

City of Capitola

City Council Meeting Agenda

Thursday, April 13, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser
Vice Mayor: Kristen Brown
Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Closed Session – 5:15 PM

Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). 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.

1. CONFERENCE WITH LABOR NEGOTIATORS (Gov't Code § 54957.6)
Negotiator: Chloe Woodmansee, Assistant to the City Manager
Employee Organizations: Mid-Management Employees

Regular Meeting of the Capitola City Council – 6 PM

All correspondence 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.

1. Roll Call and Pledge of Allegiance

Council Members Yvette Brooks, Joe Clarke, Alexander Pedersen, Kristen Brown, and Mayor Margaux Keiser.

2. Additions and Deletions to the Agenda

- [A.](#) Item 9A has been pulled from the April 13, 2023, City Council agenda by staff.
- [B.](#) Item 9B has been pulled from the April 13, 2023, City Council agenda by staff.

3. Presentations

Presentations are limited to eight minutes.

- A. 2022 Oral Health Report - Dientes Community Dental
- B. Proclamation in honor of Woodworm Party Supply's 50th Anniversary

4. Report on Closed Session

5. Additional Materials

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

A. Correspondence Received - Item 9A

B. Correspondence Received - Item 9B

6. Oral Communications by Members of the Public

*Please review the Notice of Remote Access for instructions. Oral Communications allows time for members of the Public to address the City Council on any “Consent Item” on tonight’s agenda, or on any topic within the jurisdiction of the City that is not on the “General Government/Public Hearings” section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. 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. A **maximum of 30 minutes** is set aside for Oral Communications.*

7. Staff / City Council Comments

Comments are limited to three minutes.

8. Consent Items

All items listed as “Consent Items” 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 City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

A. Consider and Approve 3/23/2023 City Council Meeting Minutes

B. Completion of the 41st Avenue Traffic Signal Coordination Project

Recommended Action: 1) Accept as complete the 41st Avenue Traffic Signal Coordination Project as constructed by Bear Electrical Solutions at the final cost of \$747,012; 2) authorize the City Clerk to file and record a Notice of Completion; and 3) authorize the release of the contract retention of \$39,316 as prescribed in the contract.

C. Completion of the Clares Street Traffic Calming Improvement Project

Recommended Action: 1) Approve Contract Change Order #2 in the amount of \$75,968; 2) accept, as complete, the Clares Street Traffic Calming Improvement Project constructed by the McKim Corporation; 3) authorize the City Clerk to file and record a Notice of Completion; and 4) authorize the release of the contract retention of \$62,271 as prescribed in the contract.

D. Officer Wellness Grant

Recommended Action: Adopt a resolution accepting the Officer Wellness and Mental Health Grant award in the amount of \$20,000 from the California Board of State and Community Corrections (BSCC), authorizing the Police Chief to execute the grant agreement with BSCC, and authorizing the Finance Director to amend the FY 2023-24 general fund budget to increase revenues and expenditures by \$20,000.

E. Grant Application for Cliff Drive Roadway Stabilization Design and Alternatives Analysis

Recommended Action: Adopt a resolution authorizing the application for grant funds in the amount of \$400,000 from the California Coastal Commission Local Coastal Program (LCP) Local Assistance Grant Program, and authorizing the City Manager, or his designee, to execute all necessary documents to apply for the grant, accept the grant, if awarded, and accept all grant renewals, if awarded.

F. California Assembly Bill 1035

Recommended Action: Authorize the Mayor to sign a letter in support of California Assembly Bill 1035, which proposes a statewide ceiling on mobile home space rent increases.

9. General Government / Public Hearings

All items listed in “General Government / Public Hearings” 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. ~~Off-Leash Dog Area in a City Park~~

~~Recommended Action: Provide direction to staff for establishment of additional off-leash dog areas within public parks. (This item was pulled from the agenda by staff.)~~

B. ~~Capitola Bar and Grill Entertainment Permit Appeal~~

~~Recommended Action: Adopt a resolution denying an appeal of the City Manager’s decision to deny an application for a 2023 Regular Entertainment Permit for Capitola Bar and Grill, due to the application not including the required authorization from the property owner. (This item was pulled from the agenda by staff.)~~

10. Adjournment

Notice of In-Person & Remote Access

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel

To Join Zoom Application or Call in to Zoom:

Meeting

link: <https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAYdz09>

Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

To make a remote public comment:

Via Zoom Application: Use participant option to “raise hand”. The moderator will unmute you

Via Zoom phone call: Dial *9 on your phone to “raise your hand”. The moderator will unmute you

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 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.



CITY CLERK

Memo

To: City Council
From: Austin Westly, Deputy City Clerk
Date: April 12, 2023
Re: Removal of Item 9A

At the request of the dog park proponents, staff is removing Item 9A from the April 13, 2023, City Council agenda. Staff has communicated with the proponents to notify members of the public and the school district that the item has been removed.



CITY CLERK

Memo

To: City Council
From: Julia Moss, City Clerk
Date: April 11, 2023
Re: Removal of Item 9B

Staff is removing Item 9B from the April 13, 2023, City Council agenda at the request of the appellant. The attached letter was received from the appellant's legal representative on April 10, 2023.

This public hearing will be rescheduled pending the arbitration between the appellant and their landlord, and appropriately re-noticed.

Moss, Julia

From: James Anthony <james@anthonylaw.group>
Sent: Monday, April 10, 2023 5:13 PM
To: Samantha Zutler; Moss, Julia
Cc: Burke, Tamar M.; Hannah Young; Jamila Colbert; Drew Sanchez; Firehouse Brew & Grill; RMendoza@bwslaw.com
Subject: [PDF] Urgent: Request for continuance: City of Capitola CC meeting of 4/13/23: Capitola Bar & Grill's Appeal of Entertainment Permit Denial
Attachments: Notice of Request for Emergency Arbitrator.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Madam Clerk and Esteemed Counsel:

My firm represents the Appellant Capitola Bar & Grill (Michelle and LaSalle Strong), CB&G, in this appeal and in their pending JAMS arbitration with the landlord La Serena Properties (Steve Yates).

Last week Thursday 4/6/23 at 11:00 am CB&G had a hearing before an emergency arbitrator seeking the equivalent of a preliminary injunction seeking an emergency arbitrator order to the effect that:

- 1) The Respondent Landlord is deemed for all purposes to have irrevocably consented to live music entertainment under the lease agreement, absent a showing of nuisance in fact, proven in arbitration;
- 2) The Respondent Landlord must sign any documents reasonably required to document that consent to live music entertainment as needed.

See attached *Notice of Request for Emergency Arbitrator and Emergency Injunctive Relief [JAMS Rule 2(c)]* (additional pleadings and JAMS documentation available on request).

At the close of the hearing mid-day on 4/6/23, the Arbitrator Judge (ret.) Glenda Sanders, said that she hoped to have her ruling out by the end of the week. So we anticipated getting the decision last Friday or today Monday 4/10 at the latest. But in the email below, JAMS informed us at 3:55 pm today that the ruling will be made next week.

We had hoped to have the arbitrator's ruling in time for the City Council appeal hearing currently scheduled for this Thursday 4/13/23. It is our position that if CB&G obtains the requested relief and the landlord is legally deemed to have consented to live music, the City Council hearing is unnecessary because the only basis for denial for the permit in the staff report is the lack of that consent and the City should simply grant the permit. (If on the other hand CB&G does not get the relief requested, our position is that the City Council still has the power to grant the appeal based on their own independent conclusions of law as the quasi-judicial agency not bound by the advice of staff or counsel.)

Because this ruling, either way, is critical to the hearing, we respectfully request a continuance of the City Council hearing until the Ruling has been made and the City Council's agenda allows.

Counsel, I am available to discuss at any time at my direct line 510-207-6243.

Yours very truly,

James Anthony



James Anthony

PRINCIPAL

(510) 842-3553 *office*

(510) 207-6243 *cell*

james@anthonylaw.group

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

From: **Geraldine Yulo** <GYulo@jamsadr.com>

Date: Mon, Apr 10, 2023 at 3:55 PM

Subject: Strong, Michelle, et al. vs. La Serena Properties LLC - JAMS Ref No. 5130000363

To: drew.sanchez@anthonylaw.group <drew.sanchez@anthonylaw.group>, james@anthonylaw.group <james@anthonylaw.group>, Steve@jrgattorneys.com <Steve@jrgattorneys.com>

Cc: jamila@anthonylaw.group <jamila@anthonylaw.group>, hannah@anthonylaw.group <hannah@anthonylaw.group>

Dear Counsel:

Judge Sanders wanted to let the parties know that she will have the Ruling next week.

Best,

Geri



Geraldine “Geri” Yulo
Arbitration Practice Consultant

Direct: 213-253-9711

Email: GYulo@jamsadr.com

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1 James M. Anthony, SBN: 203150
(james@anthonylaw.group)
2 Drew M. Sanchez, SBN: 277163
(drew.sanchez@anthonylaw.group)
3 ANTHONY LAW GROUP, PC
4 600 Grand Avenue, Unit 204
Oakland, CA 94610
5 Phone: 510-842-3553
6 Fax: 510-283-0186

7 Attorneys for Claimants, MICHELLE STRONG and LASALLE STRONG

8 **JAMS ARBITRATION**

9 MICHELLE STRONG, an individual; and)
10 LASALLE STRONG, an individual,)
11)
12 Claimants,)
13 vs.)
14 LA SERENA PROPERTIES LLC, a California)
15 limited liability company)
16)
17 Respondent.)

Ref. No. 5130000363
NOTICE OF REQUEST FOR
EMERGENCY ARBITRATOR AND
EMERGENCY INJUNCTIVE RELIEF
[JAMS Rule 2(c)]

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 **PLEASE TAKE NOTICE** that as soon as possible under the circumstances, in accordance
20 with the Arbitration provision applicable to this matter, Claimants Michelle Strong and Lasalle Strong
21 (“Claimants”) hereby seek emergency relief under Rule 2(c) under comprehensive rules and procedures.

22 Rule 2(c) states in pertinent part:

23
24 A Party in need of emergency relief prior to the appointment of an Arbitrator
25 may notify JAMS and all other Parties in writing of the relief sought and the basis
26 for an Award of such relief. This Notice shall include an explanation of why such
27 relief is needed on an expedited basis. Such Notice shall be given by email or
28 personal delivery. The Notice must include a statement certifying that all other
Parties have been notified. If all other Parties have not been notified, the Notice
shall include an explanation of the efforts made to notify such Parties.

1 (JAMS Comprehensive Arbitration Rules & Procedures Rule 2(c)(i).)

2 Please take notice that Claimants hereby seek an emergency order under the above rule restoring
3 the *status quo ante* between the parties as was in place prior to Respondent's breach of contract. Claimants
4 will seek all available remedies under law and equity including an order that: (1) The *status quo ante* be
5 restored and landlord approval for the entertainment permit be deemed to be in place, (2) Respondent
6 and its agents be prohibited from taking any action to frustrate or impair the live entertainment permit of
7 Claimants, (3) Respondent and Claimants alike will perform their duties and obligations under the Lease
8 Agreement and Respondent shall take all routine and reasonable action required by Claimants to lawfully
9 operate their restaurant business pursuant to the Lease Agreement and Sublease and Assignment
10 Agreement, and (4) all other remedies as may be appropriate after the full briefing of the issues by the
11 parties and any hearing that may be called by the emergency arbitrator.
12
13

14 A grant of emergency injunctive relief generally requires a showing of the following: (1) an
15 inadequate remedy at law often interpreted to mean monetary relief is inadequate, (2) a serious risk of
16 irreparable harm absent injunctive relief, (3) a likelihood that the plaintiff will prevail on the merits of the
17 underlying controversy, and (4) a comparison of the harm to defendant in issuing an injunction versus
18 the harm to plaintiff in withholding it, which on balance favors the plaintiff.
19

20 No adequate remedy at law is available to the Claimants because Claimants face extensive damage
21 to their business' brand, reputation, market penetration, and business good will everyday that they have
22 to operate without live music. The extent of this damage is unknown and unknowable and cannot be
23 made whole with monetary damages alone. This irreparable harm will continue unabated absent
24 injunctive relief, and even with the swift timeline of JAMS arbitration, any remedy on normal timelines
25 would still take months. Claimants will suffer irreparable harm.
26

27 Claimants are likely to prevail on the merits of the underlying controversy because the operative
28 Lease Agreement is ambiguous as to whether live music is prohibited or permitted by the Lease

1 Agreement, the contemporaneous written communications of the parties reveal unambiguous intent that
 2 live music was to be a part of the Agreement, and Claimants actually operated their restaurant with live
 3 music for approximately 18 months. Respondent’s anticipated claims of nuisance in violation of the
 4 Lease Agreement are unsubstantiated and without merit. Claimants were in compliance with the Lease
 5 Agreement at all times relevant herein.
 6

7 Respondent is a landlord of the commercial building and will suffer no direct harm if the
 8 requested relief is granted by arbitrator award. Claimants lawful operation of their restaurant business in
 9 compliance with local and state law is not a violation of the Lease Agreement even if it personally
 10 bothers landlords’ manager Steven Yates. Landlord, as a limited liability company holding real property,
 11 cannot reasonably be argued to suffer any harm by Claimants lawful operation of their business under
 12 local and state law.
 13

14 This notice is non exhaustive and Claimants reserve the right to adduce more factual information
 15 and assert different or more complete legal theories in their brief filed in support of this request.
 16

17 Dated: March 15, 2023

ANTHONY LAW GROUP, PC

Drew Sanchez

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PROOF OF SERVICE

I, Jamila Colbert, declare: I am over the age of 18 years, and am not a party to this action. On March 15, 2023, I served the following documents:

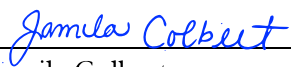
NOTICE OF REQUEST FOR EMERGENCY ARBITRATOR AND EMERGENCY INJUNCTIVE RELIEF

VIA ELECTRONIC MAIL The documents were transmitted in PDF format to each of the email addresses as indicated on the service list.

JRG Attorneys at Law,
C/O Stephan Barber
318 Cayuga St, Ste 101,
Salinas, CA 93901-2668
(e): steve@jrgattorneys.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 15, 2023, at Oakland, California.



Jamila Colbert

Moss, Julia

From: Richard Lippi <richard@greatoptions.net>
Sent: Monday, April 10, 2023 8:45 PM
To: City Council
Cc: Kailash Mozumder
Subject: Item 9.A. on April 13, 2023, CC Mtg, Off-leash dog areas at public parks
Attachments: PVT No Barking signs.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Council Members,

I am writing to ask for your consideration to install signs at Monterey Ave Park (and possibly other Parks) to address the current problem of unnecessary noise disturbances at public parks.

According to the Agenda Packet for April 13, 2023, in re: off-leash dog areas at public parks...

"Staff have been in contact with Soquel Union Elementary School District (District) regarding a fenced dog area in Monterey Park. District representatives have indicated that they are not in support of any off-leash dog areas in the park due to the potential of excessive barking and increased dog waste interfering with student and District staff use of the park area.

*Based on the existing uses in the park area and District feedback, **staff does not consider a fenced-in dog area, as proposed by the community group, a compatible use in Monterey Park"***

But the existing problem of barking dogs, unnecessary screaming and the yelling of profanities still exists. **No matter how the off-leash dog issue proceeds, will you please consider the incorporation of signs that will encourage park users to respect the impact of loud, unnecessary noises upon the neighbors?**

For your reference, I have included a WORD document illustrating some commercially produced Park signs that address the noise issue. On the last page of the WORD document I have created a proposed sign specifically for Monterey Ave Park. I would suggest two (2) locations to start---one (1) at the front of the Park near the entrance path and one (1) at the eucalyptus grove facing the grassy area. **If we can all agree on the appropriate text, I will fund the purchase of the first two (2) signs as an experiment.**

Please see the attached WORD document.

Thank you for your consideration.

Richard Lippi
 620 Monterey Ave, Capitola

Cc: Kailash Mozumder





A proposed, custom, prototype Monterey Ave Park sign follows. I would be willing to purchase the first two (2) custom signs for the Park.

**PLEASE RESPECT
OUR NEIGHBORS
BY QUIETING
BARKING DOGS**

**PLEASE KEEP
LOUD NOISES TO
A MINIMUM.**

THANK YOU!

Moss, Julia

From: Matthew Hereford <matt.hereford@gmail.com>
Sent: Friday, April 7, 2023 4:14 PM
To: City Council; francisco.gonzalez@abc.ca.gov; Clarke, Joe; Moss, Julia; marguxkeiser@gmail.com; Brown, Kristen; Brooks, Yvette
Subject: Capitola Bar & Grill

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mayor and City Council Members,

I was the General Manager at Capitola Bar & Grill from March 2022 - Late July 2022 and I want to share with you heavy concerns over the music license and the owners in general.

Both LaSalle and Michelle Strong are very two faced people that look to take advantage of young people and people in need of a job. I've never in my 20 years working in the industry seen a more ridiculous pair of owners. They would show up to the bar completely intoxicated with a large group of friends often, take as long as possible to pay people who voluntarily quit, pay many people under the table, have minors work behind the bar doing glassware and buy alcohol last minute from liquor stores if they ran out which is illegal. The bartender Mario has been there since they opened and they have always paid him under the table including all his tips because he's illegal and doesn't have a visa. This made my job incredibly difficult as others found out and were upset because his paychecks were so much more with zero taxes coming out. Even my father was paid under the table from them for a few months. Vendors would cut them off because they simply would decide to stop paying and find a new vendor. Customers would be belligerent and assault the staff and LaSalle refused to support anyone but the customer which gets me to the music.

When I was hired I was hired to be the GM for a restaurant which is what they told me was the role. I was never told that I would basically become the manager of a club/ music venue which is what LaSalle wanted it to become. I shared with him concerns over the volume level and massive number of complaints I was receiving from many different people in the village community. His response was he laughed and said "fuck em." After one of the tenants in the building complained LaSalle became vindictive and widened the set up where the bands played so that their speaker stack was right up against a main beam for the building saying "now we're gonna rock the house." He would often offer the bands extra money to go past their scheduled set time to try and retaliate against the tenants and upset them. I was instructed to never ask the band to turn down the volume level. One of the many nights the police came by to warn us over the volume and check the music license LaSalle was angry that they came two times in the same night and told me to kick them the fuck out of the restaurant which I did because I knew he would probably let me go if I didn't. This upset the police Chief naturally and LaSalle begged me with a cash bonus to go a meeting at city hall and apologize which I did. In the meeting he claimed he installing new special sound proof curtains and then laughed that he had installed regular old curtains. Some of the neighbors who would complain I was told to offer them a couple glasses of free wine when they complained which one lady did and then had an episode because she was on medication.

I'm sure you all have received many emails about this matter so I tried my best to keep this short and to the point but believe when I say there is many more situations I could talk about regarding Capitola Bar & Grill. The Strongs have absolutely no business owning and running anything let only obtaining another music permit.

Thank you for your consideration.

Matt Hereford

Moss, Julia

From: ANNIE FITE <anniefite777@gmail.com>
Sent: Friday, April 7, 2023 9:24 PM
To: City Council
Subject: I support Capitola Bar & Grill

Follow Up Flag: Follow up
Flag Status: Flagged

I love Capitola. I went to school in Capitola and so happy to live close enough to support my hometown village. I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

My mom spent her 75th birthday at Capitola Bar & Grill and danced all day long. She had so much fun. The music is wonderful and the crowd is never rowdy or rude. They have done a great job of bringing more live music to the village. Their location is perfect too and attracts passersby.

Please approve their permit by allowing this fabulous lively fun multicultural community to thrive in the village!

Thank you for your time
Annie Fite
Sent from my iPhone

Capitola City Council Agenda Report

Meeting: April 13, 2023

From: City Manager Department

Subject: Consider and Approve 3/23/2023 City Council Meeting Minutes



Recommended Action: Approve minutes from the regular meeting on March 23, 2023.

Background: Attached for Council review and approval are the draft minutes from the regular City Council meeting on March 23, 2023.

Attachments:

1. 3/23/2023 Regular Minutes

Report Prepared By: Julia Moss, City Clerk

Approved By: Jamie Goldstein, City Manager

City of Capitola

City Council Meeting Minutes

Thursday, March 23, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Mayor: Margaux Keiser

Vice Mayor: Kristen Brown

Council Members: Yvette Brooks, Joe Clarke, Alexander Pedersen

Regular Meeting of the Capitola City Council – 6 PM

1. **Roll Call and Pledge of Allegiance** – *The meeting was called to order at 6:00 PM. In attendance: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser.*
2. **Additions and Deletions to the Agenda** – *None*
3. **Presentations**
 - A. *Sophia Schwirzke, Customer Accounts Manager, provided an Annual Update from Central Coast Community Energy.*
4. **Additional Materials**
 - A. *Additional Materials - Item 8B - Correspondence*
 - B. *Additional Materials - Item 8C - Correspondence*
 - C. *Additional Materials - Item 8D - Correspondence & Updated Final Local Action Notice and Zoning Permit*
5. **Oral Communications by Members of the Public**

John Hakin, resident, spoke about Cabrillo Mobile Home Estates.
Gerry Jensen, resident, spoke about Capitola Wharf Enhancement Team fundraising efforts.
Douglas Kastle, resident, spoke about Cabrillo Mobile Home Estates.
Kathleen Barron, resident, spoke about electric/motorized bicycle usage within the City.
6. **Staff / City Council Comments**
 - *Vice Mayor Brown requested that staff bring back a City Council item to send a letter of support for Assembly Bill 1035.*
 - *Council Member Clarke commended the Operation Surf event.*
 - *City Manager Goldstein mentioned that staff secured a device to lower the lighting at Noble Gulch Park.*
 - *Recreation Division Manager Bryant LeBlond provided an update for the UA Playground Community Meeting, which was rescheduled to March 29th at 7 PM at the Jade Street Community Center and provided an update on Summer 2023 programming registration.*
7. **Consent Items**
 - A. *Consider and Approve 3/9/2023 & 3/16/2023 City Council Meeting Minutes*
 - B. *Approval of City Check Registers Dated February 17, 2023, and March 3, 2023*
Recommended Action: Approve check registers.

Motion to approve the Consent Calendar: Vice Mayor Brown
Seconded: Council Member Clarke
Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

8. General Government / Public Hearings

A. Temporary Village Parking Committee Recommendations

Recommended Action: Direct staff to prepare the necessary documentation to approve the Temporary Village Parking Committee recommendations.

Finance Director Malberg presented the staff report.

Public Comments:

- **Dharmesh Patel, Capitola Hotel business owner, spoke about the hotel parking permit cost and loading zone availability.**
- **Bhavna Patel, Capitola Hotel business owner, spoke about hotel parking permit cost and parking space availability.**
- **Carin Hana, resident, spoke about signage consistency, parking availability, parking meter replacement, and dedicated hotel parking space.**
- **Dennis Norton, resident, spoke in favor of the committee recommendations.**
- **John Mulry, resident, spoke in favor of the committee recommendations but recommended the parking signage be standardized to blue parking signage.**

Council Member discussion included clarification about the Coastal Commission's approval of the recommendations, discussion of signage, permitting and availability of parking for hotel usage, and upgrade or replacement of parking meters.

Direction provided to staff to prepare the necessary documentation to approve and implement the Temporary Village Parking Committee recommendations, and research dedicated parking for the Village hotels.

B. Coastal Rail Trail Segments 10 and 11

Recommended Action: Receive report on the Coastal Rail Trail Segments 10 and 11 Project through the City of Capitola.

Capitola Public Works Director Kahn; Grace Blakeslee, SCCRTC Transportation Planner; Rob Tidmore, Project Manager for Segments 10 and 11 and SCC Park Planner; and Guy Preston, SCCRTC Executive Director, presented the staff report.

Public Comments:

- **Carin Hana, resident, spoke about dangers to bicyclists.**
- **Dennis Norton, resident, spoke in favor of a train.**
- **Kathleen Barron, resident, spoke against allowing electric bicycles on proposed trails.**
- **Paula Bradley, resident, spoke in support of the Ultimate Rail Trail design and the City's Active Transportation Plan.**
- **John Mulry, resident, spoke in favor of the train.**

C. 401 Capitola Avenue Appeal

Recommended Action: Adopt a resolution affirming the Planning Commission's decision to deny Application #22-0282 seeking a Conditional Use Permit, Parking Variance, and Coastal Development Permit for a restaurant/café at 401 Capitola Avenue (Capitola Tap House).

City Planner Brian Froelich presented the staff report.

Amy Chen, Appellant, and Lynne Lampros presented the appellant's report.

Public Comments:

- **Public speaker in favor of the appellant's proposal.**
- **Kathleen Barron, resident, spoke in favor of the appellant's proposal.**
- **Christy, resident, spoke in favor of the appellant's proposal.**
- **Mario Beltramo, resident, spoke in favor of the appellant's proposal.**
- **Ed Newman, resident, spoke in opposition to the appellant's proposal.**
- **Dennis Norton, resident, spoke about consistency in granting variances.**
- **Tanya Lorien spoke in favor of the appellant's proposal.**

Lynne Lampros provided closing comments for the appellant.

Council Member discussion included a desire to support small business, concerns about parking, concerns about the ratio of alcoholic vs. non-alcoholic taps within the business, and concern for nearby neighbors.

Direction provided to staff to bring back a resolution to the City Council to affirm the Planning Commission's decision to deny Application #22-0282 and making findings to allow the following:

- 1. Implementation of the Tap System**
- 2. Alcoholic Taps May Account for 49% or Less of Total Use**
- 3. Allowance of Self-Pour System**
- 4. Limited Hours (8:00 PM Closing Time)**
- 5. Maximum of Six Seats**
- 6. Clear Signage for Open Containers**

Motion to uphold the Planning Commission's denial of Application #22-0282 and for staff to return to the City Council with a resolution including findings as provided in direction above: Council Member Brooks

Seconded: Council Member Pedersen

Voting Yea: Council Members Brooks, Pedersen, Brown, and Mayor Keiser

Voting Nay: Council Member Clarke

D. Kennedy Drive Sidewalk Project

Recommended Action: Approve the plans, specifications, and construction budget of \$214,000 for the Kennedy Drive Sidewalk Project; approve the Coastal Development Permit and the findings listed in the Final Local Action Notice; and authorize the Department of Public Works to advertise for construction bids.

Public Works Director Kahn presented the staff report.

Council Member discussion included clarification on public outreach efforts.

Public Comments:

- **John Mulry, resident, spoke in favor of the project.**

Motion to approve the plans, specifications, construction budget, Coastal Development Permit, and findings listed in the Final Local Action Notice, and authorize the Public Works Department to advertise for construction bids: Vice Mayor Brown

Seconded: Council Member Pedersen

Voting Yea: Council Members Brooks, Clarke, Pedersen, Brown, and Mayor Keiser

9. Adjournment - Adjourned at 10:06 PM to the next regularly scheduled meeting on April 13, 2023, at 6:00 PM.

ATTEST:

Margaux Keiser, Mayor

Julia Moss, City Clerk

Capitola City Council

Agenda Report



Meeting: April 13, 2023

From: Department of Public Works

Subject: Completion of the 41st Avenue Traffic Signal Coordination Project

Recommended Action: 1) Accept as complete the 41st Avenue Traffic Signal Coordination Project as constructed by Bear Electrical Solutions at the final cost of \$747,012; 2) authorize the City Clerk to file and record a Notice of Completion; and 3) authorize the release of the contract retention of \$39,316 as prescribed in the contract.

Background: Capitola Public Works staff has been working with the Monterey Bay Air Resources District (MBARD), the California Department of Transportation (Caltrans), and the County of Santa Cruz since 2010 to install an adaptive signal control system along 41st Avenue. The objective of the project was to substantially reduce emissions, decrease average travel time, and improve operating levels and traffic flow along the corridor. MBARD awarded the City grants in 2019 and 2020 for the installation of signal coordination equipment for City-controlled traffic and Caltrans-operated intersections on 41st Avenue at Jade Street/Brommer Street, Capitola Road, the Mall entrance, Clares Street, Gross Road, southbound Highway 1 ramp, and the northbound Highway 1 ramp.

On August 26, 2021, the City awarded a construction contract to Bear Electrical Solutions to install an adaptive signal control system for the City-owned traffic signals along 41st Avenue. The original project scope did not include coordination with the Caltrans signals at Highway 1 due to difficulty in receiving the required approvals from Caltrans. Soon after award of the contract, Caltrans approved the installation of the adaptive system and the City was able to modify the scope of work to include the Caltrans intersections.

Discussion: Construction of the project began in September 2021 and was completed in February 2023.

Fiscal Impact: The total project funding was \$885,000, and total project costs were \$860,000. The remaining funds will be used for Caltrans coordination and future maintenance.

The project budget is as follows:

Funding:	Total MABRD Grants	\$ 760,000
	General fund	\$ 100,000
	<u>Gas Tax fund</u>	<u>\$ 25,000</u>
	Total	\$ 885,000

Costs:	Construction	\$ 777,012
	<u>Engineering and reporting</u>	<u>\$ 83,000</u>
	Total	\$ 860,000

Attachments:

1. Notice of Completion
2. Project Cost Summary

Report Prepared By: Kailash Mozumder, Public Works Project Manager

Reviewed By: Jessica Kahn, Public Works Director; Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Capitola
Public Works Department
Attn: Jessica Kahn
420 Capitola Avenue
Capitola, California 95010

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS INSTRUMENT IS BEING RECORDED FOR THE BENEFIT OF THE CITY OF CAPITOLA
NO RECORDING FEE IS REQUIRED PURSUANT TO GOVERNMENT CODE §27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Capitola, owner of the property hereinafter described, whose address is 420 Capitola Avenue, Capitola, California, has caused a work of improvements more particularly described as follows:

PROJECT NAME: 41st Avenue Adaptive Traffic Signal System

PROJECT DESCRIPTION: Adaptive signal system from Jade/Brommer over Hwy 1

to be constructed on property more particularly described as follows:

DESCRIPTION: 41st Avenue

ADDRESS: NA

APN: NA

The work of the improvement was completed by:

CONTRACTOR: Bear Electrical Solutions, Inc.

ADDRESS: P.O. Box 924 Alviso, CA 95002

The work of the improvements was actually completed on the 14th day of February, and accepted by the City Council of said City on the 13th day of April 2023.

Signature of City Official: _____

The undersigned certifies that he is an officer of the City of Capitola, that he has read the foregoing Notice of Completion and knows the content thereof; and that the same is true of his own knowledge, except as to those matters which are therein stated on information or belief, and as to those matters that he believes to be true. I certify under penalty of perjury that the foregoing is true and correct. Executed at the City of Capitola, County of Santa Cruz, State of California.

Jessica Kahn
Director of Public Works

Signed: _____

Date: _____

Capitola City Council

Agenda Report



Meeting: April 13, 2023

From: Department of Public Works

Subject: Completion of the Clares Street Traffic Calming Improvement Project

Recommended Action: 1) Approve Contract Change Order #2 in the amount of \$75,968; 2) accept, as complete, the Clares Street Traffic Calming Improvement Project constructed by the McKim Corporation; 3) authorize the City Clerk to file and record a Notice of Completion; and 4) authorize the release of the contract retention of \$62,271 as prescribed in the contract.

Background: On April 28, 2022, the City Council approved the plans, specifications, and construction estimate for the Clares Street Traffic Calming Improvement Project and authorized advertising for construction bids with an approved budget of \$1,153,000 and available funding of \$1,247,696. Following this approval, the project was advertised, and bids were received on June 29, 2022. The low bid received was from McKim Corporation in the amount of \$1,052,667.

Because the bid was lower than the approved budget, the City Manager awarded the contract to McKim Corporation. On September 22, 2022, the City Council approved Contract Change Order (CCO) #1 in the amount of \$118,925 to increase the scope of the project to include two additional components that were originally omitted to minimize project costs. The additional work extended the road rehabilitation limits along Clares Street to 40th Avenue and added safety lights on Wharf Road at the library driveway.

Discussion: Construction of the project began in October 2022 and was completed in March 2023. During construction, Public Works staff worked with the contractor to minimize construction impacts and delays to the adjacent residential areas and determined that night work would be the best solution. CCO #2 (Attachment 1) captures the additional costs associated with the night work, sidewalk grinding to eliminate tripping hazards, as well as the additional material quantities observed during construction.

Fiscal Impact: The total available funding for the project is \$1,247,696. The addition of CCO #1 & #2 brings the total project cost to \$1,247,560. The available Santa Cruz County Regional Transportation Commission (SCCRTC) funding was originally estimated to be \$833,264, however an additional \$36,736 was identified and programmed by the SCCRTC, reducing the City General fund contribution from \$150,000 to \$113,264.

Funding

Measure D	\$	264,432
General Fund	\$	113,264
SCCRTC - multiple sources	\$	870,000
Total	\$	1,247,696

Project Costs

McKim Contract	\$	1,052,667
CCO No. 1	\$	118,925
Proposed CCO No. 2	\$	75,968
Total Cost	\$	1,247,560

Attachments:

1. Change Order #2
2. Notice of Completion
3. Project Cost Summary

Report Prepared By: Kailash Mozumder, Public Works Project Manager

Reviewed By: Jessica Kahn, Public Works Director; Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Capitola
Public Works Department
Attn: Jessica Kahn
420 Capitola Avenue
Capitola, California 95010

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THIS INSTRUMENT IS BEING RECORDED FOR THE BENEFIT OF THE CITY OF CAPITOLA
NO RECORDING FEE IS REQUIRED PURSUANT TO GOVERNMENT CODE §27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the City of Capitola, owner of the property hereinafter described, whose address is 420 Capitola Avenue, Capitola, California, has caused a work of improvements more particularly described as follows:

PROJECT NAME: Clares Street Traffic Calming Improvements

PROJECT DESCRIPTION: Complete street improvements from 40th to Wharf Rd. to be constructed on property more particularly described as follows:

DESCRIPTION: Clares Street

ADDRESS: N/A

APN: N/A

The work of the improvement was completed by:

CONTRACTOR: McKim Corporation

ADDRESS: 60 W. 4th St., #210, Gilroy, CA 95020

The work of the improvements was actually completed on the 22nd day of March, and accepted by the City Council of said City on the 13th day of April 2023.

Signature of City Clerk: _____
Julia Moss, City Clerk

The undersigned certifies that he is an officer of the City of Capitola, that he has read the foregoing Notice of Completion and knows the content thereof; and that the same is true of his own knowledge, except as to those matters which are therein stated on information or belief, and as to those matters that he believes to be true. I certify under penalty of perjury that the foregoing is true and correct. Executed at the City of Capitola, County of Santa Cruz, State of California.

Jessica Kahn
Director of Public Works

Signed: _____

Date: _____

CITY OF CAPITOLA
DEPARTMENT OF PUBLIC WORKS
CONTRACT CHANGE ORDER

Project: Clares Street Traffic Calming Change Order No. 2

Contractor: McKim Corporation Date: March 22, 2023

Scope of Work or Change: Additional costs when directed to complete the work at night, sidewalk grinding of all sidewalks in the project area and differences in final observed quantities.

	Add/Subtract	Unit	Change in price	Notes
Night Work	+ 1	LS	\$22,804	Additional rental and plant fees
Warm Mix	+ 1,623	TON	\$14,234	Additional \$8.77 per TON
Sidewalk Grinding	+ 1	LS	\$2,139	1 crew, 1 day T&M
Difference in Final QTY	Add & subtract		\$36,791	Difference in Final QTY's see attached
Total			\$75,968	

This Change Order will increase the contract amount by \$75,968
 decrease
 not change

and is based on Agreed lump sum/unit price proposal.
 Contract unit prices.
 Cost plus 15 percent (Force Account)

NOTE: Approval of this Change Order by the Contractor constitutes agreement as to the final compensation for the scope of work listed in accordance with Section 4.03 of the Standard Specifications.

Approved for By: *Santino R. Orozco* Date: 3/28/23

Contractor Title: President

Approved for By: _____ Date: _____
 City of Capitola Title: Public Works Director

Summary of Amounts Payable Under Contract

Net effect of previous Change Orders	\$ <u>118,925</u>
This Change Order	\$ <u>75,968</u>
Net effect of all Change Orders	\$ <u>194,893</u>
Original contract amount	\$ <u>1,052,667</u>
New contract amount	\$ <u>1,247,560</u>

**City of Capitola
Change Order #2**

Project Title : Claes Street Traffic Calming Improvements

		UNITS	Bid QTY
1	Mobilization	LS	1
2	Construction Area Signs	LS	1
3	Traffic Control System	LS	1
4	Survey and Construction Staking	LS	1
5	Temporary Water Pollution Control and Erosion Control	LS	1
6	Adjust Water Valve Box to Grade	EA	26
7	Adjust Sanitary Sewer Manhole to Grade	EA	15
8	Adjust Storm Drain Manhole to Grade	EA	4
9	Adjust Gas Valve Box to Grade	EA	4
10	Adjust Utility Frame and Cover to Grade	EA	5
11	Cold Plane Asphalt Concrete Pavement	SQYD	1130
12	Cold In-Place Recycling (CIR)	SQYD	10784
13	Wedge and Conform Grinding	LF	4568
14	Conform Grinding	SQYD	86
15	Aggregate Base (Class 2)	CY	73
16	Hot Mix Asphalt (Type A)	TON	1483
17	Minor Concrete (Curb and Gutter)	LF	185
18	Minor Concrete (Valley and Cross Gutter)	SQFT	492
19	Minor Concrete (Sidewalk)	SQFT	1154
20	Minor Concrete (Driveway)	SQFT	266
21	Minor Concrete (Curb Ramp Remove and Replace)	EA	10
22	Thermoplastic Traffic Stripe	LF	11,218
23	Thermoplastic Pavement Marking	SQFT	4169
24	Thermoplastic Pavement Marking (Green)	SQFT	3079
25	Decorative Crosswalk	LS	1
26	Blue Fire Hydrant Pavement Marker	EA	4
27	Roadside Sign	EA	37
28	Rectangular Rapid Flashing Beacon (RRFB) Assembly	LS	3
CO1	Library Entrance Vehicle Activate Safety Lights	LS	
CO1	Mobilization Add	LS	
CO1	Traffic Control Add	LS	
CO2	Night Work, ,	LS	
CO2	Warm Mix	TON	
CO2	Sidewalk Grinding	LS	

Bid + CO1 & CO2 Quantity	Actual Final Quantity	QTY Diff	Cost Difference
1	1	0.00	\$0.00
1	1	0	\$0.00
1	1	0.00	\$0.00
1	1	0	\$0.00
1	1	0	\$0.00
29	32	3	\$1,800.00
16	17	1	\$900.00
4	4	0	\$0.00
4	4	0	\$0.00
5	5	0	\$0.00
1130	1130	0	-\$5.00
12384	12800	416	\$8,798.00
5138	5138	0	\$6.64
86	86	0	\$0.02
73	139.58	66.58	\$13,188.01
1661	1696.08	35.08	\$5,163.66
185	205	20	\$2,075.45
492	492	0	\$1.28
1154	1154	0	-\$4.28
266	0	-266	-\$16,700.00
10	12	2	\$14,000.00
12,218	11974	-244.016	-\$747.54
4384	5807	1423	\$8,538.00
3079	3056	-23	-\$253.00
1	1	0	\$0.00
4	6	2	\$30.00
37	37	0	\$0.00
3	3	0	\$0.00
1	1	0	\$0.00
1	1	0	\$0.00
1	1	0	\$0.00
1	1	0	\$0.00
1,623	1623	0	\$0.00
1	1	0	\$0.00
			\$36,791.24

Capitola City Council

Agenda Report

Meeting: April 13, 2023
From: Police Department
Subject: Officer Wellness Grant



Recommended Action: Adopt a resolution accepting the Officer Wellness and Mental Health Grant award in the amount of \$20,000 from the California Board of State and Community Corrections (BSCC), authorizing the Police Chief to execute the grant agreement with BSCC, and authorizing the Finance Director to amend the FY 2023-24 general fund budget to increase revenues and expenditures by \$20,000.

Background: The Officer Wellness and Mental Health Grant Program, established in the 2022 California State Budget Act (Assembly Bill 178, Chapter 45, Statutes of 2022), provides \$50 million for city and county law enforcement agencies to improve officer wellness and expand mental health resources. The funding may be used for establishing or expanding officer wellness units, establishing or expanding peer support units, receiving services provided by a licensed mental health professional, expanding multi-agency mutual aid programs focused on officer wellness and mental health, or on other programs and services that are evidence-based or have a successful track record of enhancing officer wellness.

Discussion: The purpose of this grant is to improve officer wellness and to expand mental health sources. "Officer wellness" means the consideration of the physical, emotional, or mental condition or wellbeing of an officer. Mental health is as important as physical health and many times law enforcement officers shoulder the solemn responsibility of protecting the public, and deal with tremendous mental and emotional strain throughout their careers. Healthy officers are crucial to building healthy and safe communities.

Staff intends to use awarded funds to support the current Police Department officer wellness program for the next two years. Current programming focuses on mental and physical wellbeing, emotional support, and nutritional information. An internal staff survey was sent to Police Department staff to determine the most impactful way to allocate funds.

Fiscal Impact: No fiscal impact as there is no required General Fund match. Acceptance of the grant will increase revenues and expenditures by \$20,000. All funds received from the grant must be used for any of the purposes outlined above.

Attachments:

1. Award Letter
2. Funding Distribution Schedule
3. Draft Resolution

Report Prepared By: Esmeralda Gonzalez, Administrative Analyst

Reviewed By: Andrew Dally, Chief of Police; Julia Moss, City Clerk; Jim Malberg, Finance Director; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

DATE: December 21, 2022
TO: Police Chiefs and Sheriffs
FROM: Linda Penner, Chair
SUBJECT: OFFICER WELLNESS AND MENTAL HEALTH GRANT AWARD

I am pleased to let you know that the BSCC has begun processing the Officer Wellness and Mental Health grants, which were included in the Budget Act of 2022. All eligible law enforcement agencies will receive their payment by February 15, 2023. This memorandum provides further information about the purposes of the grant, and requests your assistance in identifying the person in your agency who will be responsible for required data reporting.

This disbursement is being made in accordance with Assembly Bill 178, Chapter 45, Statutes of 2022, Item 5227-121-0001. This funding is available to all city and county law enforcement agencies employing officers described in Section 830.1 of the Penal Code. The Officer Wellness grant is for the purpose of improving officer wellness and expanding mental health sources as follows:

1. Establishing officer wellness units or expanding existing officer wellness units.
2. Establishing peer support units or expanding peer support units.
3. Services provided by a licensed mental health professional, counselor, or other professional that works with law enforcement.
4. Expanding multiagency mutual aid programs focused on officer wellness and mental health.
5. Other programs or services that are evidence based or have a successful track record of enhancing officer wellness.

For further information about this funding and to identify the amount of funding allocated to your agency, please visit the Board of State and Community Corrections' webpage for the Officer Wellness and Mental Health Grant available at <https://www.bscc.ca.gov/officer-wellness-and-mental-health-grant-program/>.

Provision 2 of the Budget Act requires each grant recipient to submit an expenditure report and a final impact report no later than December 1, 2025. Additionally, grant recipients will submit a brief annual expenditure report. Reports will be provided to the Commission on Peace Officer Standards and Training (POST). Detailed information regarding reporting requirements and reporting requirement webinars will be sent out in early 2023.

Please send the name and email address of the individual(s) within your agency who will be responsible for the implementation and reporting requirements for this grant to OfficerWellnessGrant@bscc.ca.gov by February 28, 2023 so they may receive additional information regarding detailed reporting requirements, webinars, and deadlines.

If you have any questions regarding this funding distribution, please email OfficerWellnessGrant@bscc.ca.gov and a BSCC staff member will respond.

Sincerely,



LINDA PENNER
Chair
Board of State & Community Corrections

Officer Wellness and Mental Health Grant Program Funding Distribution Schedule

COUNTY	AGENCY NAME	AWARD AMOUNT
ALAMEDA COUNTY	ALAMEDA CO SD/CORONER	\$ 709,103.49
ALAMEDA COUNTY	ALAMEDA PD	\$ 47,741.62
ALAMEDA COUNTY	ALBANY PD	\$ 20,000.00
ALAMEDA COUNTY	BAY AREA RAPID TRANSIT PD	\$ 145,331.11
ALAMEDA COUNTY	BERKELEY PD	\$ 106,014.48
ALAMEDA COUNTY	EAST BAY REG PARK DPS	\$ 37,912.46
ALAMEDA COUNTY	EMERYVILLE PD	\$ 28,000.00
ALAMEDA COUNTY	FREMONT PD	\$ 117,949.89
ALAMEDA COUNTY	HAYWARD PD	\$ 113,737.39
ALAMEDA COUNTY	LIVERMORE PD	\$ 63,187.44
ALAMEDA COUNTY	NEWARK PD	\$ 34,402.05
ALAMEDA COUNTY	OAKLAND PD	\$ 483,032.87
ALAMEDA COUNTY	PIEDMONT PD	\$ 15,000.00
ALAMEDA COUNTY	PLEASANTON PD	\$ 54,762.45
ALAMEDA COUNTY	SAN LEANDRO PD	\$ 49,847.87
ALAMEDA COUNTY	UNION CITY PD	\$ 47,039.54
ALPINE COUNTY	ALPINE CO SO	\$ 15,000.00
AMADOR COUNTY	AMADOR CO SO/CORONER	\$ 32,997.89
AMADOR COUNTY	IONE PD	\$ 15,000.00
AMADOR COUNTY	JACKSON PD	\$ 15,000.00
AMADOR COUNTY	SUTTER CREEK PD	\$ 15,000.00
BUTTE COUNTY	BUTTE CO SO/CORONER	\$ 122,162.38
BUTTE COUNTY	CHICO PD	\$ 65,293.69
BUTTE COUNTY	GRIDLEY PD	\$ 15,000.00
BUTTE COUNTY	OROVILLE PD	\$ 15,000.00
BUTTE COUNTY	PARADISE PD	\$ 15,000.00
CALAVERAS COUNTY	ANGELS CAMP PD	\$ 15,000.00
CALAVERAS COUNTY	CALAVERAS CO SD	\$ 40,018.71
COLUSA COUNTY	COLUSA COUNTY SD	\$ 25,000.00
COLUSA COUNTY	COLUSA PD	\$ 15,000.00
COLUSA COUNTY	WILLIAMS PD	\$ 15,000.00
CONTRA COSTA COUNTY	ANTIOCH PD	\$ 77,229.09
CONTRA COSTA COUNTY	BRENTWOOD PD	\$ 46,337.46
CONTRA COSTA COUNTY	CLAYTON PD	\$ 15,000.00
CONTRA COSTA COUNTY	CONCORD PD	\$ 93,376.99
CONTRA COSTA COUNTY	CONTRA COSTA CO SO/CORONER	\$ 435,993.33
CONTRA COSTA COUNTY	EL CERRITO PD	\$ 25,000.00
CONTRA COSTA COUNTY	HERCULES PD	\$ 20,000.00
CONTRA COSTA COUNTY	KENSINGTON PD	\$ 15,000.00
CONTRA COSTA COUNTY	MARTINEZ PD	\$ 28,000.00
CONTRA COSTA COUNTY	MORAGA PD	\$ 15,000.00
CONTRA COSTA COUNTY	OAKLEY PD	\$ 28,000.00
CONTRA COSTA COUNTY	PINOLE PD	\$ 20,000.00
CONTRA COSTA COUNTY	PITTSBURG PD	\$ 62,485.36
CONTRA COSTA COUNTY	PLEASANT HILL PD	\$ 30,891.64
CONTRA COSTA COUNTY	RICHMOND PD	\$ 83,547.84
CONTRA COSTA COUNTY	SAN PABLO PD	\$ 37,912.46
CONTRA COSTA COUNTY	SAN RAMON PD	\$ 46,337.46
CONTRA COSTA COUNTY	WALNUT CREEK PD	\$ 51,252.03

COUNTY	AGENCY NAME	AWARD AMOUNT
DEL NORTE COUNTY	CRESCENT CITY PD	\$ 15,000.00
DEL NORTE COUNTY	DEL NORTE COUNTY SO	\$ 15,000.00
EL DORADO COUNTY	EL DORADO CO SO	\$ 117,247.80
EL DORADO COUNTY	PLACERVILLE PD	\$ 15,000.00
EL DORADO COUNTY	SOUTH LAKE TAHOE PD	\$ 28,000.00
FRESNO COUNTY	CLOVIS PD	\$ 73,718.68
FRESNO COUNTY	COALINGA PD	\$ 15,000.00
FRESNO COUNTY	FIREBAUGH PD	\$ 15,000.00
FRESNO COUNTY	FOWLER PD	\$ 15,000.00
FRESNO COUNTY	FRESNO CO SO	\$ 288,555.97
FRESNO COUNTY	FRESNO PD	\$ 557,453.63
FRESNO COUNTY	HURON PD	\$ 15,000.00
FRESNO COUNTY	KERMAN PD	\$ 25,000.00
FRESNO COUNTY	KINGSBURG PD	\$ 20,000.00
FRESNO COUNTY	MENDOTA PD	\$ 15,000.00
FRESNO COUNTY	ORANGE COVE PD	\$ 15,000.00
FRESNO COUNTY	PARLIER PD	\$ 15,000.00
FRESNO COUNTY	REEDLEY PD	\$ 25,000.00
FRESNO COUNTY	SANGER PD	\$ 28,000.00
FRESNO COUNTY	SELMA PD	\$ 28,000.00
GLENN COUNTY	GLENN CO SO/CORONER	\$ 30,891.64
GLENN COUNTY	ORLAND PD	\$ 15,000.00
HUMBOLDT COUNTY	ARCATA PD	\$ 20,000.00
HUMBOLDT COUNTY	EUREKA PD	\$ 28,000.00
HUMBOLDT COUNTY	FERNDALE PD	\$ 15,000.00
HUMBOLDT COUNTY	FORTUNA PD	\$ 15,000.00
HUMBOLDT COUNTY	HUMBOLDT CO SO	\$ 128,481.13
HUMBOLDT COUNTY	RIO DELL PD	\$ 15,000.00
IMPERIAL COUNTY	BRAWLEY PD	\$ 20,000.00
IMPERIAL COUNTY	CALEXICO PD	\$ 20,000.00
IMPERIAL COUNTY	CALIPATRIA PD	\$ 15,000.00
IMPERIAL COUNTY	EL CENTRO PD	\$ 28,083.31
IMPERIAL COUNTY	IMPERIAL CO SO	\$ 63,187.44
IMPERIAL COUNTY	IMPERIAL PD	\$ 15,000.00
IMPERIAL COUNTY	WESTMORLAND PD	\$ 15,000.00
INYO COUNTY	BISHOP PD	\$ 15,000.00
INYO COUNTY	INYO COUNTY SO	\$ 28,000.00
KERN COUNTY	ARVIN PD	\$ 15,000.00
KERN COUNTY	BAKERSFIELD PD	\$ 305,405.96
KERN COUNTY	BEAR VALLEY PD	\$ 15,000.00
KERN COUNTY	CALIFORNIA CITY PD	\$ 15,000.00
KERN COUNTY	DELANO PD	\$ 33,699.97
KERN COUNTY	KERN COUNTY SO	\$ 501,989.10
KERN COUNTY	MCFARLAND PD	\$ 15,000.00
KERN COUNTY	RIDGECREST PD	\$ 25,000.00
KERN COUNTY	SHAFTER PD	\$ 25,000.00
KERN COUNTY	STALLION SPRINGS PD	\$ 15,000.00
KERN COUNTY	TAFT PD	\$ 15,000.00
KERN COUNTY	TEHACHAPI PD	\$ 15,000.00
KINGS COUNTY	AVENAL PD	\$ 15,000.00
KINGS COUNTY	CORCORAN PD	\$ 15,000.00
KINGS COUNTY	HANFORD PD	\$ 42,827.04

COUNTY	AGENCY NAME	AWARD AMOUNT
KINGS COUNTY	KINGS CO SHERIFF'S OFFICE	\$ 136,204.04
KINGS COUNTY	LEMOORE PD	\$ 28,000.00
LAKE COUNTY	CLEARLAKE PD	\$ 20,000.00
LAKE COUNTY	LAKE CO SO	\$ 64,591.60
LAKE COUNTY	LAKEPORT PD	\$ 15,000.00
LASSEN COUNTY	LASSEN CO SO	\$ 38,614.55
LASSEN COUNTY	SUSANVILLE PD	\$ 15,000.00
LOS ANGELES COUNTY	ALHAMBRA PD	\$ 56,868.70
LOS ANGELES COUNTY	ARCADIA PD	\$ 45,635.37
LOS ANGELES COUNTY	AZUSA PD	\$ 36,508.30
LOS ANGELES COUNTY	BALDWIN PARK PD	\$ 40,720.79
LOS ANGELES COUNTY	BELL GARDENS PD	\$ 32,295.80
LOS ANGELES COUNTY	BELL PD	\$ 25,000.00
LOS ANGELES COUNTY	BEVERLY HILLS PD	\$ 94,781.16
LOS ANGELES COUNTY	BURBANK PD	\$ 103,908.23
LOS ANGELES COUNTY	CLAREMONT PD	\$ 28,000.00
LOS ANGELES COUNTY	COVINA PD	\$ 40,720.79
LOS ANGELES COUNTY	CULVER CITY PD	\$ 70,910.35
LOS ANGELES COUNTY	DOWNEY PD	\$ 80,037.42
LOS ANGELES COUNTY	EL MONTE PD	\$ 75,824.93
LOS ANGELES COUNTY	EL SEGUNDO PD	\$ 37,912.46
LOS ANGELES COUNTY	GARDENA PD	\$ 60,379.11
LOS ANGELES COUNTY	GLENDALE PD	\$ 162,883.18
LOS ANGELES COUNTY	GLENORA PD	\$ 34,402.05
LOS ANGELES COUNTY	HAWTHORNE PD	\$ 64,591.60
LOS ANGELES COUNTY	HERMOSA BEACH PD	\$ 28,000.00
LOS ANGELES COUNTY	HUNTINGTON PARK PD	\$ 37,210.38
LOS ANGELES COUNTY	INGLEWOOD PD	\$ 120,056.14
LOS ANGELES COUNTY	IRWINDALE PD	\$ 25,000.00
LOS ANGELES COUNTY	LA VERNE PD	\$ 28,000.00
LOS ANGELES COUNTY	LONG BEACH PD	\$ 520,243.25
LOS ANGELES COUNTY	LOS ANGELES CO SD	\$ 6,548,325.00
LOS ANGELES COUNTY	LOS ANGELES PD	\$ 6,499,179.21
LOS ANGELES COUNTY	MANHATTAN BEACH PD	\$ 40,720.79
LOS ANGELES COUNTY	MONROVIA PD	\$ 32,295.80
LOS ANGELES COUNTY	MONTEBELLO PD	\$ 47,741.62
LOS ANGELES COUNTY	MONTEREY PARK PD	\$ 49,847.87
LOS ANGELES COUNTY	PALOS VERDES ESTATES PD	\$ 15,000.00
LOS ANGELES COUNTY	PASADENA PD	\$ 152,351.94
LOS ANGELES COUNTY	POMONA PD	\$ 105,312.40
LOS ANGELES COUNTY	REDONDO BEACH PD	\$ 63,187.44
LOS ANGELES COUNTY	SAN FERNANDO PD	\$ 25,000.00
LOS ANGELES COUNTY	SAN GABRIEL PD	\$ 32,997.89
LOS ANGELES COUNTY	SAN MARINO PD	\$ 25,000.00
LOS ANGELES COUNTY	SANTA MONICA PD	\$ 141,118.62
LOS ANGELES COUNTY	SIERRA MADRE PD	\$ 15,000.00
LOS ANGELES COUNTY	SIGNAL HILL PD	\$ 28,000.00
LOS ANGELES COUNTY	SOUTH GATE PD	\$ 51,954.12
LOS ANGELES COUNTY	SOUTH PASADENA PD	\$ 28,000.00
LOS ANGELES COUNTY	TORRANCE PD	\$ 141,820.70
LOS ANGELES COUNTY	VERNON PD	\$ 30,189.55
LOS ANGELES COUNTY	WEST COVINA PD	\$ 65,293.69

COUNTY	AGENCY NAME	AWARD AMOUNT
LOS ANGELES COUNTY	WHITTIER PD	\$ 87,058.25
MADERA COUNTY	CHOWCHILLA PD	\$ 20,000.00
MADERA COUNTY	MADERA CO SO	\$ 75,122.84
MADERA COUNTY	MADERA PD	\$ 40,720.79
MARIN COUNTY	BELVEDERE PD	\$ 15,000.00
MARIN COUNTY	CENTRAL MARIN POLICE AUTHORITY	\$ 28,000.00
MARIN COUNTY	FAIRFAX PD	\$ 15,000.00
MARIN COUNTY	MARIN CO SO	\$ 132,693.62
MARIN COUNTY	MILL VALLEY PD	\$ 20,000.00
MARIN COUNTY	NOVATO PD	\$ 39,316.63
MARIN COUNTY	ROSS PD	\$ 15,000.00
MARIN COUNTY	SAN RAFAEL PD	\$ 44,933.29
MARIN COUNTY	SAUSALITO PD	\$ 15,000.00
MARIN COUNTY	TIBURON PD	\$ 15,000.00
MARIPOSA COUNTY	MARIPOSA CO SO	\$ 44,231.21
MENDOCINO COUNTY	FORT BRAGG PD	\$ 15,000.00
MENDOCINO COUNTY	MENDOCINO CO SO	\$ 75,824.93
MENDOCINO COUNTY	UKIAH PD	\$ 20,000.00
MENDOCINO COUNTY	WILLITS PD	\$ 15,000.00
MERCED COUNTY	ATWATER PD	\$ 20,000.00
MERCED COUNTY	DOS PALOS PD	\$ 15,000.00
MERCED COUNTY	GUSTINE PD	\$ 15,000.00
MERCED COUNTY	LIVINGSTON PD	\$ 15,000.00
MERCED COUNTY	LOS BANOS PD	\$ 30,189.55
MERCED COUNTY	MERCED CO SO	\$ 84,249.92
MERCED COUNTY	MERCED PD	\$ 65,995.77
MODOC COUNTY	ALTURAS PD	\$ 15,000.00
MODOC COUNTY	MODOC CO SO	\$ 15,000.00
MONO COUNTY	MAMMOTH LAKES PD	\$ 15,000.00
MONO COUNTY	MONO CO SD	\$ 20,000.00
MONTEREY COUNTY	CARMEL PD	\$ 15,000.00
MONTEREY COUNTY	DEL REY OAKS PD	\$ 15,000.00
MONTEREY COUNTY	GONZALES PD	\$ 15,000.00
MONTEREY COUNTY	GREENFIELD PD	\$ 20,000.00
MONTEREY COUNTY	KING CITY PD	\$ 15,000.00
MONTEREY COUNTY	MARINA PD	\$ 25,000.00
MONTEREY COUNTY	MONTEREY CO SHERIFF'S OFFICE	\$ 196,583.15
MONTEREY COUNTY	MONTEREY PD	\$ 32,997.89
MONTEREY COUNTY	PACIFIC GROVE PD	\$ 20,000.00
MONTEREY COUNTY	SALINAS PD	\$ 96,887.41
MONTEREY COUNTY	SAND CITY PD	\$ 15,000.00
MONTEREY COUNTY	SEASIDE PD	\$ 25,000.00
MONTEREY COUNTY	SOLEDAD PD	\$ 15,000.00
NAPA COUNTY	CALISTOGA PD	\$ 15,000.00
NAPA COUNTY	NAPA CO SO	\$ 72,314.51
NAPA COUNTY	NAPA PD	\$ 44,933.29
NAPA COUNTY	SAINT HELENA PD	\$ 15,000.00
NEVADA COUNTY	GRASS VALLEY PD	\$ 25,000.00
NEVADA COUNTY	NEVADA CITY PD	\$ 15,000.00
NEVADA COUNTY	NEVADA CO SO	\$ 42,827.04
NEVADA COUNTY	TRUCKEE PD	\$ 20,000.00
ORANGE COUNTY	ANAHEIM PD	\$ 260,472.67

COUNTY	AGENCY NAME	AWARD AMOUNT
ORANGE COUNTY	BREA PD	\$ 41,422.88
ORANGE COUNTY	BUENA PARK PD	\$ 58,272.86
ORANGE COUNTY	COSTA MESA PD	\$ 93,376.99
ORANGE COUNTY	CYPRESS PD	\$ 37,210.38
ORANGE COUNTY	FOUNTAIN VALLEY PD	\$ 42,827.04
ORANGE COUNTY	FULLERTON PD	\$ 79,335.34
ORANGE COUNTY	GARDEN GROVE PD	\$ 122,162.38
ORANGE COUNTY	HUNTINGTON BEACH PD	\$ 148,841.52
ORANGE COUNTY	IRVINE PD	\$ 160,776.93
ORANGE COUNTY	LA HABRA PD	\$ 50,549.95
ORANGE COUNTY	LA PALMA PD	\$ 20,000.00
ORANGE COUNTY	LAGUNA BEACH PD	\$ 34,402.05
ORANGE COUNTY	LOS ALAMITOS PD	\$ 15,000.00
ORANGE COUNTY	NEWPORT BEACH PD	\$ 94,079.08
ORANGE COUNTY	ORANGE CO SD/CORONER	\$ 1,285,513.36
ORANGE COUNTY	ORANGE PD	\$ 102,504.07
ORANGE COUNTY	PLACENTIA PD	\$ 32,295.80
ORANGE COUNTY	SANTA ANA PD	\$ 246,431.01
ORANGE COUNTY	SEAL BEACH PD	\$ 28,000.00
ORANGE COUNTY	TUSTIN PD	\$ 65,293.69
ORANGE COUNTY	WESTMINSTER PD	\$ 57,570.78
PLACER COUNTY	AUBURN PD	\$ 15,000.00
PLACER COUNTY	LINCOLN PD	\$ 25,000.00
PLACER COUNTY	PLACER COUNTY SO	\$ 176,222.75
PLACER COUNTY	ROCKLIN PD	\$ 41,422.88
PLACER COUNTY	ROSEVILLE PD	\$ 89,866.58
PLUMAS COUNTY	PLUMAS CO SO	\$ 25,000.00
RIVERSIDE COUNTY	BANNING PD	\$ 28,000.00
RIVERSIDE COUNTY	BEAUMONT PD	\$ 35,104.13
RIVERSIDE COUNTY	BLYTHE PD	\$ 20,000.00
RIVERSIDE COUNTY	CATHEDRAL CITY PD	\$ 34,402.05
RIVERSIDE COUNTY	CORONA PD	\$ 104,610.32
RIVERSIDE COUNTY	DESERT HOT SPRINGS PD	\$ 25,000.00
RIVERSIDE COUNTY	HEMET PD	\$ 48,443.70
RIVERSIDE COUNTY	INDIO PD	\$ 44,933.29
RIVERSIDE COUNTY	MENIFEE PD	\$ 53,358.28
RIVERSIDE COUNTY	MURRIETA PD	\$ 70,910.35
RIVERSIDE COUNTY	PALM SPRINGS PD	\$ 68,804.10
RIVERSIDE COUNTY	RIVERSIDE CO SD	\$ 1,951,087.72
RIVERSIDE COUNTY	RIVERSIDE PD	\$ 245,026.85
SACRAMENTO COUNTY	AMTRAK PD	\$ 25,000.00
SACRAMENTO COUNTY	CITRUS HEIGHTS PD	\$ 54,762.45
SACRAMENTO COUNTY	ELK GROVE PD	\$ 89,866.58
SACRAMENTO COUNTY	FOLSOM PD	\$ 51,252.03
SACRAMENTO COUNTY	GALT PD	\$ 28,000.00
SACRAMENTO COUNTY	SACRAMENTO CO SD	\$ 902,176.22
SACRAMENTO COUNTY	SACRAMENTO PD	\$ 480,926.62
SAN BENITO COUNTY	HOLLISTER PD	\$ 28,000.00
SAN BENITO COUNTY	SAN BENITO CO SO	\$ 37,912.46
SAN BERNARDINO COUNTY	BARSTOW PD	\$ 28,000.00
SAN BERNARDINO COUNTY	CHINO PD	\$ 77,931.18
SAN BERNARDINO COUNTY	COLTON PD	\$ 37,210.38

COUNTY	AGENCY NAME	AWARD AMOUNT
SAN BERNARDINO COUNTY	FONTANA PD	\$ 136,204.04
SAN BERNARDINO COUNTY	MONTCLAIR PD	\$ 32,295.80
SAN BERNARDINO COUNTY	ONTARIO PD	\$ 193,072.73
SAN BERNARDINO COUNTY	REDLANDS PD	\$ 55,464.53
SAN BERNARDINO COUNTY	RIALTO PD	\$ 78,633.26
SAN BERNARDINO COUNTY	SAN BERNARDINO CO SD	\$ 1,347,296.63
SAN BERNARDINO COUNTY	SAN BERNARDINO PD	\$ 172,010.25
SAN BERNARDINO COUNTY	UPLAND PD	\$ 45,635.37
SAN DIEGO COUNTY	CARLSBAD PD	\$ 84,952.00
SAN DIEGO COUNTY	CHULA VISTA PD	\$ 163,585.26
SAN DIEGO COUNTY	CORONADO PD	\$ 30,891.64
SAN DIEGO COUNTY	EL CAJON PD	\$ 82,845.75
SAN DIEGO COUNTY	ESCONDIDO PD	\$ 94,781.16
SAN DIEGO COUNTY	LA MESA PD	\$ 42,124.96
SAN DIEGO COUNTY	NATIONAL CITY PD	\$ 58,272.86
SAN DIEGO COUNTY	OCEANSIDE PD	\$ 142,522.78
SAN DIEGO COUNTY	SAN DIEGO CO SD	\$ 1,809,969.10
SAN DIEGO COUNTY	SAN DIEGO PD	\$ 1,263,046.71
SAN FRANCISCO COUNTY	SAN FRANCISCO CO SO	\$ 536,391.15
SAN FRANCISCO COUNTY	SAN FRANCISCO PD	\$ 1,407,675.74
SAN JOAQUIN COUNTY	ESCALON PD	\$ 15,000.00
SAN JOAQUIN COUNTY	LODI PD	\$ 47,741.62
SAN JOAQUIN COUNTY	MANTECA PD	\$ 51,252.03
SAN JOAQUIN COUNTY	RIPON PD	\$ 20,000.00
SAN JOAQUIN COUNTY	SAN JOAQUIN CO SO	\$ 223,262.29
SAN JOAQUIN COUNTY	STOCKTON PD	\$ 275,918.49
SAN JOAQUIN COUNTY	TRACY PD	\$ 73,718.68
SAN LUIS OBISPO COUNTY	ARROYO GRANDE PD	\$ 20,000.00
SAN LUIS OBISPO COUNTY	ATASCADERO PD	\$ 25,000.00
SAN LUIS OBISPO COUNTY	GROVER BEACH PD	\$ 20,000.00
SAN LUIS OBISPO COUNTY	MORRO BAY PD	\$ 15,000.00
SAN LUIS OBISPO COUNTY	PASO ROBLES PD	\$ 28,000.00
SAN LUIS OBISPO COUNTY	PISMO BEACH PD	\$ 20,000.00
SAN LUIS OBISPO COUNTY	SAN LUIS OBISPO CO SO	\$ 216,943.54
SAN LUIS OBISPO COUNTY	SAN LUIS OBISPO PD	\$ 42,124.96
SAN MATEO COUNTY	ATHERTON PD	\$ 20,000.00
SAN MATEO COUNTY	BELMONT PD	\$ 25,000.00
SAN MATEO COUNTY	BRISBANE PD	\$ 15,000.00
SAN MATEO COUNTY	BROADMOOR PD	\$ 15,000.00
SAN MATEO COUNTY	BURLINGAME PD	\$ 28,000.00
SAN MATEO COUNTY	COLMA PD	\$ 15,000.00
SAN MATEO COUNTY	DALY CITY PD	\$ 63,889.52
SAN MATEO COUNTY	EAST PALO ALTO PD	\$ 25,000.00
SAN MATEO COUNTY	FOSTER CITY PD	\$ 28,000.00
SAN MATEO COUNTY	HILLSBOROUGH PD	\$ 25,000.00
SAN MATEO COUNTY	MENLO PARK PD	\$ 28,785.39
SAN MATEO COUNTY	PACIFICA PD	\$ 25,000.00
SAN MATEO COUNTY	REDWOOD CITY PD	\$ 56,166.61
SAN MATEO COUNTY	SAN BRUNO PD	\$ 31,593.72
SAN MATEO COUNTY	SAN MATEO CO SHERIFF'S OFFICE	\$ 202,199.81
SAN MATEO COUNTY	SAN MATEO PD	\$ 75,122.84
SAN MATEO COUNTY	SOUTH SAN FRANCISCO PD	\$ 53,358.28

COUNTY	AGENCY NAME	AWARD AMOUNT
SANTA BARBARA COUNTY	GUADALUPE PD	\$ 15,000.00
SANTA BARBARA COUNTY	LOMPOC PD	\$ 28,785.39
SANTA BARBARA COUNTY	SANTA BARBARA CO SO	\$ 348,233.00
SANTA BARBARA COUNTY	SANTA BARBARA PD	\$ 82,143.67
SANTA BARBARA COUNTY	SANTA MARIA PD	\$ 83,547.84
SANTA CLARA COUNTY	CAMPBELL PD	\$ 30,189.55
SANTA CLARA COUNTY	GILROY PD	\$ 43,529.13
SANTA CLARA COUNTY	LOS ALTOS PD	\$ 28,000.00
SANTA CLARA COUNTY	LOS GATOS PD	\$ 28,000.00
SANTA CLARA COUNTY	MILPITAS PD	\$ 60,379.11
SANTA CLARA COUNTY	MORGAN HILL PD	\$ 28,000.00
SANTA CLARA COUNTY	MOUNTAIN VIEW PD	\$ 57,570.78
SANTA CLARA COUNTY	PALO ALTO PD	\$ 47,741.62
SANTA CLARA COUNTY	SAN JOSE PD	\$ 758,951.36
SANTA CLARA COUNTY	SANTA CLARA CO SO	\$ 841,095.03
SANTA CLARA COUNTY	SANTA CLARA PD	\$ 98,291.57
SANTA CLARA COUNTY	SUNNYVALE DPS	\$ 139,012.37
SANTA CRUZ COUNTY	CAPITOLA PD	\$ 20,000.00
SANTA CRUZ COUNTY	SANTA CRUZ CO SO	\$ 101,801.99
SANTA CRUZ COUNTY	SANTA CRUZ PD	\$ 50,549.95
SANTA CRUZ COUNTY	SCOTTS VALLEY PD	\$ 15,000.00
SANTA CRUZ COUNTY	WATSONVILLE PD	\$ 47,039.54
SHASTA COUNTY	ANDERSON PD	\$ 15,000.00
SHASTA COUNTY	REDDING PD	\$ 72,314.51
SHASTA COUNTY	SHASTA CO SO	\$ 82,845.75
SIERRA COUNTY	SIERRA CO SHERIFF'S OFFICE	\$ 15,000.00
SISKIYOU COUNTY	ETNA PD	\$ 15,000.00
SISKIYOU COUNTY	LAKE SHASTINA DISTRICT PD	\$ 15,000.00
SISKIYOU COUNTY	MOUNT SHASTA PD	\$ 15,000.00
SISKIYOU COUNTY	SISKIYOU CO SD	\$ 45,635.37
SISKIYOU COUNTY	TULELAKE PD	\$ 15,000.00
SISKIYOU COUNTY	WEED PD	\$ 15,000.00
SISKIYOU COUNTY	YREKA PD	\$ 15,000.00
SOLANO COUNTY	BENICIA PD	\$ 28,000.00
SOLANO COUNTY	DIXON PD	\$ 20,000.00
SOLANO COUNTY	FAIRFIELD PD	\$ 82,143.67
SOLANO COUNTY	SOLANO CO SO	\$ 120,056.14
SOLANO COUNTY	SUISUN CITY PD	\$ 20,000.00
SOLANO COUNTY	VACAVILLE PD	\$ 70,208.27
SOLANO COUNTY	VALLEJO PD	\$ 61,783.27
SONOMA COUNTY	CLOVERDALE PD	\$ 15,000.00
SONOMA COUNTY	COTATI PD	\$ 15,000.00
SONOMA COUNTY	HEALDSBURG PD	\$ 15,000.00
SONOMA COUNTY	PETALUMA PD	\$ 46,337.46
SONOMA COUNTY	ROHNERT PARK DPS	\$ 51,252.03
SONOMA COUNTY	SANTA ROSA PD	\$ 117,247.80
SONOMA COUNTY	SEBASTOPOL PD	\$ 15,000.00
SONOMA COUNTY	SONOMA CO SHERIFF'S OFFICE	\$ 287,151.81
STANISLAUS COUNTY	CERES DPS	\$ 32,997.89
STANISLAUS COUNTY	MODESTO PD	\$ 127,779.04
STANISLAUS COUNTY	NEWMAN PD	\$ 15,000.00
STANISLAUS COUNTY	OAKDALE PD	\$ 20,000.00

COUNTY	AGENCY NAME	AWARD AMOUNT
STANISLAUS COUNTY	STANISLAUS CO SD	\$ 369,997.56
STANISLAUS COUNTY	TURLOCK PD	\$ 57,570.78
SUTTER COUNTY	SUTTER CO SO	\$ 70,910.35
SUTTER COUNTY	YUBA CITY PD	\$ 41,422.88
TEHEMA COUNTY	CORNING PD	\$ 15,000.00
TEHEMA COUNTY	RED BLUFF PD	\$ 20,000.00
TEHEMA COUNTY	TEHAMA CO SO	\$ 47,039.54
TRINITY COUNTY	TRINITY COUNTY SO	\$ 28,000.00
TULARE COUNTY	DINUBA PD	\$ 28,000.00
TULARE COUNTY	EXETER PD	\$ 15,000.00
TULARE COUNTY	FARMERSVILLE PD	\$ 15,000.00
TULARE COUNTY	LINDSAY DPS	\$ 15,000.00
TULARE COUNTY	PORTERVILLE PD	\$ 46,337.46
TULARE COUNTY	TULARE CO SO	\$ 358,062.16
TULARE COUNTY	TULARE PD	\$ 46,337.46
TULARE COUNTY	VISALIA PD	\$ 102,504.07
TULARE COUNTY	WOODLAKE PD	\$ 15,000.00
TUOLUMNE COUNTY	SONORA PD	\$ 15,000.00
TUOLUMNE COUNTY	TUOLUMNE CO SO	\$ 65,293.69
VENTURA COUNTY	OXNARD PD	\$ 152,351.94
VENTURA COUNTY	PORT HUENEME PD	\$ 20,000.00
VENTURA COUNTY	SANTA PAULA PD	\$ 25,000.00
VENTURA COUNTY	SIMI VALLEY PD	\$ 77,229.09
VENTURA COUNTY	VENTURA CO SO	\$ 503,393.27
VENTURA COUNTY	VENTURA PD	\$ 95,483.24
YOLO COUNTY	DAVIS PD	\$ 39,316.63
YOLO COUNTY	WEST SACRAMENTO PD	\$ 47,741.62
YOLO COUNTY	WINTERS PD	\$ 15,000.00
YOLO COUNTY	WOODLAND PD	\$ 47,039.54
YOLO COUNTY	YOLO CO SHERIFF'S OFFICE	\$ 54,060.37
YUBA COUNTY	MARYSVILLE PD	\$ 15,000.00
YUBA COUNTY	WHEATLAND PD	\$ 15,000.00
YUBA COUNTY	YUBA CO SD	\$ 73,016.60

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING THE FY 2023-24 BUDGET BY ACCEPTING \$20,000 FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) GRANT REVENUES AND APPROPRIATING THEM TO FUND AN OFFICER WELLNESS AND MENTAL HEALTH INITIATIVE.

WHEREAS, the California Board of State and Community Corrections (BSCC) has awarded the Capitola Police Department a grant to fund an officer wellness and mental health initiative; and

WHEREAS, reimbursable costs total \$20,000 and an application has been submitted therefore; and

WHEREAS, budget amendments are necessary to accept and appropriate these funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the FY 2023-24 general fund budget is amended to accept \$20,000 unanticipated revenues and increase the appropriation for grant program expenditures in the Police Department budget a like amount.

BE IT FURTHER RESOLVED that the Finance Department shall record these changes into the City's accounting records in accordance with appropriate accounting practices.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 13th day of April, 2023, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Margaux Keiser, Mayor

ATTEST:

Julia Moss, City Clerk

Capitola City Council

Agenda Report



Meeting: April 13, 2023

From: Public Works and Community Development Departments

Subject: Grant Application for Cliff Drive Roadway Stabilization Design and Alternatives Analysis

Recommended Action: Adopt a resolution authorizing the application for grant funds in the amount of \$400,000 from the California Coastal Commission Local Coastal Program (LCP) Local Assistance Grant Program, and authorizing the City Manager, or his designee, to execute all necessary documents to apply for the grant, accept the grant, if awarded, and accept all grant renewals, if awarded.

Background: The California Coastal Commission (CCC) Local Coastal Program (LCP) Local Assistance Grant Program provides up to \$500,000 in non-competitive funding to assist local governments responsible for developing and amending LCPs. Funds may be used for projects that are designed to assist local governments in assessing impacts and planning for coastal resiliency, including adapting to the impacts of climate change and sea level rise, and which contain an LCP planning component.

Cliff Drive is a heavily used arterial and a primary evacuation route for the low-lying Capitola Village mixed-use district. Cliff Drive is also a primary coastal access point with low-cost coastal public access parking and a stairway to the beach. The City's LCP currently identifies Cliff Drive as a priority for coastal access improvements (Policy II-4) as the pedestrian and bicycle facilities currently consist of an unimproved road shoulder. Improvements to coastal access cannot be made at this time as episodic bluff erosion threatens the roadway, as most recently demonstrated during the January 5, 2023, winter storm which necessitated closure of several parking spots adjacent to the roadway.

Discussion: Staff proposes to apply for the CCC LCP Local Assistance Grant Program in the amount of \$400,00 to perform an Alternatives Analysis, which will inform amendments to the Public Access and Natural Hazards Components of the City's LCP and be integrated into a future anticipated project on Cliff Drive.

The Alternatives Analysis will be a culmination of:

- **Community & Stakeholder Engagement** under a transparent, community-based planning process that allows Capitola community members to provide ideas and comments to inform the development of alternatives for the project.
- **Regulatory Engagement** between City staff and regulatory agencies (inclusive of the CCC), to ensure agencies' needs and concerns are considered in the project alternatives. Anticipated are two meetings with California Coastal Commission (CCC) staff, and one meeting including the following agencies: United States Army Corps of Engineers (USACE), San Francisco Region Water Quality Board (SFRWQB), CA Fish & Wildlife (CDFW), and California State Lands Commission (CSLC).
- **Technical and Environmental Studies** including Wave Runup, Sand Supply Study, Geotechnical, Topographic, Biological, and Cultural Resource studies and assessments.

The completed Alternatives Analysis will be leveraged in future funding requests to implement measures identified in the Alternatives Analysis. Future requests would include preliminary and final design, project permitting, and construction funds for both preserving road utility and enhancing public coastal access on Cliff Drive.

Fiscal Impact: The requested grant amount is \$400,000. Staff anticipates an in-kind staff time match to this grant of approximately \$48,000 split between the Community Development and Public Works Departments.

Attachments:

1. Grant Application
2. Resolution

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Jessica Kahn, Public Works Director; Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



APPLICATION FORM

APPLICANT INFORMATION

Applicant name (agency): City of Capitola	
Address: 420 Capitola Avenue, Capitola, CA 95010	
Primary Contact name: Katie Herlihy	Title:
Telephone: 831-475-7300 x216	Fax: 831-479-8879
Email: Community Development Director	
Federal Tax ID#: 94-600-2834	

Person authorized to sign grant agreement, amendments, and Request for Funds:	
Name: Jamie Goldstein	Title: City Manager
Telephone: 831-475-7300 x258	Email: jgoldstein@ci.capitola.ca.us

PROJECT INFORMATION

Project Title: Cliff Drive Resiliency Project – Alternatives Analysis	
LCP/LCP Segment: Public Access Component	
Project Location	
City/Geographic area: City of Capitola	
County: Santa Cruz	
Project Timeline	
Start date: 07/01/2023	End date: 06/30/2025

Signature: _____

Date:

Project Description

Cliff Drive Resiliency Project – Alternatives Analysis

The City of Capitola seeks to protect public access, public recreation, and coastal dependent land uses currently established on and accessible by Cliff Drive by amending the City’s LCP to reflect continuing episodic bluff erosion. The project will include an Alternatives Analysis, which will inform amendments to the Public Access Component of the City’s Local Coastal Program and be integrated into a future anticipated project on Cliff Drive. The completed Alternatives Analysis will be leveraged in future funding requests to implement measures identified in the Alternatives Analysis.

Cliff Drive is a heavily used, arterial and a primary evacuation route for the low-lying Capitola Village mixed-use district. Cliff Drive is also a primary coastal access point with low-cost coastal public access parking and stairway to the beach. The City’s LCP currently identifies Cliff Drive as a priority for coastal access improvements (Policy II-4) as the pedestrian and bicycle facilities currently consists of an unimproved road shoulder. Improvements for coastal access cannot be made at this time as episodic bluff erosion threatens the roadway. The purpose of this project is to identify a preferred alternative to improve the road structure and configuration, which will then be incorporated as an amendment to the LCP.

The Alternatives Analysis will be a culmination of:

Community & Stakeholder Engagement under a transparent, community-based planning process that allows Capitola community members to provide ideas and comments to inform the development of alternatives for the project.

Regulatory Engagement between City staff and regulatory agencies (inclusive of the CCC), to ensure agencies’ needs and concerns are considered in the project alternatives. Anticipated are two meetings with California Coastal Commission (CCC) staff, and one meeting including the following agencies: United States Army Corps of Engineers (USACE), San Francisco Region Water Quality Board (SFRWQB), CA Fish & Wildlife (CDFW), and California State Lands Commission (CSLC).

Technical and Environmental Studies including Wave Runup, Sand Supply Study, Geotechnical, Topographic, Biological, and Cultural Resource studies and assessments

Beach and bluff access to the coastline is a crucial element of Capitola’s coastal character and is valued by the community. The loss or disruption of these assets could have far reaching impacts and affect everyone in Capitola, not just those living or doing business in the Coastal Zone. The Cliff Drive Resiliency Alternatives Analysis will allow the City to identify a preferred improvement alternative and create policies that will protect Cliff Drive utility and provide for coastal access enhancements.

Task Descriptions

Task 1: Project Initiation

City staff does not have the expertise to conduct an adequate analysis of resiliency options on Cliff Drive. In order to develop a report to adequately make revisions to the City’s LCP and utilize it as a foundation for future potential improvements along the bluff side access along Capitola’s shoreline, and outside consultant will need to be procured to perform the work.

Following the Execution of the Grant Agreement, the City will select and enter into contract with a qualified consultant to complete the scope of work through the normal bidding process. The City and consultant will then conduct a kickoff meeting discuss the project objectives, schedule and milestones, and identify issues for further discussion, cumulating in a project roadmap. This meeting will also serve to start the process for gathering existing background materials and information.

Subtasks:

- 1.1 Develop and release Request for Proposals (RFP) to procure qualified consultant
- 1.2 Select consultant and enter into agreement
- 1.3 Kick off meeting to discuss project objectives, schedule, milestones
- 1.4 Initial gathering of existing background materials/information

Outcomes/Deliverables:

- RFP seeking qualified firms for project scope
- Executed contract between City and Consultant
- Kick off meeting material and Project Roadmap

Task 2: Community & Stakeholder Engagement

The consultant will design and conduct a transparent, community-based planning process that allows Capitola community members to provide ideas and comments to inform the development of improvement alternatives. This approach recognizes that local stakeholders are most familiar with the needs and issues of the surrounding community, and leverage their knowledge and interest as valuable assets. Throughout the process, stakeholders will have direct access to relevant project information and will have multiple opportunities to provide input on all project concepts.

The consultant will develop a Community & Stakeholder Engagement Strategy that will serve as the roadmap for meaningful, effective engagement throughout the planning process. The memo will identify desired public participation outcomes for the project, and it will detail the specific stakeholder communication and engagement activities that will be implemented to achieve those outcomes .

The City intends on convening three public workshops to educate stakeholders on the project and to actively engage them in the identification of needs, priorities, and ultimately

the identification of improvement alternatives. The workshops will be held at strategic times in the process around key project milestones.

The consultant will facilitate a series of meetings between City staff and regulatory agencies during the alternative design process to ensure agencies' needs and concerns are considered in the improvement alternatives. Anticipated are two meetings with California Coastal Commission (CCC) staff, and one meeting including the following agencies: United States Army Corps of Engineers (USACE), San Francisco Region Water Quality Board (SFRWQB), CA Fish & Wildlife (CDFW), and California State Lands Commission (CSLC).

Subtasks:

- 2.1. Community & Stakeholder Engagement Memo outlining project engagement
- 2.2. Materials and agendas for three public meetings
- 2.3. Materials and agendas for regulatory agency meetings

Outcomes/Deliverables:

- Community & Stakeholder Engagement Memo outlining project engagement
- Materials and agendas for three public meetings
- Materials and agendas for regulatory agency meetings

Task 3: Technical Studies

These studies are critical to providing a sound technical basis for describing the need for improvements and informing feasibility.

Wave Runup Study and Sand Supply Study: This analysis would include wave activity and sand supply/transport processes for normal conditions (long term average) as well as storm/extreme conditions. The long-term average would give a sense of expected beach/bluff conditions that would occur the majority of the time, and the storm conditions would allow impact evaluation with regards to permanent damage to beach, bluff, and infrastructure. A discussion of Sea Level Rise, Wave Runup, and Tsunami Hazards will be provided as part of this work. This study would also address the “no action alternative” describing what would happen in the absence of bluff protection measures.

The purpose of the geotechnical study is to assess surface and subsurface conditions in the site area. This is accomplished by reviewing existing information, conducting a subsurface investigation, perform slope stability analysis and other site-specific analysis to provide the necessary geotechnical recommendations for the proposed bluff protection measures.

The Topographic Survey is intended to document existing ground elevations prior to starting the design effort. In addition to topography, the survey effort will include location of existing utilities, other infrastructure in the vicinity, and property boundaries.

Subtasks:

- 3.1. Analysis of wave activity and sand supply processes for normal and extreme conditions and impact of bluff protection
- 3.2. Preliminary assessment of surface and subsurface conditions to provide geotechnical recommendations
- 3.3. Topographic survey of existing ground elevations to aid in design

Outcomes/Deliverables:

- Wave Runup Study
- Sand Supply Study
- Geotechnical Report
- Topographic and Utility survey Data

Task 4: Environmental Documentation

The following assessments will inform the criteria for the evaluations of alternatives under Task 5.

The consultant will complete a Biological Resources Assessment to document the biological baseline setting for the project area. The objective of the assessment will be to provide information on sensitive biological resources so that the project alternatives can be considered to avoid and/or minimize any potentially significant impacts. Potential impacts to sensitive habitats and/or species will be identified and a list of plant species recommended to revegetate areas disturbed by potential future activities to assist in reducing erosion.

The consultant will complete a Cultural Resources Assessment to document the cultural baseline setting for the project area. A reconnaissance-level investigation of pre-historic and historic archaeological resources for the proposed project will be performed, including a search of the California Historical Resources Information System and consultation with Native American tribes through the Native American Heritage Commission. The objective of the assessment will be to provide information on sensitive cultural resources so that the project alternatives can be considered to avoid and/or minimize any potentially significant impacts.

Subtasks:

- 4.1. Analysis of biological and cultural resource assessments

Outcomes/Deliverables:

- Biological Assessment
- Cultural Resource Assessment

Task 5: Alternatives Analysis

With a solid understanding of the existing conditions and the potential risks along this reach of shoreline, the consultant will develop practical and creative resiliency options that solve the issues being faced while looking for opportunities to enhance or revitalize the area. Enhancements will be included in functional design feature alternatives, such as high value public space features like pedestrian improvements, coastal overlooks, and benches.

The consultant will develop project design alternatives, including no project alternatives. A multi-criteria decision matrix will be prepared comparing the advantages and disadvantages of each considering topic areas such as environmental impacts, visual impacts, flood reduction, habitat creation, recreational opportunities and initial and maintenance costs. Those alternatives that are found to be feasible will be further evaluated and refined, leading ultimately to the determination of the preferred alternative.

Subtasks:

- 5.1. Evaluation of technical merit, construction cost, maintenance needs, service life and environmental impact.
- 5.2. Identification of preferred alternative

Outcomes/Deliverables:

- Alternatives Analysis Report (Draft and Final)

Task 6: LCP Amendment

Develop amendments to the Local Coastal Plan in order to facilitate improvements proposed in the identified project alternative on Cliff Drive. LCP amendments are anticipated to include changes to the Public Access Component. Such amendments will be informed by the Alternatives Analysis Report developed under Task 5 and agency coordination, including the CCC, conducted under Task 2.

Subtasks:

- 6.1. Develop, circulate, and revise Administrative Draft LCP Amendment based on outcomes of Task 5
- 6.2. Council adopts Final LCP Amendment for submission to the Coastal Commission
- 6.3. City submits locally adopted LCP Amendment to the Coastal Commission for adoption

Outcomes/Deliverables:

- Administrative Draft LCP Amendments
- Public Draft LCP Amendments
- Revised Draft LCP Amendments
- Council resolution adopting LCP Amendments
- LCP Amendment submittal to the CCC

Schedule

Proposed Start/End Dates: July 1, 2023 – June 30, 2025

Task 1. Project Initiation	Projected start/end dates:
1.1 Develop and release Request for Proposals (RFP) to procure qualified consultant	7/1/23 – 7/30/23
1.2 Select consultant and enter into agreement	8/1/23-8/30/23
1.3 Kick off meeting to discuss project objectives, schedule, milestones.	10/1/23
1.4 Initial gathering of existing background materials/information	9/15/23-10/15/23
Outcome/Deliverables: a. RFP seeking qualified firms for project scope b. Executed Contact between City and Consultant c. Project Plan	a. July 2024 b. 9/1/23 c. 10/1/23
Task 2. Community & Stakeholder Engagement	Projected start/end dates:
2.1 Develop a Community & Stakeholder Engagement Strategy	12/1/23-1/31/24
2.2 Convene three public workshops to educate stakeholders on the project and to actively engage them in the identification of needs, priorities, and ultimately the identification of project alternatives.	Tentatively January, March, and June 2024
2.3 Meetings regulatory agencies during the alternative design process to ensure agencies’ needs and concerns are considered in the project alternatives. Meetings are anticipated with CCC,USACE,CCRWQCB, CDFW, and CSLC	Various
Outcome/Deliverables a. Community & Stakeholder Engagement Memo outlining project engagement. b. Materials and agendas for three public meetings c. Materials and agendas for regulatory agency meetings	a. April 2024 b. Various c. Various

Task 3. Technical Studies	Projected start/end dates:
3.1 Analysis of wave activity and sand supply processes for normal and extreme conditions and impact of bluff protection	10/1/23-12/31/23
3.2 Preliminary assessment of surface and subsurface conditions to provide geotechnical recommendations	10/1/23-2/28/24
3.3 Topographic survey of existing ground elevations to aid in design	9/1/23-10/31/23
Outcome/Deliverables a. Wave Runup Study b. Sand Supply Study c. Geotechnical Report d. Topographic and Utility survey Data	a. January 2024 b. January 2024 c. March 2024 d. December 2023
Task 4. Environmental Documentation	Projected start/end dates:
4.1 Complete biological and archeological assessments	10/1/23 - 1/31/24
Outcome/Deliverables d. Biological Assessment e. Archeological Resources Assessment	a. February 2024 b. February 2024
Task 5. Alternatives Analysis	Projected start/end dates:
5.1 Evaluation of technical merit, construction cost, maintenance needs, service life and environmental impact	1/1/24-4/30/24
5.2 Identification of preferred alternative	5/1/24-6/30/24
Outcome/Deliverables a. Alternatives Analysis Report (Draft and Final)	a. July 2024
Task 6. LCP Amendment	Projected start/end dates:
6.1 Develop, circulate, and revise Administrative Draft LCP Amendment based on outcomes of Task 5	8/1/24 - 2/28/25
6.2 Council adopts Final LCP Amendment for submission to the Coastal Commission	4/1/25-4/30/25
6.3 City submits locally adopted LCP Amendment to the Coastal Commission for adoption	5/1/25-6/30/25
Outcome/Deliverables	a. December 2024

<ul style="list-style-type: none"> a. Administrative Draft LCP Amendments b. Public Draft LCP Amendments c. Revised Draft LCP Amendments d. Council resolution adopting LCP Amendments e. LCP Amendment submittal to the CCC 	<ul style="list-style-type: none"> b. January 2025 c. March 2025 d. April 2025 e. May 2025
---	--

Benchmark Schedule

ACTIVITY	COMPLETION DATE
Kickoff meeting with selected consultant	October 2023
Alternatives Analysis Report	July 2024
Final LCP Amendment	March 2025
Locally adopted LCP and submittal to the CCC	May 2025

Application Budget Information

Funding Request: \$400,000

Total Project Cost: \$448,000

<i>Jurisdiction Name</i>	<i>CCC Grant Total</i>	<i>Match/Other Funds</i>	<i>Total (LCP Grant Funds + Match/Other Funds)</i>
LABOR COSTS¹			
City Staff Labor			
Task 1 – Project Initiation	\$0	\$2,000	\$2,000
Task 2 – Community & Stakeholder Engagement	\$0	\$6,000	\$6,000
Task 3 – Technical Studies	\$0	\$0	\$0
Task 4 – Environmental Documentation	\$0	\$0	\$0
Task 5 – Alternatives Analysis	\$0	\$10,000	\$10,000
Task 6 – LCP Amendment	\$0	\$30,000	\$30,000
Total Labor Costs	\$0	\$48,000	\$48,000
DIRECT COSTS			
County/City Staff Project Supplies			
Community Meeting Materials and Supplies	\$5,000	\$0	\$5,000
Printing and Noticing	\$5,000	\$0	\$5,000
Total	\$10,000	\$0	\$10,000
County/City Staff Travel In State²			
Mileage	\$0	\$0	\$0
Hotel, etc.	\$0	\$0	\$0
Total	\$0	\$0	\$0
Consultants³/Partners			
Consultant TBD			
Task 1 – Project Initiation	\$25,000	\$0	\$25,000
Task 2 – Community & Stakeholder Engagement	\$60,000	\$0	\$60,000
Task 3 – Technical Studies	\$200,000	\$0	\$200,000
Task 4 – Environmental Documentation	\$20,000	\$0	\$20,000

¹ Amount requested should include total for salary and benefits.

² Travel reimbursement rates are the same as similarly situated state employees.

³ All consultants must be selected pursuant to a bidding and procurement process that complies with all applicable laws.

<i>Jurisdiction Name</i>	<i>CCC Grant Total</i>	<i>Match/Other Funds</i>	<i>Total (LCP Grant Funds + Match/Other Funds)</i>
Task 5 – Alternatives Analysis	\$75,000	\$0	\$75,000
Task 6 – LCP Amendment	\$10,000		\$10,000
Consultants Total	\$390,000	\$0	\$390,000
Total Direct Costs	\$390,000	\$0	\$390,000
OVERHEAD/INDIRECT COSTS⁴			
Total County/City Staff Overhead/Indirect Costs	\$0	\$0	\$0
TOTAL PROJECT COST	\$400,000	\$48,000	\$448,000

⁴ Indirect costs include, for example, a pro rata share of rent, utilities, and salaries for certain positions indirectly supporting the proposed project but not directly staffing it. Amount requested for indirect costs should be capped at 10% of amount requested for “Total Labor.”

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING SUBMITTAL OF AN APPLICATION FOR THE CALIFORNIA COASTAL COMMISSION’S LCP LOCAL ASSISTANCE GRANT PROGRAM

WHEREAS, the Budget Act of 2021 provides up to \$31 million to support the Coastal Commission’s LCP Local Assistance Grant Program which awards grants to local governments to support coastal resiliency and updates to Local Coastal Programs (LCPs); and

WHEREAS, the California Coastal Commission, under the authority of the California Coastal Act, may provide financial assistance to support coastal planning and has approved a grant program to provide such financial assistance for LCP planning; and

WHEREAS, the goal of the grant program is to develop new or updated LCPs in conformance with the California Coastal Act and to promote coastal resiliency and address the effects of climate change; and

WHEREAS, grant proposals submitted under this grant program must complete Local Coastal Program (LCP) planning work with special emphasis on coastal resiliency and addressing the effects of climate change and sea-level rise; and

WHEREAS, City of Capitola has an effectively certified LCP; and

WHEREAS, the City of Capitola desires to pursue a project that would result in the completion and submittal for certification by the California Coastal Commission of an Amendment to the LCP in part; and

WHEREAS, the City of Capitola commits to and agrees to fully support a planning effort intended to amend a certified LCP pursuant to the provisions of the California Coastal Act, with full public participation and coordination with the Coastal Commission staff.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Capitola, hereby:

1. Directs staff to submit the grant application package attached hereto as Attachment 1 to the California Coastal Commission to provide financial and planning assistance, under authority of the California Coastal Act, in the amount of \$400,000 to fund the project more particularly described in the grant application package.
2. Authorizes the City Manager of the City of Capitola, to execute, in the name of the City of Capitola, all necessary applications, contracts and agreements and amendments thereto to implement and carry out the grant application package attached hereto and any project approved through approval of the grant application.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 13th day of April, 2023 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Margaux Keiser, Mayor

ATTEST:

Julia Moss, City Clerk

RESOLUTION NO. _____

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2. Authorizes the City Manager, or his designee, of the City of Capitola, to execute, in the name of the City of Capitola, all necessary applications, contracts and agreements and

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AYES:

NOES:

ABSENT:

ABSTAIN:

Margaux Keiser, Mayor

ATTEST:

Julia Moss, City Clerk

Capitola City Council

Agenda Report



Meeting: April 13, 2023
From: City Manager Department
Subject: California Assembly Bill 1035

Recommended Action: Authorize the Mayor to sign a letter in support of California Assembly Bill 1035, which proposes a statewide ceiling on mobile home space rent increases.

Background: At the March 23, 2023, City Council meeting, Vice Mayor Brown requested an item be brought forward to Council to support proposed California State Assembly Bill 1035 (AB1035), which prohibits management of a mobile home park from increasing the gross space rental rate more than 3% (plus the percentage change in cost of living) over the course of any 12-month period.

Assemblymember Al Muratsuchi (District 66) presented AB1035 to the California Assembly on February 15, 2023; the Bill was referred to the Committee on Housing and Community Development on March 2, 2023.

The California League of Cities has not taken an official position on AB1035.

Discussion: Attached is a letter of support for AB1035, which, once signed, will be sent to the California Committee on Housing and Community Development, with copies to Senator Laird and Assemblymember Addis.

Fiscal Impact: None.

Attachments:

1. Letter of Support

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed/Approved By: Julia Moss, City Clerk; Jamie Goldstein, City Manager



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

April 14, 2023

The Committee on Housing and Community Development
1020 N Street, Room 156
Sacramento, California 95814

Subject: City of Capitola's Support of California AB 1035 (Muratsuchi)

Dear Chair Wicks and Vice Chair Patterson,

I am writing to you on behalf of the City of Capitola to express support of California Assembly Bill 1035. This bill would prohibit management of a mobile home park from increasing the gross rental rate more than 3% (plus the percentage change in cost of living) over the course of any 12-month period.

Like the surge in home prices, the cost of renting is steadily increasing, making California increasingly unaffordable. Half of California's renters pay more than 30% of their income on rent; almost 1 in 3 renters pay 50% or more of their income on rent each month. According to data collected in 2018, 39.2% of our residents are renters and though sometimes overlooked, the rising rent crisis also impacts manufactured home park residents. In Capitola, 14% of housing units are mobile homes; they are installed in eight mobile home parks varying in size from 36 to 114 units.

The proposed statewide rent cap for mobile home housing residents protects mobile home renters from park owners indiscriminately raising rent, ensuring that longtime renters feel safe. In Capitola, we want our mobile home renters to know they will not be forced to leave their homes and community due to unexpected and prohibitively high spikes in rent.

For these reasons, the City of Capitola supports Assembly Bill 1035 (Muratsuchi).

Sincerely,

Margaux Keiser
Mayor, City of Capitola



CITY CLERK

Memo

To: City Council
From: Austin Westly, Deputy City Clerk
Date: April 12, 2023
Re: Removal of Item 9A

At the request of the dog park proponents, staff is removing Item 9A from the April 13, 2023, City Council agenda. Staff has communicated with the proponents to notify members of the public and the school district that the item has been removed.

Capitola City Council

Agenda Report

Meeting: April 13, 2023

From: Public Works Department

Subject: Establishment of an Off-Leash Dog Area in a City Park



Recommended Action: Provide direction to staff for establishment of additional off-leash dog areas within public parks.

Background: The City of Capitola has an established off-leash dog park at McGregor Park. Dogs are currently permitted on leash at Monterey Avenue Park, Noble Gulch Park, Perry Park, Soquel Creek Park, Jade Street Park, and Esplanade Park.

On September 22, 2022, the City Council was presented with a community petition to establish an off-leash dog area in Monterey Avenue Park. Public Works staff notified residents and owners within 500 feet of Monterey Avenue Park, and seven members of the public spoke in support of the petition.

Monterey Avenue Park is currently used by New Brighton Middle School on weekdays from 8 a.m. to 4 p.m. for physical education classes and after-school team activities. The field is also rented by youth softball and soccer sports leagues from 4 p.m. to 8 p.m. during the week and 10 a.m. to 3 p.m. on Saturdays. During the September 22, 2022, the City Council directed staff to work with the community to explore alternatives to the Monterey Avenue Park proposal, due to conflicts with current park uses.

Discussion: Staff met with representatives of the community group in October and November of 2022 and presented the following options for off-leash dog areas (Attachment 1):

Noble Gulch Park:

This park was previously identified as a potential off-leash dog area in 2007. Staff proposed collectively identifying modifications to the rear dirt area to better accommodate off-leash dogs. The community group declined this proposal due to the lack of turf (creating muddy conditions) and proximity to the roadway.

Monterey Avenue Park:

In consideration of other park uses, any off-leash dog area in Monterey Park would need to be fenced. Staff proposed two locations to minimize impacts to current park uses. Option A would enclose an approximately 9,000 square foot area in the northeastern corner of the park, closest to Monterey Avenue. Option B would enclose a small, approximately 6,000 square foot area in the southwest corner of the park, closest to New Brighton Middle School. Both options would require the purchase and installation of fencing and regular maintenance of the dog park area (disposal receptable, bags, etc.).

The community group subsequently presented staff with an alternative to the staff proposed areas in Monterey Avenue Park (Figure 1). This alternative would require adjusting the established walkway, planting turf in the previous walkway footprint, in addition to installing fencing and ongoing maintenance.



Figure 1. Off-leash dog area as proposed by community group

On Wednesday, March 29, staff held a virtual community meeting to provide information and solicit feedback from the community. Residents and owners within 500 feet of Monterey Avenue Park were provided with notice of this meeting. There were 15 community members in attendance. The meeting resulted in generally positive feedback from dog park users, along with concerns from community members. Particularly noted was the need for noise dampening between the proposed dog park and adjacent homes and concern of an increased intensity of park use, both inside and outside the off-leash area, by non-responsible dog owners. Questions were posed regarding park hours, enforcement of use, and the possibility of temporary fencing prior to the establishment of a permanent fenced dog area.

In preparation of this report, Staff evaluated the proposed off-leash dog area in the field and developed the following schematic to scale with the existing soccer field striping (Figure 2). Based on this evaluation the enclosed dog area would be considerably smaller than the proposal brought forward by the community group.



Figure 2. Sacle Drawing of Off-leash Dog Area

Staff have been in contact with Soquel Union Elementary School District (District) regarding a fenced dog area in Monterey Park. District representatives have indicated that they are not in support of any off-leash dog areas in the park due to the potential of excessive barking and increased dog waste interfering with student and District staff use of the park area.

Based on the existing uses in the park area and District feedback, staff does not consider a fenced-in dog area, as proposed by the community group, a compatible use in Monterey Park.

Fiscal Impact: If directed to move forward with establishment of an off-leash dog area, staff would incorporate the project into the FY 23-24 budget. The cost for establishment of the option featured in Figure 1 in Monterey Avenue Park is estimated at \$25,000. Costs of alternative options presented would vary depending on location and scope.

Attachments:

1. Staff proposed off-leash dog area locations

Report Prepared By: Jessica Kahn, Public Works Director

Reviewed By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

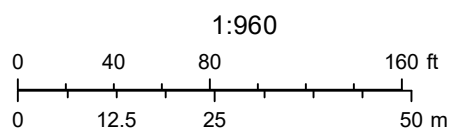
Approved By: Jamie Goldstein, City Manager

Noble Gulch Park - Potential Location for Off-Leash Dogs

Item 9 A.



November 14, 2022



County of Santa Cruz

Noble Gulch Park - Potential Location for Off-Leash Dogs

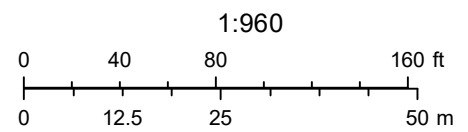
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Monterey Avenue Park - Potential Fenced Locations for Off-Leas Item 9 A.



November 14, 2022



County of Santa Cruz







CITY CLERK

Memo

To: City Council
From: Julia Moss, City Clerk
Date: April 11, 2023
Re: Removal of Item 9B

Staff is removing Item 9B from the April 13, 2023, City Council agenda at the request of the appellant. The attached letter was received from the appellant's legal representative on April 10, 2023.

This public hearing will be rescheduled pending the arbitration between the appellant and their landlord, and appropriately re-noticed.

Moss, Julia

From: James Anthony <james@anthonylaw.group>
Sent: Monday, April 10, 2023 5:13 PM
To: Samantha Zutler; Moss, Julia
Cc: Burke, Tamar M.; Hannah Young; Jamila Colbert; Drew Sanchez; Firehouse Brew & Grill; RMendoza@bwslaw.com
Subject: [PDF] Urgent: Request for continuance: City of Capitola CC meeting of 4/13/23: Capitola Bar & Grill's Appeal of Entertainment Permit Denial
Attachments: Notice of Request for Emergency Arbitrator.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Madam Clerk and Esteemed Counsel:

My firm represents the Appellant Capitola Bar & Grill (Michelle and LaSalle Strong), CB&G, in this appeal and in their pending JAMS arbitration with the landlord La Serena Properties (Steve Yates).

Last week Thursday 4/6/23 at 11:00 am CB&G had a hearing before an emergency arbitrator seeking the equivalent of a preliminary injunction seeking an emergency arbitrator order to the effect that:

- 1) The Respondent Landlord is deemed for all purposes to have irrevocably consented to live music entertainment under the lease agreement, absent a showing of nuisance in fact, proven in arbitration;
- 2) The Respondent Landlord must sign any documents reasonably required to document that consent to live music entertainment as needed.

See attached *Notice of Request for Emergency Arbitrator and Emergency Injunctive Relief [JAMS Rule 2(c)]* (additional pleadings and JAMS documentation available on request).

At the close of the hearing mid-day on 4/6/23, the Arbitrator Judge (ret.) Glenda Sanders, said that she hoped to have her ruling out by the end of the week. So we anticipated getting the decision last Friday or today Monday 4/10 at the latest. But in the email below, JAMS informed us at 3:55 pm today that the ruling will be made next week.

We had hoped to have the arbitrator's ruling in time for the City Council appeal hearing currently scheduled for this Thursday 4/13/23. It is our position that if CB&G obtains the requested relief and the landlord is legally deemed to have consented to live music, the City Council hearing is unnecessary because the only basis for denial for the permit in the staff report is the lack of that consent and the City should simply grant the permit. (If on the other hand CB&G does not get the relief requested, our position is that the City Council still has the power to grant the appeal based on their own independent conclusions of law as the quasi-judicial agency not bound by the advice of staff or counsel.)

Because this ruling, either way, is critical to the hearing, we respectfully request a continuance of the City Council hearing until the Ruling has been made and the City Council's agenda allows.

Counsel, I am available to discuss at any time at my direct line 510-207-6243.

Yours very truly,

James Anthony



James Anthony

PRINCIPAL

(510) 842-3553 *office*

(510) 207-6243 *cell*

james@anthonylaw.group

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

From: **Geraldine Yulo** <GYulo@jamsadr.com>

Date: Mon, Apr 10, 2023 at 3:55 PM

Subject: Strong, Michelle, et al. vs. La Serena Properties LLC - JAMS Ref No. 5130000363

To: drew.sanchez@anthonylaw.group <drew.sanchez@anthonylaw.group>, james@anthonylaw.group <james@anthonylaw.group>, Steve@jrgattorneys.com <Steve@jrgattorneys.com>

Cc: jamila@anthonylaw.group <jamila@anthonylaw.group>, hannah@anthonylaw.group <hannah@anthonylaw.group>

Dear Counsel:

Judge Sanders wanted to let the parties know that she will have the Ruling next week.

Best,

Geri



Geraldine “Geri” Yulo
Arbitration Practice Consultant

Direct: 213-253-9711

Email: GYulo@jamsadr.com

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1 James M. Anthony, SBN: 203150
(james@anthonylaw.group)
2 Drew M. Sanchez, SBN: 277163
(drew.sanchez@anthonylaw.group)
3 ANTHONY LAW GROUP, PC
4 600 Grand Avenue, Unit 204
Oakland, CA 94610
5 Phone: 510-842-3553
6 Fax: 510-283-0186

7 Attorneys for Claimants, MICHELLE STRONG and LASALLE STRONG

8 **JAMS ARBITRATION**

9 MICHELLE STRONG, an individual; and)
10 LASALLE STRONG, an individual,)
11)
12 Claimants,)
13 vs.)
14 LA SERENA PROPERTIES LLC, a California)
15 limited liability company)
16)
17 Respondent.)

Ref. No. 5130000363
NOTICE OF REQUEST FOR
EMERGENCY ARBITRATOR AND
EMERGENCY INJUNCTIVE RELIEF
[JAMS Rule 2(c)]

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 **PLEASE TAKE NOTICE** that as soon as possible under the circumstances, in accordance
20 with the Arbitration provision applicable to this matter, Claimants Michelle Strong and Lasalle Strong
21 (“Claimants”) hereby seek emergency relief under Rule 2(c) under comprehensive rules and procedures.
22

23 Rule 2(c) states in pertinent part:

24 A Party in need of emergency relief prior to the appointment of an Arbitrator
25 may notify JAMS and all other Parties in writing of the relief sought and the basis
26 for an Award of such relief. This Notice shall include an explanation of why such
27 relief is needed on an expedited basis. Such Notice shall be given by email or
28 personal delivery. The Notice must include a statement certifying that all other
Parties have been notified. If all other Parties have not been notified, the Notice
shall include an explanation of the efforts made to notify such Parties.

1 (JAMS Comprehensive Arbitration Rules & Procedures Rule 2(c)(i).)

2 Please take notice that Claimants hereby seek an emergency order under the above rule restoring
3 the *status quo ante* between the parties as was in place prior to Respondent's breach of contract. Claimants
4 will seek all available remedies under law and equity including an order that: (1) The *status quo ante* be
5 restored and landlord approval for the entertainment permit be deemed to be in place, (2) Respondent
6 and its agents be prohibited from taking any action to frustrate or impair the live entertainment permit of
7 Claimants, (3) Respondent and Claimants alike will perform their duties and obligations under the Lease
8 Agreement and Respondent shall take all routine and reasonable action required by Claimants to lawfully
9 operate their restaurant business pursuant to the Lease Agreement and Sublease and Assignment
10 Agreement, and (4) all other remedies as may be appropriate after the full briefing of the issues by the
11 parties and any hearing that may be called by the emergency arbitrator.
12
13

14 A grant of emergency injunctive relief generally requires a showing of the following: (1) an
15 inadequate remedy at law often interpreted to mean monetary relief is inadequate, (2) a serious risk of
16 irreparable harm absent injunctive relief, (3) a likelihood that the plaintiff will prevail on the merits of the
17 underlying controversy, and (4) a comparison of the harm to defendant in issuing an injunction versus
18 the harm to plaintiff in withholding it, which on balance favors the plaintiff.
19

20 No adequate remedy at law is available to the Claimants because Claimants face extensive damage
21 to their business' brand, reputation, market penetration, and business good will everyday that they have
22 to operate without live music. The extent of this damage is unknown and unknowable and cannot be
23 made whole with monetary damages alone. This irreparable harm will continue unabated absent
24 injunctive relief, and even with the swift timeline of JAMS arbitration, any remedy on normal timelines
25 would still take months. Claimants will suffer irreparable harm.
26

27 Claimants are likely to prevail on the merits of the underlying controversy because the operative
28 Lease Agreement is ambiguous as to whether live music is prohibited or permitted by the Lease

1 Agreement, the contemporaneous written communications of the parties reveal unambiguous intent that
 2 live music was to be a part of the Agreement, and Claimants actually operated their restaurant with live
 3 music for approximately 18 months. Respondent’s anticipated claims of nuisance in violation of the
 4 Lease Agreement are unsubstantiated and without merit. Claimants were in compliance with the Lease
 5 Agreement at all times relevant herein.
 6

7 Respondent is a landlord of the commercial building and will suffer no direct harm if the
 8 requested relief is granted by arbitrator award. Claimants lawful operation of their restaurant business in
 9 compliance with local and state law is not a violation of the Lease Agreement even if it personally
 10 bothers landlords’ manager Steven Yates. Landlord, as a limited liability company holding real property,
 11 cannot reasonably be argued to suffer any harm by Claimants lawful operation of their business under
 12 local and state law.
 13

14 This notice is non exhaustive and Claimants reserve the right to adduce more factual information
 15 and assert different or more complete legal theories in their brief filed in support of this request.
 16

17 Dated: March 15, 2023

ANTHONY LAW GROUP, PC

Drew Sanchez

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PROOF OF SERVICE

I, Jamila Colbert, declare: I am over the age of 18 years, and am not a party to this action. On March 15, 2023, I served the following documents:

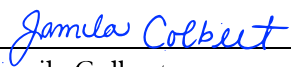
NOTICE OF REQUEST FOR EMERGENCY ARBITRATOR AND EMERGENCY INJUNCTIVE RELIEF

VIA ELECTRONIC MAIL The documents were transmitted in PDF format to each of the email addresses as indicated on the service list.

JRG Attorneys at Law,
C/O Stephan Barber
318 Cayuga St, Ste 101,
Salinas, CA 93901-2668
(e): steve@jrgattorneys.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 15, 2023, at Oakland, California.



Jamila Colbert

Capitola City Council

Agenda Report

Meeting: April 13, 2023

From: Police Department

Subject: Capitola Bar and Grill Entertainment Permit Appeal



Recommended Action: Adopt a resolution denying an appeal of the City Manager’s decision to deny an application for a 2023 Regular Entertainment Permit for Capitola Bar and Grill, due to the application not including the required authorization from the property owner.

Background: Capitola Municipal Code Chapter 5.24 governs entertainment permits. Section 5.24.020 requires any business to obtain an entertainment permit before arranging for or allowing entertainment to be conducted on the premises of any business. Section 5.24.010 defines “entertainment” as a performance by live entertainers for entertaining patrons; or playing recorded music, with or without video, for the specific purpose of entertaining patrons.

Section 5.24.030 divides entertainment permits into three categories, with varying fees and conditions based on the type of entertainment and activities.

- “Single-event” entertainment permits are required for activities that occur within a single seven-day period.
- “Minor” entertainment permits are required for businesses that have entertainment that is incidental to the primary business, have no dance floor or elevated stage, and never require a cover charge.
- “Regular” entertainment permits are required for businesses that provide entertainment but do not qualify for a single-event or minor entertainment permit. This permit governs establishments that have live music and entertainment that attracts business.

Section 5.24.040.B authorizes the City Manager, or department head designee, to issue certain entertainment permits upon making the findings in Section 5.24.040.C. Section 5.24.040.D authorizes the City Council or City Manager to condition the permit to assure that the authorized entertainment does not cause disturbances.

To further guard against disturbance, CMC Section 5.24.040.D authorizes the City Manager to add conditions to each permit regarding the days and times of operation, addressing any public safety issues, and requiring the permittee to manage noise level limits.

Section 5.24.080 authorizes the City Manager to develop application forms for entertainment permits. Applicants may be required to submit any nonprivileged information reasonably related to the intent of the ordinance.

The current application form, which has been used by the City since 2018, requires applicants to provide information about the business, proposed entertainment, the hours of intended operation, and, if the applicant is a tenant, to obtain the signature of the property owner.

Entertainment permits for the cities of Santa Cruz, Watsonville, and Scotts Valley all require the property owner’s consent.

This year, the Capitola Police Department has issued five entertainment permits; three additional permits are in progress. The Department issued six permits in 2019, ten in 2020, seven in 2021, and twelve in 2022.

Discussion: On October 21, 2021, Michelle and Lasalle Strong applied for a new Minor Entertainment Permit for Capitola Bar and Grill, located at 231 Esplanade, #102, that would be effective for the remaining few months in 2021. 231 Esplanade is a mixed-use residential/business structure. The building

is comprised of residential apartments, a coffee shop, and two restaurants (Margaritaville and Capitola Bar and Grill). The application did not include the property owner's signature.

The Strongs had recently acquired the business, and their ABC license was pending due to the transfer of ownership. The type of ABC license issued to the applicant is important in the application process because ABC can place restrictions and specific requirements based on the type of license. Capitola Bar and Grill has a Type 47 – On Sale General Eating Place. The City requires a current ABC license and fire inspection before issuing entertainment permits. The applicant received their ABC license on October 29, 2021, and completed the required fire inspection on November 10, 2021.

The City issued the permit on November 16, 2021, for the remaining six weeks of 2021. Unfortunately, the City issued the permit without the property owner's signature, inconsistent with the City's entertainment permit application and past practice.

On January 3, 2022, the Strongs applied to renew their Minor entertainment permit for 2022. The Police Department accepted their previously submitted ABC license and recent fire inspection and began processing their application. The 2022 application did not include the property owner's signature.

Because the applicant intended to offer more than incidental entertainment, staff recommended the applicant apply for a "Regular" entertainment permit. The applicant agreed and staff issued Capitola Bar and Grill a 2022 Regular Entertainment Permit on January 27, 2022.

During the summer of 2022, the property owner, Steve Yates, contacted the Police Department and expressed concerns about the noise levels and live music being played at Capitola Bar and Grill. Staff explained that the City had issued Capitola Bar and Grill a Regular Entertainment Permit for 2022. Mr. Yates expressed his concerns about the sound levels and explained he had not signed the application form.

Staff then reviewed the application materials for Capitola Bar and Grill and determined that the application had not been signed by the property owner and the permit had been issued in error.

In December 2022, Capitola Bar and Grill applied for a 2023 General Entertainment Permit (Attachment 1). The application lists Steve Yates as the property owner with an email address but does not include Mr. Yates's signature.

As the application did not include the required signature, staff determined the application was incomplete. Staff notified the Strongs of this issue and met with the Strongs on December 23, 2022, to discuss options. At the meeting, staff explained why the application was incomplete, and that their prior permits had been issued in error. Staff offered to reach out to the property owner to recommend mediation. The Strongs indicated they were interested in mediation and, following that meeting, staff reached out to Mr. Yates to recommend a mediation process.

On January 31, 2023, staff sent the Final Notice of Decision to the Strongs, denying their application for a 2023 Entertainment Permit (Attachment 2). On February 21, 2023, the Strongs appealed the denial (Attachment 3).

Following receipt of the appeal, staff reviewed all entertainment permits for prior years that remained on file at the City to determine if other applications lacked a property owner's signature. Of 21 applications, 18 included the property owner's signature. The three applications that did not have the property owner's signature were the Capitola Bar and Grill applications for 2021 and 2022, and the Wharf House Restaurant application for 2022. The City of Capitola is the property owner of the Wharf House, and staff had previously determined that the issuance of the Wharf House permit by the City constituted property owner consent.

Appellant's arguments in the appeal are below, with staff's response in bold.

Appellant states, "[t]he City Manager's letter says that he canceled the Permit (or denied the application for renewal, it comes to the same thing) because it did not include the landlord Steve Yates' consent on the application form that the City Manager himself made up. But under the Municipal Code section that he cites, his power to develop the form is limited. One legal question for you to decide is if that requirement

is properly on the form or not.” Appellant further notes that “CMC 5.24.080 gives the City Manager limited power to develop the application form. Specifically, it limits the form to ‘any nonprivileged information reasonably related to the concerns expressed in Section 5.24.005.’”

Section 5.24.080 authorizes the City Manager to “develop application forms pertinent to this chapter.” It does not limit the questions the City Manager may include on the form. Section 5.24.040.C allows the City Manager to issue permits upon making certain findings, including that no significant number of non-patrons will be disturbed by the entertainment. Similarly, Section 5.24.040.D allows the City Manager to condition the permit to assure non-disturbance by including certain permit-specific conditions. Both of these provisions underscore the City Manager’s authority in administering Chapter 5.24. In addition, if the requirement for the property owner’s signature did not appear on every application form, Section 5.24.040.D authorizes the City Manager to impose it as a condition on any specific permit.

The requirement for the property owner’s signature is related to the concerns expressed in Section 5.24.005, which states that, in adopting the Chapter, the Council found that “[e]ntertainment often produces noise which is obtrusive to persons not patronizing the business or activity which produces the noise.” Because property owners often have more than one tenant in a building, ensuring the property owner is supportive of the permit request helps protect the property owner’s other tenants in the same building. Finally, any complaints about noise from the business could affect the property owner in multiple ways, including impacting the property owner’s ability to lease the premises (or nearby properties) in the future or exposing the property owner to complaints about the noise. Lastly, requiring the property owner’s signature helps ensure the City is not authorizing entertainment on the property when such uses are not authorized in the lease between the tenant and property owner.

Second, appellant states that “the City should not cancel that permit unless there is a good reason such as excessive noise complaints.”

The City did not revoke the previously issued entertainment permits. The City denied the applicant’s 2023 entertainment permit because it lacked the landowner’s signature granting permission to use their property for entertainment purposes. There is no indication in Chapter 5.24 that the City is only permitted to revoke, or not issue a permit, for a specific reason. Instead, Section 5.24.050 states that a permit is valid for no more than one year from the date of issuance and that the issuance of a permit “does not establish a vested right to a renewal of the permit.” It also authorizes the City to cancel any permit for not complying with the requirements in the permit, however in this case the City is not canceling or revoking a permit for failure to comply with the permit requirements. The City is simply not issuing a 2023 entertainment permit because the permit lacks the landowner’s signature.

Third, appellant states that “the landlord is legally bound by his agreements to allow Entertainment.”

The City is not a party to the lease between the landlord and the appellant. Staff thus cannot comment on the provisions in the lease. The City is charged with administering and enforcing its own Municipal Code, which is what it is doing here.

Finally, appellant states that, because the City has twice issued the permit in the past, without the landlord’s signature, it should reissue it now.

Staff regrets its error in issuing permits without the landlord’s signature. However, the remedy for that error is not to grant another permit for 2023, especially given that other businesses in the City have been required to provide the property owner’s signature to obtain an entertainment permit. Based on staff’s review of prior entertainment permits that remain on file pursuant to the City’s record retention schedule, and staff’s historical experience administering the entertainment permit program, there has been no other example of a business obtaining an entertainment permit without the property owner’s consent over the last decade.

Alternative Actions: Council may grant the appeal or modify staff's determination. In either case, staff suggests that it return at a subsequent meeting with a resolution consistent with Council direction.

Fiscal Impact: None.

Attachments:

1. 2023 Capitola Bar and Grill Entertainment Permit Application
2. Denial Letter from the City
3. Appeal Letter from the Capitola Bar and Grill
4. Resolution
5. Correspondence

Report Prepared By: Andrew Dally, Police Chief

Reviewed By: Julia Moss, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager



INTEROFFICE MEMORANDUM

TO: ANDREW DALLY, CHIEF OF POLICE *AD* 12/19/2022
FROM: SARAH RYAN, POLICE CAPTAIN *SR*
SUBJECT: ENTERTAINMENT PERMIT
DATE: DECEMBER 15, 2022

Capitola Bar & Grill has applied for a 2023 Minor Entertainment Permit. This establishment is located at 231 Esplanade #102, Capitola, CA 95010. This is a renewal application for 2023 and the necessary documents have been reviewed and are attached to this application.

The requested days are Wednesday-Sunday from 5:00 pm – 10:00 pm. These operational hours are acceptable under the current conditions for a Minor Entertainment Permit; however, the "Property Owner Statement" section of the application does not have the property owner's signature. Per Chapter 5.24 of the City of Capitola Municipal Code the owner of the listed property must sign the application providing "consent" to the business owner.

I researched the service calls for this address and compared them to the requirements outlined for a Regular Entertainment Permit. To summarize, there was a total of 40 calls for service (CFS) for this address and none required additional review. The owners of Capitola Bar and Grill do not have the property owner's consent and have attached an email explaining their position. In addition, the property owner, Steve Yates also responded citing 53 additional noise complaints and states he will not sign the permit due to noise concerns.

Based on my review of the Capitola Bar & Grill's incomplete Entertainment Permit Application, I respectfully request the business owners resubmit a complete application. Not having the property owner's consent makes the application incomplete.



422 CAPITOLA AVENUE
CAPITOLA, CALIFORNIA 95010
TELEPHONE (831) 475-4242
FAX (831) 479-8881

ANDREW J. DALLY
CHIEF OF POLICE

APPLICATION FOR ENTERTAINMENT PERMIT

Application fee of \$41 must be submitted with this completed application.

I. BUSINESS INFORMATION:

Business Name: Capitola Bar & Grill
Business Address: 231 Esplanade #102 Capitola, CA 95010
Business Phone #: 831-854-2888 Website: capitolabarandgrill.com

II. APPLICANT/BUSINESS OWNER'S INFORMATION:

Applicant/Business Owner's Name: Lasalle Strong
Address: [REDACTED]
Phone #: [REDACTED] Email: info@capitolabarandgrill.com

III. BUSINESS CO-OWNER'S INFORMATION:

Business Co-Owner's Name: Michelle Strong
Address: [REDACTED]
Phone #: [REDACTED] Email: info@capitolabarandgrill.com

IV. MANAGER'S INFORMATION:

Manager/Responsible Party: Lasalle Strong
Address: SAME AS ABOVE
Phone #: _____ Email: _____

V. TYPE OF PERMIT:

- Single Event Entertainment Permit (\$41.00 + application fee)
- Minor Entertainment Permit (\$174.00 + application fee)
- Regular Entertainment Permit (\$652.00 + application fee)

VI: ENTERTAINMENT OPERATION INFORMATION:Days of Entertainment: Wed - Fri - Sat - SunHours of Entertainment: Varies on day, 5pm-10pmOccupancy Rating for Entertainment: 115Copy of Current ABC Alcohol License Attached: Yes No N/A

An annual fire inspection from Central Fire must be performed before submitting this completed application. Fire Inspection Completed: Yes No

Copy of Fire Inspection Attached: Yes No Date Completed: 12/02/2022

If a Use Permit is required and one has not been obtained, it must be approved prior to obtaining approval of a Capitola Police Department Entertainment Permit. Contact the Planning Department for information on your specific entertainment operation.

Have you obtained a Planning Department Use Permit? Yes No N/A

If Yes, Indicate Permit #: _____ Approval Date: _____

Submit a detailed, written description of the business and the proposed entertainment operation. Use a separate sheet to describe the following:

1. Type of business
2. Type of entertainment
3. Food service days and hours
4. Staffing and security plan FOR ENTERTAINMENT OPERATION, INCLUDING:
 - a. Security staffing (number and type of licensed security guards, doormen, and other security staff)
 - b. During and after hour crowd management (interior/exterior areas)
 - c. In and out privileges
 - d. Exterior night lighting (perimeter building, adjacent alleyways, garbage, and parking areas, if applicable)
5. Submit a floor plan for location of proposed entertainment including dance floor area, stage, tables, seating and exits

VII. CORPORATION INFORMATION:

Corporation Name: Capitola Strong Inc

Address: 231 Esplanade #200, CA 95010

Phone #: [REDACTED] Email: info@capitola-bar-and-grill.com

VIII. PROPERTY OWNER'S INFORMATION:

Property Owner's Name: Steve Yates

Address: _____

Phone #: _____ Email: (STEVE YATES EMAIL)
margaritaville.golf@yahoo.com
PROPERTY MANAGER - RUSSELL GROSS
[REDACTED]

IX. PROPERTY OWNER STATEMENT:

As the property owner, I do hereby consent to live entertainment of the type described in this application to be conducted upon the premises occupied by the above-named applicant in accordance with the provisions set forth by Chapter 5.24 of the City of Capitola Municipal Code.

Property Owner's Signature

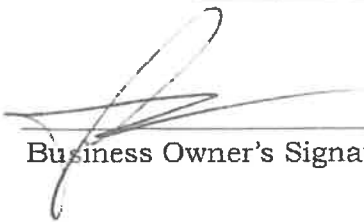
Date

Print Name

X. APPLICANT / BUSINESS OWNER(S) STATEMENT:

- A. I agree to the conditions as set forth in the following paragraph in conjunction with Chapter 5.24 of the City of Capitola Municipal Code:
1. That such permit is not transferable.
 2. That such permit shall expire no later than one year from the date of issuance.
 3. The issuance of a permit for one year does not establish a vested right to a renewal of the permit.
 4. To uphold any special terms, conditions and restrictions of such permit as set forth by the Chief of Police.
 5. To allow police officers and any official city inspectors to enter free of charge for the purpose of investigation and/or inspection of my establishment.
 6. If, during any permit period, the nature of the business activity or the circumstances surrounding the event to which the permit pertains change from the way it was initially permitted, the city in its sole discretion may require any permit holder to immediately apply for a new permit as stated in section 5.24.050.
 7. That any changes in the permitted entertainment operation requires a written, detailed description of the proposed changes submitted to the Chief of Police **prior** to the changes being put into effect. Changes include though not limited to property owner(s); business owner(s); type, days, and hours of entertainment; location of entertainment; alcohol license and service; modification to the building and area(s) where entertainment is performed. Changes in the permitted entertainment operation may also require a modification of said permit.
 8. A permit may be revoked for failure to comply with permit conditions or for having supplied false information in obtaining the permit as stated in section 5.24.060.
- B. I declare under penalty of perjury that the information contained herein is true and correct.

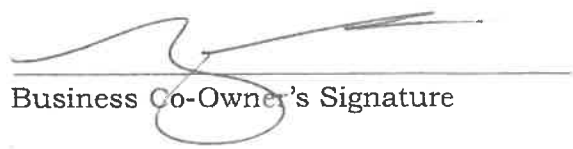
Executed at Capitola, California on the 10 day of NOVEMBER, 2022.



 Business Owner's Signature

Lasalle Strong

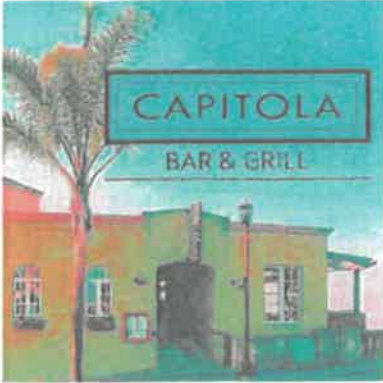
 Print Name



 Business Co-Owner's Signature

Michelle Strong

 Print Name



Capitola Bar & Grill

231 Esplanade #102 Capitola, CA 95010

1. Family friendly sports bar
2. Live Music, Karaoke
3. American Blend Cuisine – available during open hours
 - a. Sunday to Thursday 10am-9pm
 - b. Friday/Saturday 10am-10pm
4. Staffing: Entertainment is provided to all ages, family-friendly dining environment
 - a. Manager and Security will monitor front door, crowd control
 - b. Casual dining experience, crowd is controlled by staff
 - c. Cameras and lighting are provided at all entrances and exits
5. Bands are set in right corner of dining room. Sound curtains have been installed at all windows and patios that are exposed to neighboring buildings and front entrance. Dining tables are set to view the entertainment. Wood panels have been installed to interior walls, and sound panels have been installed to ceiling.



STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE

Item 9 B.

ON-SALE GENERAL EATING PLACE

VALID FROM

Oct 01, 2022

CAPITOLA STRONG INC.

SOQUEL, CA 95073

EXPIRES

Sep 30, 2023

TYPE NUMBER DUP

47 628965

AREA CODE

4401 26

RENEWAL

BUSINESS ADDRESS (IF DIFFERENT) DBA: CAPITOLA BAR & GRILL
231 ESPLANADE
CAPITOLA, CA 95010

CONDITIONS

OWNERS: CAPITOLA STRONG INC.

7



IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit <http://www.abc.ca.gov/datport/LQSMenu.html>.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above.

A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 10D, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. "renewal") must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at <http://www.abc.ca.gov/distmap.html>.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

<http://www.abc.ca.gov>



Central Fire District of Santa Cruz County



Occupancy: **CAPITOLA BAR AND GRILL**
Occupancy ID: **3521101**
Address: **231 ESPLANADE Apt/Suite #102**
CAPITOLA CA 95010

Inspection Type: **1st Reinspection**
Inspection Date: **12/1/2022** By: **McAvoy, Jaime (803843)**
Time In: **14:00** Time Out: **14:15**
Authorized Date: **12/02/2022** By: **McAvoy, Jaime (803843)**

Form: Annual

Inspection Description:

Central Fire Protection District Inspection Form

Inspection Topics:

Fire Protection and Life Safety Equipment

Service and tag kitchen extinguishing system every 6 months or after activation.
Bi-annual service is required. Kitchen cannot operate with extinguishing system discharged or out of service.

Status: PASS

Notes: ansul system last serviced 9/2021

12/1/2022 - serviced

Replace corroded, damaged or painted sprinkler heads.
Damage corrosion or paint will prevent sprinkler heads from activating at listed temperature.

Status: FAIL

Notes: sprinkler head in kitchen near stove needs servicing. should not be black

Fire Extinguishers

Provide annual service for fire extinguisher(s).
Annual maintenance will provide for property charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status: PASS

Notes: 2A:10BC extinguisher and K extinguisher last serviced 9/2021

12/1/2022 - serviced

Electrical

Discontinue use of extension cords in lieu of permanent wiring.
Temporary wire does not afford the durability, safety, and protection from shock or fire that is found in the construction of an enclosed electrical system.

Status: PASS

Notes: refrigerator needs to be plugged directly into wall. can not use extension cord.

12/1/2022 - serviced

Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
----------	-------------------	-----------------

Notes: No Additional time recorded

Total Additional Time: 0 minutes
Inspection Time: 15 minutes
Total Time: 15 minutes

Summary:

Overall Result: Passed with comments

Inspector Notes: please still reach out to property management about sprinkler head in kitchen

Inspector:

Name: McAvoy, Jaime
Rank: Fire Inspector
Email(s): jaime.mcavoy@centralfiresc.org

Signature

Date

Representative Signature:

Signature

Date

Incidents:40

Incident #	Beat	All Assigned Units	Incident Date/Time	Type	Mod Circ	Location	Apt	City	Dispo	Report #
CP2200001497	10	S510, 525	2/3/2022 06:37:47	ALARM	459A	231 ESPLANADE AVE		CAPITOLA	H90	
CP2200002561	10	566	2/19/2022 13:44:17	FUP		231 ESPLANADE AVE		CAPITOLA	H50	
CP2200002746	10	528	2/23/2022 07:34:55	ALARM	459A	231 ESPLANADE AVE		CAPITOLA	U90	
CP2200003436	10	529	3/5/2022 01:14:58	OUT		231 ESPLANADE AVE		CAPITOLA	S85	
CP2200004406	10		3/23/2022 10:04:03	911W	O	APPROX LOC:231 ESPLANADE AVE		CAPITOLA	CALLB	
CP2200004971	10	S513, 532, 527.	4/2/2022 22:15:07	415N	NOCO NT	231 ESPLANADE AVE		CAPITOLA	S67	
CP2200005175	10	566, 565	4/6/2022 14:43:53	ASSIST		231 ESPLANADE AVE		CAPITOLA	H50, H50	
CP2200005642	10	483, 521, 524	4/13/2022 17:00:30	OUT		231 ESPLANADE AVE		CAPITOLA	C30	22CP-00443 (CP/524)
CP2200006002	10		4/19/2022 11:58:29	911W	O	231 ESPLANADE AVE		CAPITOLA	DUP	
CP2200006125	10	532, 529	4/22/2022 00:56:31	ALARM	459A	231 ESPLANADE AVE	101	CAPITOLA	H90, H90	
CP2200006264	10	532, 529	4/24/2022 01:38:12	OUT		231 ESPLANADE AVE		CAPITOLA	H60	
CP2200006298	10	K526	4/24/2022 19:50:44	415N	NOCO NT	231 ESPLANADE AVE		CAPITOLA	H60	
CP2200006539	10	S510, M523	4/29/2022 08:40:20	ALARM	459A	231 ESPLANADE AVE		CAPITOLA	H90	
CP2200006926	10	528, 532	5/5/2022 18:57:37	415N	NOCO NT	231 ESPLANADE AVE		CAPITOLA	U70	

12/12/2022 4:18:47 PM

CP2200006928	10	532	5/5/2022 19:53:01	415N	CONT	231 ESPLANADE AVE	102	CAPITOLA	S70
CP2200006937	10	532, 529	5/6/2022 00:01:02	INTOX	NON	231 ESPLANADE AVE		CAPITOLA	A86
CP2200007316	10	566, 528	5/13/2022 13:52:45	CRASH	NON	231 ESPLANADE AVE		CAPITOLA	S50, S50
CP2200007882	10		5/21/2022 15:55:13	SUSPIC	CONT	231 ESPLANADE AVE		CAPITOLA	RPCAN
CP2200007890	10	M523, 532	5/21/2022 19:10:31	RTL	CONT	231 ESPLANADE AVE	102	CAPITOLA	G67, G67
CP2200008415	10	S512	5/29/2022 18:50:20	CITCOM		231 ESPLANADE AVE		CAPITOLA	H00
CP2200008850	10	528, 529	6/5/2022 23:49:24	OUT		231 ESPLANADE AVE		CAPITOLA	S67
CP2200009150	10	527	6/11/2022 04:59:01	TOW		231 ESPLANADE AVE		CAPITOLA	R55
CP2200009208	10	527	6/12/2022 05:50:15	TOW		231 ESPLANADE AVE		CAPITOLA	R55
CP2200009236	10	483	6/12/2022 17:10:40	LOSTP		231 ESPLANADE AVE		CAPITOLA	S60
CP2200009653	10	528	6/19/2022 20:21:49	20002	C	231 ESPLANADE AVE		CAPITOLA	H50
CP2200010090	10	564, 525, 483, 524, 528	6/27/2022 16:42:15	415	B	231 ESPLANADE AVE		CAPITOLA	H67, H60, H67, H67
CP2200010629	10	CPM2	7/6/2022 17:09:50	C3MED		231 ESPLANADE AVE		CAPITOLA	HBD
CP2200010895	10	529	7/12/2022 22:49:41	CAMPIN		231 ESPLANADE AVE		CAPITOLA	S42, S20
CP2200010908	10	S518, 525	7/13/2022 10:37:33	ALARM	459A	231 ESPLANADE AVE	102	CAPITOLA	H90
CP2200011057	10	534, S513	7/15/2022 23:26:37	415N	CONT	231 ESPLANADE AVE		CAPITOLA	H70

12/12/2022 4:18:47 PM

CP220001152Z	10	528, 525, 524	7/24/2022 16:21:32	537		231 ESPLANADE AVE	CAPITOLA	G30, G30
CP2200011529	10	S512, 524, 528	7/24/2022 16:59:27	FIGHT		231 ESPLANADE AVE	CAPITOLA	S67, S67, S67
CP2200012652	10	CPM2	8/13/2022 14:00:33	C3MED		231 ESPLANADE AVE	CAPITOLA	BOL
CP2200013421	10	524	8/30/2022 17:48:03	OUT		231 ESPLANADE AVE	CAPITOLA	S85
CP2200014514	10		9/19/2022 19:55:33	911W	O	APPROX LOC:231 ESPLANADE AVE	CAPITOLA	HBD
CP2200014835	10	S510, 528	9/25/2022 20:40:39	INTOX	2	231 ESPLANADE AVE	CAPITOLA	CLR, S85
CP2200015269	10	CPM2	10/4/2022 14:43:14	C3MED		231 ESPLANADE AVE	CAPITOLA	HBD
CP2200015759	10	484	10/13/2022 16:08:50	FRAUD	C	231 ESPLANADE AVE	CAPITOLA	G43
CP2200017930	10	525, S515	11/21/2022 09:06:05	THEFT	C	231 ESPLANADE AVE	CAPITOLA	R30 22CP-01457
CP2200018287	10	M528, 529	11/28/2022 13:47:28	459	VEH	231 ESPLANADE AVE	CAPITOLA	U31, U31

12/12/2022 4:18:47 PM

Item 9 B.

Incidents:2

Incident #	Beat	All Assigned Units	Incident Date/Time	Type	Mod Circ	Location	Apt	City	Dispo	Report #
CE2200007890	10	M523, 532	5/21/2022 19:10:31	RTL	CONT	231 ESPLANADE AVE	102	CAPITOLA	G67, G67	
CE2200010908	10	S518, 525	7/13/2022 10:37:33	ALARM	459A	231 ESPLANADE AVE	102	CAPITOLA	H90	

12/12/2022 4:20:34 PM

PAYMENT DATE
 12/12/2022
COLLECTION STATION
 Police
RECEIVED FROM
 Strong Solutions
DESCRIPTION
 231 Esplanade #102, Capitola

City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010
 Phone: 831-475-7300
 Fax: 831-479-8879
 www.cityofcapitola.org

BATCH NO.
 2023-0600 Item 9 B.
RECEIPT NO.
 2023-00001543
CASHIER
 Esmeralda Gonzalez

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
ENTERTAINMENT	Entertainment Permit Application Fee	\$41.00																
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Total Cash</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Check</td> <td style="text-align: right;">\$41.00</td> </tr> <tr> <td>Total Charge</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Wire</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Other</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Remitted</td> <td style="text-align: right; border-top: 1px solid black;">\$41.00</td> </tr> <tr> <td>Change</td> <td style="text-align: right; border-top: 1px solid black;">\$0.00</td> </tr> <tr> <td>Total Received</td> <td style="text-align: right;">\$41.00</td> </tr> </table>	Total Cash	\$0.00	Total Check	\$41.00	Total Charge	\$0.00	Total Wire	\$0.00	Total Other	\$0.00	Total Remitted	\$41.00	Change	\$0.00	Total Received	\$41.00	
Total Cash	\$0.00																	
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Total Other	\$0.00																	
Total Remitted	\$41.00																	
Change	\$0.00																	
Total Received	\$41.00																	
Total Amount:		\$41.00																

Customer Copy



FINAL NOTICE OF DECISION

January 31, 2023

Capitola Bar and Grill
231 Esplanade #102
Capitola, CA 95010

RE: Notice of Decision on Application for 2023 Regular Entertainment Permit at 231 Esplanade #102

On behalf of Capitola Bar and Grill you applied for a 2023 Entertainment Permit as required by Capitola Municipal Code 5.24 – Entertainment Permits. Our understanding is that you lease the space at 231 Esplanade #102, and manage and operate Capitola Bar and Grill in that space.

We have reviewed your application and have determined the application does not include the property owner's consent to the application, as required on page 3 of the application (IX. Property Owner Statement).

The requirement for the property owner's consent is a standard inclusion on the City's application form. The form was developed pursuant to Capitola Municipal Code section 5.24.080, which allows the City Manager to develop the application.

Because your application does not include all of the required information, your application is denied.

If you would like to appeal this determination to the City Council, you must file your appeal within 14 working days of the date of this letter. The Council will hear the appeal at the City Council meeting following receipt of your appeal or, upon a request from staff, may hear the appeal at a later date. The deadline for you to file an appeal is five p.m. on February 22, 2023.

All appeals must be in writing and delivered to the office of the City Clerk with payment of the Administrative Decision Appeal Fee, which is \$562. The request for appeal must set forth the appellant's name, the phone number for the appellant, an address to which notices may be sent to the appellant and the grounds upon which the appeal is made. Further detail regarding the appeal procedure can be found in Chapter 2.52 of the Capitola Municipal Code.

Please note that because you do not currently have a valid Entertainment Permit, you are not permitted to engage in entertainment activities, as described in 5.24.010 of the Capitola Municipal Code.

Sincerely,

Jamie Goldstein, City Manager
City of Capitola

February 21, 2023

CITY OF CAPITOLA
CITY CLERK
FEB 21 2023

To: Hon. Mayor and City Council Members

From: Michelle and Lasalle (Sal) Strong, Capitola Bar & Grill proprietors

Phone: 559-341-9882

Mailing Address: 231 Esplanade, Suite 102, Capitola, CA 95010

Email: info@capitolabarandgrill.com PLEASE ALSO EMAIL ANY COMMUNICATIONS. Thank you.

RE: Appeal to City Council of City Manager's Decision to Cancel Capitola Bar & Grill's Permit for Music and Dancing (Entertainment Permit) by letter of 1/31/23. (Attached.)

Introduction

We appeal to you for fair and even-handed treatment in continuing to offer music and dancing to the community for afternoon and early evening enjoyment. We have had no significant complaints. We first got the permit in summer of 2021. The Chief of Police renewed it for 2022. And then suddenly at the beginning of this year, the City Manager decided to cancel it despite the last couple years of bringing life back to the Village. Why? There were no significant complaints. The only explanation is that our landlord, who is trying to force us out of the space before the end of our lease, somehow influenced him. That's not fair. The City should stay out of private disputes and not take sides either way. All we are asking is that you continue the status quo of the past couple years and allow us to continue to peacefully share entertainment at our restaurant in the Village. Thank you for the wise exercise of your power as Capitola's lawmakers in hearing our appeal.

What Happened (the Facts)

August 2021-

We took over from the old Sotola B&G, including a lease assignment with the landlord, Steve Yates, who (at first) wanted us in the space and approved of us getting an Entertainment Permit. He knew we were offering music and dancing and approved our lease with that knowledge. Entertainment is a big part of our business.

September 2021-

Chief of Police Andrew Dally issued us an Entertainment Permit, including conditions for sound proofing, hours of use, sound limits, etc., all of which we complied with. We spent almost \$10,000 on various improvements, because we had the Permit, for soundproofing, wood paneling, ceiling treatment, curtains, self-closing doors, cameras, and more.

January 2022-

Chief of Police Andrew Dally renewed our Entertainment Permit as a matter of course.

September 2021 through March 2022-

We had various communications with the landlord Steve Yates and his property manager. We were concerned about the elevator to the restaurant that never worked since we got there (and which has since been removed and half-replaced, remaining undone). We were also concerned that the roof of the residential unit we rented leaked during the rains. We noticed that progress was very slow and that the little work done was unprofessional. At first though, at least the tone of these communications was cordial on both sides.

April 2022-

Lasalle (Sal) Strong bumped into the landlord Steve Yates who was on site trying to fix the elevator himself. (He lives in Hawaii.) This was the first time they saw each other in person. The relationship deteriorated from there. For whatever reason, Mr. Yates' emails became argumentative and angry in tone. His tone remained cordial with our master tenant, the previous restaurant owners. He referred to our patrons as the wrong "element."

He was very concerned about the cost of repairs to his building and asked us to pay for the elevator. And he began complaining about the music. We began getting confusing legalistic notices about posted on our doors. Since then, he has consistently taken a scolding tone with us and refused to negotiate or identify any actual operational issues, including entertainment. We are mystified as to why; we have done nothing wrong.

June 2022-

We met with Police Chief Andrew Dally to discuss any compliance issues because of the confusing notices posted on our doors by the landlord. The Chief said there were no significant issues or complaints and that he was not concerned with our providing music and dancing. Police Captain Sarah Ryan informed us that landlord Steve Yates had asked them to cancel our Entertainment Permit.

August 2022-

We hired a law firm to help us with our landlord conflict which continued, and continues, to escalate. He wants us out and is pressuring us every way he can, including by getting our Entertainment Permit cancelled by the City.

October 2022-

We met with Chief of Police Andrew Dally. We offered to file the same annual renewal form for 2023 that we had filed for 2021 and 2022. However, suddenly it became an issue that the landlord Steve Yates refused to sign the form. But he had not signed the first two forms either, and the City gave us the Entertainment permit in 2021 and renewed it in 2022. We used the Permit and provided a community gathering place for live music and dancing in the afternoon and early evening. We had very few if any complaints (if you don't count the complaints of the landlord Steve Yates which were and are part of his campaign to remove us).

December 2022-

We filled out and submitted the annual renewal form for Entertainment Permit.

January 2023-

We received the 1/31/23 letter from the City Manager cancelling our Entertainment Permit because Steve Yates did not give his consent by signing the form. Whether intentional or not, the cancellation letter contains the wrong deadline date for filing this appeal. If we had followed the City Manager's instructions in the letter we would have been a day late and this appeal would have been dead on arrival.

February 2023-

We filed this appeal on time and paid the fee.

Here are Some Factual Questions that We Would Like to Ask (or Have You Ask) the City Manager and Other City Staff:

- 1) Did the City Manager delegate his authority to issue Entertainment Permits to the Chief of Police?
- 2) Did the police exercise discretion to issue permits with or without explicit landlord consent on the form?
- 3) How many entertainment permits issued in last five years? How many with explicit landlord consent on the form? How many without?
- 4) Why the change in that policy?
- 5) Did City Manager, Police Department, or any other staff communicate with Steve Yates about this matter?
- 6) When, how, and what did he say?
- Did Mr. Yates say that he never consented to entertainment, or that he changed his mind?
- 7) Did he say or imply he would sue the City if the permit was not cancelled or not renewed?

What You Should Do and Your Legal Power to Do It (Our lawyer helped with this part)

Your role is to serve as the judges in this appeal, our disagreement with the City Manager over the Entertainment Permit. As the judges, you are independent of both sides. To be fair to both us and the City Manager, you are required by law to have your own independent lawyer, separate from the City Attorney who has been advising the City Manager. (*Nightlife Partners, Ltd. v. City of Beverly Hills* (2003) 108 Cal.App.4th 81, 91-94.) To the extent that the City Attorney has been advising the City Manager who cancelled our permit, she is biased having already formed an opinion of the matter and taken a side. They cannot give you objective legal advice. At the very least, they should confirm that you have the power to decide the questions of fact and law in this matter, should have independent counsel, and need not follow their legal opinion in the matter (already formed to support the City Manager).

As the judges in this hearing, the Capitola Municipal Code (CMC) gives you the power to make your own decisions regarding the facts and the law. (CMC 2.52.050 saying that this hearing is "de novo" meaning, a complete do over of facts and law.) You are not bound by the City Manager's decision. You have the power to make a different decision.

The City Manager’s letter says that he cancelled the Permit (or denied the application for renewal, it comes to the same thing) because it did not include the landlord Steve Yates’ consent on the application form that the City Manager himself made up. But under the Municipal Code section that he cites, his power to develop the form is limited. *One legal question for you to decide is if that requirement is properly on the form or not.* If you decide that the form shouldn’t have that requirement on it, then the City Manager’s decision is baseless, and you must overturn it and renew the Permit.

CMC 5.24.080 gives the City Manager limited power to develop the application form. Specifically, it limits the form to “any nonprivileged information reasonably related to the concerns expressed in Section 5.24.005.” That’s it. Nothing else. So now the question is does Section 5.24.005 give the City Manager the power to require the landlord’s signature on the form.

Section 5.24.005 addresses the purposes and concerns of the Entertainment Permits program. (We have copied the entire section at the end of this appeal.) They include only issues related to entertainment: noise; attracting business; traffic; peace and quiet and nightly sleep; hours of operation; concentration of similar businesses (an entertainment district); proximity to residences; the need for a permit system; and the need for fees to cover the cost of the system.

That’s it. That is what the form is supposed to focus on: controlling noise, traffic, hours of operation, and the like—all issues directly related to the conduct of the business. Nothing in that section relates to landlord-tenant issues. Which makes sense because it is not the City’s job to regulate the private contracts (including leases) between commercial businesses and the landlords.

The City Manager could have left landlord consent off the form entirely and it would have been proper and legal under the municipal code. This is also shown by CMC 5.24.020 which lists who can obtain an Entertainment Permit: “owner, manager or operator.” Nowhere in the municipal code does it say that only the owner can apply—or that their consent is required. But it does say explicitly that an operator can obtain a Permit. Nor is this a land use right that might involve the property owner. It’s in the Municipal Code under Business Regulations, not under Zoning.

The landlord consent requirement is improperly on the form, irrelevant, and not authorized by the ordinance. This is clear from the track record of the City having twice issued the permit without requiring such extraneous information.

If a landlord wants to control the use of his property by his tenants, that is properly done in his contractual agreements with them. Here, the landlord is legally bound by his agreements to allow Entertainment. (If there were actual bona fide nuisance complaints they could be addressed with the City under the municipal code—but there is no mention of such complaints in the City Manager’s 1/31/23 letter.)

The City has authorized entertainment at our restaurant for two years running. The City twice issued an annual permit that we relied on in building our business and offering music and dancing to Village. In all fairness, the City should not cancel that permit unless there is a good reason such as excessive noise complaints. Here, the only complaint is from the landlord who is trying to break our lease—and our business.


For those reasons we ask that you find that the landlord’s consent is not related to the purposes of the Entertainment Permit program under Section 5.24.005 and is not a required part of the form. Based on that legal finding we ask that you reinstate our Entertainment Permit for 2023 so that we can continue providing entertainment in the Village as we have for the past two years.

Alternatively, if you decide that the landlord’s consent is required, you can still reinstate the Permit by finding that the issue of whether the landlord can revoke his previously given consent, under the lease and other agreements with, us is a matter for the courts to decide—or for us to negotiate with him. You can find that the issue of landlord consent does not require the City Manager’s form as a kind of “magic paper.” The requirement can be met by the landlord’s binding legal agreements that authorize us to have entertainment at the restaurant. Even if landlord consent is required, he has already given it in the lease and other contracts and he cannot revoke it now; the form is unnecessary because he has consented as a matter of law.

As the City’s policymakers you can decide, based on the policy of keeping the City out of private commercial disputes, and based on the landlord’s binding consent, that the City will maintain the status quo of music and dancing at the restaurant and reinstate the permit.

In Conclusion

For all the reasons given above, we ask that you exercise your legal powers to make this decision based on the facts and law as presented above and reinstate the Permit. Thank for supporting our continuing to share music and dancing in afternoons and early evenings in the Village.



LaSalle Strong



Michelle Strong

Capitola Municipal Code

5.24.005 Findings.

The city council finds as follows:

A. Entertainment often produces noise which is obtrusive to persons not patronizing the business or activity which produces the noise.

B. The availability of entertainment is often a significant factor in attracting patrons who infringe upon the peace and quiet and nightly sleep of nonpatrons, and is exacerbated by any of the following:

1. The entertainment is offered in conjunction with the distribution of alcohol.
2. The entertainment is offered by businesses which are open after nine p.m. and do not, like theaters, have fixed beginning and ending times at which most of the patrons enter and exit.
3. The entertainment is offered in an area where there is a concentration of similar businesses, thereby resulting in the area becoming an after-hours draw and the patrons of those businesses frequently entering and exiting the other establishments.
4. The entertainment is offered in locations where many of the patrons, when leaving, pass through or near areas where people reside.

C. To protect the peace and quiet of nonpatrons and their nightly ability to sleep it is necessary to have a licensing system and to thereby limit and condition the establishments offering such entertainment.

D. Policing and monitoring entertainment licenses entails considerable expense to the city, such that it is appropriate to collect a portion of such expenses from the entities providing the entertainment. (Ord. 1020 § 1 (part), 2018; Ord. 699 (part), 1990)



FINAL NOTICE OF DECISION

January 31, 2023

Capitola Bar and Grill
231 Esplanade #102
Capitola, CA 95010

RE: Notice of Decision on Application for 2023 Regular Entertainment Permit at 231 Esplanade #102

On behalf of Capitola Bar and Grill you applied for a 2023 Entertainment Permit as required by Capitola Municipal Code 5.24 – Entertainment Permits. Our understanding is that you lease the space at 231 Esplanade #102, and manage and operate Capitola Bar and Grill in that space.

We have reviewed your application and have determined the application does not include the property owner's consent to the application, as required on page 3 of the application (IX. Property Owner Statement).

The requirement for the property owner's consent is a standard inclusion on the City's application form. The form was developed pursuant to Capitola Municipal Code section 5.24.080, which allows the City Manager to develop the application.

Because your application does not include all of the required information, your application is denied.

If you would like to appeal this determination to the City Council, you must file your appeal within 14 working days of the date of this letter. The Council will hear the appeal at the City Council meeting following receipt of your appeal or, upon a request from staff, may hear the appeal at a later date. The deadline for you to file an appeal is five p.m. on February 22, 2023.

All appeals must be in writing and delivered to the office of the City Clerk with payment of the Administrative Decision Appeal Fee, which is \$562. The request for appeal must set forth the appellant's name, the phone number for the appellant, an address to which notices may be sent to the appellant and the grounds upon which the appeal is made. Further detail regarding the appeal procedure can be found in Chapter 2.52 of the Capitola Municipal Code.

Please note that because you do not currently have a valid Entertainment Permit, you are not permitted to engage in entertainment activities, as described in 5.24.010 of the Capitola Municipal Code.

Sincerely,



Jamie Goldstein, City Manager
City of Capitola

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA DENYING AN APPEAL OF THE CITY MANAGER'S DECISION TO DENY AN APPLICATION FOR A 2023 REGULAR ENTERTAINMENT PERMIT FOR CAPITOLA BAR AND GRILL**

WHEREAS, on December 12, 2022, applicants Michelle and Lasalle Strong applied for a 2023 General Entertainment Permit pursuant to Capitola Municipal Code Section 5.24.020; and

WHEREAS, Capitola Municipal Code Section 5.24.080 authorizes the City Manager to develop application forms for entertainment permits that are pertinent to Chapter 5.24; and

WHEREAS, Capitola Municipal Code Section 5.24.040D authorizes the City Manager to condition the permit to assure non-disturbance; and

WHEREAS, the application form for entertainment permits includes a requirement for the property owner's signature; and

WHEREAS, Capitola Municipal Code Section 5.24.005A states that, in adopting the Chapter, the City Council found that "[e]ntertainment often produces noise which is obtrusive to persons not patronizing the business or activity which produces the noise."; and

WHEREAS, because property owners often have more than one tenant in a building, ensuring the property owner is supportive of the permit request helps protect the property owner's other tenants in the same building from noise or other nuisance issues; and

WHEREAS, any complaints about noise from a tenant could affect the property owner in multiple ways, including impacting the property owner's ability to lease the premises (or nearby properties) in the future or exposing the property owner to complaints about the noise; and

WHEREAS, requiring the property owner's signature helps ensure the City is not authorizing entertainment on the property when such uses are not authorized in the lease between the tenant and property owner; and

WHEREAS, the December 12, 2022 application submitted by appellants did not include the landlord's signature; and

WHEREAS, because the application did not include the required signature, the City Manager denied the application; and

WHEREAS, on February 21, 2023 the Applicant submitted a timely appeal ("Appeal") of the City Manager's denial; and

WHEREAS, the City Council of the City of Capitola held a duly noticed public hearing on April 13, 2023, at which time it considered the Appeal, including all oral and documentary evidence presented.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. The City Council affirms the authority of the City Manager to develop an application form for an entertainment permit, and finds that the application form used here was appropriate and consistent with Capitola Municipal Code Chapter 5.24.
- C. The City Council upholds the decision of the City Manager to deny the application, and denies the Appeal.
- D. The City Council’s action to deny this Appeal is not subject to the California Environmental Quality Act (CEQA) because it is an administrative activity and thus not a “project” as defined by CEQA. Even if the action were considered a project under CEQA, CEQA does not apply to projects which a public agency rejects or approves (CEQA Guidelines Section 15270.)

ADOPTED by the City Council of the City of Capitola, California, at a regular meeting thereof this 13th day of April, 2023 by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

MAYOR

ATTEST:

CLERK

Moss, Julia

From: james frederickson <jimfreder1@gmail.com>
Sent: Wednesday, March 22, 2023 9:06 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

We have been coming to the Capitola Esplanade and wharf for enjoyment and entertainment for years. As near as I can tell, the area is the lifeblood of the tourist industry for the entire greater Santa Cruz area. People come from miles around, even from around the world, to stay there and enjoy what Capitola has to offer.

We endlessly support the local economy and local talent. The storms have done enough damage to both, don't you think? Other establishments on the Esplanade have rebuilt and are offering live entertainment - due, in part, by donations from us and others like us who felt the pain of losing the vibrancy of the area.

There is absolutely no logic in denying the Capitola Bar and Grill the permit for live entertainment that they and all the others have put to good use. They have all respected the privilege and have NEVER abused their right.

It is clearly un-American to deny them, and us, the rights that others are enjoying.

Please do the right thing with your vote, your voice, and restore to the Capitola Bar and Grill and us, your constituents, the access to the positive enjoyment of Capitola.

Vote YES to the entertainment permit.

James Frederickson
Sharon D'alessio

Moss, Julia

From: Tamra Loomis <aladytee@gmail.com>
Sent: Wednesday, March 22, 2023 9:57 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

This is a great restaurant and the music makes it even better. Greta owners, great staff, great food and amazing music. Pulls it all together for a great experience. Makes me keep coming back to Capitola.

Thank you
Tamra Loomis

Moss, Julia

From: madeline thechiavettas.com <madeline@thechiavettas.com>
Sent: Friday, March 24, 2023 7:45 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Madeline Chiavetta

The Chiavettas
Let our Family Help Yours
Luxury Property Specialist
International President's Premier
Top 1% Society of Excellence
#10 Small Team in the USA

Madeline@thechiavettas.com

408-506-5393

Moss, Julia

From: Steven Henderson <freelyfreak1@gmail.com>
Sent: Saturday, March 25, 2023 12:08 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: Support for live music at Capitola Bar and Grill

Dear City Council Member,

My name is Steve Henderson and lived on Prospect Avenue Capitola for 14 years, I now live just outside of Capitola city limits on Thompson Ave.

This email is in support of Capitola Bar and Grills appeal, that they should be granted a live music permit.

I regularly attend live music events in Capitola, at the Wharhouse, Sand Bar, Paradise Grill, Cork and Fork, and Capitola Bar & Grill.

Wharhouse is closed for the foreseeable future, as is Sandbar and other village businesses. Paradise no longer hosts live bands.

To reduce the number of venues by even more will negatively impact the number of visitors to the village who specifically come for the entertainment.

The financial impact to the village economy, will not only effect Capitola Bar and Grill, but all other businesses as they have a synergistic relationship, each benefiting the others by cross traffic.

Capitola Bar and Grill should have their entertainment permit renewed for the overall benefit of the village community.

If noise is the problem, put reasonable restrictions in place, such as limiting days, time of day, or decibel limitations.

Most people don't like their music too loud anyway, resorting to wearing earplugs at venues where the volume it too high.

Thanks for your attention.

Steve Henderson

Moss, Julia

From: Mike Craig <mike.c.63@gmail.com>
Sent: Sunday, March 26, 2023 12:27 PM
To: City Council
Subject: Music permit for Capitola Bar & Grill

I am writing in support of the petition for live music at Capitola Bar & Grill.

As you know, many businesses have tried to be successful at their location, and they have not been able to sustain their business.

Given the storm related damage in the Village, we need more reasons to bring people down to the Village.

Sal and Michelle have worked hard to build a great venue - I am a proud supporter of theirs.

Please give their request the favorable decision it deserves.

Thanks for your consideration.

Regards,

Mike Craig

Moss, Julia

From: Julie Monet <juliemonet59@icloud.com>
Sent: Sunday, March 26, 2023 12:29 PM
To: Moss, Julia
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

I am a small business owner in the Village, Monet Salon. Nobody has ever made the location of Capitola Bar and Grill successful. LaSalle and Michelle are a great asset to our village!

Best Regards,
Julie Monet

Moss, Julia

From: John Michael <jmichael2012@gmail.com>
Sent: Monday, March 27, 2023 2:36 PM
To: City Council
Subject: John Michael Support Music
Attachments: John Michael Letter of Recommendation.docx

My name is John Michael, from the John Michael Band. I am contacting the city council in support of music in Capitola.

Attached is a letter by me for recommendation. Please read!!

John Michael
johnmichaelband.com

3/27/2023

To: Capitola City Council,

My name is John Michael, local resident and vocalist for the band John Michael Band. I am writing this letter, requesting the Council to grant a permit for The Capitola Bar and Grill, so that they can continue to present live music that many have enjoyed.

Please consider my recommendation for The Capitola Bar and Grill to continue presenting live music at their establishment.

Sincerely,

John Michael
Johnmichaelband.com

Moss, Julia

From: Flávia Oliveira <flaviaboliveira@hotmail.com>
Sent: Tuesday, March 28, 2023 2:52 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Flávia Oliveira
Sent from my iPhone

Moss, Julia

From: George Zaferes <gtzaferes@aol.com>
Sent: Wednesday, March 29, 2023 2:00 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe
Subject: April 13 Board Meeting: RE: Capitola Bar and Grill Live Music Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings Capitola City Council:

Thank you for taking the time to read my email in SUPPORT of the LIVE MUSIC PERMIT For the Capitola Bar and Grill. As a musician and a LONG TIME patron of the businesses in Capitola Village . I support the CBG request for this permit;

This is one of the more VISIBLE venues in Capitola Village and it attracts patrons(tourists) by its location AND the MUSIC it offers in the Village.

The accusations of the LANDLORD and the Strong's persistent, yet RESPECTFUL, exchanges will be judged by you April 13.
PLEASE use your combined experience and WISDOM to grant this permit..for the Strong's, the musicians, the patrons, the live music enjoying community, of DANCERS and listeners and RESIDENTS of Capitola.

Respectfully Yours,

George Zaferes
831-251-0969
Aptos, CA

Moss, Julia

From: Alison <alikota4@gmail.com>
Sent: Wednesday, March 29, 2023 2:00 PM
To: admin@capitolastrong.com; City Council; ladykpetersen@gmail.com;
alexander.dean.pedersen@gmail.com
Cc: Keiser, Marguax; Brooks, Yvette; Clarke, Joe
Subject: I support Capitola Bar and Grill

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill. Please support a locally owned business! As a long time local I enjoy going to this restaurant!!

Thanks,

Alison McClure, owner of Ohana Wealth Management

Moss, Julia

From: Ed Vyeda <evyeda@gmail.com>
Sent: Thursday, March 30, 2023 10:58 AM
To: City Council
Subject: I support Capitola Bar & Grill

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Ed Vyeda
Soquel

Moss, Julia

From: Ryan Yates <rynyates@outlook.com>
Sent: Sunday, April 2, 2023 11:03 AM
To: Dally, Andrew (adally@ci.capitola.ca.us); Ryan, Sarah (sryan@ci.capitola.ca.us); Dally, Andrew (adally@ci.capitola.ca.us); Moss, Julia
Subject: [PDF] Capitola Bar and Grill
Attachments: Chapter 5.24 ENTERTAINMENT PERMITS.pdf; Facebook.png; License Details Alcoholic Beverage Control.pdf; Matt Hereford Email.pdf

Good Day Chief Dally,

I hesitate to write in on this matter however feel compeled to do so given the circumstances. I have attempted to make it a personal point to not be bothersome to you or your force unnessisarily. However, I wanted to give you notice in advance on some issues to hopefully not have problems in the future.

In a very blatent and obvious retaliory manner Capitola Bar and Grill increased the volume and bass of their music in the bar, directly below the apartment. It starts between 7:30 am and goes until roughly between 10:30 and 11pm. There appears to be a new system installed as of the January storms as it was never this way previously. I bring this to your attention not to be petty. If the music was incidental I would of course have no issues with hearing it as I only want the best for the patrons in the village. I am aware living here comes with noise so I assure you I am not being unreasonable. The levels are obvious, deliberete and loud and intrusive enough that no person could resonably tolerate it for an extended period of time.

Additionally, Capitola Bar and Grill has begun promoting live music again starting wednesday the 5th, this week. Advertisement attached.

Both of these matters are concerning given.

- CBG has no entertainment permit from the city.
- Capitola code 5.24.010 describes entertainment as: (copy attached)

A. " a performance by live entertainers for the purpose of entertaining the partons of a business; or

B. "Playing recorded music, whether with or without video, for the specific purpose of entertaining the patrons, invitees or visiors of a business, commercial establishment or meeting facility"

- Capitola Bar and Grill has specific restrictions on their liquor license with regard to noise stating (attached)

"Entertainment provided shall not be audible beyond the area under the control of the licensee"

These are matters of the law and I thought it best to bring it to the attention of yourself and your team. I have personally seen entertainers playing an acoustic guitar on the sidewalk asked to leave by the police for playing music without a permit, so I don't really understand the tolerance for the abysmal behavior of Capitola Bar and Grill.

One last note I wanted to make you aware of. Due to Michelle and Lasalle Strong's publications of my personal phone number and name on social media and website, I have had an unsolicited outreach of ex-employee's of theirs offering to help speak up about the actions and behavior of the owner and her husband, Michelle and Lasalle Strong. One in particular is their previous general manager Matt Hereford. I have attached a letter from him simply regarding the sound and previous complaints received from other residents and tourists. In addition, he is insisting on not only speaking at the hearing, but writing a full account of the retaliation and harassment he witnessed towards me, from Lasalle Strong, during his time as the general manager of Capitola Bar and Grill. Given what Matt has told me, any form of mobilization or emboldened behavior with impunity is especially concerning.

Thank you for your time and attention to this matter.

Best,

Ryan A. Yates
831.247.7604

Complaint outline

Matthew Hereford <matt.hereford@gmail.com>

Fri 3/31/2023 11:13 PM

To: rynyates@outlook.com <rynyates@outlook.com>

To whom it may concern.

I was the GM for Capitola Bar and Grill from March 2022 to late July 2022.

I'm sending and creating this important preliminary email for the city council to review and police to review.

During my tenure at Capitola Bar & Grill it was a nightmare for lots reasons. I received dozens of local complaints regarding the noise and sound levels from the restaurant's music but was instructed by the owner to do otherwise. Residents from residential and both commercial all voiced how disruptive and obnoxious the sound level was in and outside the restaurant. I know for a fact that most complaints came from residents living along the creek and visitors renting at the Venetian hotel across the creek , along with residents from the same building. Many of them, if they didn't call Capitola PD came in person to share their frustrations and talk to me.

To summarize I was the GM there for roughly 5 months and I had to deal with noise complaints from more than 2 dozen sources. I started wearing earplugs inside at time because I knew the music level was damaging and extreme.

Regards,

Matt Hereford



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Sunday, April 02, 2023

LICENSE INFORMATION

License Number: 628965 **Primary Owner:** CAPITOLA STRONG INC.

Office of Application: 26 - SALINAS

BUSINESS NAME

CAPITOLA BAR & GRILL

BUSINESS ADDRESS

231 ESPLANADE , CAPITOLA, CA, 95010

County: SANTA CRUZ **Census Tract:** 1218.01

LICENSEE INFORMATION

Licensee: CAPITOLA STRONG INC.

Company Information

OFFICER: STRONG, MICHELLE ELIZABETH (DIRECTOR)

OFFICER: STRONG, MICHELLE ELIZABETH (CHIEF FINANCIAL OFFICER)

OFFICER: STRONG, MICHELLE ELIZABETH (PRESIDENT/SECRETARY)

STOCKHOLDER: STRONG, MICHELLE ELIZABETH

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 01-NOV-2021 **Term:** 12 Month(s)

Original Issue Date: 29-OCT-2021 **Expiration Date:** 30-SEP-2023 **Master:** Y **Duplicate:**

From License Number: 47-601423

0 **Fee Code:** P0 **Transfers:** Transferred On: 29-OCT-2021

OPERATING RESTRICTIONS:

The premises shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledge that incidental, sporadic or infrequent meals or a mere offering of meals without actual sales shall not be sufficient to consider the premises in compliance with the aforementioned code section.

During normal meal hours, at least PERCENTAGE 50% of the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

Entertainment provided shall not be audible beyond the area under the control of the licensee.

The subject alcoholic beverage license shall not be exchanged for public premises type license.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

Item 9 B.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found

Chapter 5.24

ENTERTAINMENT PERMITS

Sections:

5.24.005 Findings.

5.24.010 Entertainment defined.

5.24.020 Entertainment permit required.

5.24.025 Theater defined.

5.24.030 Permit classifications.

5.24.040 Permit issuance.

5.24.045 Appeals.

5.24.050 Duration of permits.

5.24.060 Revocation or nonrenewal.

5.24.065 Violation of permit conditions.

5.24.070 Fees.

5.24.080 Application forms.

5.24.090 Violations.

5.24.005 Findings.

The city council finds as follows:

A. Entertainment often produces noise which is obtrusive to persons not patronizing the business or activity which produces the noise.

B. The availability of entertainment is often a significant factor in attracting patrons who infringe upon the peace and quiet and nightly sleep of nonpatrons, and is exacerbated by any of the following:

1. The entertainment is offered in conjunction with the distribution of alcohol.
2. The entertainment is offered by businesses which are open after nine p.m. and do not, like theaters, have fixed beginning and ending times at which most of the patrons enter and exit.
3. The entertainment is offered in an area where there is a concentration of similar businesses, thereby resulting in the area becoming an after-hours draw and the patrons of those businesses frequently entering and exiting the other establishments.
4. The entertainment is offered in locations where many of the patrons, when leaving, pass through or near areas where people reside.

C. To protect the peace and quiet of nonpatrons and their nightly ability to sleep it is necessary to have a licensing system and to thereby limit and condition the establishments offering such entertainment.

D. Policing and monitoring entertainment licenses entails considerable expense to the city, such that it is appropriate to collect a portion of such expenses from the entities providing the entertainment. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.010 Entertainment defined.

“Entertainment,” as used in this chapter, means and includes:

A. A performance by live entertainers for the purpose of entertaining the patrons of a business; or

B. Playing recorded music, whether with or without video, for the specific purpose of entertaining the patrons, invitees or visitors of a business, commercial establishment or meeting facility.

“Entertainment,” as used in this chapter, does not include a speech, pantomime or enactment (whether live or recorded), the primary purpose of which is to convey ideas of a political or religious nature, or to explain or critique the activities of public figures or of governmental or other institutions. It does not include mere background (“Muzak”) music played at moderate levels. (Ord. [1020](#) § 1 (part), 2018; Ord. [745](#) § 2, 1992; Ord. [699](#) (part), 1990)

5.24.020 Entertainment permit required.

No owner, manager or operator of any business or establishment (except theaters, as defined in Section [5.24.025](#)) may arrange for or allow entertainment to be conducted on the premises of any such business or establishment without obtaining an entertainment permit as provided in this

chapter. No person shall arrange for or promote entertainment on any publicly owned park, street or facility without first obtaining an entertainment permit as provided in this chapter. However, entertainment which is entirely enclosed within a structure and which cannot, at any time, be audible outside of that structure, need not have any entertainment permit. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.025 Theater defined.

“Theater,” for purposes of this chapter, means an establishment:

- A. Whose primary activity is showing movies or staging theatrical productions which have fixed beginning and ending times; and
- B. Primarily offer food or drinks only to those attending the movie or theatrical event. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.030 Permit classifications.

Entertainment permits shall be classified as follows:

- A. A single-event entertainment permit may be issued for activities that will all occur within a single seven-day period.
- B. A minor entertainment permit is for a business which offers entertainment incidental to the primary business, does not qualify for a single-event permit, and which has no dance floor or elevated stage and which never has a cover charge.
- C. A regular entertainment permit is for businesses which offer entertainment, but which do not qualify for a single-event entertainment permit or a minor entertainment permit. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.040 Permit issuance.

- A. The city council shall issue new regular entertainment permits.
- B. The city manager or department head designee may issue recurring regular entertainment permits, single-event entertainment permits and minor entertainment permits. The city manager, in the exercise of his or her discretion, may refer any single-event entertainment permit application, recurring regular entertainment permit, or minor entertainment permit application to the city council for its consideration.

C. Entertainment permits may be issued as herein provided for upon the city council's or city manager's finding that:

1. No significant number of nonpatrons will be disturbed by the entertainment, which is the subject of the permit application or, by the goings and comings of the people patronizing the entertainment events, which are the subject of the permit application;
2. The establishment at which the entertainment is to be provided or the entity which is applying for the entertainment permit is currently in compliance with all applicable state and local building, zoning, fire, and other regulations pertaining to public health and safety as well as any other statutes, ordinances, regulations, or permits that pertain to the establishment or the property on which the establishment is situated.

D. When necessary to assure that the entertainment which is the subject of the permit application will not result in disturbance to nonpatrons, the city council or city manager may condition the permit to assure nondisturbance by imposing permit-specific conditions relating to, but not limited to, days of operation, hours of operation, best practices to minimize public safety issues, noise level limitations, noise reduction and other, similar measures. (Ord. [1020](#) § 1 (part), 2018; Ord. [855](#) § 1, 2003; Ord. [835](#) § 2, 2002)

5.24.045 Appeals.

A permit applicant whose application for a single event entertainment permit, recurring regular entertainment permits or minor entertainment permit is denied by the city manager, or who is dissatisfied with the conditions imposed upon the permit issued by the city manager, may appeal to the city council in accordance with Chapter [2.52](#) of this code. The city council's decision with regard to the issuance and conditions of new regular entertainment permits and the city council's decision on appeal or city manager referral with regard to single-event or minor entertainment permits shall be final. (Ord. [1020](#) § 1 (part), 2018; Ord. [835](#) § 2, 2002)

5.24.050 Duration of permits.

The operative period of time for a single-event entertainment permit shall be set forth in the permit itself. All other permits shall expire no later than one year from the date of issuance. The issuance of a permit for one year does not establish a vested right to a renewal of the permit. If, during any permit period, the nature of the business activity or the circumstances surrounding the event to which the permit pertains change from the way it was initially permitted, the city in its sole discretion may require any permit holder to immediately apply for a new permit. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.060 Revocation or nonrenewal.

A permit may be revoked by the city council, with at least five days' written notice to the permit holder (who shall have an opportunity to be heard) for failure to comply with permit conditions or for having supplied false information in obtaining the permit. The city manager, or department head designee, may suspend or impose new conditions with at least five days' written notice to the permit holder for failure to comply with permit conditions. (Ord. [1020](#) § 1 (part), 2018; Ord. [777](#) § 1, 1995; Ord. [699](#) (part), 1990)

5.24.065 Violation of permit conditions.

Whenever a permit is suspended due to a violation of this chapter or of permit conditions, the city manager shall so report such suspension to the city council. (Ord. [1020](#) § 1 (part), 2018; Ord. [777](#) § 2, 1995)

5.24.070 Fees.

The city council may establish fees for applications for any of the permits described in Section [5.24.030](#) of this chapter. It may also prescribe fees for the issuance of the permit itself. Any schedule or formula of permit fees may be based on reasonable estimations of the cost to the city of monitoring or enforcing permit compliance. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.080 Application forms.

The city manager may develop application forms pertinent to this chapter. Applicants may be required to submit any nonprivileged information reasonably related to the concerns expressed in Section [5.24.005](#). (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.090 Violations.

The operation of any business or entertainment activity contrary to the provisions of this chapter shall constitute a nuisance subject to abatement as provided in Title [4](#) of this code. Operating a business contrary to the business's entertainment permit and associated conditions, or violations of this chapter are also criminal acts subject to penalties provided in Section [1.01.090](#) and Title [4](#) of this code. (Ord. [1020](#) § 1 (part), 2018; Ord. [955](#) § 2, 2011; Ord. [699](#) (part), 1990)

The Capitola Municipal Code is current through Ordinance 1056, passed November 22, 2022.

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.

City Website: <https://www.cityofcapitola.org/>

City Telephone: (831) 475-7300

[Code Publishing Company](#)



Capitola Bar & Grill

18h · 🌐

Item 9 B.

CAPITOLA

BAR & GRILL

SING-A-LONG

Join the Acapella Fun

GLENNIE B

Wednesday April 5th

6-8pm

- Drafts \$7
- Wine \$7
- Well \$7
- Cosmo \$7
- Margaritas \$7

support our entertainment permit
more info: capitolastrong.com



Mishelleena Strong is at Capitola Bar & Grill.

19h · Capitola · 🌐

Join our special guest Glennie B as he leads our Wednesday nights sign-a-long. No amplified instruments allowed, as we are still awaiting approval for our Enter... See more

👍 7

👍 Like

💬 Comment

➦ Share



Write a comment...



139

Moss, Julia

From: Jefferson Hancock <jehancoc@hotmail.com>
Sent: Wednesday, April 5, 2023 8:44 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Capitola needs live music and musicians like me love having a place to play like Capitola Bar and Grill. Patrons dance, sing, eat, drink, and love Capitola. If live music continues here, they will spend money -- and time -- in Capitola.

This town has something rare in its appreciation for live music. Don't lose it. Approve the live music permit for Capitola Bar and Grill.

Moss, Julia

From: Ryan Yates <rynyates@outlook.com>
Sent: Thursday, April 6, 2023 10:05 AM
To: Keiser, Marguax; Brown, Kristen; Brooks, Yvette; Clarke, Joe; City Council
Cc: Gonzalez, Francisco@ABC; Moss, Julia
Subject: [PDF] Support for the City of Capitola's DENIAL of appeal by Capitola Bar and Grill for live music
Attachments: City Council Letter.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Honorable City Council Members and Madam Mayor,

I am a concerned citizen of this community, writing to express my support for the City of Capitola's **denial** of the appeal made by Capitola Bar and Grill to have live music at their establishment. Please find attached a letter that provides further details on my concerns regarding this issue for your upcoming hearing.

Thank you,

Ryan A. Yates
831.247.7604

Dear Honorable City Council Members and Madam Mayor,

I am Ryan Yates, a concerned citizen of this community, writing to express my support for the City of Capitola's denial of the appeal made by Capitola Bar and Grill to have live music at their establishment. I know that it may be easy to conclude that I am simply in support of their denial on my own behalf. I assure you that is not the case. It is true that I do not want horrific cover bands blasting into my home at 80 – 100 decibels, however there are far more concerning matters to consider.

The owner of Capitola Bar and Grill has squandered the unique opportunity of having a beautiful restaurant on the beach by alienating 99% of locals with loud and invasive music, which forces unwilling families, children, patrons of other businesses, and community members to bear an incredibly intrusive experience that they do not want, nor did they ask to be apart of. The negative impact of the bar's amplified music is evident in the experiences of individuals who have dined there, such as finding human fecal matter on the restroom floor and walls, management allowing weed to be smoked on the deck during dinner service or children experiencing overly intoxicated patrons smoking cigarettes on the street corner while they walk home from Jr. Guards. (yelp)

In addition to the negative impact on the community, the owner and her husband have exhibited deliberate and intentional tactics to attempt to harass, annoy, and intimidate me personally into submission or remove me from my home. Matt Hereford, their previous general manager has quoted; "Lasalle is an incredibly mean spirited and two-faced individual. He would insist the band spread out as wide as possible and press the subwoofer and speaker stacks up against the column in the dining room that runs up through the bedroom of the apartment." Matt quoted Lasalle saying: "were gonna rock the house for that motherfucker." Matt goes on to state. "So many people complained. I was instructed to NEVER turn down the music but offer anyone who complained 2 free drinks any time they wanted."

During this time they were having bands 6 nights a week. 2 of which were horrific karaoke blasted at full volume. How is this a restaurant? I have also recently discovered that Lasalle Strong, who exhibits such behavior, is not an owner of Capitola Bar and Grill and has no standing with Capitola Strong, Inc., nor is he on the liquor license. Lasalle and Michelle Strong or Mishelleena Mendez, or what every she is calling herself to people here in Capitola, do not care about anyone or anything but themselves.

Secretary of State documents (available to anyone) attached along with further unsolicited statements in writing from Matt Hereford regarding complaints.

Additionally, the ABC (alcoholic beverage control for the state of California) has imposed specific restrictions on Capitola Bar and Grill's license to sell alcohol. This is one of many restrictions on them that reads verbatim: "Entertainment provided shall not be audible beyond the area under the control of the licensee." Meaning. A person walking down the sidewalk should not hear their music per the liquor license. Full Stop.

Liquor license (available to anyone) attached.

Thus, in support of the denial to their "music permit" I urge you to consider the abysmal content of character of the owner and her husband and what their idea of "music in the village" really means. I ask you to consider the unique restrictions on Capitola Bar and Grill's liquor license by the state and the specific literature from the city regarding entertainment and its impact on non-patrons. Please consider asking the following questions as you deliberate: Why is the ABC imposing such a specific restriction on their ability to sell alcohol? Why does the City of Capitola have such specific literature regarding entertainment, as well as the impact of said entertainment on non-patrons? Why does the lease in the building, the city of Capitola, the county of Santa Cruz, and the State of California have laws and regulations regarding quiet enjoyment of others? Why is the person who claims to be the owner nowhere to be found on any of the business documentation regarding Capitola Bar and Grill, or any of their other "businesses".

Thank you for your attention and I look forward to standing before you in person on this matter.

Sincerely,

Ryan Yates



Complaint outline

Matthew Hereford <matt.hereford@gmail.com>

Fri 3/31/2023 11:13 PM

To: rynyates@outlook.com <rynyates@outlook.com>

To whom it may concern.

I was the GM for Capitola Bar and Grill from March 2022 to late July 2022.

I'm sending and creating this important preliminary email for the city council to review and police to review.

During my tenure at Capitola Bar & Grill it was a nightmare for lots reasons. I received dozens of local complaints regarding the noise and sound levels from the restaurant's music but was instructed by the owner to do otherwise. Residents from residential and both commercial all voiced how disruptive and obnoxious the sound level was in and outside the restaurant. I know for a fact that most complaints came from residents living along the creek and visitors renting at the Venetian hotel across the creek , along with residents from the same building. Many of them, if they didn't call Capitola PD came in person to share their frustrations and talk to me.

To summarize I was the GM there for roughly 5 months and I had to deal with noise complaints from more than 2 dozen sources. I started wearing earplugs inside at time because I knew the music level was damaging and extreme.

Regards,

Matt Hereford



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Sunday, April 02, 2023

LICENSE INFORMATION**License Number:** 628965 **Primary Owner:** CAPITOLA STRONG INC.**Office of Application:** 26 - SALINAS**BUSINESS NAME**

CAPITOLA BAR & GRILL

BUSINESS ADDRESS

231 ESPLANADE , CAPITOLA, CA, 95010

County: SANTA CRUZ **Census Tract:** 1218.01

LICENSEE INFORMATION**Licensee:** CAPITOLA STRONG INC.**Company Information**

OFFICER: STRONG, MICHELLE ELIZABETH (DIRECTOR)

OFFICER: STRONG, MICHELLE ELIZABETH (CHIEF FINANCIAL OFFICER)

OFFICER: STRONG, MICHELLE ELIZABETH (PRESIDENT/SECRETARY)

STOCKHOLDER: STRONG, MICHELLE ELIZABETH

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 01-NOV-2021 **Term:** 12 Month(s)

Original Issue Date: 29-OCT-2021 **Expiration Date:** 30-SEP-2023 **Master:** Y **Duplicate:**

From License Number: [47-601423](#)

Fee Code: P0 **Transfers:** Transferred On: 29-OCT-2021

OPERATING RESTRICTIONS:

The premises shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledge that incidental, sporadic or infrequent meals or a mere offering of meals without actual sales shall not be sufficient to consider the premises in compliance with the aforementioned code section.

During normal meal hours, at least PERCENTAGE 50% of the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

Entertainment provided shall not be audible beyond the area under the control of the licensee.

The subject alcoholic beverage license shall not be exchanged for public premises type license.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

Item 9 B.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



California Secretary of State Electronic Filing



Corporation - Statement of Information

Entity Name: CAPITOLA STRONG INC.

Entity (File) Number: C4768976

File Date: 01/13/2022

Entity Type: Corporation

Jurisdiction: CALIFORNIA

Document ID: H110924

Detailed Filing Information

1. Entity Name: CAPITOLA STRONG INC.

2. Business Addresses:
 - a. Street Address of Principal Office in California: 231 Esplanade #102
Capitola, California 95010
United States of America

 - b. Mailing Address: 231 Esplanade #102
Capitola, California 95010
United States of America

 - c. Street Address of Principal Executive Office: 231 Esplanade #102
Capitola, California 95010
United States of America

3. Officers:
 - a. Chief Executive Officer: Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

 - b. Secretary: Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

Document ID: H110924



California Secretary of State Electronic Filing

Officers (cont'd):

c. Chief Financial Officer: Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

4. Director: Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

Number of Vacancies on the Board of Directors: 0

5. Agent for Service of Process: Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

6. Type of Business: Restaurant

No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

Electronic Signature: Michelle Strong

Use bizfile.sos.ca.gov for online filings, searches, business records, and resources.

LETTER IN OPPOSITION TO RENEWAL OF A LIVE ENTERTAINMENT
PERMIT TO CAPITOLA BAR AND GRILL.

CITY OF CAPITOLA
CITY CLERK

From La Serena Properties & Steve Yates landlord -owner

APR 6 2023

Capitola City Council

My main position as owner and landlord for the building is to help insure the inhabitants within, a peaceful coexistence . In the case of each and all tenants the leases state;

"Tenant shall not cause or permit the Premises to be used in any way that constitutes a violation of any law, ordinance, or governmental regulation or order, or that unreasonably interferes with the rights of other tenants."

Basically the universal right to "quiet enjoyment" of your home or space.

A landlord may not discriminate based on the amount of rent coming in from one tenant over another. That a restaurant pays more rent does not give that owner expanded rights over an apartment tenant.

To further expand on this point, the authority that sits above even the City and the landlord is the State Alcohol Beverage Commission (the ABC). They have further defined the conditions wherein the commercial tenant may serve alcohol to the public. Stated as OPERATING RESTRICTIONS FOR CAPITOLA BAR AND GRILL:

"ENTERTAINMENT PROVIDED SHALL NOT BE AUDIBLE BEYOND THE AREA UNDER CONTROL OF THE LICENSEE."

This means that having a 5 person band like Cougar Unleashed playing in the dining room and making conversation on the deck of Margaritaville impossible is a direct violation of the ABC license. That the tenant directly upstairs can't even think or talk on the phone is a violation of the lease.

The OPERATING RESTRICTIONS go on to state:

"DURING NORMAL MEAL HOURS, AT LEAST 50% OF THE PREMISES SEATING SHALL BE DESIGNED AND USED FOR AND MUST POSSESS THE NECESSARY UTENSILS, TABLE SERVICE, AND CONDIMENT DISPENSERS WITH WHICH TO SERVE MEALS TO THE PUBLIC."

Here the applicant removes the tables and chairs to provide room for dancing, a band stage, drum set, amplifiers and the band members.

"We want to bring live music and dancing to the village." Michelle Strong

These are clear violations of the ABC license to sell alcohol. Food sales go to near zero and alcohol to near 100%. This is generally from 4PM on. (dinner time)

"We are losing nearly \$5000 a week without live bands and dancing." Michelle Strong."

The location in question has been a true restaurant for over 50 years. Stockton Bridge Grill operated for nearly 30 years successfully as a restaurant. Sotola came in post SBG and was wildly successful. Here the applicant simply wants to redirect sales from food to alcohol for unknown reasons. They are, according to their own website extremely successful in food service and preparation. They have as many 5 star Yelp ratings as Tressels or Shadowbrook. This should remain their focus.

Here the restaurant owner knew of the OPERATING RESTRICTIONS placed on them by the ABC. They never the less elected to apply for a permit for entertainment, expand that definition to include "live bands and dancing" and then chose to violate those restrictions placed on them by the ABC and the lease.

For the reasons stated above the applicants request for an appeal of a live band and dancing (ENTERTAINMENT PERMIT) permit must be denied.

Respectfully,

Steve Yates owner of the property

CA



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Saturday, March 25, 2023

LICENSE INFORMATION

License Number: 628965 **Primary Owner:** CAPITOLA STRONG INC.

Office of Application: 26 - SALINAS

BUSINESS NAME

CAPITOLA BAR & GRILL

BUSINESS ADDRESS

231 ESPLANADE , CAPITOLA, CA, 95010

County: SANTA CRUZ **Census Tract:** 1218.01

LICENSEE INFORMATION

Licensee: CAPITOLA STRONG INC.

Company Information

OFFICER: STRONG, MICHELLE ELIZABETH (DIRECTOR)

OFFICER: STRONG, MICHELLE ELIZABETH (CHIEF FINANCIAL OFFICER)

OFFICER: STRONG, MICHELLE ELIZABETH (PRESIDENT/SECRETARY)

STOCKHOLDER: STRONG, MICHELLE ELIZABETH

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

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Original Issue Date: 29-OCT-2021 **Expiration Date:** 30-SEP-2023 **Master:** Y **Duplicate:**

From License Number: 47-601423

0 Fee Code: P0 **Transfers:** Transferred On: 29-OCT-2021

These are specific to this licensee

OPERATING RESTRICTIONS:

The premises shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledge that incidental, sporadic or infrequent meals or a mere offering of meals without actual sales shall not be sufficient to consider the premises in compliance with the aforementioned code section.

During normal meal hours, at least PERCENTAGE 50% of the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public. *They pull most tables out*

The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

Entertainment provided shall not be audible beyond the area under the control of the licensee.

The subject alcoholic beverage license shall not be exchanged for public premises type license.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

Moss, Julia

From: msm@portata.com
Sent: Thursday, April 6, 2023 5:27 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com
Subject: Entertainment permit for Capitola Bar and Grill

Dear Council Members,

No doubt you have received many letters and other communications about the importance of the entertainment permit. The devastation of the pandemic lockdown and the recent storm have battered local businesses and our community of workers whose livelihoods were disrupted. For those reasons, it is important for our business to quickly rebuild for the sake of the businesses, their staff, and the community which benefits from their businesses.

However, there is another issue that I believe is equally important. We have had a heavy blow to the spirit and soul of our community. People feel battered. Three long years of our lives have been disrupted by the lockdown and then spiked by the destruction of our favorite places on the Esplanade and wharf.

We need to feel good again. We need to feel hope. We need to be able to come together to listen to music and to dance. We need to rebuild our humanity and the bonds that tie us together in the community.

Now is not the time to quibble over bureaucratic details. We need bold leadership to rebuild our community. For all of our benefit, please issue the permit so that we come together, heal, and rebuild our community.

Respectfully,

Mark McWhinney

Moss, Julia

From: Roberta Marquis <lyricalnote@gmail.com>
Sent: Friday, April 7, 2023 9:46 AM
To: City Council; Keiser, Marguax; ladykpeterson@gmail.com
Subject: Capitola Bar and Grill Live Music Permit Please
Attachments: capitola letter.docx

Sent from [Mail](#) for Windows

April 6th2023

To: The City Council of Capitola

Please allow Capitola Bar and Grill to have music again! We miss music in Capitola! I moved here because of the fantastic music community here in Capitola. Now due to the storms, this is a no music community, there is only one wonderful place to go and dance with friends, Cork and Fork. With our wonderful Sand Bar rebuilding there is no place to enjoy live music with room to dance and enjoy a variety of food and cocktails.

Capitola Bar and Grill always brought in wonderful musicians. We would dance in that beautiful view with so much space, and delight our souls. It was wonderful to walk into the village and walk by and hear music from their door step. Bringing life to the Village. I also loved that they had music early evening. Having a variety of music venues keeps people in the village spending money on food at other places, plus I always seem to leave with a gift from my favorite gift stores or clothing.

Example of what is happening. Last Sunday friends and I finished a practice and wanted to meet in Capitola for music. Cork and Fork being the only music stopped at 5:30. We missed it. I walked to Capitola Bar and Grill with the sadness of no music.... Looked around, no music anywhere. Texted my group, what to do. We all decided to go other places in Santa Cruz. I live in Aptos so I went to watch sunset at Seabright and went home. I normally would go have a bite at Britannia or Thai, then go dance and work off my meal, enjoy friends and leave Capitola with joy in my heart. Now I leave with such sadness.

I am 60, female, a Boat Captain in Moss Landing who thrives on the community of dance and friendships we had in Capitola. I am missing this very much in my life!

Please give Capitola Bar and Grill their Permit to have live music back and support our local musicians and the Village.

Sincerely, with all my heart

Roberta Marquis

Lyricalnote@gmail.com

831-600-6990

Moss, Julia

From: madeline adamczeski <adamczeski1@gmail.com>
Sent: Friday, April 7, 2023 11:15 AM
To: City Council
Subject: Capitola Bar & Grill's Live Music

To: City Council Members
Mayor - Margaux Keiser
Vice Mayor - Kristen Brown
Council Member - Yvette Brooks
Council Member - Joe Clarke
From: Madeline Adamczeski
Re:Capitola Bar & Grill (CBG)
Date: 4/7/2023

Dear Member(s) of the City Council,

I'm both surprised and dismayed to learn that CBG's permit to allow live music has not yet been approved in spite of multiple efforts by the business owners/leasers. Family, friends, and I are big music enthusiasts and fans of local musicians hosted local establishments. Specifically, we are loyal patrons to CBG employers and employees as well as their musicians. Can you kindly help me/us understand why live music at CBG has been discontinued & has been allowed to lapse despite a staunch fan base comprised of current business owners and their clientele? In the meantime, please do not hesitate to offer suggestions on how I/we can help bring back local musicians so that CBG can continue hosting live music in this jewel of a venue.

Thank you.

Respectfully,
Madeline Adamczeski

Moss, Julia

From: Michelle Strong <info@capitolabarandgrill.com>
Sent: Friday, April 7, 2023 11:58 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com; Moss, Julia
Subject: [PDF] I support Capitola Bar & Grill
Attachments: support-live-music-at-capitola-bar-amp-grill_040723.pdf

Dear Mayor and City Councilmembers:

This is additional information for your consideration of our appeal. Attached petition signatures to print.

Our operation hours are Monday through Thursday 8:00am to 9:00pm, Saturday and Sunday 8:00am to 10:00pm. Total hours per week average 93 hours. Of the 93 hours of business, our music program at most was 9 hours per week, that is less than 10%. Selling food is our primary focus of business and we serve food until closing.

It's not our goal to be a nightclub. We were very clear in our lease application that we want to join the vibrant Village and offer live music. Our restaurant is in the "Mixed Use Village" Zone. There should be an expectation of daytime noise while living in a mixed-use zone.

Calls for service since our occupancy have decreased along with being less severe violations. Among the calls of 2022 and 2023 the calls are unfounded noise complaints or normal business activity of the tourist area.

The umbrella noise ordinance for the City of Capitola is 10:00pm. Even the residential units in our building can have live entertainment until 10:00 pm. The coffee shop in the building has live music.

We offer entertainment during our operations hours, for which we close by 10:00pm. Municipal Code 5.24.005 Entertainment Permit states the permit is to regulate "night time noise". Several times it states, "Infringe upon the peace and quiet and nightly sleep of non patrons", "open after 9:00pm," and "an afterhours draw".

As business owners, we have made many alterations to assist in noise control, however the landlord has made no efforts to meet for a compromise nor has he made any efforts to add soundproofing for his son's unit. The unit above our bar area not only has noise from the surrounding traffic from the Village; there are several exhaust systems for the two restaurant's kitchen hoods, and a Verizon cell tower that has a generator and motor running 24 hours per day. The City of Capitola itself offers live music in the open outdoor Esplanade Park Bandstand. There are several neighboring

businesses that have some form of entertainment or amplified music. Through the street traffic, the pedestrians, the normal sounds of a restaurant, we should not have an expectation to keep all sounds inside our building. The landlord is responsible for the walls, roof and membrane of the building. It would fall on his burden to provide the building with proper insulation.

Out of the mixed-use building there are three restaurants and three residential units. The landlord's agent, Steve Yates, has concern of the "tenants" of the building. However out of the six commercial and residential units, we occupy two of the spaces out of six, that's one-third of the buildings occupancy. As we occupy the restaurant and an apartment in the building. Of the two other restaurants, the Coffee shop offers live music, and has a piano in its dining area, while Margaritaville does offer background music in the dining and the patio. Among the neighboring businesses Paradise Beach Grille, less than 10 feet from our building, offers live entertainment, which from their permit, may go later than 10:00pm. Directly across the street from our restaurant, The Mercantile has an entertainment permit, with events that are held outdoors. This is what the Village is made off and what draws our customers. Visitors and locals alike come for breakfast and stay all day, finding new gems that have become their favorites, shops, eats, and music.

We are not asking you to rewrite the municipal code, nor are we asking for anything out of your reach. The City Manager's form has a place for the landlord's signature or consent; however the landlord has already given consent by signing our lease and agreeing that we would offer live music. The landlord cannot now add words to the lease as "sit-down only", nor can it exclude music after signing. The time for the landlord to exclude live music was before signing, as it did when it excluded the use of a "Mexican restaurant" in the lease.

Per our lease, "Section 1.09. Permitted Use/Exclusive Use. Tenant shall use the Premises for a restaurant, as defined in the City of Capitola use permit existing at the time of execution of this Lease, and for no other purpose. Notwithstanding, in no event shall the use include a Mexican food type restaurant."

Attached is a list I received of the Entertainment Permits issued in 2021. Out of the 43 permits issued, all 43 would fall under the "Restaurant" as permitted use. In our appeal we are asking to receive a permit in absence of the landlord's signature, as has been the City's typical procedure, as only 19 of the 43 have an actual application on file with the landlord's signature.

The landlord has not presented any support for loss; however, we have a significant loss of revenue, along with the loss of clientele, and staff. Our staff highly relies on tips, and through the reduction of sales, we are not able to retain valuable staff, especially in the slow season.

My husband, Lasalle Strong, and I have three restaurants. We are a part of this community, and we do our part to make the community a functioning place. By owning two businesses in Santa Cruz County, we employ over 40 residents, not to mention the many artists and musicians that have received income from playing at our establishments. Our business not only provides sales tax for the county, through our commercial lease we are responsible for paying the property and sewage taxes for the building, as a split cost with the other two commercial tenants.

We own a business in a tourist-driven community. Restaurants are an anchor for the retail and rental properties. This is not a zoning issue that should require the landlord's consent. The multi-use building has obstacles for both the residential and the commercial tenants. LaSalle and I have compromised enough by closing early, scheduling entertainment to end by 10:00 pm.

The residential landlords of the Multi-Use Village know what our Village entails, being in the Village adds value to their rental income. They should not be allowed to interfere with that mixed use in the Village, or impose on the businesses there that provide entertainment.

This location has changed hands numerous times. The past six years, we are the fourth business owners. We are proudly coming upon our two year anniversary, surviving two winters in a tourist town is not an easy feat. Consequently, the most unfortunate obstacle for our business has been the lack of support from our landlord.

I understand this matter has taken a lot of thought and may have caused some discomfort for those that are aware of Steve Yates' rath. However instead of looking at the negative repercussions, we ask that you look at, "How can the City Council of Capitola, help this family owned small business continue in their success?"

We are a BLACK owned, MEXICAN owned, WOMAN owned business, why is the landlord and his son "intimidated" by us?

Yours very truly,

LaSalle and Michelle Strong
Proprietors, Capitola Bar & Grill



Please attach the petition signatures attached.



Support Live Music at Capitola Bar & Grill

<https://www.thepetitionsite.com/464/903/626/support-live-music-at-capitola-bar-amp-grill/>

Author: LaSalle & Michelle Strong

Recipient: Capitola City Council

Petition:

Please support live music at Capitola Bar & Grill. We plan to meet at CBG at 5:00pm and walk over to Capitola City Hall. If you cannot join us in person, there is a link to attend via zoom. All are requested to email a letter of support to the City Council of Capitola. More information at capitolastrong.com

Please CC admin@capitolastrong.com on emails to the City Council, we will also print and bring to the meeting.

	Name	From	Comments
1.	Kelly G	Santa Cruz, CA	
2.	Xavier G	Santa Cruz, CA	
3.	Jennifer	Martinez, CA	
4.	Lori L	Antioch, CA	
5.	Marlene M	Fresno, CA	Please continue to allow Live Music at Capitola Bar & Grill. .
6.	Trisha A	Watsonville, CA	Please allow music at capitola bar and grill it also helps bring in tourist to visit other capitola village bussinesses
7.	Elizabeth P	Campbell, CA	Why are they being treated differently than other business\'s that have live music.
8.	Marji K	La Selva Beach, CA	
9.	Dawn C	Capitola , CA	
10.	scott m	scotts valley, CA	
11.	Chick G	Soquel, CA	Enjoyed music in Capitola for over 40 years. Capitola Bar and Grill has supplied some of the best of recent years AND it is early for those of us that don't stay up late. It brings us and our wallets into the village instead of staying home and we spend money on food and other things once we're in the village.
12.	Steven H	Santa Cruz, CA	Keep the village alive with live music at Capitola bar and grill
13.	Andrea I	Fresno, CA	
14.	Laurie L	La Selva Beach, CA	
15.	josie F	Capitola, CA	Live music and Dancing in the village is so important to us. This venue is so lovely and always bring us out to spend money and have a great time. As someone who lives and works in town it\'s great to have a place I like and can also refer tourists to also. They make a fun experience for locals and out of towners alike. Especially in this time when most of the other live music venues are closed, lets support joy in our village
16.	Kim M	Santa Cruz, CA	
17.	Belinda G	Martinez, CA	
18.	Anonymous	SANTA CRUZ, CA	
19.	Ted W	Santa Cruz, CA	
20.	Paul W	Capitola, CA	
21.	Karen M	Capitola , CA	
22.	CARALEENA M	Lemoore , CA	
23.	Julie L	Aptos, CA	
24.	Rick A	Capitola, CA	

	Name	From	Comments
25.	Jasmine A	Salinas , CA	Fingers crossed band night comes back, we miss our magical nights with our cbg family !
26.	Sheamir I	Salinas , CA	☺☺☺Music soothes the soul ☺☺☺
27.	Glenn B	Santa Cruz , CA	
28.	Andre M	Long Beach, CA	
29.	Shameeka M	Long Beach, CA	
30.	Belita M	Santa Cruz, CA	
31.	Anonymous	HOMETOWN, IL	
32.	Dawn S	CAPITOLA, CA	
33.	Nancy W	Santa Cruz, CA	
34.	Jennifer W	Soquel, CA	
35.	Shelly M	Watsonville , CA	Margaux you know how much music helps. Let them have it
36.	Pam L	Aptos, CA	We've been enjoying live music in the village for over a decade. This situation sounds personal and I suggest the city council stay out of that and continue to allow the show to go on as they have in the past.
37.	Rupert H	Ben Lomond, CA	
38.	Natalie M	Soquel, CA	Live music is essential for the Village
39.	Emanuel B	Santa Cruz, CA	Music heals everything!
40.	Janice. W	Santa Cruise, CA	
41.	Amy V	Santa Cruz , CA	As a neighboring store owner to this business who has also been very challenged staying afloat in this economy we ask you approve this permit not only to help a local business survive but so we go enjoy the music! My store is also in Capitola village right on Capitola avenue
42.	Alexa T	Capitola , CA	
43.	Joseph U	Santa Cruz , CA	Bring back the music !!!
44.	Lucas C	Capitola, CA	☺☺☺
45.	Ed V	Soquel, CA	
46.	Kyle C	Soquel, CA	Thank you!
47.	Karen B	Sacramento, CA	
48.	Elizabeth P	Santa Cruz, CA	
49.	Ingrid S	Capitola, CA	
50.	Tamara J	Felton , CA	
51.	Kylie O	Santa Cruz, CA	
52.	Michael W	San Jose, CA	
53.	Timothy P	Santa Cruz, CA	
54.	Scott O	Santa Cruz, CA	
55.	Jennifer F	Gilroy , CA	

	Name	From	Comments
56.	Donna D	San Martin, CA	
57.	Will L	Capitola , CA	
58.	Jack G	San diego, CA	
59.	Lynn Y	Santa Cruz, CA	
60.	Ariana K	Campbell, CA	
61.	Emma S	slo, CA	
62.	kyle y	santa cruz, CA	
63.	Michelle R	Santa Cruz, CA	
64.	Ed L	Davis, CA	
65.	Erin B	Benicia, CA	
66.	Diane G	Gilroy, CA	
67.	Stan E	San Francisco , CA	Capitola Bar and Grill has had music for years. Why would that change? Besides offering customers quality entertainment, it helps the restaurant make a profit. Don't we all want that? Things are difficult enough for business owners in Capitola, after the recent storms. Let's help the businesses that are still open. Thank you. -Stan
68.	James M	Campbell , CA	Let the music play every day and every way
69.	Anonymous	Capitola, CA	Please we support live music in Capitola at Capitola Bar and Grill!
70.	Lisa H	Campbell , CA	I'm someone who loves Capitola and the music scene! Please don't take this away from this business!
71.	Mark M	SCOTTS VALLEY, CA	
72.	Amber C	Martinez, CA	
73.	Ron G	Santa Cruz, CA	I support the Capitola Bar & Grill.
74.	Debra K	Aptos, CA	
75.	Serena W	Santa Cruz, CA	I live in Capitola Village. I support and expect the legal right to have an entertainment permit not be denied to CBG due to any landlord request. I want live entertainment where I live it's a main reason why I moved here! Thank you.
76.	Andrew E	Capitola, CA	Hearing live music as we walk into the village is a huge part of the experience that makes Capitola as charming as it is. Personally, I'm sensitive to loud sounds so karaoke and live band nights at CBG are nights I avoid eating there, but I still enjoy the atmosphere that they create! It's very disappointing to see the news that they are now being told that they can't do this. Please provide them with whatever permits are required so they can continue entertaining our residents and visitors
77.	Kevin M	Capitola, CA	We need to support our local businesses, Music and art! Show your support for Capitola Bar & Grill to get permitted and continue to serve our Community

	Name	From	Comments
78.	John Z	Modesto, CA	Supporting live music
79.	Carol D	Imperial Beach , CA	Keep the music! Thank you.
80.	Kara D	Soquel, CA	
81.	Rigo A	Soquel, CA	Bring back live music!
82.	Dennis F	Santa Cruz, CA	Down with the haters! Bring back live music!
83.	Roberta M	Aptos, CA	
84.	James L	Martinez, CA	
85.	Tim H	Santa Cruz, CA	
86.	Joezette M	Madera , CA	Best of luck on this journey to win for Capitola Village!!
87.	David D	Santa Cruz, CA	
88.	Sandra R	Santa Cruz, CA	
89.	Amber G	Hollister , CA	
90.	Lorette K	Santa Cruz, CA	
91.	Molly W	Aptos, CA	
92.	Jefferson H	APTOS, CA	
93.	Amy T	Santa Clara, CA	If you are allowing other businesses to have music you need to allow ALL Businesses. Do better City of Capitola!
94.	Raina C	Aptos, CA	
95.	Madeline A	Santa Cruz, CA	What is the reasoning and who is behind the effort to prohibit live music that: 1. support musicians & 2. Support local business and 3. bring immense joy to a wide range of a large swath of members of this community?
96.	Danielle S	Capitola, CA	
97.	Dan S	Capitola, CA	
98.	Robert J	Capitola, CA	

Moss, Julia

From: Debra de Roos <debra.deroos@gmail.com>
Sent: Friday, April 7, 2023 12:06 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Sincerely,
Debbie de Roos. 805-259-6456

Moss, Julia

From: Michelle Strong <info@capitolabarandgrill.com>
Sent: Friday, April 7, 2023 12:15 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com; Moss, Julia
Subject: [PDF] RE: I support Capitola Bar & Grill
Attachments: Public Records - List of Entertainment Permits.pdf

Attached is the list of Entertainment Permits from 2019 to Feb. 21, 2023.

Thank you,

Michelle Strong
 231 Esplanade #102
 Capitola, CA 95010
 Cell #559-341-5418



From: Michelle Strong
Sent: Friday, April 7, 2023 11:57:51 AM
To: citycouncil@ci.capitola.ca.us <citycouncil@ci.capitola.ca.us>; margauxkeiser@gmail.com <margauxkeiser@gmail.com>; ladykpetersen@gmail.com <ladykpetersen@gmail.com>; ybrooks@ci.capitola.ca.us <ybrooks@ci.capitola.ca.us>; jclarke@ci.capitola.ca.us <jclarke@ci.capitola.ca.us>; apedersen@ci.capitola.ca.us <apedersen@ci.capitola.ca.us>; admin@capitolastrong.com <admin@capitolastrong.com>; Moss, Julia <jmoss@ci.capitola.ca.us>
Subject: I support Capitola Bar & Grill

Dear Mayor and City Councilmembers:

This is additional information for your consideration of our appeal. Attached petition signatures to print.

Our operation hours are Monday through Thursday 8:00am to 9:00pm, Saturday and Sunday 8:00am to 10:00pm. Total hours per week average 93 hours. Of the 93 hours of business, our music program at most was 9 hours per week, that is less than 10%. Selling food is our primary focus of business and we serve food until closing.

It's not our goal to be a nightclub. We were very clear in our lease application that we want to join the vibrant Village and offer live music. Our restaurant is in the "Mixed Use Village" Zone. There should be an expectation of daytime noise while living in a mixed-use zone.

Calls for service since our occupancy have decreased along with being less severe violations. Among the calls of 2022 and 2023 the calls are unfounded noise complaints or normal business activity of the tourist area.

The umbrella noise ordinance for the City of Capitola is 10:00pm. Even the residential units in our building can have entertainment until 10:00 pm. The coffee shop in the building has live music.

We offer entertainment during our operations hours, for which we close by 10:00pm. Municipal Code 5.24.005 Entertainment Permit states the permit is to regulate “night time noise”. Several times it states, “Infringe upon the peace and quiet and nightly sleep of non patrons”, “open after 9:00pm,” and “an afterhours draw”.

As business owners, we have made many alterations to assist in noise control, however the landlord has made no efforts to meet for a compromise nor has he made any efforts to add soundproofing for his son’s unit. The unit above our bar area not only has noise from the surrounding traffic from the Village; there are several exhaust systems for the two restaurant’s kitchen hoods, and a Verizon cell tower that has a generator and motor running 24 hours per day. The City of Capitola itself offers live music in the open outdoor Esplanade Park Bandstand. There are several neighboring businesses that have some form of entertainment or amplified music. Through the street traffic, the pedestrians, and the normal sounds of a restaurant, we should not have an expectation to keep all sounds inside our building. The landlord is responsible for the walls, roof and membrane of the building. It would fall on his burden to provide the building with proper insulation.

Out of the mixed-use building there are three restaurants and three residential units. The landlord’s agent, Steve Yates, has concern of the “tenants” of the building. However out of the six commercial and residential units, we occupy two of the spaces out of six, that’s one-third of the buildings occupancy. As we occupy the restaurant and an apartment in the building. Of the two other restaurants, the Coffee shop offers live music, and has a piano in its dining area, while Margaritaville does offer background music in the dining and the patio. Among the neighboring businesses Paradise Beach Grille, less than 10 feet from our building, offers live entertainment, which from their permit, may go later than 10:00pm. Directly across the street from our restaurant, The Mercantile has an entertainment permit, with events that are held outdoors. This is what the Village is made off and what draws our customers. Visitors and locals alike come for breakfast and stay all day, finding new gems that have become their favorites, shops, eats, and music.

We are not asking you to rewrite the municipal code, nor are we asking for anything out of your reach. The City Manager’s form has a place for the landlord’s signature or consent; however the landlord has already given consent by signing our lease and agreeing that we would offer live music. The landlord cannot now add words to the lease as “sit-down only”, nor can it exclude music after signing. The time for the landlord to exclude live music was before signing, as it did when it excluded the use of a "Mexican restaurant" in the lease.

Per our lease, “Section 1.09. Permitted Use/Exclusive Use. Tenant shall use the Premises for a restaurant, as defined in the City of Capitola use permit existing at the time of execution of this Lease, and for no other purpose. Notwithstanding, in no event shall the use include a Mexican food type restaurant.”

Attached is a list I received of the Entertainment Permits issued in 2021. Out of the 43 permits issued, all 43 would fall under the “Restaurant” as permitted use. In our appeal we are asking to receive a permit in absence of the landlord’s signature, as has been the City’s typical procedure, as only 19 of the 43 have an actual application on file with the landlord’s signature.

The landlord has not presented any support for loss; however, we have a significant loss of revenue, along with the loss of clientele, and staff. Our staff highly relies on tips, and through the reduction of sales, we are not able to retain valuable staff, especially in the slow season.

My husband, Lasalle Strong, and I have three restaurants. We are a part of this community, and we do our part to make the community a functioning place. By owning two businesses in Santa Cruz County, we employ over 40 residents, not to mention the many artists and musicians that have received income from playing at our establishments. Our business not only provides sales tax for the county, through our commercial lease we are responsible for paying the property and sewage taxes for the building, as a split cost with the other two commercial tenants.

We own a business in a tourist-driven community. Restaurants are an anchor for the retail and rental properties. not a zoning issue that should require the landlord's consent. The multi-use building has obstacles for both the residential and the commercial tenants. Lasalle and I have compromised enough by closing early, scheduling entertainment to end by 10:00 pm.

The residential landlords of the Multi-Use Village know what our Village entails, being in the Village adds value to their rental income. They should not be allowed to interfere with that mixed use in the Village, or impose on the businesses there that provide entertainment.

This location has changed hands numerous times. The past six years, we are the fourth business owners. We are proudly coming upon our two year anniversary, surviving two winters in a tourist town is not an easy feat. Consequently, the most unfortunate obstacle for our business has been the lack of support from our landlord.

I understand this matter has taken a lot of thought and may have caused some discomfort for those that are aware of Steve Yates' rath. However instead of looking at the negative repercussions, we ask that you look at, "How can the City Council of Capitola, help this family owned small business continue in their success?"

We are a BLACK owned, MEXICAN owned, WOMAN owned business, why is the landlord and his son "intimidated" by us?

Yours very truly,

LaSalle and Michelle Strong
Proprietors, Capitola Bar & Grill



Please attach the petition signatures attached.



Re: February 21, 2023, Public Records Act Request

Dear Mr. and Mrs. Strong,

The City of Capitola ("City") is in receipt of the appeal to the City Council of City Manager's decision regarding your entertainment permit, received on February 21, 2023. As part of your appeal documents, you also posed a list of questions, which appear to request public records. Thus, consistent with its duty to assist the public in making a focused and effective request that reasonably describes an identifiable record(s), the City has interpreted these requests to constitute a Public Records Act request ("Request").

The City intends to cooperate to the fullest extent possible with the Public Records Act ("PRA") (Government Code section 7920.000 et seq.) Under established California law, the City is obliged to comply with a request for a public record so long as the requestor makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The PRA provides for the inspection or copying of existing identifiable public records; it does not compel the City to respond directly to questions or create new records, lists, or reports in response to a request.

The City now makes the following determinations:

Request No. 1: "Did the City Manager delegate his authority to issue Entertainment Permits to the Chief of Police?"

Determination No. 1: Request No. 1 appears to request information only, and therefore does not request any public records.

Request No. 2: "Did the police exercise discretion to issue permits with or without the explicitly landlord consent on the form?"

Determination No. 2: Request No. 2 appears to request information only, and therefore does not request any public records.

Request No. 3: "How many entertainment permits issued in the last five years? How many with explicit landlord consent on the form? How many without?"

Determination No. 3: The City is not required to create records in response to a request for public records. However, in an effort to provide available information to you, the City provides the following information:

2023 – Four Entertainment Permits have been issued; four applications are pending:

Britannia Arms (Signed by property owner) – Permit issued on 1/26/2023

Capitola Mercantile (Signed by property owner) – Pending Captain Ryan's review

Capitola Wine Bar (Signed by property owner) – Pending Central Fire Inspection Report

Gayle's Bakery (Signed by property owner) – Permit issued on 1/9/2023



Monarch Cove Inn (Signed by property owner) – Permit issued on 2/28/2023
Paradise Beach Grille (Signed by property owner) – Permit issued on 2/28/2023
The Sand Bar (Signed by property owner) – Pending ABC Alcohol License
Zelda's (Signed by property owner) – Pending Captain Ryan's review

2022 – Twelve Entertainment Permits were issued:

Bay Bar and Grill (Signed by property owner) – Permit issued on 2/23/2022
Britannia Arms (Signed by property owner) – Permit issued on 1/27/2022
Capitola Bar & Grill (NOT signed) – Permit issued on 1/27/2022
Capitola Mercantile (Signed by property owner) – Permit issued on 2/14/2022
Capitola Wine Bar (Signed by property owner) – Permit issued on 6/6/2022
Cork & Fork (Signed by property owner) – Permit issued on 2/14/2022
Gayle's Bakery (Signed by property owner) – Permit issued on 7/5/2022
Monarch Cove Inn (Signed by property owner) – Permit issued on 3/22/2022
Paradise Beach Grille (Signed by property owner) – Permit issued on 3/29/2022
The Sand Bar (Signed by property owner) – Permit issued on 1/27/2022
Wharf House (NOT signed) – Permit issued on 1/27/2022
Zelda's (Signed by property owner) – Permit issued on 2/14/2022

2021 – Seven Entertainment Permits were issued:

Bay Bar & Grill (No application on file) – Permit issued on 4/27/2021
Britannia Arms (No application on file) – Permit issued on 4/28/2021
Capitola Bar & Grill (NOT Signed) – Permit issued on 11/16/2021
Cork & Fork (No application on file) – Permit issued on 4/23/2021
Paradise Beach Grille (No application on file) – Permit issued on 4/6/2021
Wharf House (No application on file) – Permit issued on 3/23/2021
Zelda's (No application on file) – Permit issued on 4/2/2021

2020 – Ten Entertainment Permits were issued:

Britannia Arms (No application on file) – Permit issued on 1/3/2020
Capitola Wine Bar (No application on file) – Permit issued on 11/4/2020
Cork & Fork (No application on file) – Permit issued on 12/31/2019
Fast Eddy's (No application on file) – Permit issued on 1/10/2020
Gayle's Bakery (No application on file) – Permit issued on 12/19/2019
Monarch Cove Inn (Signed by property owner) – Permit issued on 6/9/2020
Paradise Beach Grille (No application on file) – Permit issued on 12/31/2019
Shadowbrook (No application on file) – Permit issued on 1/10/2020
The Sand Bar (No application on file) – Permit issued on 1/10/2020
Zelda's (No application on file) – Permit issued on 1/21/2020



2019 – Six Entertainment Permits were issued:

Britannia Arms (No application on file) – Permit issued on 1/30/2019
Cork & Fork (No application on file) – Permit issued on 5/2/2019
Fast Eddy’s (No application on file) – Permit issued on 6/14/2019
Gayle’s Bakery (No application on file) – Permit issued on 12/27/2018
Monarch Cove Inn (No application on file) – Permit issued on 2/25/2019
Wharf House (No application on file) – Permit issued on 1/10/2019

If the information above is not what you intended to request or you would like to request additional documentation, please inform us.

Request No. 4: “Why that change in policy?”

Determination No. 4: Request No. 4 appears to request information only, and therefore does not request any public records.

Request No. 5: “Did the City Manager, Police Department, or any other staff communicate with Steve Yates about this matter?”

Request No. 6: “When, how, and what did he say?” Did Mr. Yates say that he never consented to entertainment, or that he changed his mind?

Request No. 7: “Did he say or imply he would sue the City if the permit was not cancelled or not reviewed?”

Determinations Nos. 5-7: The City is interpreting these three requests to seek correspondence between City staff (including the City Manager and Police Department) and Mr. Yates between August 1, 2021 through February 21, 2023. Consistent with its interpretation, the City possesses records responsive to this request, and is currently collecting and reviewing such records.



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If the City's interpretations of the above requests do not reflect the public records you intended to request, please provide additional clarification to assist the City in effectively searching for and collecting responsive public records. The City is collecting and reviewing records for responsiveness and privilege. Review is ongoing. The City will endeavor to provide a first batch of responsive records on or before March 16, 2023. If you have any questions regarding the City's response or would like to discuss your Request, please contact me at jmoss@ci.capitola.ca.gov.

Thank you,

Julia Moss
City Clerk
831-475-7300 (ext. 228)