
	26-109665	07/19/2019	Public works seasonal labor		\$4,075.50
93282	07/26/2019			LAFCO/LOCAL AGENCY FORMATION COMMISSION	\$7,008.23
	Invoice	Date	Description		Amount
	LAFCO19-20	07/01/2019	LAFCO FY19/20 fees		\$7,008.23
93283	07/26/2019			LUXLAUNDER	\$1,120.42
	Invoice	Date	Description		Amount
	L063019	06/30/2019	June PD uniform cleaning service		\$1,120.42
93284	07/26/2019			MAR-KEN K-9 TRAINING CENTER	\$240.00
	Invoice	Date	Description		Amount
	0301-19	07/15/2019	July K-9 training		\$240.00
93285	07/26/2019			MID COUNTY AUTO SUPPLY	\$474.83
	Invoice	Date	Description		Amount
	MID-392506	07/15/2019	Auto light bulbs		\$46.00
	MID-394339	07/16/2019	Valve sensor		\$81.77
	MID-397811	07/17/2019	Bottle jack		\$339.07
	MID-398543	07/18/2019	Hydrolic jack oil		\$7.99
93286	07/26/2019			MISSION LINEN SUPPLY	\$127.11
	Invoice	Date	Description		Amount
	510318481	07/17/2019	Fleet linen service		\$36.16
	510318482	07/17/2019	Corp. Yard linen service		\$90.95
93287	07/26/2019			NANCY HOWELLS	\$109.20
	Invoice	Date	Description		Amount
	NH072219	07/22/2019	Instructor payment		\$109.20
93288	07/26/2019			NORTH BAY FORD	\$35.83
	Invoice	Date	Description		Amount
	272955	07/18/2019	Auto inserts		\$35.83

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93289	07/26/2019			O'REILLY AUTO PARTS	\$81.45
	Invoice	Date	Description		Amount
	2763-466983	07/17/2019	Exhaust fluid		\$30.50
	2763-466984	07/17/2019	Auto wash soap		\$50.95
93290	07/26/2019			OSUNA AUTO ELECTRIC & SMALL ENGINE REPAIR	\$440.32
	Invoice	Date	Description		Amount
	33522	07/12/2019	Alternator repair and parts		\$307.56
	33639	07/22/2019	Replace leads on loader and parts		\$132.76
93291	07/26/2019			PACIFIC GALVANIZING	\$509.94
	Invoice	Date	Description		Amount
	PG1161580	07/08/2019	Handrails, posts		\$509.94
93292	07/26/2019			PACIFIC GAS & ELECTRIC	\$16,078.93
	Invoice	Date	Description		Amount
	PGE071919-accl	07/19/2019	July gas and electricity		\$15,148.18
	PGE071419-accl	07/14/2019	Wharf Road Rispin Mansion utilities		\$9.96
	PGE071619-accl	07/16/2019	Pacific Cove parking lot utilities		\$920.79
			1000 - General Fund	\$6,149.31	
			1300 - Supl Law Enfc	\$128.47	
			1310 - Gas Tax	\$7,059.13	
			1311 - Wharf	\$2,742.02	
93293	07/26/2019			PALACE OFFICE SUPPLIES	\$540.57
	Invoice	Date	Description		Amount
	540314-0	07/17/2019	Rubberbands, labels, paper ream		\$66.23
	9619685-0	07/17/2019	Camp art supplies		\$324.77
	9619692-0	07/17/2019	Camp art supplies		\$121.97
	9621088-0	07/23/2019	Tape, clip, letter opener, pens, index		\$27.60
			1000 - General Fund	\$474.34	
			2210 - ISF - Stores Fund	\$66.23	
93294	07/26/2019			PDM STEEL SERVICE CENTERS INC.	\$5,036.51
	Invoice	Date	Description		Amount
	821662-01	05/08/2019	Assorted tubing		\$5,036.51
93295	07/26/2019			PHOENIX GROUP INFORMATION SYSTEMS	\$5,348.05
	Invoice	Date	Description		Amount
	062019070	07/16/2019	June citation processing		\$5,348.05

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93296	07/26/2019			PITNEY BOWES	\$2,020.99
	Invoice	Date	Description		Amount
	PB071919	07/19/2019	City Hall postage machine refill 2210 - ISF - Stores Fund		\$2,020.99
93297	07/26/2019			PREFERRED BENEFIT INSURANCE ADMIN.	\$5,800.30
	Invoice	Date	Description		Amount
	EIA28832	07/01/2019	July dental and vision insurance 1001 - Payroll Payables		\$5,800.30
93298	07/26/2019			ROBIN H EVEREST	\$101.40
	Invoice	Date	Description		Amount
	RE072219	07/22/2019	Instructor payment		\$101.40
93299	07/26/2019			RWG LEGAL	\$11,130.00
	Invoice	Date	Description		Amount
	RWG080119	06/13/2019	August general city attorney services		\$11,130.00
93300	07/26/2019			S&S WORLDWIDE INC.	\$283.07
	Invoice	Date	Description		Amount
	IN100198182	07/12/2019	Camp craft supplies		\$283.07
93301	07/26/2019			SAN LORENZO LUMBER	\$52.83
	Invoice	Date	Description		Amount
	55-0470440	07/10/2019	Rebar		\$28.32
	55-0470750	07/11/2019	Safety glasses		\$24.51
93302	07/26/2019			SANTANA PAVING & GRADING INC.	\$6,300.00
	Invoice	Date	Description		Amount
	2805	07/17/2019	Pavement repair on El Salto 1310 - Gas Tax		\$6,300.00
93303	07/26/2019			SC Swimming CAFL	\$529.10
	Invoice	Date	Description		Amount
	QSC072219	07/22/2019	Instructor payment		\$529.10
93304	07/26/2019			SOQUEL CREEK ANIMAL HOSPITAL	\$527.46
	Invoice	Date	Description		Amount
	56487	07/11/2019	K-9 vaccinations rebate		(\$75.00)
	56396	07/03/2019	K-9 vaccinations		\$602.46

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City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93305	07/26/2019			SOQUEL CREEK WATER DISTRICT	\$23,893.14
	Invoice	Date	Description		Amount
	SCWD052919	05/29/2019	May irrigation water charges		\$12,098.95
	SCWD062519	06/25/2019	June irrigation water charges		\$11,545.54
	SCWD070819	07/19/2019	June corp yard water service		\$248.65
			1000 - General Fund	\$22,504.30	
			1311 - Wharf	\$1,388.84	
93306	07/26/2019			SPORT ABOUT GRAPHICS	\$4,391.45
	Invoice	Date	Description		Amount
	7867balance	05/14/2019	Jr Guard staff tee shirts		\$240.46
	7868balance	05/14/2019	Camp Capitola tee shirts		\$548.11
	7869balance	05/14/2019	Camp Capitola Jr. Leader tee shirts		\$342.31
	7870balance	05/14/2019	Jr Guard participant tee shirts		\$1,104.52
	7871balance	05/14/2019	Camp Capitola staff tee shirts		\$396.50
	7873balance	05/16/2019	Jr Guard staff tee shirts		\$1,114.77
	7876balance	05/23/2019	Softball champs tee shirts		\$242.79
	7899	07/08/2019	Camp Capitola Jr. Leader tee shirts		\$401.99
93307	07/26/2019			SPRINT	\$2,702.47
	Invoice	Date	Description		Amount
	788070596-023	07/03/2019	June cell phone charges		\$2,702.47
93308	07/26/2019			STAPLES ADVANTAGE	\$72.01
	Invoice	Date	Description		Amount
	8055005393	07/13/2019	Post it notes, receipt rolls, pens		\$72.01
93309	07/26/2019			STATE STEEL COMPANY	\$667.19
	Invoice	Date	Description		Amount
	125707	07/18/2019	Sheet metal		\$667.19
93310	07/26/2019			T MOBILE	\$261.48
	Invoice	Date	Description		Amount
	2019-06	06/21/2019	June cell phone usage		\$261.48
93311	07/26/2019			THE CLEANING MACHINE INC.	\$2,680.00
	Invoice	Date	Description		Amount
	6349	06/27/2019	Sidewalk cleaning		\$2,680.00
93312	07/26/2019			TRUDIE RANSOM	\$304.20
	Invoice	Date	Description		Amount
	TR072219	07/22/2019	Instructor payments		\$304.20

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)

City Checks Issued July 26, 2019

Check Number	Invoice Numbers	Invoice Date	Description	Payee Name	Transaction Amount
93313	07/26/2019			UNITED WAY OF SANTA CRUZ COUNTY	\$30.00
	Invoice	Date	Description		Amount
	UW071919	07/19/2019	United Way contributions PPE 7/13/19 1001 - Payroll Payables		\$30.00
93314	07/26/2019			UPEC LIUNA LOCAL 792	\$1,140.00
	Invoice	Date	Description		Amount
	UPEC070119	07/01/2019	July UPEC dues 1001 - Payroll Payables		\$1,140.00
93315	07/26/2019			US BANK PARS Acct 6746022400	\$3,289.35
	Invoice	Date	Description		Amount
	PARS071919	07/19/2019	PARS contributions PPE 7/13/19 1001 - Payroll Payables		\$3,289.35
93316	07/26/2019			VON DER PFALZ	\$315.00
	Invoice	Date	Description		Amount
	VDP_07092019	07/09/2019	K-9 boarding for 1 week		\$315.00
93317	07/26/2019			WATSONVILLE BLUEPRINT	\$51.35
	Invoice	Date	Description		Amount
	86586	07/16/2019	Public Works oversized scan		\$51.35
93318	07/26/2019			Addison Newman	\$80.00
	Invoice	Date	Description		Amount
	AN071919	07/19/2019	Camp Jr Leader stipend		\$80.00
93319	07/26/2019			Chloe Boutell	\$72.00
	Invoice	Date	Description		Amount
	CB071919	07/19/2019	Camp Jr Leader stipend		\$72.00
93320	07/26/2019			Julia Bollinger	\$40.00
	Invoice	Date	Description		Amount
	JB071919	07/19/2019	Camp Jr Leader stipend		\$40.00
93321	07/26/2019			Laila Villaverde	\$64.00
	Invoice	Date	Description		Amount
	LV071919	07/19/2019	Camp Jr Leader stipend		\$64.00
93322	07/26/2019			Linneah Keence	\$40.00
	Invoice	Date	Description		Amount
	LK071919	07/19/2019	Camp Jr Leader stipend		\$40.00

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City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
93323	07/26/2019			Santa Cruz Roller Paladium Eastside	\$195.00
	Invoice	Date	Description		Amount
	6182019	07/18/2019	Camp rollerskating field trip		\$195.00
93324	07/26/2019			Sevin Vargas	\$80.00
	Invoice	Date	Description		Amount
	SV071919	07/19/2019	Camp Jr Leader stipend		\$80.00
93325	07/26/2019			Sharon Gugat	\$50.00
	Invoice	Date	Description		Amount
	2003751.002	07/22/2019	Facility rental security deposit refund		\$50.00
93326	07/26/2019			Tanner Lujan	\$40.00
	Invoice	Date	Description		Amount
	TL071919	07/19/2019	Camp Jr Leader stipend		\$40.00
93327	07/26/2019			Tess Ortiz	\$48.00
	Invoice	Date	Description		Amount
	TO071919	07/19/2019	Camp Jr Leader stipend		\$48.00
Type Check Totals:					\$167,410.32
<u>EFT</u>					
803	07/23/2019			EMPLOYMENT DEVELOPMENT DEPT	\$8,165.13
	Invoice	Date	Description		Amount
	0-230-004-416	07/23/2019	State taxes PPE 7/13/19 1001 - Payroll Payables		\$8,165.13
804	07/23/2019			INTERNAL REVENUE SERVICE	\$30,755.02
	Invoice	Date	Description		Amount
	63480205	07/23/2019	Federal taxes and Medicare PPE 7/13/19 1001 - Payroll Payables		\$30,755.02
805	07/25/2019			CalPERS Member Services Division	\$52,472.41
	Invoice	Date	Description		Amount
	1001369736-9	07/25/2019	PERS contributions PPE 7/13/19 1000 - General Fund (\$0.18) 1001 - Payroll Payables		\$52,472.41
806	07/22/2019			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice	Date	Description		Amount
	FPGHWFV6657	07/22/2019	Garnishments PPE 7/13/19 1001 - Payroll Payables		\$1,232.76

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City Checks Issued July 26, 2019

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
807	07/25/2019			DISCOVERY BENEFITS	\$135.00
	Invoice	Date	Description		Amount
	0001032425-IN	06/30/2019	June COBRA and FSA		\$135.00

Type EFT Totals: \$92,760.32

Library - Library

Check

141	07/26/2019			BUTANO GEOTECHNICAL ENGINEERING	\$7,073.96
	Invoice	Date	Description		Amount
	4313	07/08/2019	June library engineer observation and testing		\$7,073.96
			1360 - Library		
142	07/26/2019			CONSOLIDATED ENGINEERING LABORATORIES	\$6,591.20
	Invoice	Date	Description		Amount
	164655	07/16/2019	April - June library engineer inspection and materials testing		\$6,591.20
			1360 - Library		

Type Check Totals: \$13,665.16

CITY - Main City Totals	Count	Total
Checks	81	\$167,410.32
EFTs	5	\$92,760.32
All	86	\$260,170.64

Library - Library Totals

Checks	2	\$13,665.16
EFTs	0	\$0.00
All	2	\$13,665.16

Grand Totals

Checks	83	\$181,075.48
EFTs	5	\$92,760.32
All	88	\$273,835.80

Attachment: 7/26/19 City Check Register (Approval of City Check Registers)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: City Manager Department

SUBJECT: Liability Claim of James Devereux on behalf of Spartan Recoveries LLC

RECOMMENDED ACTION: Reject liability claim.

DISCUSSION: James Devereux has filed a liability claim on behalf of Spartan Recoveries LLC against the City in the amount of \$7,281.30.

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

Reviewed and Forwarded by:

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

Jamie Goldstein, City Manager

8/15/2019



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: Community Development
SUBJECT: Conceptual Review for a Hotel at 120 Monterey Avenue

APN: 035-261-10, 035-262-02, 035-262-04, 035-262-11
Conceptual Review to receive guidance on a preliminary development concept for an 88-room hotel including meeting/banquet space, bar/lounge, swimming pool, and 92 onsite parking spaces in the C-V (Central Village) Zoning District. Conceptual hotel design varies in height from two to five stories
This project is a conceptual review; therefore, a Coastal Development Permit is not required.
Owner: Green Valley Corporation
Representative: Swenson Builders, Filed: 05.03.2019

RECOMMENDED ACTION: Receive the presentation by Swenson Builders of its conceptual plan for a hotel in Capitola Village and provide feedback on the project prior to submission of a formal application.

APPLICANT PROPOSAL: The applicant is seeking preliminary feedback on a conceptual design for a five-story, 88-room hotel with 92 onsite parking spaces at 120 Monterey Street in the C-V (Central Village) zoning district. (Attachments 1 and 2)

BACKGROUND: The property is part of the original site of the Capitola Hotel, which was built between 1894 and 1904. That hotel was four stories with a total of 160 rooms. After 25 years of operation, the Capitola Hotel was destroyed in a fire in 1929. The site was next occupied by the Capitola Theater from 1948 to 2010, when it was torn down and a temporary parking lot was installed with the understanding that the property owners intended to submit plans for a hotel project in the future. The parking lot is still in use.

In the past decade, the City has focused numerous long-range planning discussions on future redevelopment of the 120 Monterey Avenue site and created goals, policies, and actions within the new General Plan (adopted in 2014) to both guide the development and incentivize a hotel at the site.

More recently, the guidance in the General Plan has been implemented in the zoning code within Chapter 17.88: Incentives for Community Benefits (Attachment 3). This chapter identifies allowances for an increased floor area ratio of 3.0 and increased height on the site in conjunction with the property owner providing community benefits. In order to receive these

Village Hotel Conceptual Review
August 22, 2019

benefits, projects must respect the scale and character of the village, support an active, attractive, and engaging pedestrian environment, minimize impacts to public views, and provide parking which minimizes vehicle traffic in the village. The zoning code was adopted by the City Council in 2018 but is pending certification by the California Coastal Commission. The new code does not yet apply to the site.

On August 1, 2019, the Planning Commission accepted the applicant's presentation, opened the public hearing, and provided input on the conceptual review application. A summary of the guidance provided by the Planning Commission is included as Attachment 6.

DISCUSSION: The property owners indicate that they plan to submit an official application for a hotel once the new zoning code is adopted by the Coastal Commission. Typically, a project is reviewed under the development standards in the code at the time of application. At the request of the applicant, the conceptual review will be analyzed under the 2018 zoning code that is pending Coastal Commission certification. This will allow the applicant the opportunity to continue working on the conceptual design in preparation for an application submittal once the code is certified.

All applications seeking the increased incentives within Chapter 17.88 require conceptual review by both Planning Commission and City Council. The applicant will be required to submit an updated conceptual review after Coastal Commission certification of the code if they ultimately seek the incentives of additional height and FAR. The future application would also be required to include additional analysis on community benefits and story poles would be required on the site during the required conceptual review.

Development Standards

The following table includes the development standards of the 2018 zoning code including the available incentives for height and FAR established in Chapter 17.88.

Development Standards for the MU-V Zoning District

MU-V	
Site Requirements	
Floor Area Ratio, Maximum	2.0
Parking and Loading	One space for each guest room for hotels, with additional spaces for owners and employees determined by the Planning Commission
Structure Requirements	
Setbacks	
Front	Min: 0 ft. Max: 15 ft.
Rear	None
Interior Side	None
Street Side	Min: 0 ft. Max: 15 ft.
Height, Maximum	27 ft.
Incentives	
Floor Area Ratio, Maximum	3.0
Height	<ul style="list-style-type: none"> Maximum height of the hotel remains below the elevation of the bluff behind the hotel; and

	<ul style="list-style-type: none"> The bluff behind the hotel remains visible from the Capitola wharf as a green edge with existing mature trees maintained on site.
--	---

The proposed project site is less than an acre at 28,924 square feet. With a FAR of 3.0, the maximum floor area is three times the size of the property, or 86,772 square feet. The floor area of the proposed hotel is 75,900 square feet (2.62 FAR). This does not include the underground parking garage (which is located below grade and not visible from the street).

The proposed building height, measured from the assumed ground surface to the top of the elevator mechanical room on top of the fifth floor, is 58 feet.

General Plan

The General Plan includes specific goals related to new development in the Central Village and the need to *strengthen the Capitola Village as the heart of the community and ensure a high quality and distinctive design environment*. Specific policies and actions for the future hotel are included, as outlined below.

General Plan policy LU-7.5 establishes hotel guiding principles. Any new hotel proposed on the site of the former Capitola Theatre must be consistent with the following guiding principles:

- The design of the hotel should respect the scale and character of neighboring structures and enhance Capitola's unique sense of place.
- The hotel should contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
- The maximum height of the hotel should remain below the elevation of the bluff behind. The bluff behind the hotel should remain visible as a green edge with existing mature trees maintained on site.
- The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.
- Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination. This could be achieved through remote parking, shuttle services, and valet parking arrangements.

General Plan action LU-7.3 allows the City Council to authorize increased floor area ratio (FAR) and height if specific findings can be made.

- Action LU-7.3 – Hotel Floor Area Ratio: Hotels in the Village 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.

Also, the new zoning code section 17.88.080(B) includes the following specific findings which must be made to allow the development to receive the incentivized height and FAR:

- The design of the hotel respects the scale and character of neighboring structures and enhances Capitola's unique sense of place.
- The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
- The hotel design minimizes impacts to public views of the beach and Village from

Village Hotel Conceptual Review
August 22, 2019

vantage points outside of the Village.

4. Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination.

Conceptual Review: Conceptual review allows an applicant to receive preliminary, nonbinding input from the Planning Commission and City Council on a proposed project prior to City action on a formal permit application. The applicant is seeking direction on the overall concept including architecture and design, parking, and circulation. The applicant also requested guidance regarding the feasibility of acquiring City water rights and off-site parking. These items would be reviewed in a future application and negotiated within a development agreement.

At this stage, the City Council can provide high-level responses to inform the applicant if such tools *could* be on the table, but no commitment would be made until there is an application and financial analysis has been completed by the City. Also of note, the submitted plans are conceptual and lack necessary detail for a complete zoning review. Additional details will be required at time of official application submittal.

1. Architectural Design, Massing, and Articulation: The proposed site is located in the Capitola Village, between the intersection of Monterey Avenue and Capitola Avenue and Esplanade Park. The site is along a major pedestrian thoroughfare between the beach parking lots and the beach. It is one of the last undeveloped sites within the Capitola Village.

The architectural style of the hotel is California Spanish, also known as Spanish Revival. The style is representative of Spanish Colonial architecture originating from the Spanish colonization of the Americas. The style utilizes deep set windows, tile, wood trim, textured stucco finish, ornamental metal work, and incorporates courtyards, patios, and a plaza. The design is reminiscent of mission style architecture found throughout coastal California.

The applicant is proposing a five-story hotel with 88 rooms. The first level would serve the street frontage, with the main hotel entry and a bar and lounge located along Monterey Avenue. The first story includes the front desk, a 2,066-square-foot banquet room, two 720-square-foot meeting rooms, a 417-square-foot board room, a kitchen, and the entry to the underground parking garage off El Camino Medio.

The length of the building frontage on Monterey Avenue along the sidewalk is 265 feet. The long façade on Monterey Avenue is defined by large picture windows and three building penetrations including a main entrance into the hotel, a staircase leading to the second story pool area, and a service access door (shown on the floor plan but not shown on elevations). Only one of the three entrances is accessible by the public along the street.

The building ranges from two to three stories along the front façade. The height of the building along the street ranges from 26 to 38 feet, with the majority of the elevation at two stories (26 feet) and one three-story feature (38 feet). The first-story building façade facing El Camino Medio is 159 feet wide.

The second story has 37 guest rooms, a pool, and a 14,635-square-foot pool deck. The building façade facing El Camino Medio is 124 feet. The second-story pool deck connects to a proposed 6,680-square-foot public plaza on top of the existing building that houses the sanitary sewer pump station, public restrooms, and lifeguard storage area. The proposed upper public plaza connects to Esplanade Park by a wide stairway. The public plaza is one of the public benefits proposed for the project and was designed to provide public space to expand the interaction of

Village Hotel Conceptual Review
August 22, 2019

the park, bandstand, and beach, as well as potentially remodel the lifeguard storage facilities to better serve the community.

The third story has 26 guest rooms, a garden, a 7,439-square-foot upper pool deck, and a 3,447-square-foot seating area with a fire pit. There is one suite proposed on the Monterey Avenue street frontage with a private terrace, which makes the building height in that area 38 feet adjacent to the sidewalk. The rest of the third story is stepped back 35 feet from the street and goes to a height of 41 feet along El Camino Medio. The building façade facing El Camino Medio is 124 feet wide.

As the building increases in height, the massing decreases. The fourth story has 15 guest rooms with no additional hotel amenities. The fourth story is set back 60 feet from the street and is 51 feet in height along El Camino Medio. The building façade facing El Camino Medio is 99 feet wide.

The fifth and final story has 10 guest rooms and an elevator mechanical feature. The fifth story is stepped back 85 feet from the street and is 56.5 feet in height. The elevator mechanical room on the roof of the fifth floor extends to a height of 58 feet. The building façade facing El Camino Medio is 74 feet wide.

The top of the bluff behind the hotel, as presented by the applicant, is 63 feet. The top of the proposed elevator mechanical room is 5 feet under the bluff.

A square-footage breakdown for the proposed hotel is included as Attachment 4.

2. Parking: The Capitola Municipal Code requires one space for each guest room for hotels, with additional spaces for owners and employees determined by the Planning Commission. The proposed 88-room hotel includes 92 onsite guest parking spaces in an underground parking garage, 45 of which are provided via mechanical lifts, and the utilization of 25 to 50 parking spaces in the City parking lots for employee parking, oversized vehicles, and large events.

The City of Capitola's In-Lieu Parking Fee Program, which was established for new hotel uses in the Village, is contained in Administrative Policy I-33 (Attachment 5). The program allows eligible development projects (new large hotels, as defined in CMC §17.03.320, which provide a valet service) to purchase off-site parking spaces from the City in lieu of providing on-site parking. An applicant for a large hotel project may request to purchase any or all of the allotted 56 parking spaces designated for the program. Applications must include an economic analysis showing both direct and indirect economic impacts of the proposed project. In order to approve an application, the City Council must make the following findings:

1. The proposed project is consistent with the City's Local Coastal Plan and the Coastal Act
2. Offsite parking for the proposed project would reduce traffic impacts and provide a design more consistent with the historic character of the Village
3. The proposed project will help to facilitate the City's economic development goals

3. Traffic Circulation Options

The conceptual plan also provides three possible scenarios that could serve the Village and hotel to help mitigate vehicle traffic impacts from the proposed project. The concepts have not been analyzed by a traffic engineer to assess the benefits and shortcomings of each option.

Village Hotel Conceptual Review
August 22, 2019

Prior to investing in circulation studies, the applicant would like guidance on whether there are preferred options or if there are any options that should not be studied.

Circulation Option 1

Option 1 would make the end of Monterey Avenue a two-way street leading to a roundabout. This would enable the area in front of the hotel entry to be used as a guest drop off/valet area. Staff estimates 14 to 22 street parking spaces would be lost within this option and no new on-street parking is created. The applicant has not determined the maximum size wheel-base truck that would be able to utilize the roundabout. The benefits and impacts would be further studied if directed by the City Council.

Circulation Option 2

Option 2 would reverse traffic on Esplanade through the Village. With the reverse traffic pattern, guests would come down Monterey Avenue past Capitola Avenue and turn into a covered guest drop off/valet area adjacent to El Camino Medio. The applicant has not completed an in-depth study on impacts to street parking spaces and traffic circulation within this option. The benefits and impacts would be further studied if directed by the City Council.

Circulation Option 3

Option 3 would leave the circulation pattern as-is, with the existing street parking spaces removed in front of the hotel entry to allow for a guest drop off/valet area. Three street parking spaces would be lost under this option.

GUIDANCE REQUESTED: The applicant is requesting preliminary feedback on the following:

1. Design, Massing, and Articulation.
2. Height.
3. Parking.
4. Traffic Circulation.
5. Public Benefits.

FISCAL IMPACT: As proposed an 88-room hotel in the village would contribute between \$800,000 and \$1.3 million annually in Transient Occupancy Tax revenue. This translates into \$760,000 to \$1.26 million for the City's General Fund, \$27,000 to \$45,000 for local business groups, and \$24,000 to \$39,000 for early childhood and youth programs.

These estimates are based on an average nightly room rate of between \$300 and \$386 with occupancy rates ranging from 70 percent to 90 percent. The average nightly room rate of \$386 is consistent with similar oceanfront hotels as is being proposed by the applicant. The 70 percent to 90 percent occupancy rate was developed using the average rate in 2018 in Santa Cruz County (70.7 percent) as the low end and the average rate of a high performing hotel in Capitola (90 percent) as the high end of the estimate.

ATTACHMENTS:

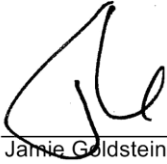
1. Letter of Project Intent 6.3.2019
2. 120 Monterey Conceptual Plan 5.21.2019
3. CMC Chapter 17.88 - Incentives for Community Benefits
4. 120 Monterey Avenue - Square Footage Breakdown
5. I-33 In-Lieu Parking Fee Program
6. Planning Commission Guidance - 08.01.2019

Village Hotel Conceptual Review
August 22, 2019

7. 120 Monterey Avenue - All Public Comments Prior to 08.16.2019

Report Prepared By: Katie Herlihy
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

8/16/2019

June 3, 2019

City of Capitola
 Attn: Development Director Katie Herlihy
 420 Capitola Ave
 Capitola, CA 95010

RE: Conceptual Submittal Statement
 120 Monterey Avenue, Capitola Village Hotel

Dear Director Herlihy and Planning Staff,

Swenson Builders is pleased to submit a Conceptual Review Application to the City of Capitola for the Capitola Village Hotel at the proposed location of 120 Monterey Avenue. The intent of this pre-application submittal is to gain feedback through the Planning Commission, City Council, and the Capitola Community for the proposed hotel concept.

Swenson Builders is proposing a 5-story hotel with 89 rooms and 92 onsite parking spaces. The first two levels serve the street frontage and compatibility of the existing village neighborhood. At each increase of hotel floor from the third-story onward, the building is stepped back towards the bluff with the intent to keep the building at human-scale and mimicking other existing visitor serving buildings placement in the village.

The intent of developing the Capitola Village Hotel is to meet the city's Local Coastal Program and Coastal Commission goals of providing a visiting serving use for the Capitola Village (Central Village) area. The hope is to further accommodate visitors that travel to the popular destination of Capitola Village, provide new Transit Occupant Tax to the city, and stimulate the existing businesses and services within the village and City of Capitola.

The proposed hotel has been designed in accordance with the 2014 Capitola General Plan Guidelines. The original Capitola Hotel that was built between 1894 and 1904 and had 160 rooms and was an iconic landmark within the village. The following general plan policies identify the long term goals of Capitola to establish a hotel in the village:

- LU-6.9 Village Hotel: Consider the establishment of an appropriately designed new hotel in the Village to enhance the vitality of the area.
- LU-7.5 Hotel Guiding Principles: Require any new hotel proposed on the site of the former Capitola Theatre to be consistent with the following core principles:
 - o The design of the hotel should respect the scale and character of the neighboring structures and enhance Capitola's unique sense of place.
 - o The hotel should contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
 - o The maximum height of the hotel should remain below the elevation of the bluff behind. The bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.
 - o The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.

- Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthen the Village as a pedestrian-oriented destination. This could be achieved through remote parking, shuttle services, and valet parking.
- LU-7.3 Hotel Floor rea Ratio: Hotels in the Village may be developed with a maximum FAR 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.

Currently the existing site consists of a privately operated paid parking facility with 26 parking spaces. At the peak of summer each parking space is utilized by four parking spaces per day. This equates to an average of 104 car trips per day through the village to access the parking lot. The intent of the hotel is to convert these daily trips to longer term visitors for the week and/or weekend. The allocated onsite parking of 92 spaces would provide adequate parking for all guests, and the potential 25-50 spaces identified at the Upper Beach and Village Parking Lot could provide parking for employees, oversize vehicles, and large events. The conceptual plans provide three possible scenarios that could serve the Village and Hotel to help mitigate vehicle traffic circulation.

The feasibility of this project will greatly depend on the community feedback we receive, available water credits from the Soquel Water Creek District, the option to purchase/share additional parking stalls at the city's Upper Beach and Village Parking Lot. Swenson Builders would like to discuss entering into a Development Agreement with the City of Capitola solidifying the following items at the appropriate time during the pursuit of entitlements for this project:

- Availability of Water Credits for the Proposed Hotel
- Parking Agreement for Upper Parking Lot Spaces: Minimum of 25 parking spaces paid through deferred TOT tax (Shared Parking or allocated spaces for hotel)
- Traffic Circulation and Road Improvements
- Public Area Improvements proposed for above the public restrooms to be identified

Swenson Builders would greatly appreciate feedback regarding the proposed vehicle circulation scenarios and overall hotel concept.

If you have any questions or need any further information I can be reached at 831-475-7100.

Sincerely,

Jessie Bristow
Development Project Manager
Swenson Builder



HKS
MILL GLAZIER STUDIO

CAPITOLA BEACH HOTEL
CAPITOLA, CALIFORNIA













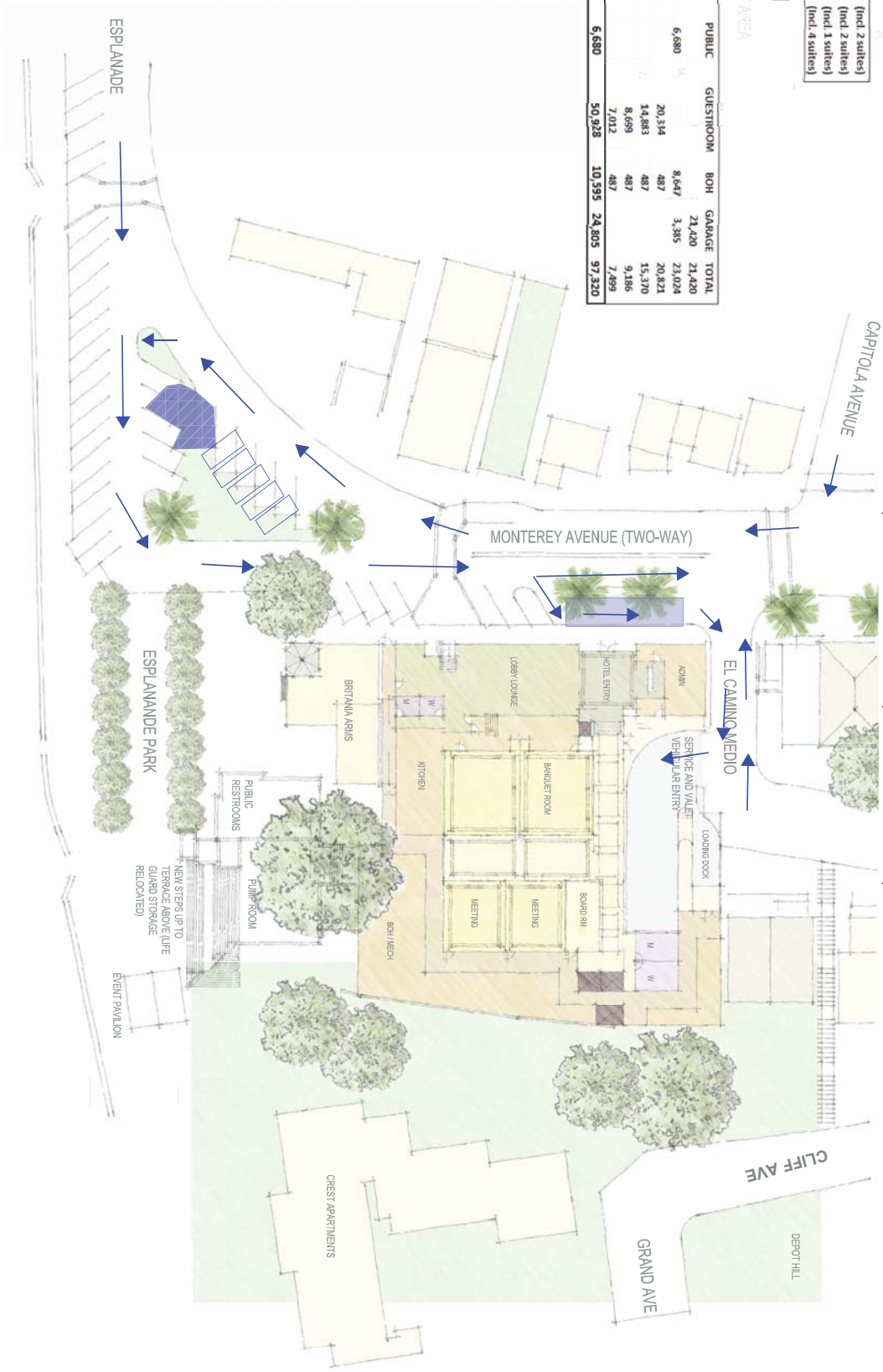
Circulation Option 1:
 Adjustment to Round-About and Two-Way Access Segment
 (Potential 14-22 Spaces Removed)

PROJECT DATA

LEVEL 2	37	(incl. 2 suites)
LEVEL 3	26	(incl. 2 suites)
LEVEL 4	16	(incl. 1 suites)
LEVEL 5	10	(incl. 4 suites)
TOTAL ROOM	89	

PROJECT AREA

LEVEL	MEETING	PUBLIC	GUESTROOM	BOH	GARAGE	TOTAL
1	4,312	6,680		8,647	21,420	21,420
2			20,334	487		20,821
3			14,883	487		15,370
4			8,699	487		9,186
5			7,012	487		7,499
TOTALS	4,312	6,680	50,928	10,595	24,805	97,320



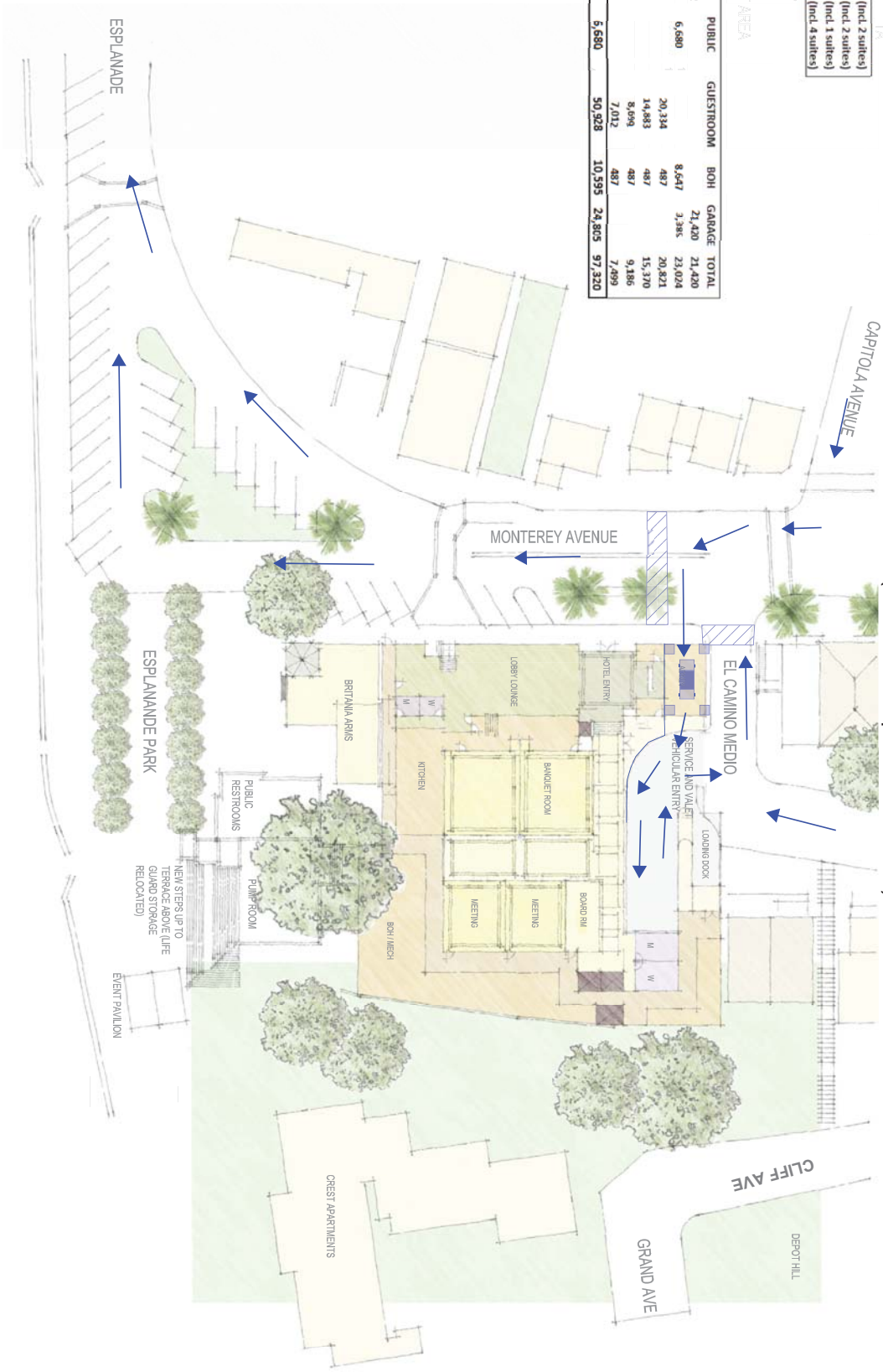
**Circulation Option 2:
Reverse Traffic on the Esplanade
(Potential 0 spaces removed)**

PROJECT DATA

LEVEL 2	37	(Incl 2 suites)
LEVEL 3	26	(Incl 2 suites)
LEVEL 4	16	(Incl 1 suite)
LEVEL 5	10	(Incl 4 suites)
TOTAL ROOM	89	

PROJECT AREA

LEVEL	MEETING	PUBLIC	GUESTROOM	BOH	GARAGE	TOTAL
BG	4,312	6,680	20,134	8,647	21,420	21,420
1			14,983	487	20,821	20,821
2			8,699	487	15,370	15,370
3			7,012	487	7,899	7,899
4						
5						
TOTALS	4,312	6,680	50,928	10,595	24,805	97,320



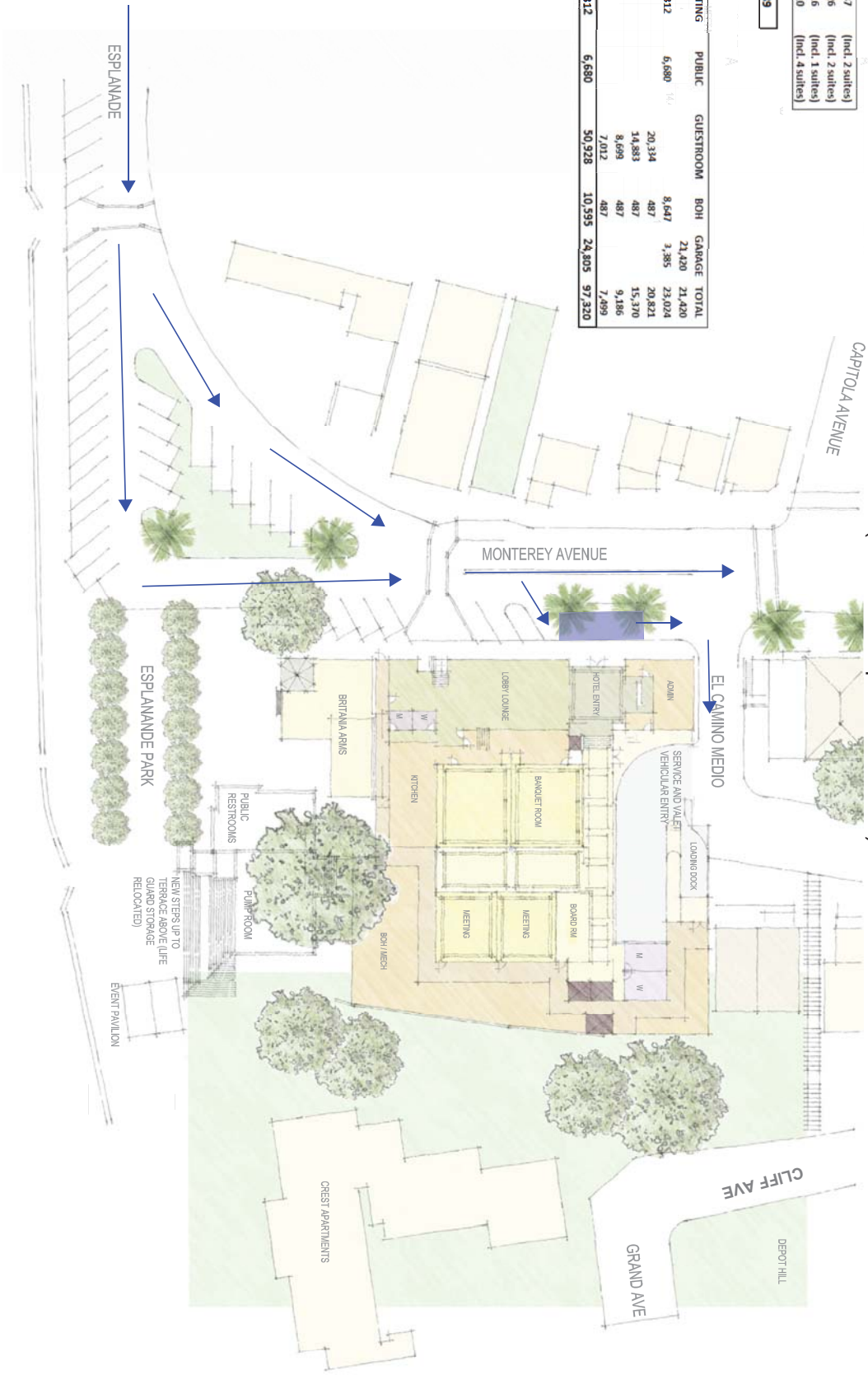
Circulation Option 3:
AS-IS
(Potential 3 spaces removed)

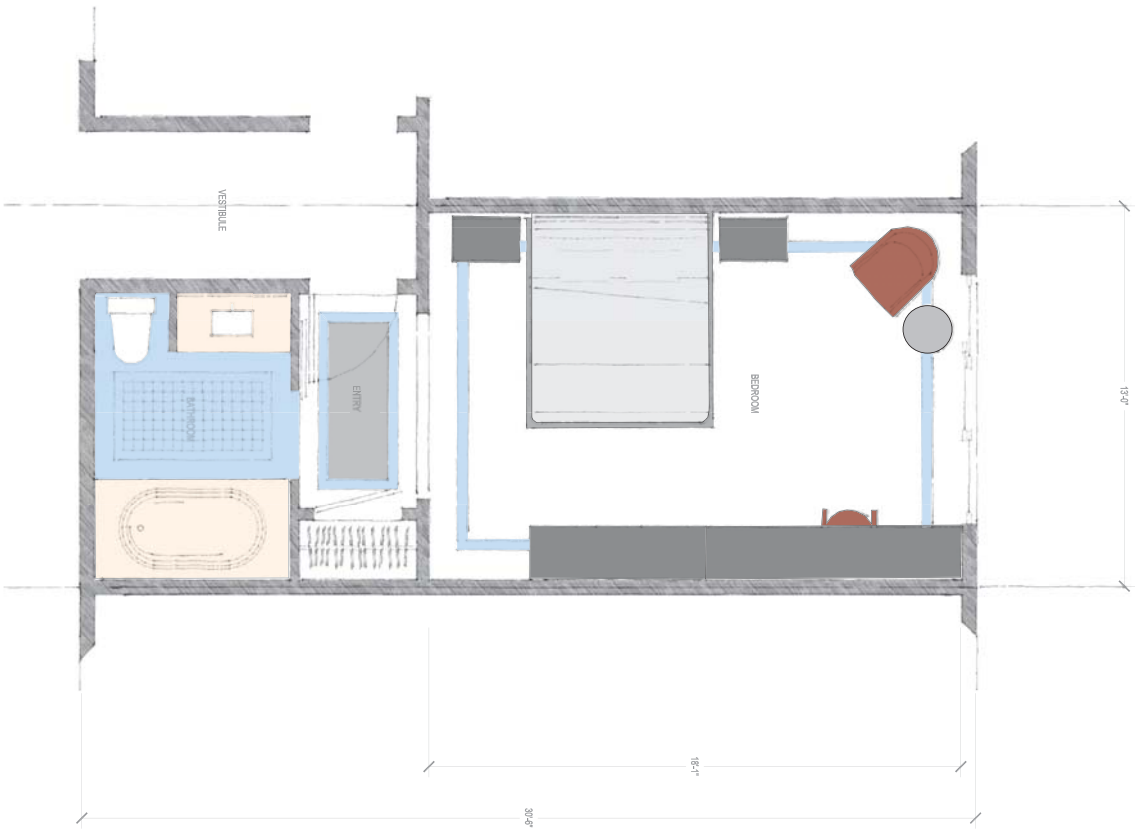
PROJECT DATA

LEVEL 2	LEV 37	(Incl. 2 suites)
LEVEL 3	LEV 26	(Incl. 2 suites)
LEVEL 4	LEV 16	(Incl. 1 suites)
LEVEL 5	LEV 10	(Incl. 4 suites)
TOTAL ROOM 89		

PROJECT AREA

LEVEL	MEETING	PUBLIC	GUESTROOM	BOH	GARAGE	TOTAL
BG	4,312	6,680		8,647	21,420	21,420
1			20,314	487	3,385	23,024
2			14,883	487		20,821
3			8,698	487		15,370
4			7,012	487		9,186
5						7,499
TOTALS	4,312	6,680	50,928	10,595	24,805	97,320







CAPITOLA BEACH HOTEL
SECTION (EAST - WEST) 1" = 10' - 0"





CAPITOLA BEACH HOTEL

VIEW FROM THE ESPLANADE





CAPITOLA BEACH HOTEL

AERIAL VIEW





Hotel Height / Bluff Existing Conditions



53 feet from beach level

34 ft from beach level

28 ft from beach level

18 feet from beach level

12 feet from beach level



63 feet, approximate Bluff Line

58 feet max, Elevator Mechanical Room

56.5 feet, 5th level stepped back 85 feet from street.

51 feet, 4th level stepped back 60 feet from street

4.1 feet, 3rd level stepped back 35 feet from street.

38 feet, Street Frontage Suite

26 feet, Street Frontage

9.A.2

Garage Parking Operations

City Lift: Car Stacker Model
Average Retrieval Time: 2:00 minutes
Levels: 2



Capitola Hotel Through the Years



1904



1995



2009



2010



2019

Chapter 17.88 INCENTIVES FOR COMMUNITY BENEFITS Revised 6/18

Sections:

- [17.88.010](#) Purpose. Revised 6/18
- [17.88.020](#) Incentives restricted to added benefits. Revised 6/18
- [17.88.030](#) Eligibility. Revised 6/18
- [17.88.040](#) Allowable benefits. Revised 6/18
- [17.88.050](#) Available incentives. Revised 6/18
- [17.88.060](#) Relationship to state density bonus law. Revised 6/18
- [17.88.070](#) Application submittal and review. Revised 6/18
- [17.88.080](#) Findings. Revised 6/18
- [17.88.090](#) Post-decision procedures. Revised 6/18

17.88.010 Purpose. Revised 6/18

This chapter establishes incentives for [applicants](#) to locate and design [development](#) projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan and to encourage the [development](#) of a new hotel in the Village as called for by the general plan. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.88.020 Incentives restricted to added benefits. Revised 6/18

The city may grant incentives only when the [community benefits](#) or amenities offered are not otherwise required by the zoning code or any other provision of local, state, or federal law. [Community benefits](#) or amenities must significantly advance general plan goals and/or incorporate a project feature that substantially exceeds the city's minimum requirements. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.88.030 Eligibility. Revised 6/18

A. Eligibility for Incentive. The city may grant incentives for the following projects:

1. Projects in the regional commercial (C-R) and community commercial (C-C) zoning districts that:
 - a. Front 41st Avenue; or
 - b. Front Capitola Road between Clares [Street](#) and 42nd Avenue; or
 - c. Are located on the Capitola Mall [site](#).
2. A hotel on the former Capitola Theater [site](#) (APN 035-262-04, 035-262-02, 035-261-10) in the [mixed use](#) village zoning district.

B. [Setback](#) Required – 41st Avenue. [Structures](#) on properties fronting the east side of 41st Avenue must be set back a minimum of one hundred feet from the property line [abutting](#) a residential property. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.88.040 Allowable benefits. Revised 6/18

A. All Eligible Projects. The city may grant incentives to all eligible projects as identified in Section [17.88.030](#) (Eligibility) that provide one or more of the following [community benefits](#). The public benefit provided shall be of sufficient value as determined by the planning commission to justify deviation from the standards of the zoning district that currently applies to the property.

1. Public Open Space. Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision must be made for ongoing operation and maintenance in perpetuity. The public space must either exceed the city's

minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.

2. Public Infrastructure. Improvements to [streets](#), sidewalks, curbs, gutters, sanitary and storm sewers, [street](#) trees, lighting, and other public infrastructure beyond the minimum required by the city or other public agency.
3. Pedestrian and Bicycle Facilities. New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.
4. Transportation Options. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
5. [Historic Resources](#). Preservation, restoration, or rehabilitation of a [historic resource](#).
6. Public Parking. Public parking [structure](#) that provides [parking spaces](#) in excess of the required number of [parking spaces](#) for use by the surrounding commercial district. Excess parking provided as part of a Village hotel may not be located on the hotel [site](#) and must be located outside of the [mixed use](#) village zoning district.
7. Green [Building](#). Green [building](#) and sustainable [development](#) features that exceed the city's green [building](#) award status.
8. Public Art. Public art that exceeds the city's minimum public art requirement and is placed in a prominent and publicly accessible location.
9. Other [Community Benefits](#). Other [community benefits](#) not listed above, such as entertainment destinations, as proposed by the [applicant](#) that are significant and substantially beyond normal requirements.

B. 41st Avenue/Capitola Road Projects. In [addition](#) to the [community benefits](#) in subsection A of this section, the city may grant incentives to eligible projects fronting 41st Avenue or Capitola Road between Clares [Street](#) and 42nd Avenue or on the Capitola Mall [site](#) that provide one or more of the following [community benefits](#):

1. Capitola Mall [Block](#) Pattern. Subdivision of the existing Capitola Mall property into smaller [blocks](#) with new intersecting interior [streets](#). May include the extension of 40th Avenue south into the mall property to form a new pedestrian-friendly private interior [street](#).
2. Surface [Parking Lot](#) Redevelopment. Redevelopment of existing surface [parking lots](#) fronting 41st Avenue and Capitola Road while introducing new sidewalk-oriented commercial [buildings](#) that place commercial uses along the [street](#) frontage.
3. Transit Center. Substantial infrastructure improvements to the transit center on the Capitola Mall property that are integrated with a possible future shuttle system in Capitola. The transit center may be moved to an alternative location consistent with the operational requirements of Santa Cruz Metro.
4. Affordable Housing. Affordable housing that meets the income restrictions applicable in the affordable housing (-AH) [overlay zone](#). (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.88.050 Available incentives. [Revised 6/18](#)

A. 41st Avenue/Capitola Road Projects. The city may grant the following incentives to an eligible project fronting 41st Avenue, Capitola Road between Clares [Street](#) and 42nd Avenue, or on the Capitola Mall [site](#):

1. An increase in the maximum permitted [floor area ratio](#) (FAR) to 2.0.
2. An increase in the maximum permitted [building height](#) to fifty feet.

B. Village Hotel. The city may grant the following incentives to a proposed hotel on the former Capitola Theater [site](#) (APN 035-262-04, 035-262-02, 035-261-10):

1. An increase in the maximum permitted [floor area ratio](#) (FAR) to 3.0.
2. An increase to the maximum permitted [building height](#); provided, that:
 - a. The maximum height of the hotel remains below the elevation of the [bluff](#) behind the hotel; and
 - b. The [bluff](#) behind the hotel remains visible from the Capitola wharf as a green edge with existing mature trees maintained on [site](#). (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.88.060 Relationship to state density bonus law. *Revised 6/18*

The incentives allowed by this section are in [addition](#) to any [development](#) incentive required by Section [65915](#) of the California Government Code. (Ord. [1017](#) § 2 (Exh. A) (part), [2018](#))

17.88.070 Application submittal and review. *Revised 6/18*

A. Request Submittal. A request for an incentive in exchange for benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the zoning code. Applications shall be accompanied by the following information:

1. A description of the proposed amenities and how they will benefit the community.
2. All information needed by the city council to make the required findings described in Section [17.88.080](#) (Findings), including a pro forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.

B. Conceptual Review. Prior to city action on a request for an incentive, the request shall be considered by the planning commission and city council through the conceptual review process as described in Chapter [17.114](#) (Conceptual Review). Conceptual review provides the [applicant](#) with nonbinding input from the city council and planning commission as to whether the request for incentives is worthy of consideration.

C. Theater [Site](#) Story Poles. Prior to city action on a proposed hotel on the former Capitola Theater [site](#) the [applicant](#) shall install poles and flagging on the [site](#) to demonstrate the height and mass of the proposed project.

D. Planning Commission Recommendation. Following conceptual review, the planning commission shall provide a recommendation to the city council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter [17.148](#) (Public Notice and Hearings).

E. City Council Action. After receiving the planning commission's recommendation, the city council shall review and act on the requested incentives at a noticed public hearing in compliance with Chapter [17.148](#) (Public Notice and Hearings). The city council shall also review and act on other permits required for the project requesting incentives. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.88.080 Findings. *Revised 6/18*

A. All Eligible Projects. The city council may approve the requested incentives for all eligible projects only if all of the following findings can be made in [addition](#) to the findings required for any other discretionary permit required by the zoning code:

1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the general plan.
2. There are adequate public services and infrastructure to accommodate the increased [development](#) potential provided by the incentive.
3. The public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.

4. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.

B. Village Hotel. In [addition](#) to the findings in subsection A of this section, the city council may approve the requested incentives for a proposed hotel on the former Capitola Theater [site](#) only if the following findings can be made:

1. The design of the hotel respects the scale and character of neighboring [structures](#) and enhances Capitola's unique sense of place.
2. The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
3. The hotel design minimizes impacts to public views of the beach and Village from vantage points outside of the Village.
4. Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.88.090 Post-decision procedures. [Revised 6/18](#)

Post-decision procedures and requirements in Chapter [17.156](#) (Post-Decision Procedures) shall apply to decisions on incentives for [community benefits](#). (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

The Capitola Municipal Code is current through Ordinance 1030, passed April 25, 2019.

Disclaimer: The City Clerk's Office has the official version of the Capitola Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

120 Monterey Avenue – Capitola Village Hotel

Square Foot Breakdown

- Total square footage of all parcels included in the proposed project
 - Parcel: 03526110 = 6,098.40
 - Parcel: 03526202 = 6,795.36
 - Parcel: 03526204 = 13,721.40
 - Parcel: 03526211 = 2,308.68
 - **TOTAL = 28,923.84 SQ FT**
- Total square footage for entire hotel, as well as square footage for each floor
 - Garage = 21,420
 - Floor 1 = 23,024
 - Floor 2 = 20,821
 - Floor 3 = 15,370
 - Floor 4 = 9,186
 - Floor 5 = 7,499
 - **TOTAL = 97,320 SQ FT**
- Square footage of two meeting rooms
 - Room 1 = 720
 - Room 2 = 720
 - **TOTAL = 1,440 SQ FT**
- Square footage of board room
 - **417 SQ FT**
- Square footage of banquet room
 - **2,066 SQ FT**
- Square footage of bar/lounge
 - **2,291 SQ FT**
- Square footage of kitchen
 - **1,569 SQ FT**
- Square footage of pool deck area (upper and lower)
 - Lower = 14,635
 - Upper = 7,439
 - **TOTAL = 22,074 SQ FT**
- Square footage of fire pit seating area
 - **3,447 SQ FT**
- Length of building frontage on Monterey Avenue along sidewalk
 - **265 FT**



ADMINISTRATIVE POLICY

Number: I-33
 Issued: October 10, 2013
 Revised: September 22, 2016
 Jurisdiction: City Council

IN-LIEU PARKING FEE PROGRAM

I. PURPOSE

The purpose of this policy is to establish an In-Lieu Parking Fee Program (Program) for new hotel uses in the Village. The Program allows eligible development projects to purchase off-site parking spaces from the City in-lieu of providing on-site parking.

II. POLICY

New large hotels, as defined by Municipal Code section 17.03.320 which provide a valet service, proposed in the Central Village zoning district may request to participate in the Program by submitting an application to the Community Development Department. An applicant for a large hotel project may request to purchase any or all of the allotted 56 parking spaces designated for the Program. Up to ten of the 56 spaces shall be available to smaller hotel projects. Applications shall include an economic analysis showing both direct, and indirect economic impacts of the proposed project.

Applications shall be considered by the City Council, and may be approved if the following findings can be made:

1. The proposed project is consistent with the City's Local Coastal Plan and the Coastal Act
2. Offsite parking for the proposed project would reduce traffic impacts and provide a design more consistent with the historic character of the village.
3. The proposed project will help to facilitate the City's economic development goals.

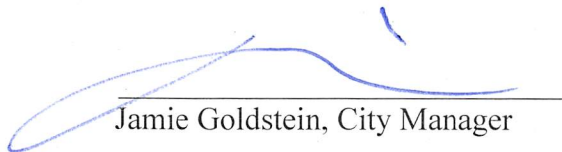
If approved, the applicant shall be required to submit payment prior to issuance of a grading or building permit, whichever comes first. The in-lieu fee rate shall be determined by the City Council based on the cost of constructing a parking structure at the time the application is submitted. The applicant may propose the establishment of an annual assessment rather than an up-front payment of fees. Such annual assessment proposal may be approved or denied by the City Council.

Parking spaces designated for the Program shall be located in the upper Pacific Cove parking lot. The designated parking area shall be conspicuously marked and shall be for the exclusive use by employees and guests of Program participants. Prior to issuance of a building permit, applicants shall be required to submit a plan to secure, monitor, and enforce the use of purchased parking spaces to the satisfaction of City staff. The parking area shall be secured to the City's satisfaction prior to issuance of a certificate of occupancy.

The Community Development Department shall maintain a record of all properties that have fulfilled their parking requirements through payment of in-lieu fees. In the event that a property or use is sold to another party, the purchased parking spaces shall transfer to the new owner(s). Parking spaces may not be sold, transferred, or shared with other parties to meet parking requirements of other uses not authorized by the original permit. In-lieu fees paid to meet parking requirements shall be non-refundable.

Revenue collected from the Program shall be deposited into an interest bearing account established for the sole purpose of contributing to the financing of a future parking facilities, such as a multi-level parking structure located on the upper Pacific Cove property.

This policy is approved and authorized by:



Jamie Goldstein, City Manager

Attachment: I-33 In-Lieu Parking Fee Program (Village Hotel Conceptual Review)

Planning Commission Feedback – Capitola Hotel Conceptual Review

120 Monterey Avenue

Commissioner Routh

Commissioner Routh asked Mr. Bristow, the applicant, about public access to the underground parking lot and if Swenson Builders intended to remove any trees from the site. He questioned the need for a pool, emphasized the need to provide parking for those using conference rooms but not staying at the hotel, and confirmed that Swenson would own, but not operate, the future hotel. Commissioner Routh stated that flood water entering the sewer system would be against County Sanitation District policies.

Commissioner Routh questioned whether the proposed project qualifies for the additional density bonuses by meeting the four criteria outlined in the General Plan. He encouraged the applicant to reassess and consider a project that finds a happy medium between what the code allows and the extra allowances a project of this kind can qualify for. Commissioner Routh recommended that density and height be reduced, the pool be left out of the proposal, articulation be added to the building frontage along El Camino Medio, the conference room space be reduced or eliminated, and the design be revised to reflect more of the Village's stylistic history with a Victorian or Italian Gothic design. He also stated that on a recent site visit he counted 46 parking spaces in the existing parking lot, not the 26 spaces stated in the application, and questioned how they would offset the loss of 75 to 102 public parking spaces. Commissioner Routh recommended that the developer explore other ways to utilize offsite parking, such as a structure in the upper parking lots with a shuttle to the hotel so that guests don't have to drive down into the village.

Commissioner Newman

Commissioner Newman questioned Mr. Bristow on the feasibility of subterranean parking since Capitola is within the flood-plain and asked about the likelihood of a condominium type hotel operating at this site rather than a traditional overnight stay hotel.

Commissioner Newman indicated that the design of the proposed project does comply with the City's General Plan and that the hotel height is not a problem. He acknowledged that community members are nervous about the Village changing, but that change is a constant, and people "can't be afraid of things changing if we do it intelligently." Commissioner Newman stated that his biggest concern was that, between the adoption of the General Plan and today, "the congestion in Capitola has increased astronomically," and he did not think that the developer had tackled the traffic impacts of the proposed project in a viable way yet. He stressed that the most important component to an application will be the applicant's attention to traffic flow and that this will need to be addressed with a well-studied circulation plan.

Commissioner Christiansen

Commissioner Christiansen verified that an 88-room hotel is proposed because hotel operating companies want near 100 rooms in order to consider running a Full-Service hotel. She also asked why underground parking is proposed rather than the installation of an offsite parking garage.

Commissioner Christiansen said that the existing problem of traffic and congestion in the Village will need to be addressed and that doing so should be the developer's focus. She highlighted that the view from El Camino Medio should not be upon a blank wall, that the north elevation should be more articulated, the sidewalk space along El Camino Medio should be widened, and that the design will need to be enhanced to provide more community space and benefit to the Village as a whole.

Commissioner Wilk

Commissioner Wilk confirmed that Swenson Builders do not see obtaining water credits as an insurmountable obstacle to this project eventually moving forward.

Commissioner Wilk stated that he uses the General Plan as his bible as to how he should evaluate the proposal and based on that he could support a project of this type because the General Plan states that a hotel is desired on this site. However, he also expressed concern that issues of sewage, water, etc. will likely dictate how large the project can be and may prove to be insurmountable for the developer. Commissioner Wilk stated that he like the financial benefits of the project and “that alone is enough to get the FAR credit,” because the City is facing a pension crisis. In the case of a project moving forward, Commissioner Wilk asked that the wall alongside Monterey Avenue be more pedestrian friendly and inviting and recommended that a door to the bar be installed there. He also stated that a hotel on this site will contribute to a vibrant village and that the proposal would be worth considering further.

Chairman Welch

Chair Welch disclosed that his daughter works for the developer, Swenson Builders, however she is not involved on this project. The City Attorney was consulted as well as the Fair Political Practices Commission (FPPC) and neither party deemed this a conflict of interest. He also explained that this item is a Conceptual Review and does not represent an official application, thus the Commission will not be taking any action.

Chair Welch agreed that traffic and parking is a problem in the Village and provided traffic flow recommendations to the developer. In regards to adding additional parking or a high-rise parking area, Chair Welch stated that he has never supported the residents of Capitola paying for “more tourism to come to this town,” and that “either tourism will support it or it won’t.” He also stated concerns the limited beach space being overwhelmed with increased tourism. Chair Welch pointed out that Swenson owns the existing parking lot, not the City, and that “they have no responsibility to provide that parking.” He acknowledged that any hotel at this site will be a centerpiece for the Village and suggested that the community continue to provide feedback, as this will help guide the developer on issues of design and massing. Chair Welch also outlined the economic benefits of a hotel in the Village, stated that “we desperately need a hotel in the community,” and emphasized that City Council will be hearing the same concept and providing their feedback for the developer to incorporate into an official application.

To: Capitola City Council
 Re: Swenson Hotel Proposal

August 15, 2019

Dear Council,

Although we will be speaking at Thursday's meeting regarding the Swenson hotel proposal there will not be time to convey all of our thoughts and research. The following are for your considerations.

Our message to you is:

- This hotel is too big. The number of rooms should be in keeping with the scale of the entire village. When you look at every document that has been generated by the city residents over the last 50 years you see the same message; scale is everything.
- There should be no on-site parking and no reductions of existing parking spaces. There are several examples of high-end hotels in the US that have off-site parking and do very well. This proposal would not strengthen walkability in our village, it would weaken it by adding dozens of cars each day.
- The natural beauty of the cliff should be maintained with a maximum three storied hotel. The beach and ocean are not the only points of natural beauty in the village. The green space provided by the cliff is critical to the natural feel of Capitola.
- Protect the Depot Hill viewshed. The historic homes lining Depot Hill are one of our most valued assets, visible throughout the city.
- Do not consider it a benefit to have a terrace that impinges on an already existing public space.

Here is what our research has uncovered.

From the General Plan

"Capitola Village is the "heart" of Capitola and possesses the charm of an intimate coastal village. (Excerpt from the "Existing Land Use" section)

These **Guiding Principals** were at the beginning of the General Plan document.

1. How would you describe the essence of Capitola's identity?
 - ◆ What do you value most about living in Capitola?
 - ◆ How can the City best strengthen, protect, and enhance Capitola's unique character?

- ◆ Are there any threats to Capitola’s character and quality of life? How might the City address these threats?
 - ◆ What is your overall vision for Capitola over the next 10 to 20 years?
2. **Community Identity.** Preserve and enhance Capitola’s intimate small-town feel and coastal village charm. Ensure that all areas of Capitola, not just the Village, possess a unique, memorable, and high-quality identity. Promote Capitola’s reputation as a community that is sustainable, historic, welcoming and family-friendly.
 3. The design of the hotel should respect the scale and character of neighboring structures and enhance Capitola’s unique sense of place.
 4. The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.
 5. Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian oriented destination. This could be achieved through remote parking, shuttle services, and valet parking arrangements.
 6. Hotel Floor Area Ratio. Hotels in the Village 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.

Here is a link to “Central Village Design Guidelines and Development Processing”. A document that is quite old but stands as our only guide to village development.

https://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/1458/central_village_design_guidelines.pdf

Please especially note the following. “The natural topographic features of the site should not be obscured by new structures

Thank you for your attention. We hope you agree there is no public benefit to this project that would allow it to be built.

Sincerely,

Former Mayors; Mick Routh, Bruce Arthur, Stephanie Harlan, Ron Graves, Gayle Ortiz, Jerry Clark, Dennis Norton and Margaret Fabrizio

Woodmansee, Chloe

From: Albert Lee Strickland <pacpub@attglobal.net>
Sent: Wednesday, July 31, 2019 3:45 PM
To: PLANNING COMMISSION
Subject: Swenson hotel project

Because I may not be able to attend the meeting tomorrow night, I wanted to voice my dismay that the Swenson Co. has returned to Capitola with a proposal for hotel larger than the plan rejected several years ago. The argument that a smaller hotel doesn't "pencil out" is not the concern of Village residents nor should it be a concern of members of the Planning Commission or the City Council. Due to population growth, we are already losing much of the charm of the Village. I have been a resident for more than twenty-five years and have observed this growth firsthand. A hotel project such as Swenson Co. is proposing an only make matters worse. Thanks for the opportunity to voice my objection to this project.

ALS

1479 Richards Ave
 San Jose, Ca. 95125
 August 6, 2019

RECEIVED
 AUG 09 2019
 CITY OF CAPITOLA

Capitola Planning Commission
 420 Capitola Ave
 Capitola, Ca. 95010

Gentlemen:

We attended the Planning commission meeting on August 1 and were happy to see the turnout of residents and the welcoming we had by Commission Members and Staff.

Twenty one years ago, we completed the construction of our home in the Village at 200 El Camino Medio adjacent to the depot hill stairway. At that time we learned that a hotel was being proposed.

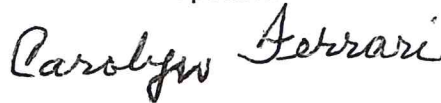
At the last set of meetings in 2010/2011 a 71 room version was proposed and rejected. Now this 91 room version is on the drawing board. Our biggest complaints now, as before are: size, lack of parking, excess noise and traffic, loss of view. Underground parking is a big problem due to land or ocean flooding. Conference and banquet rooms that will be rented out, more parking problems. Staffing for this hotel will cause more lack of parking, along with normal hotel service activity.

We will lose substantial view with this building which increases in height from 26 feet at the sidewalk to 56 feet below the bluff.

A hotel of the proper size that fits in our community without destroying what we now have could be welcomed.

Thank you for this opportunity to voice our opinion.


 Alfred and Carolyn Ferrari



Orbach, Matthew (morbach@ci.capitola.ca.us)

From: Fridy, Linda (lfridy@ci.capitola.ca.us)
Sent: Thursday, August 15, 2019 8:52 AM
To: Orbach, Matthew (morbach@ci.capitola.ca.us)
Cc: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Subject: FW: Village Hotel, written on behalf of Barbara Reding!

One more for the public input attachment

-----Original Message-----

From: Molly Ording <mollyording@yahoo.com>
Sent: Wednesday, August 14, 2019 9:18 PM
To: City Council <citycouncil@ci.capitola.ca.us>
Subject: Village Hotel, written on behalf of Barbara Reding!

Good Evening City Council Members!

I am writing this on behalf of my neighbor and good friend, Barbara Reding, who is just about to undergo extensive shoulder surgery and who asked me to write to you to express her thoughts re the proposed overly-large Village hotel!

As I know you all know, Barbara and her husband, Jim, own many properties in the Village and have been significant contributors to the early and on-going successes off the Village!

Barbara, like so many Capitola and Depot Hill Residents, is very opposed to the hotel project as presented. She and other neighbors met with the Swenson staff and learned the details of their proposed project. There was truly nothing in their proposal that appealed to the group. It is absolutely overly large, too tall and too wide. Its impacts upon the Village traffic would be devastating and damaging to all current and future Village businesses. The environmental impacts of this project are devastating on so many fronts...water usage, marine water quality and air pollution from increased traffic and congestion..

Barbara, like many others, is, however, in favor of a smaller, boutique-type hotel. The applicant, Swenson, has consistently stated that a smaller project does not "pencil out." She would like to know "why"...based on what specifics and projections? Would you, as Council Members, ask for specifics from the Swenson team why this is the case? A smaller, boutique type hotel would not need to be so excessively large, The site could handle on site parking and a nice hotel in the Village would be a contributor to our community vitality as a whole! Please ask the why this option is not on the table...as the over-sized one should never be approved! Specifics please from Swenson, re a small, charming, boutique hotel for our precious village on that precious small site!

We will look forward to a reply and trust that you, the Council, will press Swenson for specific answers! Thank you very much.

Barbara Reding
 (Submitted by Molly Ording)

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)

Orbach, Matthew (morbach@ci.capitola.ca.us)

From: Bob Edgren <agren7@yahoo.com>
Sent: Thursday, August 8, 2019 10:41 PM
To: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); PLANNING COMMISSION; City Council
Subject: HOTEL cliff article

During the presentation of the proposed hotel at the Planning Commission meeting, the developers said they would not touch the rear cliff on the project, and that it would be way to expensive to build a retaining wall like structure. This should be addressed and concern. I am not a geologist or soil engineer. However , I do believe that cliff behind the project, directly below the Crest Apartments, is of the same soil as the cliff facing the ocean, an unstable sandstone.

A couple questions. The vegetation on the cliff appears to be a security factor on the cliff. What happens to the vegetation on that that cliff once a sun blocking structure is built there? No difference? I don't think so. The cliff will never fail? Never say never. Indeed during the 89 earthquake, a sole house on the hillside of El Camino Media was completely buried by a giant section of cliff collapse. Could the same happen to the hotel rooms backing the cliff should an earthquake occur?

yes.

from Bob Edgren
agren7@yahoo.com

<https://www.yahoo.com/finance/news/things-know-last-weeks-california-221739209.html?.tsrc=fauxdal>

Orbach, Matthew (morbach@ci.capitola.ca.us)

From: Bob Edgren <agren7@yahoo.com>
Sent: Friday, August 2, 2019 10:17 AM
To: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); Herlihy, Katie (kherlihy@ci.capitola.ca.us); PLANNING COMMISSION
Cc: City Council
Subject: Hotel Hearing the day after

Dear Planning Commission,

Capitola Hotel, Post PC Hearing My Takes

I listened to the entire meeting on TV. My immediate takeaway was that the whole concept was an insult to the people of Capitola who have spent years cautiously caring for our small little village. I was also surprised to find some of the Commission members lacking in their grasp of the area and the project. Frankly, I feel there is some “disconnect” between city officials and the Esplanade/Monterey Ave area. Did anyone come out and observe the area at length? Talk to any adjacent homeowners?

I have some background in this corner of the Village. Our family owns the first house at 204 Monterey Ave from the beach. We have owned it since 1985. In 1973 I purchased my first property on Prospect. In 1990 I purchased and helped remodel the Old Mac’s Patio, now the Britannia Arms building.

On several issues

1. I ask the developer please do not make comparisons to the horse and buggy, later model T days of the original hotel. That hotel was built to be the destination, not an add on. And from what I have learned it was a financial disaster, rarely reaching 50 percent capacity.
2. Please do not tug on our heart strings implying this will help the junior guard program. Quite the contrary, more visitors on the beach, more traffic, more service trucks. The Jr Guard program can take up most of the beach now, I have complained a lot about this, plus sounding like Camp Pendleton training at 8 am. Do you think hotel guests paying \$250/night are going to enjoy this? Where are more, new visitors going to put their towels, umbrellas and tents down?

3. Here is the big one: The windfall \$1,000,000 TOT tax expected. Okay, everyone salivates about that. BUT STOP! If you think for one minute the hotel project could be built and operated on the current city staffing, this would be a serious mistake. Per my calculations, four new full time police officers will need to be hired. In addition, the police department will spend anywhere from 20 to 40 overtime hours per week. Two additional full time fire personnel will need to be hired. Maintenance workers? At least three new full time maintenance workers will be needed. That one million would evaporate fast. So, who would like to discuss the PERS problem with me? Let's get real. This will not solve our budget problems; this will add to them. Please stop salivating. The remedy for the PERS should come from the Mall and 41st Ave or other means, not the prostitution of the Village.

4. Now if we didn't give away the great parcel of property on Clare's and Wharf to the Library mafia for \$1 a year, we could have leased to a hotel chain for a dollar a year and at least enjoyed a decent cash flow. But what do I know. I haven't been in a library in 30 years since personal computers stated. But I am told they are in high demand.

5. El Camino Medio. What a joke this is. This small narrow European like street backs the rear of our property. It is so congested now with stair steppers, bikes, surfers, baby buggies, workout groups, pedestrian traffic from Depot Hill, and service trucks for Geisha Sushi and Mijos, backing out and maneuvering in this area is a trial by fire. About twenty years ago, when there was another Hotel proposed, I said at either a Planning Meeting or Council Meeting, "In the event that an emergency fire truck is needed to access the hotel area via El Camino Medio, it could never get past the steep incline at the start. About two weeks later I heard this horrible sound, raced out the door. Sure enough, they decided to try it. There was this not so large firetruck stuck on the incline. It had gouged out an 8-inch groove in the pavement before coming to a stop. El Camino Medio is a historical small street that was designed for walkers to the beach, and that's what it should remain. And the portion of El Camino Medio as a valet drop off? Very stupid. Too narrow, too busy, too dangerous.

6. Service trucks. I have been photographing service and food trucks delivering to the existing restaurants and hotels. The amount of delivered goods or laundry pick up is staggering. Waste collection service. How many noisy dump trucks ae we expected to tolerate every week? The thought of adding on to this congestion, is very difficult to conceive, measure or calculate, but it will not be positive.

7. Water. Are you kidding? Can we all stop painting our lawns? Did a magical fairy just recharge our Aquifers? Come on, salt water intrusion remains a serious problem and is increasing. If we have another drought, which we will according scientists, then what?

Water, how short our memories are.

8. Pollution. However one approaches it, more people equals more pollution. WE you aware that Capitola ranks 7th as the most polluted beach in California? (see attached article.)

9. Studies. The developer really did not present any studies one could hang their hat on. He said the Hotel people we spoke to are excited about this. What? What hotel developers? Who are they. He stated the coastal

commission wants a hotel. I would like to see a letter from the CC from the CC addressing that, along with letters of endorsement from the sanitation district, and Soquel Creek Water. There are no studies done because it's impossible to do one! The best comment on this was Nils saying, "Have the developers circle around the village several times and see how long it takes them." And Kimbly Horn? Oh please. They were called to justify the distance of new library entrance after yours truly discovered the drafting drawings were incorrect and the entrance as actually 40 to 50 feet closer to the blind curve on Wharf Rd than shown. But they missed another factor. At certain times of the morning, as one turns the curve, they are hit with a blaring in your eyes sun that is blinding, just a few feet from the entrance and exit. But that's another story.

Good points made;

Some speakers made some excellent points;

1. Who is going to use the banquet and meeting room facilities? Weddings of course! Let's get real. Do we want to have a parade of like two or three weddings a week at this location?
2. The developer expects the traffic or whatever to be less because they are appealing to "people who will stay four or five days." Whoa, this is an infringement on beach visitors flowing from the Valley who just want to visit for a day! They have rights too. I would like to hear the Coastal Commission on that.
3. Noise pollution from air conditioning, Noise from the pool. Noise from the constant arrival and departure of cars, valet service, and service trucks. Noise from 90 to 180 new

Village visitors.

In summary, I think it would behoove everyone in a decision making capacity to spend at least two days, four hours a day at the site and the Esplanade, El Camino Medio, Monterey Ave to get a reality check of this area. A good start would be to enter El Camino Media by car, from the upper part of Monterey (the official entrance). An experience similar to starting off on the Giant Dipper on the Boardwalk. I would be happy to meet with anyone to address my concerns.

To echo several others, let's don't compromise the charm of the village to pay bills. On the Crest apartments a comment was made, "How was that don?." I can tell you from what I have learned. Years ago, the people in the Tudor style home on corner of Cliff and Main, owned that property and gifted to the city to be used as a

permanent park. Well, the rest is history. The city needed money, bills needed to be paid, some pockets were allegedly lined, and we have what we have, and it's not a park.

Please do not compromise or negotiate out of weakness. Please do not sell out Capitola's charm the reason hundreds of people come here now every week.

Submitted by Bob Edgren
agren7@yahoo.com

<https://www.theinertia.com/environment/these-are-the-10-most-polluted-beaches-in-california-2/>

Woodmansee, Chloe

From: Bob Edgren <agren7@yahoo.com>
Sent: Sunday, July 28, 2019 9:33 PM
To: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); PLANNING COMMISSION; Herlihy, Katie (kherlihy@ci.capitola.ca.us); City Council
Subject: : re Swenson Hotel
Attachments: Capitola truck US food.jpeg; Capitola TRUCKS 2.JPG; Capitola TRUCKS IN VILLAGE.JPG; Capiola backed up Capitola Rd..jpg

Don't lose the charm of the village.

From a 60 room proposal to a 89 room proposal in 9 years? What has changed?

The only problem with the hotel is its in the wrong city. This might work in Rio Del Mar, maybe 7th Avenue., but Capitola Village? Seriously?

First off I wish to file a complaint that I did not receive "A NOTICE OF PUBLIC HEARING" until today, Sunday.. And from what I can tell, there has been nothing in the Sentinel or the Good Times about the project. I attached a old article from the Sentinel 2010 for reference). I did see it in the city newsletter. Once again touching one of my nerves about the lack of informing the public. Can anyone in the city take 5 minutes to email the editors of a couple papers?

In regards to the project itself? A few things of serious concern;

1. Something of this magnitude would significant alter Village. It is impossible to determine the ramifications.

1. Didn't we just go through a drought where one could not even build a swimming pool? Does anyone know how many gallons an 89 room hotel might use? I know that the Swenson project in Aptos, worked out a deal with the county on water, not sure what is was, but in the drought in thev1980's all building permits were suspended period.

2. Sewage. It is my understanding that the current treatment plant is maxed out at this point. The plume of discharge of the ocean now, is very visible and a concern. The proliferation of global warming with increased sewage discharged, should be addressed.

3. Garbage. The amount of garbage generated by the hotel, would be enormous, equal to about 89 cottages would produce.

3. Service trucks. I have been taking photos of service trucks clogging the village. The additional amount of trucks that would service an operation like this, would be staggering, creating juggernauts everywhere.

4. Traffic. not even sure how to address this. How would, the traffic flow go through the Esplanade and village, as now, it creeps along? This should be one of the biggest concerns.

5. We have a small beach. Increased beach guests. There are times when our beach looks like Coney Island on a hot day. The infusion of more beachgoers is hard to imagine.

5. An imposition on neighbors. This project would infringe on the views, sun light, noise, and traffic mobility of the immediate neighbors. It is unclear of the impact of values.

6. A radical change with many unknown consequences for the Village. This is such a monumental project that would significantly change the entire Village forever. It is impossible to look into the future and see what impact it would have.

My suggestions are;

1. Revisit the idea of allowing Swenson to utilize the City Hall property, and relocate city hall to whereverland.

2. Have the developer design three to four phases, say 30 rooms for the first phase. After one year in operation we should be able to see the impact the project would have on the Village. If acceptable, the developer can add the next phase of 30 more rooms. Again after one year operation of the 60 room hotel shows, the final phase of 29 more rooms would go through approval. This concept is a progressive alternate to a total toss of the dice result. Or for four phases it could go 20-40-60-89. If the project at any time, any phase, seems to be detrimental to the village or Capitola, then the appropriate bodies after public hearings, have the right to cease any further development. Now, on their proposal of 2010, the proposal now is for

One thing that troubles me is the arrogance of the developer, seeming to assume the project is already approved.

Bob Edgren
agren7@yahoo.com
831-402-2111

[Landmark hotel in the works for Capitola Village](#)



CAPITOLA — For developer Jesse Nickell, the burning question is: What architectural style do people want for a n...

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)

Orbach, Matthew (morbach@ci.capitola.ca.us)

From: Janet Cameron <mjcam59@comcast.net>
Sent: Sunday, July 28, 2019 1:53 PM
To: Orbach, Matthew (morbach@ci.capitola.ca.us)
Subject: FW: 120 Monterey Ave. #19-0214

Dear Mr. Orbach, in your position as assistant city planner, we urge you not to approve the above proposed hotel development in Capitola Village. The Village, with its limited area and very restricted access and limited public parking, can not support a project of this magnitude. It would have a very negative impact on the village and the access to the commerce therein.

By making this outrageous development proposal, it is obvious that the property developers care little about the integrity and beauty of Capitola Village. Having been a property owner for several decades, we have been witness to the severe congestion problems that have been ever increasing. Public parking was lost when the property owners on what is now Lawn Way deeded over the property in front of the cottages to the city for the current Grassy "park". Even more public parking was lost when the Shoreline apartments were constructed. Then the condos at the corner of San Jose and the Esplanade took away even more public parking.

With the limited passage through the village caused by the narrow one way streets (San Jose Ave. and the Esplanade) steady streams of idling autos cause severe parking and right of way issues. While searching for a precious parking spot on the narrow streets, the exhaust from the idling autos pollute the air. Removing the public parking in the area where the old Capitola Movie theater was located, would be a serious loss to the public and to the local merchants and restaurants.

The development of a project of this size should be in an outer area, and not in this tiny village. Please do not approve this project!

We will be unable to attend the above meeting, however, my daughter Marianne Angelillo and/or my son in law Neil Angelillo will serve as our representative.

Mark Cameron – 120 Lawn Way
Elouise Wilson and Janet Cameron – 117 Lawn Way
Neil De Mera – 115 Lawn Way
Howard De Mera – 118 Lawn Way
Sent from [Mail](#) -



Virus-free. www.avg.com



Virus-free. www.avg.com

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)

Woodmansee, Chloe

From: Mark and Janet <mjcam59@comcast.net>
Sent: Monday, July 29, 2019 9:01 AM
To: PLANNING COMMISSION; City Council
Cc: ELOUISE WILSON; DeMera, Neil; Dottie DeMera; Lisa@fulcrumbuilders.com
Subject: FW: Agenda item #19-1214. Re: 8/1/19 Planning commission meeting

Dear city officials, please review and evaluate the concerns of those of us listed below. We have reviewed the proposed plans for the project, and urge you to reject the applicant's proposal. If possible, it would seem that the city should declare eminent domain on the property and fund it with a local tax specifically for the purpose of public parking availability. The parking is sorely needed by all who visit and live in Capitola.

Thank you for your public service and for your consideration of our concerns. Mark Cameron

Sent from [Mail](#) for Windows 10

From: [Orbach, Matthew \(morbach@ci.capitola.ca.us\)](mailto:morbach@ci.capitola.ca.us)
Sent: Monday, July 29, 2019 8:31 AM
To: [Janet Cameron](#)
Subject: RE: Agenda item #19-1214. Re: 8/1/19 Planning commission meeting

Mrs. Cameron,

Please send your email to planningcommission@ci.capitola.ca.us and/or citycouncil@ci.capitola.ca.us so that the elected and appointed officials reviewing this project can receive your input.

Also, this project is currently only a conceptual review, which is an opportunity for the Planning Commission and City Council to give the applicant feedback on their proposal. No aspect of the proposed project will be approved at either of these meetings (08.01.19 Planning Commission and 08.22.19 City Council). I would also urge you to read the staff report and review the proposed plans for the project, which are in the agenda packet on the City of Capitola website [HERE](#) and [HERE](#).

Please let me know if you have any additional questions.

Thanks,

Matt

From: Janet Cameron <mjcam59@comcast.net>
Sent: Sunday, July 28, 2019 10:13 PM
To: Orbach, Matthew (morbach@ci.capitola.ca.us) <morbach@ci.capitola.ca.us>
Subject: Agenda item #19-1214. Re: 8/1/19 Planning commission meeting

Dear Mr. Obach, in your position as assistant city planner, we urge you not to approve the above proposed hotel development in Capitola Village. The Village, with it's limited area and very restricted access and limited public parking, can not support a project of this magnitude. It would have a very negative impact on the village and the access to the commerce therein.

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Mark Cameron – 120 Lawn Way
 Elouise Wilson and Janet Cameron – 117 Lawn Way
 Neil De Mera – 115 Lawn Way
 Howard De Mera – 118 Lawn Way
 Sent from [Mail](#) -



Virus-free. www.avg.com

Orbach, Matthew (morbach@ci.capitola.ca.us)

From: Fridy, Linda (lfridy@ci.capitola.ca.us)
Sent: Friday, August 9, 2019 9:39 AM
To: Orbach, Matthew (morbach@ci.capitola.ca.us)
Subject: FW: resort on Monterey

For public comments attachment

From: joy5250@aol.com <joy5250@aol.com>
Sent: Friday, August 09, 2019 9:25 AM
To: City Council <citycouncil@ci.capitola.ca.us>
Subject: resort on Monterey

I have been visiting Capitola annually for about 25 years.

If the new resort is approved I will probably not visit Capitola any longer, because:

loss of view; traffic congestion; crowded beach and village; parking congestion; loss of village atmosphere; taking parking spaces from parking lot up the hill; access to stairs?. Parking garage close to the water--safe?

I have come to Capitola because it does not change; in spite of greedy developers. Now a greedy developer has the nerve to take over a piece of the village and attempt to ruin it.

Don't approve this, please.

thank you

Joyce Harvis
(209) 406-4324

Orbach, Matthew (morbach@ci.capitola.ca.us)

From: Graham, Vanessa
Sent: Friday, August 9, 2019 9:39 AM
To: Herlihy, Katie (kherlihy@ci.capitola.ca.us)
Cc: Orbach, Matthew (morbach@ci.capitola.ca.us)
Subject: FW: Form submission from: Contact Us

Hi Katie & Matt,

Here is a Submission Form from the website for you.

Thanks.

Vanessa Graham | Receptionist
 City of Capitola | 420 Capitola Avenue, Capitola, CA 95010
 P: 831.475.7300 x200 | F: 831.479.8879
 E-mail: vgraham@ci.capitola.ca.us | Website: www.cityofcapitola.org

Building and Planning Counter Hours: 1 - 4 p.m., Monday - Friday

-----Original Message-----

From: City of Capitola California via City of Capitola California <administrator@ci.capitola.ca.us>
 Sent: Friday, August 9, 2019 9:18 AM
 To: Graham, Vanessa <vgraham@ci.capitola.ca.us>
 Subject: Form submission from: Contact Us

Submitted on Friday, August 9, 2019 - 9:17am Submitted by anonymous user: 70.229.208.59 Submitted values are:

==CONTACT INFORMATION==
 Full Name: joyce harvis
 Email: joy5250@aol.com
 Phone Number: 2094064324

Question/Comment:

re building resort on Monterey. As a annual visitor for over 25 years, I am concerned about building this resort so close to the beach and village.

It will change the view; the small village feel; the traffic; the congestion; the parking. It will also add more people to an already crowded village and beach. I also don't like usurping parking spaces from the parking lot up the hill.

This is a selfish endeavor. It will ruin the atmosphere of Capitola village. Next year may be my last year if this is built. Thank you

The results of this submission may be viewed at:
<https://www.cityofcapitola.org/node/7/submission/13101>

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)



The Nature Conservancy
Protecting nature. Preserving life.

Ms. Lori Lee
140 Riverside Ave., Apt. 1
Ben Lomond, CA 95005-9557

August 1, 2019

To Whom, This Concerns:

I heard there is a meeting tonight, regarding the 'proposed' 5-story hotel, in Capitola Village. Unfortunately, I have to work, but wanted my input, included.

I live in the mountains, but work in Capitola + Aptos. I drive thru the 'Village', often, to try, to avoid some traffic, & enjoy the views & 'small-town feel', of 'The Loop'.

I think this is a terrible idea! Saw pictures of what it will look like - do not like it! Traffic, views, appearance, would be terribly changed! Underground parking, won't help anything - as people have to "emerge" from there! It's crowded enough. Neer, the parking lot that's there, already. Miss, the old Theatre - That, would have been nice, to preserve, & use!

Enough! Over-development, in this area! Rarely, if ever, improves anything.

Thank you, for reading this.

Honorable Mayor, Council Members, Planning Commissioners and City Staff

I have lived and/or worked in Capitola since 1989 and am an avid supporter of the proposed hotel with some reservations;

Design

The proposed design would fit visually anywhere on 41st Avenue or almost any other City for that matter, the name of any corporate hotel on the marquee. It is not suitable for an anchor landmark in the Capitola Village. A hotel with a design reminiscent of the historic Capitola Hotel on that corner would fit the site perfectly. It can be adapted to the tiered approach. Now is the time to insist upon it.

All possible effort should be made to subsume and incorporate more completely the existing Britannia Arms/Café Lido/Mac's Grill into the design, *if* the owner cannot be convinced to demolish the building and the lots combined.

The rendering is not accurate. The bluff is far steeper than indicated and the first floor of the hotel will be about four feet above street level. These are minor details that significantly impact the appearance. What happens with the existing bandstand, public restrooms and pump station is not even hinted at.

Parking

The design is not optimistic, it is wishful thinking. Stacked parking can work. It is typically used in a far denser urban environment. My prediction is that there will be numerous reasons why it cannot be installed prior to building final and occupancy. It would be much preferable to require a second level installed below the first, using an entrance on the Esplanade with valet parking and an exit on El Camino Medio.

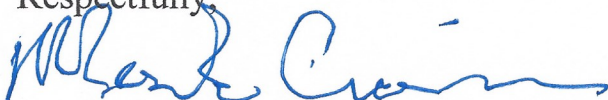
Performance Bond

Given the contractor/builder/developer/owner's track record on the Rispin Mansion project, an iron clad performance bond should be required. The City should hire an experienced Construction Representative to insure their interests are met.

Conclusion:

This project is possible and should be done. Please remember that you are constructing for the next hundred years or more. Let us do this right. In addition; whatever motivates you to public service I want to thank you for doing so.

Respectfully,



Mark Crain, 404 Bay Avenue, Capitola.- H 831 475-3532, C 831 227-0591 – 7/30

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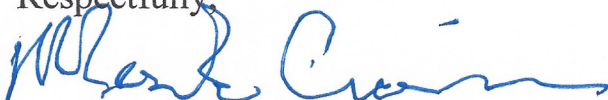
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Respectfully,



Mark Crain, 404 Bay Avenue, Capitola.- H 831 475-3532, C 831 227-0591 – 7/30

Woodmansee, Chloe

From: Matt Arthur <marthur70@sbcglobal.net>
Sent: Monday, July 29, 2019 8:21 AM
To: PLANNING COMMISSION
Subject: Your consideration the Swenson Hotel Conceptual Review Application

Dear Planning Commission
 Members,

Molly Ording in her email to you earlier this month was accurate with the facts and the sentiments of our community. I concur and support her email. I urge each of you individually as Planning Commission Members to defend and protect the community against this project that is too large for our quaint village.

Respectfully,

Matt Arthur
 Capitola Resident
 Capitola Village Business Owner

On Jul 12, 2019, at 8:15 PM,
 Molly Ording
 <mollyording@yahoo.com>
 wrote:

Dear Valued Members of the
 Planning Commission:
 Regarding your August 1st
 meeting to consider the latest
 Swenson Hotel proposal, I was
 very involved in their previous
 submission back in 2010-2011. I,
 and others, met several times
 with Jesse Nicol and clearly
 expressed, after seeing their
 proposal, the reasons for our
 strong opposition at that time.
 CLEARLY! Height, Mass, Traffic,
 Parking, Circulation, Noise,
 Safety, etc. etc. etc. Now, they

are back with an **even larger, taller, more intrusive** project that **totally** and **completely** ignores and dismisses those many previous discussions with residents, business owners, visitors and adjacent neighbors. To say these “discussions,” both past and present, have been generally a frustrating use of time from the perspective of those many of us who have presented cogent, thoughtful responses to their plans, past and present, is an understatement! One has to wonder why they reached out to many community neighbors, residents and activists if they were not going to listen to our opinions **at all?**

In any case, this new iteration is clearly **too tall**...8 stories...the previous 7 stories was soundly rejected! 89 rooms versus 71...71 was **too large**...and now 89? The intrusion of the roof **accouterments upon the precious green bluff space** above the massive roof...unacceptable...(also noted and rejected by the Coastal Commission). The environmentally very questionable **underground parking** and the **loss of how many public parking spaces?**

These are all absolutely unacceptable features of their proposal! To say nothing of the dire effects upon parking and circulation and pedestrian safety upon our already overwhelmed village.

This project lacks any regard or respect for our historic and charming Capitola Village, which you are the first line of defense of! Its scale, style and size lack any shred of synchronicity (let alone respect for residents, visitors & merchants) with our

precious, tenuous and historic village. You must reject this out of hand. My thought is to advise them to work with the developers of the Mall project and put their hotel there...an ideal location! There are some options for their property...this absolutely is **not** one of them!

Also, I must note and remind you that it is not the obligation of the City to approve projects that fit into the financial guidelines of the developer...especially a huge hotel in the Village! They constantly respond that it has to be so big and so tall or the project does not "pencil out" for them! Well, that is absolutely their problem...and definitely not one to be foisted upon the City, its residents and visitors who so treasure the small scale and our unique beach village atmosphere that Capitola currently presents. Do not be that City body who opens the door to move this absolutely unacceptable proposal forward because it "pencils out" for the developer who totally and consistently has disregarded and disrespected the City and the community in which he wishes to do business!

Many of you know that I am generally a more genteel letter writer but I cannot express to you my frustration at responding to them, not once but several times, with sincerity and a willingness to listen and learn and work together and then to have them respond with something that is **TOTALLY** and **COMPLETELY** unacceptable! Our residents' time is too valuable, our village is too precious and we are counting on you to deliver the message that Capitola deserves deep and serious respect and consideration and it is "not for sale" despite the

temptation of TOT dollars. This is one of those special spaces and places that deserves deep, thoughtful, creative and respectful consideration and planning. We expect and demand nothing less of you!

Most sincerely,
Molly I. Ording
218 Monterey Avenue
Capitola, Ca. 95010
831/334-5559

Thank you!

Matt

Matt Arthur

C: 831-818-2021

Orbach, Matthew (morbach@ci.capitola.ca.us)

From: Fridy, Linda (lfridy@ci.capitola.ca.us)
Sent: Monday, August 5, 2019 12:12 PM
To: Orbach, Matthew (morbach@ci.capitola.ca.us)
Subject: Fwd: Hotel concept

Please include in public comment attachment

Sent from my iPhone

Begin forwarded message:

From: michael routh <gwakwak@gmail.com>
Date: August 3, 2019 at 9:45:23 AM PDT
To: citycouncil@ci.capitola.ca.us
Subject: Hotel concept

8/5/19

Mayor and Council Members,

You will soon visit the conceptual hotel proposal for the old theater property. I'd like to share some brief Village / City Council history.

In the late 1960's, Capitola was under pressure from developers. The large complexes on Park Ave were allowed, a 7 story office building was proposed where the DMV is located, a proposal was made to fill in the bay below the Depot Hill bluffs to build a parking lot, much of Capitola was zoned to allow one unit for every 1000 sq ft; there was talk of developing large hotels and commercial buildings in the Village.

The community rallied together in the early '70's and defeated the pro-development faction on the Council. The new City Council majority drew a hard line in the sand against over developing the Village to protect its small town quaint character and feel. That hard line existed for the nearly the next 40 years. That's the primary reason the Village still maintains its character, its uniqueness, and is so loved today.

In the last several years that hard line that existed for nearly 40 years has become blurred. This hotel proposal in its current form, will erase 40 years of hard work by previous City Councils and this community to protect the Village from overdevelopment.

Please instruct Swenson Builders to reduce the size of the hotel concept to lessen the impacts on the Village. Request a design that reflects and adds to the character of the Village. Restore the hard line established by previous City Councils and protect our Village, its character, its uniqueness, and its small town feel so future generations can enjoy it and love it as we have.

Respectfully,

Mick Routh
 50 year resident
 Former Mayor and City Council Member 1972-1996
 Former Planning Commissioner 2012-16

Current Capitola Planning Commissioner 2018 -

Sent from my iPad

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)

From: [Molly Ordning](#)
To: [PLANNING COMMISSION](#)
Subject: Your consideration the Swenson Hotel Conceptual Review Application
Date: Friday, July 12, 2019 8:15:31 PM

Dear Valued Members of the Planning Commission:

Regarding your August 1st meeting to consider the latest Swenson Hotel proposal, I was very involved in their previous submission back in 2010-2011. I, and others, met several times with Jesse Nicol and clearly expressed, after seeing their proposal, the reasons for our strong opposition at that time. CLEARLY! Height, Mass, Traffic, Parking, Circulation, Noise, Safety, etc. etc. etc. Now, they are back with an **even larger, taller, more intrusive** project that **totally** and **completely** ignores and dismisses those many previous discussions with residents, business owners, visitors and adjacent neighbors.

To say these “discussions,” both past and present, have been generally a frustrating use of time from the perspective of those many of us who have presented cogent, thoughtful responses to their plans, past and present, is an understatement! One has to wonder why they reached out to many community neighbors, residents and activists if they were not going to listen to our opinions **at all**?

In any case, this new iteration is clearly **too tall**...8 stories...the previous 7 stories was soundly rejected! 89 rooms versus 71...71 was **too large**...and now 89? The intrusion of the roof **accouterments upon the precious green bluff space** above the massive roof... unacceptable...(also noted and rejected by the Coastal Commission). The environmentally very questionable **underground parking** and the **loss of how many public parking spaces**? These are all absolutely unacceptable features of their proposal! To say nothing of the dire effects upon parking and circulation and pedestrian safety upon our already overwhelmed village.

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Also, I must note and remind you that it is not the obligation of the City to approve projects that fit into the financial guidelines of the developer...especially a huge hotel in the Village! They constantly respond that it has to be so big and so tall or the project does not “pencil out” for them! Well, that is absolutely their problem...and definitely not one to be foisted upon the City, its residents and visitors who so treasure the small scale and our unique beach village atmosphere that Capitola currently presents. Do not be that City body who opens the door to move this absolutely unacceptable proposal forward because it “pencils out” for the developer who totally and consistently has disregarded and disrespected the City and the community in which he wishes to do business!

Many of you know that I am generally a more genteel letter writer but I cannot express to you my frustration at responding to them, not once but several times, with sincerity and a willingness to listen and learn and work together and then to have them respond with

something that is TOTALLY and COMPLETELY unacceptable! Our residents' time is too valuable, our village is too precious and we are counting on you to deliver the message that Capitola deserves deep and serious respect and consideration and it is “not for sale” despite the temptation of TOT dollars. This is one of those special spaces and places that deserves deep, thoughtful, creative and respectful consideration and planning. We expect and demand nothing less of you!

Most sincerely,

Molly I. Ording
218 Monterey Avenue
Capitola, Ca. 95010
831/334-5559

Woodmansee, Chloe

From: Patsy Ross <patsy@christopherranch.com>
Sent: Thursday, August 01, 2019 10:24 AM
To: PLANNING COMMISSION
Subject: Capitola Hotel

Dear Capitola Planning Commission:

Thank you for the opportunity to communicate our opinions and input regarding the proposed hotel in the Village. We live on El Camino Medio so we will definitely be impacted by a hotel just down the street from us. Anyone who lives in the Village is going to be very effected by this project.

Two of the main concerns we have are traffic and noise. The traffic as we all know is infamous in the village...all of our friends constantly comment on the traffic issues of the village and this is all BEFORE a hotel. Village traffic literally is part of every plan we make, trying to leave before the beach traffic starts up. Or what time we might be returning to our house. Not only we do we need to think about the guests driving in to the village to stay at the hotel, we are also very concerned about the amount of traffic generated by employees (staff of hotel) and vendors of the hotel. The village is noisy and we accept that as part of living in this special place but I think adding a hotel (with up to 89 rooms) to an already very popular place the noise levels will increase immensely. Right now El Camino Medio get's very minimal use as it is one way and empties into the old theater parking lot. Will this road be used by staff, guests, vendors if the hotel get's built?

Steve and I are business people, we believe that Green Valley and Swenson have rights that must be protected and respected. We know they have invested a lot of money and resources with the hope that they can build a hotel that is profitable for them. That being said when we were building our home over 10 years ago the feedback, input and opinions of the neighbors around us was definitely listened to and swayed the City Council and Planning Commission at the time. And it cost us; our home ending up being close to 3 times the amount as we budgeted. So I think a business that will impact so many residents and visitors alike should be held to an even higher standard of scrutiny and review.

Years ago when we took part in the Vision of Capitola planning sessions Steve and the team he was on came up with an idea of an Ocean Center sponsored by the owners of the property. It could house an education section, surfboard, paddleboard, outrigger canoe storage, there could be entertainment events etc. Since this would not be a money maker perhaps the property owners and Swenson could set up a Foundation to sponsor this center. Foundations can be a great tax benefit as well as a way to support the community. We know Swenson has a very active philanthropy arm so perhaps this "Ocean Education Center" could be included or an intracule part of their community service and support.

This project could forever change Capitola Village and it is important to review carefully and move forward for what is best for the entire community.

Sincerely,

Steve & Patsy Ross
 218 El Camino Medio Street
 Capitola, CA 95010

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)

Woodmansee, Chloe

From: Peter Wilk <petergwilk@gmail.com>
Sent: Monday, July 29, 2019 3:36 PM
To: Malberg, Jim
Cc: PLANNING COMMISSION
Subject: Re: Village Hotel

> On Jul 29, 2019, at 2:40 PM, Malberg, Jim <jmalberg@ci.capitola.ca.us> wrote:

>
 > Hi Peter,
 >
 > Please see my responses to your questions below and let me know if you have any additional questions.
 >
 > Thanks - Jim

>
 > -----Original Message-----
 > From: Peter Wilk <petergwilk@gmail.com>
 > Sent: Monday, July 29, 2019 11:51 AM
 > To: Malberg, Jim <jmalberg@ci.capitola.ca.us>
 > Cc: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>
 > Subject: Village Hotel

>
 > Jim: I would like to explore the financial benefits of a village hotel before Thursday's meeting.

>
 > 1. How much revenue could we expect from an 88 room village hotel?
 > I would estimate \$600,000 annually using the Fairfield on 41st Avenue with 84 rooms as the model with the caveat that it will depend on their nightly room rate and their occupancy rate throughout the year, but I would expect a hotel in the village to perform similarly to the Fairfield which runs with a higher occupancy rate than industry standards. This would represent approximately a 33% increase to our 3rd largest revenue source which is currently estimated at \$1.6 million annually. Also, it should be noted that our TOT revenues over the last three years have been relatively flat which I believe is attributable to not having enough rooms available during peak tourist times.

>
 > 2. How would this compensate for lost income from the slumping mall sales?
 > This would help tremendously...we are projecting flat sales tax revenue, which as you know is our largest revenue source, the next two years, a 5% decrease in FY 2021-22 due to mall redevelopment, flat again in FY 2022-23 while new stores come online and 4% increases in FY 2023-24 & FY 2024-25 once mall redevelopment is complete. This is an estimated timeline and could push out a little further, but any additional revenue that is not related to sales tax is a good thing from a revenue diversification standpoint.

>
 > 3. Are we still facing a pension crisis? What is the financial burden we are looking at in the next five years?
 > Yes, as of right now we are projecting the following UAL payments: FY 2019-20 = \$1,480,054 (which will be paid 7/30/19), FY 2020-21 = \$1,723,600, FY 2021-22 = \$1,926,520, FY 2022-23 = \$2,113,400, FY 2023-24 = \$2,225,200, and FY 2024-25 = \$2,340,100 a 58% increase over the current year following roughly a 50 % during the two years that I have been here (\$971,400 in FY 2017-18 & \$1,216,000 in FY 2018-19). The new CalPERS UAL Reports will be issued towards the end of August & I can update the numbers at that time, but I don't anticipate that they will change by much.

>

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)

> Basically, is the revenue from a village hotel a "need to have" or a "nice to have?"

>

> Any help would be appreciated, thanks.

Thanks, very helpful!

Woodmansee, Chloe

From: Skip Allan <skipallan@sbcglobal.net>
Sent: Wednesday, July 31, 2019 1:51 PM
To: PLANNING COMMISSION
Cc: allan skip
Subject: Hotel Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,

91 underground parking spaces proposed for the hotel site of the old Capitola Theater?

Having lived two blocks away for 45 years, I've seen that area of the Esplanade flooded as much as two feet deep many winters...El Toro Bravo, directly across the street, regularly employs sandbags to keep their business from flooding. The flooding occurs when the high tide and winter surf are higher than the street (the end of Monterey Ave.) which is at or below sea level, preventing rain runoff drainage in the area. Also, during times of big surf, the waves can and do break over the Esplanade seawall, filling the area with a saltwater/freshwater combination that closes traffic access.

To plan an underground garage in the area begs belief. Presumably the underground garage would be well below sea level. Large pumps would have to be employed to keep parked cars from submerging during times of flooding. Never mind the parking garage would be dug below sealevel at the forefront of a tsunami zone.

I wonder if the planners of the proposed Hotel have ever studied winter storm impacts to their future site?

~skip allan
 310 McCormick Ave.
 Capitola, CA
 95010

Attachment: 120 Monterey Avenue - All Public Comments Prior to 08.16.2019 (Village Hotel Conceptual Review)

Woodmansee, Chloe

From: Stephanie Tetter <stephanie.tetter@gmail.com>
Sent: Tuesday, July 30, 2019 4:05 PM
To: PLANNING COMMISSION
Subject: Hotel

TO: Capitola Planning Commission:

The citizens who responded to the Vision Capitola questionnaire were pretty clear about wanting to retain the small town feel of our Village. And while I understand the desire for revenue, etc. the hotel as proposed is just TOO BIG. Drive past the Fairfield Inn on 41st and look at the size of it -- it's in the 80-90 room range, It is HUGE.

Parking and traffic are major issues, and taking spaces from the upper parking lot for the hotel isn't a solution, nor is an underground garage with "stacked" parking.

Finally, WE DO NOT HAVE ADEQUATE WATER TO ADD AN 85-ROOM HOTEL!!! Our aquifer is dangerously close to the point where the saltwater intrusion will irrevocably harm our water supply.

I urge you to listen to the people of Capitola rather than the developers and vote NO on this project as proposed.

Thank you

Stephanie Tetter
222 Junipero Court
Capitola, CA 95010



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: City Manager Department

SUBJECT: Report on the Draft Mid-County Groundwater Sustainability Plan

RECOMMENDED ACTION: Receive report.

BACKGROUND: The Mid-County Groundwater Agency (MGA) was formed in March 2016 following state legislation mandating the sustainable management of groundwater resources. The MGA was formed as a Joint Powers Authority with four member agencies that draw from the local groundwater basin: Central Water District, City of Santa Cruz, County of Santa Cruz, and Soquel Creek Water District, and it encompasses an area roughly from Seabright to La Selva Beach. The entire City of Capitola is within the MGA boundary.

The California Department of Water Resources classified the mid-county groundwater basin as a high-priority basin in a state of critical overdraft, requiring the MGA to submit a sustainability plan by January 31, 2020. The Sustainable Groundwater Management Act (SGMA) requires the MGA to consult with cities within the groundwater basin to promote effective collaboration on groundwater sustainability planning, especially as it relates to land use plans.

DISCUSSION: The draft Groundwater Sustainability Plan (GSP) was released July 18 and the public comment period is open through September 19. The full report and individual sections can be found online at <http://www.midcountygroundwater.org/sustainability-plan>. The plan's sustainability goal is to manage the groundwater basin to ensure beneficial uses and that users have access to a safe and reliable groundwater supply that meets current and future demands.

The Draft Groundwater Sustainability Plan provides an overview of:

- The MGA's organization, management, roles, and responsibilities as an agency
- Groundwater basin background and historic use of groundwater
- Groundwater management efforts that predate SGMA
- Groundwater management efforts needed to reach sustainability under SGMA
- Groundwater monitoring and reporting required to comply with SGMA
- GSP implementation budget and schedule

Since land use decisions can increase or decrease the demand for groundwater, SGMA requires land use agencies to review and consider groundwater sustainability plans. SGMA also requires land use agencies to inform their local groundwater sustainability agency before they adopt or substantially amend a general plan. The state legislature's goal is close coordination between water agencies and land use approval agencies.

Mid-County Groundwater Sustainability Plan
August 22, 2019

If the MGA fails to approve a plan, fails to submit a plan that will achieve sustainability, or fails to make progress toward sustainability under the plan, the state can take over groundwater management within the basin. In this scenario, the state has indicated that groundwater pumping reductions and increased water rates are the primary management tools available to it to achieve groundwater sustainability. All basin water users benefit from working together to achieve local groundwater sustainability.

FISCAL IMPACT: None.

ATTACHMENTS:

1. Groundwater basin map

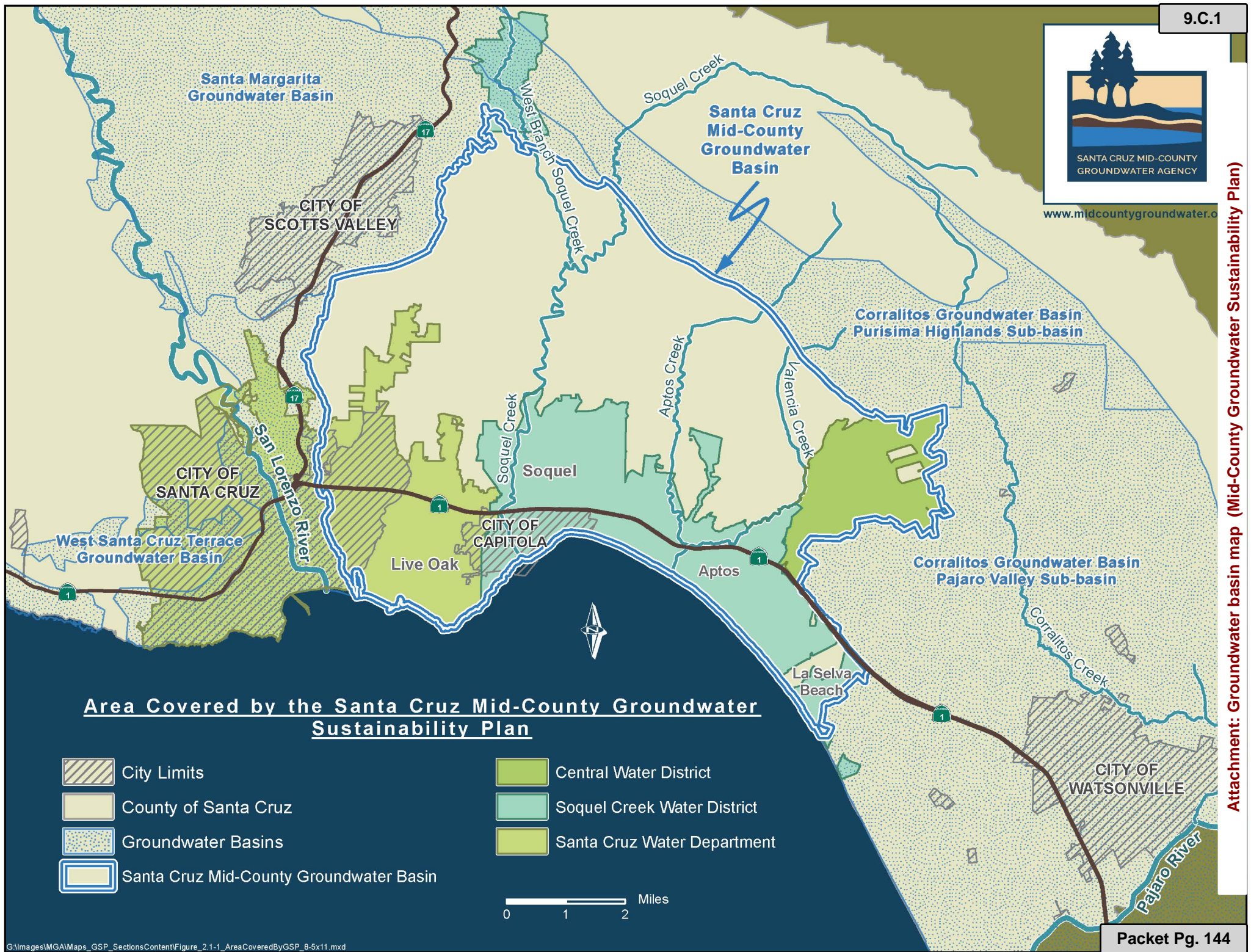
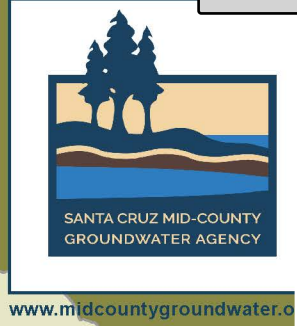
Report Prepared By: Linda Fridy
City Clerk

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

8/15/2019



Area Covered by the Santa Cruz Mid-County Groundwater Sustainability Plan

- City Limits
- County of Santa Cruz
- Groundwater Basins
- Santa Cruz Mid-County Groundwater Basin
- Central Water District
- Soquel Creek Water District
- Santa Cruz Water Department

0 1 2 Miles

Attachment: Groundwater basin map (Mid-County Groundwater Sustainability Plan)

G:\Images\MGAIMaps_GSP_SectionsContent\Figure_2.1-1_AreaCoveredByGSP_8-5x11.mxd



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: Community Development

SUBJECT: Consider Contracts for a Planning Consultant and Economic Consultant for Capitola Mall Redevelopment

RECOMMENDED ACTION: Authorize the City Manager to award a contract to JHS Consulting for \$206,000 and Kosmont Companies for \$63,000 to establish the City's technical team to review the application to redevelop the Capitola Mall.

BACKGROUND: The City expects that Capitola Mall owners Merlone Geier will be submitting an application to redevelop the Mall in late August/early September 2019. The project is anticipated to include more than 600 residential units and 600,000 square feet of commercial space.

To manage the project review process, the City is assembling a team of technical experts including a planning consultant, environmental consultant, and economic consultant. The planning consultant will function as an extension of the Capitola planning staff and serve as the lead planner on the project. The environmental consultant will review the application for compliance with the California Environmental Quality Act (CEQA). The economic consultant will analyze the financial impacts to the City of the proposed project in the near and long term and assist with the development agreement negotiations.

The City posted three requests for qualifications (RFQ) for 30 days on the City website. On June 17, 2019, the RFQ closed with six responses for the environmental consultant, six for the planning consultant, and seven for the economic consultant. Staff reviewed the submittals and the top firms were invited to interview.

On July 17, the City hosted three interviews for the planning consultant. The interview panel consisted of two planning directors within the region and two City staff members. The top firm, JHS Consultant had the most relevant planning experience acting as an extension of staff for the City of Mountain View on large mixed-use projects similar to the redevelopment of the Capitola Mall. JHS Consultant is located in Los Gatos, California.

Also on July 17, the City interviewed three environmental consultants. The interview panel consisted of two local environmental planners and two City staff. City staff is currently working with the finalist on the scope of work. The contract for the environmental consultant will be brought to the City Council at a future hearing.

On July 24, the City interviewed the top four economic consulting firms. The interview panel consisted of two local economic development staff and two City staff. Kosmont Companies was selected due to a successful record of public/private negotiations and experience with large

Contracts for Mall Redevelopment Consultants
August 22, 2019

mixed-use projects including mall redevelopment.

DISCUSSION: The contract consultants will work as an extension of City staff to help review the mall redevelopment application. The funding for the contracts will be covered by the applicant, Merlone Geier. Each consultant provided billing rates with the qualification statements. Following selection, the City required a project scope with not-to-exceed pricing from each consultant. The project scopes and pricing are included as attachments to the individual contracts.

Consultant Type	Selected Firm	Contract Amount
Planning Consultant	JHS Consulting	\$206,000
Economic Consultant	Kosmont Companies	\$63,000

For these types of third party technical studies, the City charges applicants the direct cost of the study plus 21 percent overhead to cover the city costs associated with staff review of the work and contract administration.

The applicant will also be billed hourly for the City Attorney, Architectural Review, and Stormwater Review. The Community Development Director time for tasks not associated with the management or oversight of three contracts will also be billed hourly.

The City will require a \$100,000 deposit with the application submittal. Billing to the applicant will occur monthly. Upon submittal of the application and deposit, the City Manager will execute the consultant contracts.

The anticipated start date is September 1, 2019. Staff estimates the project review will take a minimum of 18 months.

FISCAL IMPACT: All funding for this project will be paid by the applicant.

ATTACHMENTS:

1. Contract for Planning Consultant - JHS Consulting
2. Contract for mall economic consultant - Kosmont Companies

Report Prepared By: Katie Herlihy
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

8/15/2019

CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
 Planning Consulting Services
 JHS Consulting

THIS AGREEMENT is entered into on _____, 201_, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and JHS Consulting, hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

SECTION 1
Scope of Services

The services to be performed under this Agreement are for Planning Consultant and further detailed in Appendix One.

SECTION 2
Duties of Consultant

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Katie Herlihy, Community Development Director, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

SECTION 3
Duties of the City

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Consultant relative to Consultant's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

Professional Services Agreement _____ (insert date of contract)
 Planning Consultant Services
 JHS Consulting
 Page 2

SECTION 4 **Fees and Payment**

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City if the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition, each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

SECTION 5 **Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

SECTION 6 **Time of Beginning and Schedule for Completion**

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- The date Consultant completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about **August 26, 2019**.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

SECTION 7 **Termination**

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8 Insurance

Consultant shall procure and maintain for the duration of the contract and for ___ years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|---|
| 1. General Liability:
(including operations, products and completed operations) | \$1,000,000 per occurrence and \$2,000,000 in aggregate (including operations, for bodily injury, personal and property damage. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and property damage. |
| 4. Errors and Omissions Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the aggregate. |

Professional Services Agreement _____ (insert date of contract)
 Planning Consultant Services
 JHS Consulting
 Page 4

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

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

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 9 Indemnification

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees

Professional Services Agreement _____ (insert date of contract)
 Planning Consultant Services
 JHS Consulting
 Page 5

from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10 **Civil Rights Compliance/Equal Opportunity Assurance**

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

SECTION 11 **Legal Action/Attorneys' Fees**

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12 **Assignment**

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

SECTION 13 **Amendments**

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14
Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.
5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.
6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

Professional Services Agreement _____ (insert date of contract)
Planning Consultant Services
JHS Consulting
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CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONSULTANT
JHS Consulting
475 Alberto Way, Suite 210
Los Gatos, CA 95032
408-623-1595

By: _____
Benjamin Goldstein, City Manager

By: _____
John Schwartz, President

Dated: _____

Dated: _____

Approved as to Form:

, City Attorney

Attachment: Contract for Planning Consultant - JHS Consulting (Contracts for Mall Redevelopment Consultants)



**PROPOSED SCOPE OF SERVICES
CITY OF CAPITOLA
August 10, 2019**

BACKGROUND

JHS Consulting provides professional consulting and project management services to public agencies on all types of real estate development and infrastructure projects. JHS Consulting has extensive experience with project management as well as the land use entitlement and planning process, particularly with navigating the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and the regulatory agency permitting processes.

JHS Consulting, LLC has been selected to provide the City of Capitola with contract planning and consulting services.

SCOPE OF SERVICES

This scope of services is for JHS Consulting's work to manage and process the Capitola Mall Redevelopment Project application, which is expected to be submitted in late August, on behalf of the City. It is expected that this work will involve: 1) reviewing and processing the project application; 2) managing the CEQA environmental review process; 3) preparing for and attending meetings and hearings; and 4) coordinating with City departments, the applicant team, and various stakeholders.

Given the varied nature and timing of the tasks anticipated in this scope, it is understood that the work effort and number of hours worked will fluctuate and vary over the term of this contract. Therefore, this scope assumes that the work outlined will generally average about 50 hours per month for the duration of this agreement.

This scope covers the work effort by John Schwarz of JHS Consulting for the generally anticipated tasks identified below.

1. Project Application

JHS will review and process the project application on behalf of the City. It is anticipated that this will generally consist of the following specific tasks:

- a. Review application for completeness in compliance with the Permit Streamlining Act, Cal. Gov. Code §65920;
- b. Monitor and satisfy all State and locally imposed regulatory timelines and required hearings/notices;
- c. Organize a kick-off meeting with relative City staff, consultants, and the project applicant team;



- d. Evaluate project's consistency with General Plan, Zoning Code, other relevant City policies and programs, and all applicable local, state, and federal statutes;
- e. Coordinate review of application with other City departments, public agencies, and special districts; and
- f. Coordinate with third party architect review of application in compliance with design permit requirements.

2. CEQA Process and Environmental

JHS will manage the CEQA environmental review process on behalf of the City. It is anticipated that this will generally include the following specific tasks:

- a. Coordinate review of the project application with the City's contracted environmental consultant on the Environmental Impact Report (EIR);
- b. Ensure that all CEQA requirements are followed during the environmental review process;
- c. Manage the accuracy, flow, and timeliness of all technical reports or subconsultant reports (e.g. geotechnical reports, traffic and parking, etc.) that may be required for the EIR;
- d. Review the Administrative Draft and Screencheck versions of the Draft and Final EIR and coordinate review of the EIR with other City departments;
- e. Review Draft CEQA Findings Resolution and Mitigation Monitoring and Reporting Program (MMRP);
- f. Preparation and/or review of CEQA Notices (NOA, NOC, NOD)
- g. Manage EIR consultant's schedule and budget; and
- h. Coordinate with the CEQA consultant and ensure that the City has a complete "CEQA Administrative Record" for the project.

3. Public Hearings and Meetings

JHS will prepare the project for public hearings. This work will include the following:

- a. Draft staff reports and other documents necessary for City consideration of the application;
- b. Attend and deliver presentations at all public hearings before the Planning Commission and City Council regarding the project; and
- c. Attend additional meetings with City staff, applicant team, other agencies, stakeholders, and/or members of the public.

4. Project Management and Coordination with Stakeholders:

JHS will be responsible for general project management as well as coordination with various stakeholders. This work will include the following:

- a. Coordinate neighborhood outreach efforts which may include neighborhood meetings, notifications, and updates to neighborhood groups and/or individuals.



- b. Coordinate with local, state, and federal agencies as it pertains to their review and comment;
- c. Provide timely and accurate responses to inquiries/questions from all sources such as the applicant, applicant’s representatives, community members, staff from other City departments and public agencies, elected officials, etc.; and
- d. Submit weekly status reports via email to the designated City representative. At a minimum, status reports should identify any schedule or budget variations, describe work in progress, and note any unanticipated issues which could impact the project budget/schedule.

STAFFING

John Schwarz of JHS Consulting will serve as the Planner/Project Manager for the work described in this scope.

BUDGET

The hourly rate of \$225.00 for John Schwarz of JHS Consulting shall be effective for the term of this Agreement, and work will be billed monthly on a time and expense basis.

Based on the estimated project schedule, it is anticipated that the duration of this work will extend through January 2021, a total of approximately 18 months. Therefore, based on an assumed average number of hours of 50 hours per month, plus expenses, the total cost for this work is estimated not to exceed \$206,500, as outlined below. In the event that the work effort is increased or the project duration is lengthened, this amount may need to be augmented.

<u>Labor:</u>	\$202,500
<i>John Schwarz, President/Principal</i>	
<i>50 hours per month x 18 months = 900 hours; \$225/hour x 900 hours</i>	
 <u>Expenses:</u>	 4,000
<i>Mileage will be charged at a rate of 0.58 per mile.</i>	
<i>Other expenses (i.e., document reproduction, etc.) will be charged at cost.</i>	
 ESTIMATED TOTAL	 \$206,500

Attachment: Contract for Planning Consultant - JHS Consulting (Contracts for Mall Redevelopment Consultants)

Professional Services Agreement _____ (insert date of contract)
 Planning Consultant Services
 JHS Consulting
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APPENDIX TWO Fees and Payments

For the services performed, City will pay consultant on a not-to-exceed, lump sum basis upon satisfactory completion of the services and delivery of work products. Payments will be issued monthly as charges accrue, the sum of consultant's salary expenses and non-salary expenses.

Consultant hereby represents and warrants, based upon Consultant's independent determination of the time and labor, including overtime, which will be required to perform said services, that Consultant will provide all said services at a cost which will not exceed the maximum price set forth in this agreement for Consultant's services. Consultant hereby assumes the risk that Consultant will perform said services within this maximum price constraint and Consultant acknowledges that its inability to do so shall not excuse completion of the services and shall not provide a basis for additional compensation.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Consultant's indirect overhead costs and fees. For purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Salary payment for personnel time will be made at the rates set forth in the attached fee schedule for all time charged to the project. Normal payroll rates are for 40 hours per week. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$_____ (_____ Thousand Dollars and Zero Cents), without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of JHS Consulting, that the charge of \$_____ as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated _____, _____, and has not been previously paid."

CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
 Economic Consulting Services
 Kosmont Companies

THIS AGREEMENT is entered into on _____, 201_, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Kosmont Companies, hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

SECTION 1
Scope of Services

The services to be performed under this Agreement are for economic consulting services and further detailed in Appendix One.

SECTION 2
Duties of Consultant

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Community Development Director, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

SECTION 3
Duties of the City

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Consultant relative to Consultant's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

Professional Services Agreement _____ (insert date of contract)
 Economic Consulting Services
 Kosmont Companies
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SECTION 4 **Fees and Payment**

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City if the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition, each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

SECTION 5 **Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

SECTION 6 **Time of Beginning and Schedule for Completion**

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- The date Consultant completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about August 26, 2019.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

SECTION 7 **Termination**

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8 Insurance

Consultant shall procure and maintain for the duration of the contract and for _____ years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|---|
| 1. General Liability:
(including operations, products and completed operations) | \$1,000,000 per occurrence and \$2,000,000 in aggregate (including operations, for bodily injury, personal and property damage. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and property damage. |
| 4. Errors and Omissions Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the aggregate. |

Professional Services Agreement _____ (insert date of contract)
 Economic Consulting Services
 Kosmont Companies
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Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

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

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 9 Indemnification

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

Professional Services Agreement _____ (insert date of contract)
 Economic Consulting Services
 Kosmont Companies
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For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10 **Civil Rights Compliance/Equal Opportunity Assurance**

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

SECTION 11 **Legal Action/Attorneys' Fees**

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

SECTION 12 **Assignment**

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

SECTION 13 **Amendments**

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such

Professional Services Agreement _____ (insert date of contract)
 Economic Consulting Services
 Kosmont Companies
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authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

SECTION 14 Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.

2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.

3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.

4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.

5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.

6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.

7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.

8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.

9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

Professional Services Agreement _____ (insert date of contract)
Economic Consulting Services
Kosmont Companies
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CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

CONSULTANT
Kosmont Companies
1601 N. Sepulveda Blvd. #382
Manhattan Beach, CA 90266
424-297-1070

By: _____
Benjamin Goldstein, City Manager

By: _____
Ken K. Hira, President

Dated: _____

Dated: _____

Approved as to Form:

City Attorney

Attachment: Contract for mall economic consultant - Kosmont Companies (Contracts for Mall Redevelopment Consultants)

Capitola Mall Negotiations Kosmont Scope and Budget

BACKGROUND

Merlone Geier Partners (“MGP”) owns approximately 2/3rds of the land encompassing the Capitola Mall site. Anchors Macy’s and Target own their buildings and land. MGP has been evaluating redevelopment options since acquiring the mall in 2016. They recently presented some high level concepts that indicate demolition of existing interior mall space and creation of an outdoor retail/restaurant street grid and approximately 600 new residential units.

MGP is expected to submit a formal development proposal in August, before commencing with community outreach and an EIR, with the expectation of executing a Development Agreement with the City of Capitola (“City”) next year. The City is seeking help in evaluating the development proposal and assist in negotiating a Development Agreement (“DA”) that meets the community’s short term and long term objectives.

SCOPE

Kosmont envisions the following scope of work to assist the City over the next six months.

Task 1: Project Orientation

Kosmont will review the MGP development proposal and meet/tour with City staff and elected officials to understand the City’s goals and objectives. Kosmont will also want to understand what CC&R’s or reciprocal easement agreements are in place and could affect redevelopment scenarios.

Deliverable: Kosmont will prepare a summary memo

Task 2: Feasibility Analysis

Kosmont will do high level market analysis for retail, office, hotel and residential to establish baseline assumptions.

Deliverable: Kosmont will prepare a summary memo of our findings

Task 3: Fiscal Analysis

Given the reduction in existing commercial space likely to occur and the increase in municipal service costs associated with new residential units. Kosmont will utilize market analysis to prepare a fiscal impact model to analyze the annual General Fund revenues and expenditure impacts from each proposed land use component.

Deliverable: Kosmont will prepare a summary memo of our findings.

Based on the results from Tasks 1-3, Kosmont can present financial recommendations

Task 4: Initial Negotiations

With direction from Council, Kosmont will work with City staff to negotiate a DA with MGP that achieves City objectives and provides a financially viable plan to MGP. This task will include an in person negotiation meeting.

Because MGP does not own the entire mall site, there are likely reciprocal easement and parking agreements that Kosmont will take into consideration given proposed major changes to the land use plan and likely need for approval by all property owners.

Note: Complete DA negotiations is difficult to predict but Kosmont will be available to assist in necessary DA negotiations and project shaping as directed by Client, time and budget for which will be outlined at the appropriate time in a follow-on scope to be approved by Client in advance.

Task 5: Presentation to City Council

Following the conclusion of analysis and preliminary negotiations, Kosmont will be available to present findings and draft DA terms.

BUDGET

Kosmont has prepared a preliminary budget by task to give the City an approximate estimate of the costs needed. Compensation for Tasks 1 through 5 is for professional services (hourly) fees at Consultant's billing rates as shown on Attachment A. Future increases in budget will require approval by Client in advance. Budget may be increased by Client at any time.

Task 1-3 Analysis	\$25,000
Task 4-5 Negotiation/Presentation	\$35,000
Travel Costs:	<u>\$ 3,000</u>
Total Budget	\$63,000

Task budgets may be re-allocated between tasks as deemed appropriate by Consultant in order to adequately provide services to City and remain within overall budget.

This budget envisions a 1 1/2-day trip for Task 1 kickoff meetings with Kosmont team and City staff and elected officials, assuming everyone's availability.

While conference calls will be utilized as much as possible, a day trip is likely needed for Kosmont for an "all hands" negotiating session with MGP following completion of Task 3 and as part of Task 4.

An overnight trip is envisioned for Kosmont to provide presentation of analysis and recommended DA terms as part of Task 5.

ATTACHMENT A

Kosmont Companies 2019 Public Agency Fee Schedule

Professional Services

Chairman & CEO	\$375.00/hour
President	\$345.00/hour
Senior Vice President/Senior Advisor	\$305.00/hour
Vice President	\$210.00/hour
Senior Project Analyst	\$195.00/hour
Project Analyst/Project Research	\$165.00/hour
Assistant Project Analyst/Assistant Project Manager	\$125.00/hour
GIS Mapping/Graphics Service	\$ 95.00/hour
Clerical Support	\$ 60.00/hour

- **Additional Expenses**

In addition to professional services (labor fees):

- 1) An **administrative fee** for in-house copy, fax, phone and postage costs will be charged, which will be computed at four percent (4.0 %) of monthly Kosmont Companies professional service fees incurred; **plus**
- 2) **Out-of-pocket expenditures**, such as travel and mileage, professional printing, and delivery charges for messenger and overnight packages will be charged at cost.
- 3) If Kosmont retains **Third Party Vendor(s)** for Client (with Client's advance approval), fees and cost will be billed to Client at 1.1X (times) fees and costs.
- 4) Consultant's **attendance or participation at any public meeting** requested by Client will be billed at the professional services (hourly) fees as shown on this Attachment A.

- **Charges for Court/Deposition/Expert Witness-Related Appearances**

Court-related (non-preparation) activities, such as court appearances, depositions, mediation, arbitration, dispute resolution and other expert witness activities, will be charged at a court rate of 1.5 times scheduled rates, with a 4-hour minimum.

Rates shall remain in effect until December 31, 2020.

Professional Services Agreement _____ (insert date of contract)
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APPENDIX TWO Fees and Payments

For the services performed, City will pay consultant on a not-to-exceed, lump sum basis upon satisfactory completion of the services and delivery of work products. Payments will be issued monthly as charges accrue, the sum of consultant's salary expenses and non-salary expenses.

Consultant hereby represents and warrants, based upon Consultant's independent determination of the time and labor, including overtime, which will be required to perform said services, that Consultant will provide all said services at a cost which will not exceed the maximum price set forth in this agreement for Consultant's services. Consultant hereby assumes the risk that Consultant will perform said services within this maximum price constraint and Consultant acknowledges that its inability to do so shall not excuse completion of the services and shall not provide a basis for additional compensation.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Consultant's indirect overhead costs and fees. For purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Salary payment for personnel time will be made at the rates set forth in the attached fee schedule for all time charged to the project. Normal payroll rates are for 40 hours per week. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$63,000.00 (Sixty-three Thousand Dollars and Zero Cents), without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of Kosmont Companies, that the charge of \$63,000 as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated _____, 2019, and has not been previously paid."



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: Public Works Department

SUBJECT: Consider a Resolution To Subdivide City of Capitola Undergrounding Utilities District No. 6

RECOMMENDED ACTION: Approve a resolution amending Resolution No. 3098 and subdividing a district within the boundary map for Undergrounding Utilities District No. 6.

BACKGROUND: On November 21, 2000, the City Council adopted Resolution No. 3098 that established Capitola Underground Utilities District No. 6 (District 6). The establishment of an underground district is governed by state law and Capitola City Municipal Code Section 13.08. Capitola Underground District 6 includes Capitola Avenue from Fanmar Way to approximately Plum Street, Bay Avenue from Oak to Monterey Avenue and Monterey Avenue from Bay Avenue to Cherry Avenue.

Undergrounding districts use funds set aside by PG&E to design and build the project. These funds, known as Rule 20A funds, are a tariff paid by PG&E customers and annually apportioned to jurisdictions on a formula basis. The funds are held by PG&E and used by PG&E for undergrounding projects selected by the City. Rule 20A funds must be spent on major arterial streets, public areas of scenic value, and downtown or civic core areas. They may not be used for undergrounding projects in residential areas; therefore the undergrounding project at the library is not eligible to use Rule 20A funds.

Until recently PG&E had tabled working on District 6 until there were sufficient Rule 20A funds in the Capitola set-aside account to proceed with the project. Staff has been working with PG&E to move the project forward to allow for reconstruction of the intersection at Bay Avenue and Capitola Avenue.

DISCUSSION: PG&E has agreed to proceed with an undergrounding project in the immediate area of the Bay/Capitola Ave. intersection. As part of the project, staff has been coordinating with PG&E, AT&T, and the other overhead utility providers. Through this effort staff has identified the need to update the map associated with Resolution No. 3098. The proposed update maintains the original limits of the overall District 6, but divides the District into smaller sections. Specifically District 6A is divided into District 6A-1, 6A-2. District 6B is not changed.

The proposed underground project will focus on completion of District 6A-1. The undergrounding of utilities at the intersection of Capitola Avenue and Bay Avenue is a necessary first step toward consideration of a future roundabout project at the intersection.

Undergrounding Resolution
August 22, 2019

Attachment 1 is Exhibit AA to the resolution, a map showing the proposed amendment. Attachment 2 is a copy of Resolution No. 3098 including the original District 6 map.

FISCAL IMPACT: As of March 31, 2018, the City's Rule 20A Allocation Account Balance is \$2,050,842. The annual allocation has been approximately \$45,000 each year. PG&E staff have begun estimating the scope and costs associated with completing section 6A-1 of District 6 and are confident that there are sufficient funds available to complete PG&E's portion of the project.

There will be some costs that the City will be required to cover such as street light installation and right-of-way acquisition costs. These costs are unknown at this time but are estimated at \$300,000. These funds will be budgeted in the Capital Improvement Fund when the schedule is further developed. Staff anticipates these funds will be needed in either Fiscal Year 2020/21 or 2021/22.

ATTACHMENTS:

1. Exhibit AA, Amended Undergrounding Utilities District No. 6 Map (PDF)
2. Resolution 3098 (PDF)

Report Prepared By: Kailash Mozumder
Project Manager

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

8/15/2019

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA SUBDIVIDING AREAS WITHIN CAPITOLA UNDERGROUND UTILITIES DISTRICT NO. 6 PURSUANT TO MUNICIPAL CODE SECTION 13.08 OF THE CITY OF CAPITOLA

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32; and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground; and

WHEREAS, Capitola Municipal Code Section 13.08 authorizes the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, each year the City of Capitola is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations; and

WHEREAS, on November 21, 2000, the City Council of the City of Capitola adopted Resolution No. 3098 which defined the terms and geographical limits of Capitola Underground Utility District No. 6; and

WHEREAS, the Director of Public Works for the City of Capitola has consulted with the affected public utilities and such utilities have requested amending Resolution No. 3098 to provide an updated map; and

WHEREAS, the Director of Public Works for City of Capitola has consulted with PG&E and determined that the City has accumulated sufficient Rule 20A work credits to complete the overhead to underground conversion project within District 6A-1 as shown on Exhibit AA attached hereto; and

WHEREAS, the Director of Public Works for the City of Capitola has consulted with the affected public utilities and such utilities have agreed that the designated Capitola Underground Utility District No. 6, and more particularly described in Exhibit AA attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC; to wit,

1. That such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities; and
2. That the street or road or right-of-way is considered an arterial street or major collector as defined in Capitola's General Plan.

WHEREAS, to the extent required, the City of Capitola has agreed to provide easements or

Undergrounding Resolution
August 22, 2019

rights-of-way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Capitola does hereby amend Resolution No. 3098 as follows:

1. Undergrounding Utilities District No. 6 is hereby amended by subdividing the two original sections, District 6A and 6B, into District 6A-1, 6A-2, and 6B but maintaining the original limits of the overall District 6 as shown on Exhibit AA.

The foregoing resolution was adopted by the City Council of the City of Capitola on the 22nd day of August, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jacques Bertrand, Mayor

ATTEST:

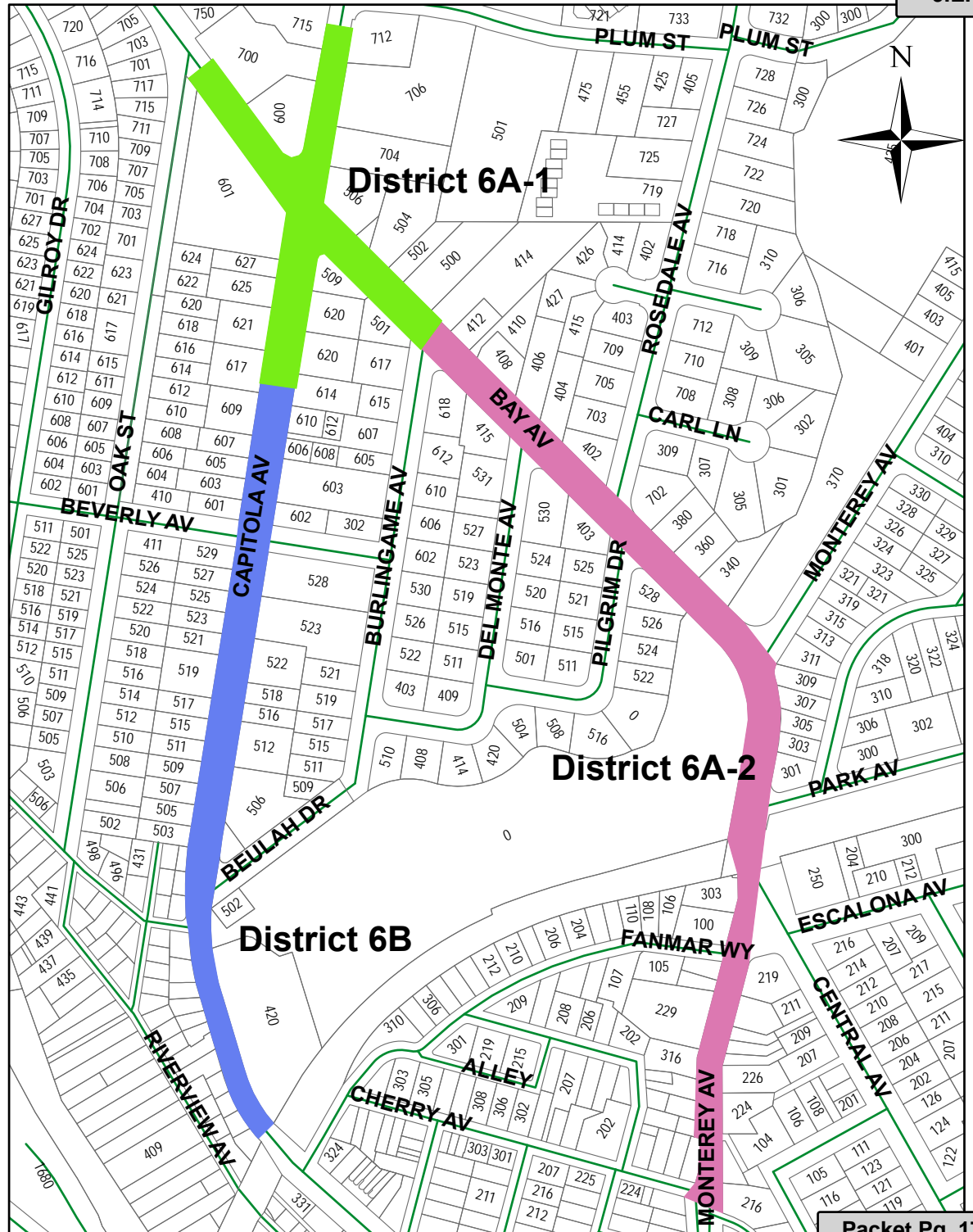
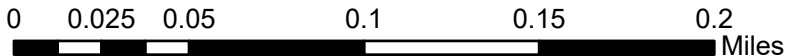
Linda Fridy, City Clerk



EXHIBIT 'AA' CITY OF CAPITOLA AMENDING UNDERGROUND DISTRICT 6

Legend

- District 6A-1
- District 6A-2
- District 6B



Attachment: Exhibit AA, Amended Underground Utilities District No. 6 Map (Undergrounding)

RESOLUTION NO. 3098**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
DECLARING AREAS TO BE UNDERGROUND UTILITIES DISTRICT NO. 6
PURSUANT TO ORDINANCE NO. 384 OF THE CITY OF CAPITOLA**

WHEREAS, on September 14, 2000, the City Council of the City of Capitola ordered that a public hearing be held to give notice of intention to declare property in approximately the same area as the property described in Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, all affected property owners and utility companies within the area described in Exhibit "A" were by mail given notice of the time and place of the public hearing at least ten (10) days prior to the date of the hearing, and notice of the hearing has been duly published as directed in said resolution; and

WHEREAS, the public hearing has been held as stated in said resolution and notices, and all persons interested have been given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that this Council finds, determines and declares that the public necessity, health, safety and general welfare require that the area described in Exhibit "A" attached hereto and made a part hereof be declared to be an Underground Utilities District and said area is hereby declared to be an Underground utilities District pursuant to City Ordinance No. 384.

BE IT FURTHER RESOLVED AND ORDERED that all utilities to be installed in the area described in Exhibit "A" attached hereto shall be installed underground, including up to one hundred feet (100') of customer service lateral, except as specified in Sections 70.5 and 70.6 of Capitola City Ordinance No. 384.

BE IT FURTHER RESOLVED AND ORDERED that this Council finds, determines and declares that the public interest, health, safety and general welfare require that whenever aboveground utilities which are in operation in the area described in Exhibit "A" attached hereto on the date this resolution is adopted, are to be reinstalled in a different location within said area, such utilities shall be reinstalled underground.

BE IT FURTHER RESOLVED AND ORDERED, that within ten (10) days after the passage of this resolution, the City Clerk shall notify all affected utility companies and all affected property owners by mailing them a copy of this resolution and a copy of Capitola City Ordinance No. 384.

BE IT FURTHER RESOLVED AND ORDERED that this Council finds, determines, and declares that the removal of existing poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar associated service within the area specified herein is in the general public interest for the following reasons:

RESOLUTION NO. 3098

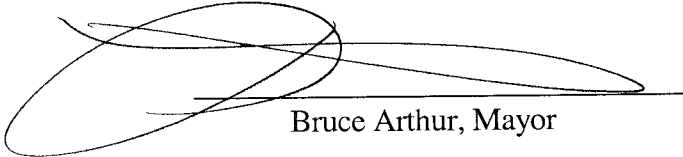
- 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
- 2. Said street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; and
- 3. Said street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.

BE IT FURTHER RESOLVED, that all poles, overhead wires and associated structures shall be removed and underground installation made in said Underground District No. 6 within the following times:

- A. Underground installation by utility companies and property owners and reconnections not later than September 15, 2004, for Area 6A as designated in Exhibit A; and September 15, 2005, for Area 6B as designated in Exhibit A.
- B. Removal of all overhead Pacific Bell communications facilities no later than 90 days after removal of PG&E overhead electrical facilities.
- C. Removal of poles, overhead wires and other associated overhead structures not later than December 15, 2004 for Area 6A as designated in Exhibit A; and December 15, 2005, for Area 6B as designated in Exhibit A.

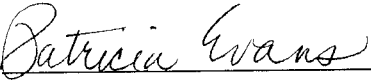
I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 21st day of November, 2000, by the following vote:

AYES: Council Members Ortiz, Gualtieri, Norton and Mayor Arthur
 NOES: None
 ABSENT: Council Member Harlan
 ABSTAIN: None

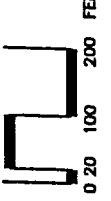


Bruce Arthur, Mayor

ATTEST:


 Patricia Evans, Deputy City Clerk

Attachment: Resolution 3098 (Undergrounding Resolution)



scale:

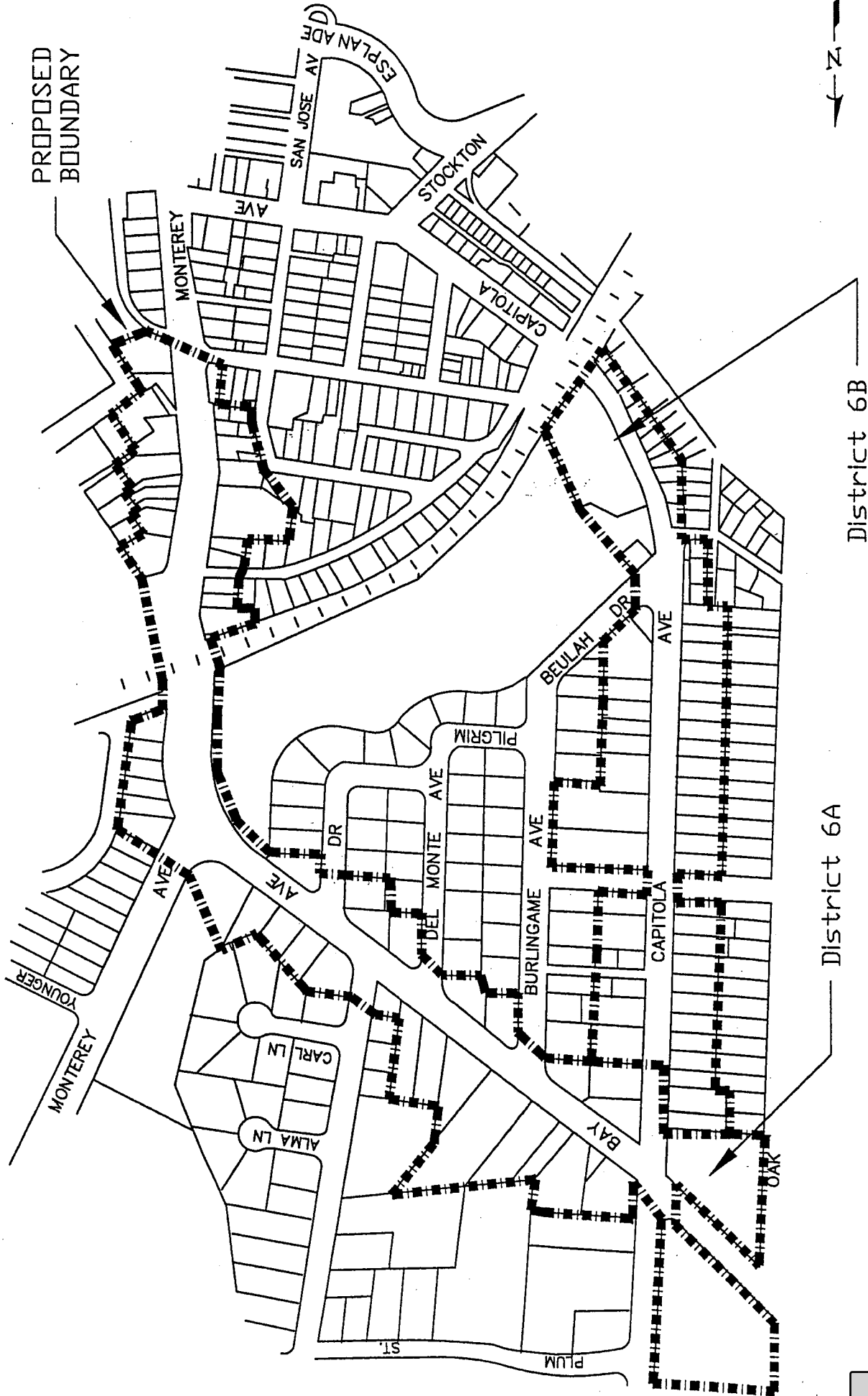
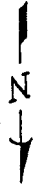


EXHIBIT 'A'
 CITY OF CAPITOLA
 Attachment: Resolution 3098 (Undergrounding Resolution)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: City Manager Department

SUBJECT: Designation of the Voting Delegate and Alternate for the 2019 League of California Cities Annual Conference

RECOMMENDED ACTION: Designate Capitola's voting delegate and alternate(s), if desired.

BACKGROUND: The 2019 League of California Cities Annual Conference will be held in Long Beach from October 16 through 18. At this meeting, the League holds its annual business meeting to consider and take action on resolutions that establish League policy.

DISCUSSION: To vote on these items, the City must designate a voting delegate. Attachment 1 is a memorandum from the League regarding designation of the voting delegate and alternates. These representatives must be appointed by City Council action. The League needs to be notified of appointments by August 30, 2019.

Each city should appoint one delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. The delegate and alternate(s) must be registered to attend the conference, but they need not register for the entire conference; they may register for Friday only.

At least one voting delegate or alternate must be present at the Business Meeting on Friday and in possession of the voting card in order to cast a vote.

FISCAL IMPACT: Council Members may use funds budgeted for travel and training expenses to attend the conference.

ATTACHMENTS:

1. Voting Delegate Packet

Report Prepared By: Linda Fridy
City Clerk

League Voting Delegate
August 22, 2019

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

8/15/2019



Council Action Advised by August 30, 2019

June 10, 2019

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 16 - 18, Long Beach**

The League's 2019 Annual Conference is scheduled for October 16 – 18 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

Attachment: Voting Delegate Packet (League Voting Delegate)

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, October 16, 8:00 a.m. – 6:00 p.m.; Thursday, October 17, 7:00 a.m. – 4:00 p.m.; and Friday, October 18, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city’s voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League’s office by Friday, October 4. If you have questions, please call Darla Yacub at (916) 658-8254.

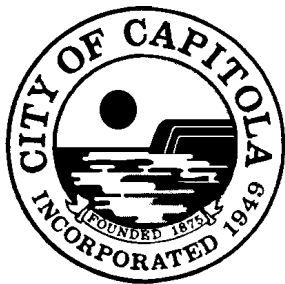
Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF AUGUST 22, 2019

FROM: City Manager Department

SUBJECT: Consider a Contract with Burke, Williams, & Sorensen, LLP, for City Attorney Services

RECOMMENDED ACTION: Direct the City Manager to enter into a five-year, hourly-rate contract with Burke, Williams, & Sorensen, LLP, for Samantha W. Zutler to provide City Attorney services beginning September 1, 2019.

BACKGROUND: Earlier this summer the City issued a Request for Proposals for City Attorney Services. The City received responses from eight firms. A council subcommittee recommended that six firms be interviewed by the full City Council.

After interviewing the firms, the City Council directed the City Manager to negotiate a contract with Burke, Williams & Sorensen, LLP (Burke) for city attorney services.

DISCUSSION: Burke is a full-service public law firm with multiple offices in California, including San Francisco and Mountain View. Burke was founded in 1927 and currently represents more than 200 local government agencies including serving as city attorney for more than 20 cities.

Burke has proposed Samantha W. Zutler as the City Attorney for Capitola. Ms. Zutler has been practicing municipal law for 14 years and currently serves as City Attorney of Healdsburg and Assistant Town Attorney for Tiburon. She formerly served as City Attorney of Fort Bragg. In addition, Burke has proposed that Nira F. Doherty serve as Assistant City Attorney. Ms. Doherty currently serves as Assistant City Attorney for Benicia and the Town of Tiburon.

The City and Burke have agreed on an hourly contract at the rate of \$260 per hour for basic legal services and \$285 per hour for special legal services. Burke will not charge for travel time for up to 26 meetings in Capitola a year.

FISCAL IMPACT: For Fiscal Year 2019/2020, the adopted budget includes \$255,000 for City Attorney services. Staff will monitor billing for City Attorney services and provide updates to Council during the fiscal year.

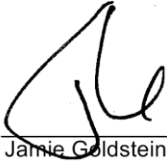
ATTACHMENTS:

1. Capitola CA Contract Burke

Report Prepared By: Larry Laurent
Assistant to the City Manager

City Attorney Contract
August 22, 2019

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

8/15/2019

**LEGAL SERVICES AGREEMENT
BETWEEN
THE CITY OF CAPITOLA AND BURKE, WILLIAMS & SORENSEN, LLP**

This LEGAL SERVICES AGREEMENT (“Agreement”) is effective as of Sept 1, 2019 and is between the CITY OF CAPITOLA, a City in the State of California (“CITY”), and BURKE, WILLIAMS & SORENSEN, LLP, a limited liability partnership (“BWS”, or “Consultant”) (collectively, the “Parties”).

RECITALS

I. RECITALS. This Agreement is entered into with respect to the following:

A. This Agreement is a written legal services agreement containing the terms under which BWS has been retained by CITY to serve as its City Attorney.

B. California Business and Professions Code section 6148 requires a written fee agreement between attorneys and their clients setting forth the scope of services and fees to be charged. When executed by CITY and BWS, this Agreement will satisfy the requirements of Section 6148.

II. APPOINTMENT OF CITY ATTORNEY. By this Agreement, CITY appoints BWS as CITY’s City Attorney, and BWS undertakes the responsibility of that appointment. BWS will serve at the pleasure of CITY’s City Council (“Council”) and may be replaced at any time, with or without cause, without amending this Agreement. The designated City Attorney or an approved successor will be responsible for providing or causing to be provided the legal services contemplated by this Agreement.

III. DESIGNATED CITY ATTORNEY. Samantha W. Zutler will perform the functions of BWS as CITY’s City Attorney. No changes in these assignments may be made without the consent of CITY. BWS retains authority to assign from time to time such of its attorneys, paralegals, or law clerks as may be necessary to perform other legal services called for by this Agreement.

IV. TERM OF AGREEMENT. This Agreement shall be effective on September 1, 2019, and shall expire on August 31, 2024, unless extended by written agreement signed by both parties.

V. LEGAL SERVICES. The scope of BWS’s appointment as City Attorney includes without limitation the following basic legal services and those special legal services as requested by CITY.

A. **Basic Legal Services.** BWS will perform the following “Basic Legal Services” to serve CITY:

Attachment: Capitola CA Contract Burke (City Attorney Contract)

- (1) Attendance at meetings of the Capitola City Council (including regular sessions, closed sessions, special meetings, and as needed work sessions).
- (2) Attendance, as needed and as directed by the City Council and/or City Manager, at meetings of the City's Commissions or other City committees.
- (3) Review and/or preparation of ordinances, resolutions, orders, agreements, forms, notices, declarations, certificates, deeds, leases, and other documents as required by CITY.
- (4) Consultation with the City Council and CITY staff as needed, as well as rendering of legal advice and opinions concerning legal matters that affect the City, including new legislation and court decisions. Performance of research and interpretation of laws, court decisions, and other legal authorities in order to prepare legal opinions and to advise the Council and management staff on legal matters pertaining to CITY operations.
- (5) Legal work pertaining to routine issues related to property acquisition, zoning, property disposal, public improvements, public rights-of-way and easements, and matters relating to public utilities.
- (6) Coordination and management of the work of outside legal counsel as needed and as directed by the City Council and/or City Manager.
- (7) Office hours at City Hall as requested by the City Council or City Manager.

B. **Special Legal Services.** Services not defined as Basic Legal Services in Section IV(A) will be considered “**Special Legal Services**” and will be undertaken as such upon agreement of BWS and the CITY, through the Council or Manager. Special Legal Services generally are complex in nature (as opposed to routine), and require significant amounts of work, and/ or engagement of Special Counsel. Special Legal Services may include, but are not limited to:

- (1) **Litigation.** Any litigation, arbitration, mediation, code enforcement, criminal prosecution commenced or defended by CITY, including disciplinary appeals and/ or grievances;
- (2) **Personnel.** Counsel and representation regarding employment and labor matters;

- (3) **Eminent Domain.** Counsel and representation in matters involving the CITY's attempted or actual exercise of its powers of eminent domain;
- (4) **Development and/ or Real Estate.** All advice, counsel and representation of CITY in matters involving complex and ongoing real estate and development transactions, including drafting and negotiating purchase and sale agreements, leases, development agreements, deed restrictions, regulatory agreements, loan/ financing agreements, subordination agreements, public improvement agreements, and water use agreements.
- (5) **Land Use.** All advice, counsel and representation of CITY in land use permitting and entitlement of property and related environmental review as required by California Environmental Quality Act or National Environmental Policy Act;
- (6) **Environmental Matters.** All advice, counsel and representation of CITY in environmental matters, including issues related to the Endangered Species Act, environmental permitting and regulations, Clean Water Act, and NDPES compliance.
- (7) **Other:** Legal advice or representation regarding any project or issue that is particularly complex and requires the ongoing assistance of special counsel within BWS, and other duties as assigned by the Council or Manager as Special Legal Services.

VI. COMPENSATION. BWS will be compensated as follows:

A. **Basic Legal Services.** For Basic City Attorney Services up to 850 hours per year, CITY shall pay to BWS \$260 per hour. For hours in excess of 850 hours per year, CITY shall pay to BWS \$250 per hour. Paralegals shall be billed at a rate of \$135 per hour.

B. **Special Legal Services.** Fees for Special Legal Services, as described in Section IV(B) of this Agreement will be charged at a rate of \$285 per hour for partners and \$260 for associates. Paralegals shall be billed at a rate of \$135 per hour. Hours billed as Special Legal Services shall not count towards the 850 hours per year discussed in Section V(A).

C. **Cost Recovery Matters.** BWS will charge its current standard private client rates (as opposed to the public entity client rates provided in this Agreement or charged other public agencies) for work that is reimbursed by private parties pursuant to litigation, conditions of approval, pass through agreements, or other authorization. Current

standard private client rates are \$350 for associates, \$425 for partners, and \$475 for senior partners.

D. Compensation of Hours Billed by City Attorney and Designated Assistant City Attorney. All hours billed by the City Attorney and the designated Assistant City Attorney shall be billed at the Basic Legal Services rate, regardless of the subject of the work, with the following exceptions: a) any hours billed on a Cost Recovery Matter, as described in Section V(C), shall be billed as described in that Section; and b) any hours billed on Development/ Real Estate, Land Use, or Environmental matters, as described in Section IV(B)(4), shall be billed at the Special Legal Services rate.

E. Travel Time. BWS shall not charge CITY for travel by the City Attorney, or any other attorney from BWS, to and from up to twenty-six (26) City Council or appointed Commission or Committee meetings, regardless of whether those meetings are regularly scheduled or special. Any travel by attorneys providing Special Legal Services, as defined in Section IV(B), or by any attorney (including the City Attorney) to meetings in excess of 26 per year shall be compensated at the rate of \$150 per hour for associates and \$180 per hour for partners.

F. Fee Adjustments. BWS's billing rates will be increased annually by \$5, on the anniversary date of the execution of this Agreement.

G. Cost and Expense Reimbursement. CITY will reimburse BWS for costs and expenses reasonably incurred by BWS in performance of the services provided under this Agreement. CITY preauthorizes routine costs including but not limited to postage, courier services, copying charges, long distance telephone charges, cost of producing and reproducing photographs, and court, county, recording and other filing fees. CITY will reimburse BWS for any attorney's automobile mileage at the standard rate for business use as announced periodically by the Internal Revenue Service to and from the CITY, or other locations as CITY business may require, from the attorney's residence or office. BWS will not request reimbursement from CITY for hotel expenses incurred before or after regularly scheduled City Council meetings.

H. Reimbursable Extraordinary Expenses. With prior approval from the City Council or City Manager, CITY will reimburse other non-routine costs and expenses incurred by BWS for or on behalf of, including but not limited to outside counsel, consultants, expert witnesses, travel outside Santa Cruz County, and outside investigative services.

I. Billing. BWS will bill CITY monthly for the services provided pursuant to this Agreement, as well as all reimbursable costs and expenses. All bills for legal fees will set forth in detail the work performed during the billing period in line item format, so that each task is separately described and has specific time recorded. BWS attorneys bill in 1/10th of one hour increments. Bills for reimbursable costs and expenses will set forth the cost for each category of such expenses incurred during the billing period in addition to the total cost of the expenses. Reimbursement for expenses incurred by an outside vendor will include the vendor's invoice.

J. **Payment.** CITY will pay BWS for all of BWS's services, costs and expenses provided or incurred pursuant to this Agreement following receipt and approval of the bill. Payment is due within 30 days of receipt of bill by CITY.

K. **Taxpayer Information.** BWS will provide a completed W-9 Form to facilitate tax reporting for payments made by CITY to BWS under this Agreement.

VII. CITY'S OBLIGATIONS. CITY agrees to cooperate and keep BWS advised of information and developments pertaining to this engagement. CITY also agrees to promptly pay the fees, costs and other sums incurred under this Agreement when due.

VIII. REVIEW OF CITY ATTORNEY. CITY will review BWS's performance under this Agreement approximately six (6) months after execution of this Agreement, and thereafter on an, at least, an annual basis. In advance of each review, City Attorney will provide to City Manager and City Council a memorandum summarizing the work of BWS on behalf of CITY during the time period that is the subject of the review. Reviews shall be conducted in closed session following proper notice.

IX. CONFLICTS OF INTEREST.

A. BWS represents that neither BWS nor any of the attorneys or other persons employed by BWS have any material financial interest, direct or indirect, in any contract or decision made by or on behalf of CITY that may be affected by the services to be provided to CITY pursuant to this Agreement, other than a financial interest that is similar, in all material respects, to the interests of the general public. BWS further agrees that no attorney or other person having any such interest will be employed by BWS while this Agreement remains in effect. If BWS or an attorney or other person employed by BWS acquires such an interest while this Agreement remains in effect, BWS will immediately disclose such interest to CITY, and the interested individual will not participate in or influence the performance of the services to be provided to CITY pursuant to this Agreement.

B. The California Rules of Professional Conduct, as promulgated by the California State Bar, require that an attorney receive informed written consent from a client prior to undertaking work where there is a potential for conflicts between existing or future clients (Rule 1.7). BWS represents numerous cities, school CITYs, and public agencies, which from time-to-time may be adverse to CITY. Should an actual conflict occur between any one of these clients and CITY, BWS will attempt to resolve the conflict in a manner that protects our ability to continue our concurrent representation of all our clients. However, that may not be possible or practical under the applicable ethical rules. By signing below, CITY represents that it is fully informed regarding the potential conflict of interests between it and existing and future clients of BWS, and it waives all rights regarding such conflicts and consents to the BWS's representation in this regard.

X. INSURANCE. BWS shall procure and maintain for the duration of the contract and for 2 years thereafter, insurance against claims for injuries to persons or

damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

- | | |
|--|---|
| 1. General Liability:
(including operations,
products and completed
operations) | \$1,000,000 per occurrence and \$2,000,000 in aggregate (including operations, for bodily injury, personal and property damage. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and property damage. |
| 4. Errors and Omissions Liability:
Limits | \$1,000,000 per claim and \$2,000,000 in the aggregate. |

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.

Attachment: Capitola CA Contract Burke (City Attorney Contract)

2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

XI. WAIVER OF SUBROGATION. Consultant hereby agrees to waive rights of subrogation which any insurer of Consultant may acquire from Consultant by virtue of the payment of any loss. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Consultant, its employees, agents and subcontractors.

XII. INDEMNIFICATION. To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from any negligence or misconduct of Consultant or its agents in any way related to the obligations or in the performance of services under this Agreement, except where caused by the sole or active negligence or willful misconduct of the City.

XIII. TERMINATION OF SERVICES.

A. CITY may terminate this Agreement with or without cause at any time by written notice of such termination.

B. BWS may terminate this Agreement with or without cause upon 60 days' written notice to CITY. BWS may terminate this Agreement immediately in the event that BWS determines that to continue services to CITY would be illegal, unethical, impractical, or improper.

C. CITY will compensate BWS for its services and reimburse it for costs rendered through the effective date of any termination.

XIV. DOCUMENT RETENTION. CITY is entitled upon written request to any files in BWS's possession relating to the legal services performed by BWS for CITY, excluding BWS's internal accounting records and other documents not reasonably necessary to CITY's representation, subject to BWS's right to make copies of any files withdrawn by CITY. Once a CITY matter is concluded, BWS will close the file. The physical files may be sent to storage offsite, and thereafter there may be an administrative cost for retrieving them from storage. Thus, BWS recommends that CITY request the return of a file at the conclusion of any individual matter. BWS will retain and destroy files consistent with the

CITY's records retention schedule. BWS will work with CITY to provide or preserve any documents that may be subject to the California Public Records Act.

XV. FEE DISPUTES. If a dispute between CITY and BWS arises over fees or other amounts charged to CITY for services, the controversy will be submitted to binding arbitration in accordance with the rules of the California State Bar Fee Arbitration Program, set forth in California Business and Professions Code sections 6200 through 6206. The arbitrator or arbitration panel will have the authority to award to the prevailing party in such arbitration attorney's fees, costs and interest incurred. Any arbitration award may be served by mail upon either side and personal service will not be required.

XVI. NOTICES. Notices required under this Agreement must be given by personal service or by first class mail, postage prepaid, and addressed as follows:

To BWS: BURKE, WILLIAMS & SORENSEN, LLP
1901 Harrison Street, Suite 900
Oakland, CA 94612
Attn: John Welsh, Esq.

To CITY: City of Capitola
420 Capitola Ave.
Capitola, CA 95010
Attn: City Manager

Service of notice by personal service is deemed to be given as of the date of service. Notices by mail are deemed to have been given two consecutive business days after deposit into the U.S. Postal Service. Either party may, from time to time, by written notice to the other, designate a different address or person to be substituted for that specified above.

XVII. INDEPENDENT CONTRACTOR. CITY and BWS agree that BWS will act as an independent contractor and will have control of all work and the manner in which is it performed. BWS will be free to contract for similar service to be performed for other clients while under contract with CITY. BWS is not an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides for its employees. Any provision in this Agreement that may appear to give CITY the right to direct BWS as to the details of doing the work or to exercise a measure of control over the work means that BWS will follow the direction of the CITY as to end results of the work only.

XVIII. MISCELLANEOUS. This Agreement sets forth the entire understanding of the Parties and will be governed by the laws of the State of California. The terms of this Agreement are not set by law but are the result of negotiation between the Parties. CITY has the right to consult with another attorney regarding this Agreement before signing it. This Agreement may be modified only by a written amendment signed by both Parties.

The undersigned authorized representatives of the Parties have executed this

Agreement effective as the day and year first set forth above.

CITY OF CAPITOLA

By: _____
Jamie Goldstein, City Manager

BURKE, WILLIAMS & SORENSEN, LLP

By: _____
John J. Welsh, Managing Partner

Attachment: Capitola CA Contract Burke (City Attorney Contract)