

City of Capitola Agenda



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

CAPITOLA CITY COUNCIL SPECIAL MEETING

WEDNESDAY, JUNE 3, 2020

5:00 PM

CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

NOTICE OF REMOTE ACCESS ONLY:

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

To watch:

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

To participate remotely and make public comment:

1. Zoom Meeting (Via Computer or Phone)
 - a. Please click the link below to join the meeting:
§ <https://us02web.zoom.us/j/82164520793?pwd=OVhYSG9ZaVFoSGtHVS9VRm9FMGN3QT09>
§ If prompted for a password, enter 432002
§ Use participant option to "raise hand" during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak
 - b. Dial in with phone:

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- § Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one
- § **1 669 900 6833**
- § **1 408 638 0968**
- § **1 346 248 7799**
- § Enter the meeting ID number: **821 0902 6541**
- § When prompted for a Participant ID, press #
- § Press *6 on your phone to “raise your hand” when the mayor calls for public comment. It will be your turn to speak when the Mayor unmutes you. You will hear an announcement that you have been unmuted. The timer will then be set to 3 minutes.

2. Send email:

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

SPECIAL MEETING OF THE CAPITOLA CITY COUNCIL - 5 PM

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

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ADDITIONAL MATERIALS

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

3. ADDITIONS AND DELETIONS TO THE AGENDA

4. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

5. 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. Hearing on the Implementation of the Soquel Creek Management Plan

RECOMMENDED ACTION: Provide direction to staff on implementation of the Soquel

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Creek and Lagoon Management Plan for summer 2020 including closure of the Soquel Creek to form the lagoon, grading Capitola Beach and associated changes to the proposed 2020-21 Fiscal Year budget.

6. 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 at www.cityofcapitola.org and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

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

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

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



CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA REPORT

MEETING OF JUNE 3, 2020

FROM: Public Works Department

SUBJECT: Hearing on the Implementation of the Soquel Creek Management Plan

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

BACKGROUND: Typically, prior to Memorial Day weekend, the Public Works Department prepares Capitola Beach for the summer season by grading the beach to close the lagoon and direct flows from Soquel Creek into the flume. This work also includes filling in the creek channel that flows parallel to the seawall along the Esplanade by grading the sand between the flume and jetty. Besides improving the beach for the public recreation, this work also enhances the habitat in the lagoon for steelhead salmon. This work is conducted pursuant to the Soquel Creek and Lagoon Management Plan (Management Plan) which is authorized and permitted by several Federal and State resource agencies.

Because of restrictions on beach use and the severe fiscal impacts due to the COVID-19 pandemic, the City has not implemented the Management Plan this year. At the May 28, 2020, City Council meeting, Vice-Mayor Brooks and Councilmember Storey directed staff to prepare an agenda item to discuss this issue. A special meeting was called to ensure that if Council directs the Creek closure, work can be completed by June 15, the start of the Capitola Junior Guards Program.

DISCUSSION: The COVID-19 pandemic has significant impacts on the City, two of which led to the initial suspension of the Management Plan for this summer. First; the State and County's shelter in place orders and social distancing regulations have resulted in the County Health Officer to close all beaches in Santa Cruz County daily from 11 a.m. to 5 p.m. to prevent large groups of County residents and visitors from other areas from gathering. On a warm summer day, Capitola Beach can draw thousands of visitors, who crowd on the sandy area of the beach; activity that would directly conflict with current social distancing requirements.

Secondly, the pandemic's impact to City finances led to the initial suspension of the Management Plan. Approximately 60% of the City's general fund revenue is provided by sales tax and transient occupancy tax. These two sources are anticipated to decline by approximately 25% and 75%, respectively, in the 2020-21 fiscal year. The City's proposed 2020-21 fiscal year

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budget projects a 22% reduction in revenue, resulting in the elimination of nearly all non-essential expenditures including the Management Plan and the annual lifeguard contract.

In the Public Works Department, all contract services have been significantly reduced or defunded; including the operation of the summer beach shuttle, litter removal and janitorial contracts, and funding for implementation of the Management Plan. For the 2020-21 fiscal year, the originally planned budget for the Management Plan was \$56,000.

The benefits of implementing the Management Plan are twofold. With closure of the lagoon and grading of the beach sand, the small creek bed that flows from the lagoon to Monterey Bay during the winter and spring (typically following the Esplanade seawall) is filled-in creating a continuous beach from the seawall to the ocean. This action greatly improves access to the beach and eliminates pockets of stagnant water that may cause water quality and odor issues as the summer progresses. These water quality and odor issues could impact the Village, with odors present throughout the area and beach users crossing cross the creek-bed.

Besides the beach, the Management Plan has beneficial impacts to the creek, both ecologically and recreationally. The closure of the lagoon allows city staff, with the assistance of the contract fisheries biologist, to monitor and manipulate the water quality in the lagoon to provide an excellent habitat for steelhead salmon which is a federally protected species under the Endangered Species Act. For example, immediately following the closure, the salinity in the creek is monitored daily. If saltwater is detected, staff can manipulate the inlet to reduce the stratified layers of saltwater, finally resulting in a freshwater lagoon. A freshwater lagoon provides an excellent nursery for juvenile steelhead. Some other parameters that are monitored and controlled are water temperature, oxygen content, and clarity. All these measures can be affected by controlling the water level in the lagoon which Public Works staff can do at flume inlet. Finally, a closed lagoon results in a water level in the lagoon and nearby upstream creek that accommodates such recreational uses as paddle boarding and kayaking.

However, it should be noted that enforcing beach closure regulations has been a staff intensive assignment for the Police Department. Closing the creek and grading the beach will likely marginally increase those enforcement challenges.

FISCAL IMPACT: The annual funding for the Management Plan crosses over two fiscal years. Generally, the work on the Management Plan begins in May and ends in the Fall when rains require the lagoon opened to allow the creek to flow directly to the ocean. Funding for this work was included in the FY 2019-20 budget and there is an existing balance of \$19,601 for work that occurs before July 1, 2020. In the draft FY 20-21 budget, staff assumed these funds would not be used, so they were rolled over into fund balance. As a result, if Council does direct this work to proceed, the estimated year ending fund balance for FY 19-20 will be decreased by \$19,601.

The proposed FY 20-21 budget does not include funding to implement the Management Plan during the summer or money to begin the closure process in May 2021.

While Public Works personnel time is budgeted and available, the costs for equipment rentals and monitoring must be funded in the budget. The equipment rental is for the bulldozer that is used for grading the sand and creating the levee around the lagoon. The rental costs are based on the hours the dozer is used and range from \$12,000 - \$15,000 annually.

The monitoring costs also vary based on the length of time the lagoon is in place. Monitoring begins with the closure and ends with the opening of the creek in the fall. Originally the budget

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for the FY 20-21 fiscal year monitoring was \$41,000. Public Works staff and the contract fisheries biologist, Don Alley, have worked to reduce this year's budget by modifying the amount of monitoring and cost concessions from Mr. Alley. The revised scope of work and costs are itemized in Attachment 1. The revised monitoring cost for this summer is \$21,270 which represents a 47% reduction in costs.

To fund the Management Plan through this fall, an additional \$17,000 will be necessary in the proposed FY 20-21 budget. To fund the creek closure in May 2021, an additional \$26,000 would be necessary. If the Council directs this work to proceed, the Council may choose to only fund the costs for the 2020 season at this time and then potentially fund the work for next summer as part of a future budget review.

In summary, if the creek is closed the fiscal impacts will be:

- Reduction of \$19,601 in FY 19-20 year ending fund balance
- Increased costs of \$17,000 in FY 20-21
- Additional increased costs of \$26,000 in FY 20-21 if funds are allocated to also close creek in May 2021.

Funding in the 2020-21 fiscal year for this work can be taken by redirecting a previously funded CIP project such as the Capitola Avenue sidewalk project, which currently has a balance of \$184,000.

Alternatively, as total General Fund expenditures have decreased significantly in the FY 20-21 budget, the Contingency Reserve is projected to have \$144,000 more than the policy threshold of 15% of total expenditures. Likewise, Emergency Reserves has \$96,000 more than the 10% expenditure threshold. However, as expenditures are forecasted to rise in coming fiscal years, utilizing those funds at this time could be considered more of a loan rather than reprioritizing of expenditures, such as allocating funding from a CIP project.

ATTACHMENTS:

1. Don Alley Amended Monitoring Scope and Costs

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

6/1/2020

DRAFT Soquel Lagoon Monitoring Scope and Budget, 2020
May 30, 2020

Task No.	Task	Personnel	Hours	Rate/hr	Miles (\$0.78/mile)	Total Cost
1	Sandbar construction and fish relocation.	Alley	32*	\$130.17	140	\$4,274.64
2	Mid-week salinity and water quality check	Alley	3	\$130.17	35	\$417.81
3	Writing of Army Corps Report for sandbar construction	Alley	8	\$130.17		\$1,041.36
4	Morning or Afternoon water quality monitoring (8 @ 2-week intervals)	Alley	28**	\$130.17	280	\$3,863.16
5	Launch and retrieve water temperature probes	Alley	6	\$130.17	70	\$835.62
6	Annual steelhead and tidewater goby censusing.	Alley	14***	\$130.17	70	\$1,876.98
7	Annual steelhead and tidewater goby censusing.	1 Prime Assistant	12***	\$66.95	50	\$842.40
8	Annual steelhead and tidewater goby censusing.	3 Other Assistants	36***	\$55.27	150	\$2,106.72
9	Emergency sandbar breaching	Alley	4	\$130.17	35	\$547.98
10	Data analysis and Lagoon Report	Alley	40	\$130.17		\$5,206.80
	Report reproduction (1 electronic version)					\$0.00
	Water Quality Meter Use Fee				10@\$25/day	\$250.00
	Budget 2020****					\$21,263.47

* The time budgeted is based on experience and no kelp raking in 2020. The budget may change, depending on the actual number of openings and closures needed for sandbar construction. If the sandbar is destroyed by a late storm, the budget will increase.

** Assumes that sandbar construction occurs by mid-June and sandbar opening occurs by mid- November, with monitoring occurring every 2 weeks, totaling 8 monitorings.

*** Assumes that at least 4 volunteers and 4 paid assistants show up each weekend to help seine for the fish.

****Budgets for succeeding years will be adjusted according to the annual CPI.