

# City of Capitola

## City Council Meeting Agenda

### Thursday, March 14, 2024 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

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

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### **Closed Session – 5:30 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.*

- i. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code § 54957.6)  
Negotiator: Mark Wilson, Labor and Employment Practice, Burke, Williams, & Sorensen, LLP  
Employee Organizations: Association of Capitola Employees, Police Officers Association, Mid-Management Employees, Confidential Employees, Police Captains, and Management

### **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 Joe Clarke, Margaux Keiser, Alexander Pedersen, Yvette Brooks, and Mayor Kristen Brown.

#### **2. Additions and Deletions to the Agenda**

#### **3. Presentations**

*Presentations are limited to eight minutes.*

- A. Mayor's Proclamation Honoring Capitola Boat and Bait
- B. Mayor's Proclamation Honoring the Wharf House Restaurant
- C. Presentation of the 2023 Capitola Police Officer of the Year and the Police Chief's Commendation Award
- D. Mayor's Proclamation in Honor of Red Cross Month, March 2024

#### **4. Report on Closed Session**

#### **5. Additional Materials**

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

## 6. Oral Communications by Members of the Public

*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. City Council Meeting Minutes

Recommended Action: Approve minutes from the regular meeting on February 22, 2024, special meeting on February 27, 2024, and the special meeting on March 6, 2024.

### B. City Check Registers

Recommended Action: Approve check registers dated February 16, 2024, February 23, 2024, and March 1, 2024.

### C. Liability Claims Against the City of Capitola

Recommended Action: Deny liability claims submitted by Ron Weiner and Debbie Sek.

### D. Santa Cruz Integrated Regional Water Management Program

Recommended Action: Authorize the City Manager to execute the 2024 Memorandum of Agreement with the Santa Cruz Integrated Regional Water Management Program at no cost to the City.

### E. Addition of a Temporary/Hourly Position

Recommended Action: Approve job descriptions and hourly pay rates for Recreation Specialist I and II positions.

## 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. Voter Polling Results

Recommended Action: Receive survey results from EMC Research.

### B. Housing Element Update and 2023 Annual Report

Recommended Action: Receive an update on Housing Element certification, implementation, and the 2023 Annual Report.

### C. Special Events and Park Regulations

Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola repealing and replacing Capitola Municipal Code Chapter 9.36 “Special Events” and Chapter 12.40 “Park Regulations” to create a comprehensive permitting system for public assemblies, events, and use of City property. (*Continued from February 22, 2024 City Council Meeting*)

**D.** Remote Public Participation

Recommended Action: Provide direction to staff about remote participation options for members of the public at City Council and Planning Commission meetings.

**10. Adjournment** - Adjourn to the next regularly scheduled City Council meeting on March 28, 2024, at 6:00 PM.

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**How to View the Meeting**

**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**

**How to Provide Comments to the City Council**

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us) and they will be included as a part of the record for the meeting. Please be aware that the City Council will not accept comments via Zoom.

**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](http://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.

**Si desea asistir a esta reunión pública y necesita ayuda** - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a [jgautho@ci.capitola.ca.us](mailto:jgautho@ci.capitola.ca.us).

**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](http://www.cityofcapitola.org) by clicking on the Home Page link “Meeting Agendas/Videos.” Archived meetings can be viewed from the website at any time.

# Capitola City Council

## Agenda Report

**Meeting:** March 14, 2024

**From:** City Manager Department

**Subject:** City Council Meeting Minutes



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**Recommended Action:** Approve minutes from the regular meeting on February 22, 2024, special meeting on February 27, 2024, and the special meeting on March 6, 2024.

**Background:** Attached for City Council review and approval are the draft minutes from the regular City Council meeting on February 22, 2024, the special meeting on February 27, 2024, and the special City Council meeting on March 6, 2024.

**Attachments:**

1. Regular Meeting Minutes
2. Special Meeting Minutes
3. Special Meeting Minutes

**Report Prepared By:** Julia Gautho, City Clerk

**Approved By:** Jamie Goldstein, City Manager

# City of Capitola

## City Council Meeting Minutes

### Thursday, February 22, 2024 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Kristen Brown

**Vice Mayor:** Yvette Brooks

**Council Members:** Joe Clarke, Margaux Morgan, Alexander Pedersen

### Closed Session – 5 PM

- i. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)  
Claims Against the City of Capitola
  - 1) Ron Weiner
  - 2) Debbie Sek
- ii. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code § 54957.6)  
Negotiator: Mark Wilson, Labor and Employment Practice, Burke, Williams, & Sorensen, LLP  
Employee Organizations: Association of Capitola Employees, Police Officers Association, Mid-Management Employees, Confidential Employees, Police Captains, and Management

### Regular Meeting of the Capitola City Council – 6 PM

1. **Roll Call and Pledge of Allegiance** – *The meeting was called to order at 6:02 PM. In attendance: Council Members Clarke, Morgan, Vice Mayor Brooks, and Mayor Brown. Absent: Council Member Pedersen*
2. **Additions and Deletions to the Agenda** – *None*
3. **Report on Closed Session** – *The City Council met and discussed two items on the Closed Session agenda. No reportable action was taken.*
4. **Additional Materials**
  - A. *Twenty emails and one letter were received relating to Item 8A.*
  - B. *Three emails were received relating to Item 8B.*
  - C. *One email was received relating to Item 8C.*
5. **Oral Communications by Members of the Public**
  - *Goran Klepic, resident, spoke about vandalism and other community issues.*
  - *John Mulry, Stronger Santa Cruz, spoke about bus stop infrastructure and other volunteer-led community initiatives.*
  - *Devin Vandershaf, Accessible Space Incorporated, spoke about the Dakota Apartments in Capitola and the work that his organization has been conducting with the City's Community Development Department.*
  - *Gerry Jensen, resident, thanked Mayor Brown and staff for the Town Hall Meeting that was held February 21<sup>st</sup> and commented on the Wharf project.*
6. **Staff / City Council Comments**

- *Councilmember Clarke thanked Mayor Brown and staff for holding the Town Hall Meeting.*
- *Mayor Brown thanked residents for attending the Town Hall Meeting.*

## 7. Consent Items

- A. City Council Meeting Minutes  
Recommended Action: Approved minutes from the special meeting on February 8, 2024, and the regular meeting on February 8, 2024.
- B. City Check Registers  
Recommended Action: Approved check registers dated January 19, 2024, January 26, 2024, and February 9, 2024.
- C. State Grant Administration Agreement Amendment  
Recommended Action: Approved an amendment to the Professional Services Agreement with Adams Ashby Group for grant administration services, including Permanent Local Housing Allocation Program Administration (\$31,527), 2023 Community Development Block Grant Application (\$7,500), and 2023 HOME Investment Partnership Program application (\$10,000).
- D. Capitola Representation on the Bicycle Advisory Committee  
Recommended Action: Recommended reappointment of Paula Bradley to represent Capitola on the Regional Transportation Committee’s Bicycle Advisory Subcommittee.

***Motion to adopt the Consent Calendar: Council Member Morgan***  
***Seconded: Council Member Clarke***  
***Voting Yea: Council Members Clarke, Morgan, Vice Mayor Brooks, Mayor Brown***  
***Absent: Council Member Pedersen***

## 8. General Government / Public Hearings

- A. Update on the Wharf Resiliency and Public Access Project  
Recommended Action: Approve Change Order 5 to the Public Works Agreement with Cushman Contracting for the Wharf Project in an amount not to exceed \$1,913,000 (for a total contract amount of \$10,227,000) and adopt a resolution amending the FY 2023-24 Adopted Budget to allocate an amount not to exceed \$1,264,000 in funding for the additional project expenditures.

***Public Works Director Kahn presented the staff report.***

***Council Member discussion included questions about solicitation of additional bids for demolition, demolition process details, “shoring-up” process details, involvement of additional public input, and deliberations on funding and costs.***

***Public Comments:***

- ***Gerry Jensen, CWEP, voiced concerns about the cost of demolition and encouraged staff to receive additional demolition bids and consider cost-saving measures for the Project.***
- ***A public speaker commented on the new information being considered tonight in comparison to last night’s Town Hall.***
- ***John Mulry, resident, inquired about CWEP funding and urged the City to prevent cars from being allowed on the Wharf.***

***The City Council provided direction to staff to solicit additional bids for demolition, review potential cost-saving measures for the Project, and return to the City Council with an update at a Special Meeting to be held on February 27, 2024, at 6:00 PM.***

**Motion to direct staff to seek a credit for the Portland-Loo restroom installation: Vice Mayor Brooks**

**Seconded: Council Member Morgan**

**Voting Yea: Council Members Clarke, Morgan, Vice Mayor Brooks, Mayor Brown**

**Absent: Council Member Pedersen**

B. Bay Avenue and Hill Street Traffic Safety Update

Recommended Action: Authorized construction of the proposed Bay Avenue/Hill Street intersection quick-build project.

**Public Works Director Kahn presented the staff report.**

**Council Member discussion included impacts on levels of service, conflict points, and other effects of the recommended construction project.**

**Public Comments:**

- **Public Speaker, resident, shared concerns that the proposed project won't appropriately address issues they have experienced in the intersection.**
- **Katherine Parker, resident, expressed concerns about the lack of outreach to other nearby residents, and commented on traffic safety issues.**
- **Alexis Kanovic, Strong Towns, commented on traffic safety issues at this intersection and provided feedback on potential improvements.**
- **Paula Bradley, resident, requested information about future evaluation of the proposed project and when the corridor study would be completed, and supported Option 2.**
- **Doug Lay, representative of the Nob Hill Center, shared concerns about this intersection and supported the project, but requested a long-term study be conducted following completion of the project.**
- **Elliot Campbell, resident, shared concerns related to this intersection and expressed excitement and appreciation for the improvements that this project will bring.**
- **John Mulry, Stronger Santa Cruz, commented on traffic and pedestrian safety concerns at this intersection, and described "Vision Zero" traffic infrastructure concepts.**
- **Ray Travers, residents, commented on lighting issues present at this intersection and called for further improvement.**

**Motion to authorize construction of the proposed project: Council Member Brooks**

**Seconded: Council Member Morgan**

**Voting Yea: Council Members Clarke, Morgan, Vice Mayor Brooks, Mayor Brown**

**Absent: Council Member Pedersen**

C. Zone 5 Drainage Master Plan Update

Recommended Action: Received report.

D. Special Events and Park Regulations

Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola repealing and replacing Capitola Municipal Code Chapter 9.36 "Special Events" and Chapter 12.40 "Park Regulations" to create a comprehensive permitting system for public assemblies, events, and use of City property.

**The City Council continued this item to a future agenda.**

E. FY 2023-24 Mid-Year Budget Report



Recommended Action: Received the Fiscal Year 2023-24 Mid-Year Budget Report and adopted Resolution No. 4357 amending the Fiscal Year 2023-24 Budget.

**Finance Director Malberg presented the staff report.**

**Motion to adopt the resolution: Council Member Clarke**

**Seconded: Council Member Morgan**

**Voting Yea: Council Members Clarke, Morgan, Vice Mayor Brooks, Mayor Brown**

**Absent: Council Member Pedersen**

F. 2023/2024 CDBG Grant Application

Recommended Action: Adopted Resolution No. 4358 authorizing staff to prepare and submit an application under the 2023/2024 Community Development Block Grant Program for the Jade Street Community Center.

**Community Development Director Herlihy presented the staff report.**

**Motion to adopt the resolution: Council Member Brooks**

**Seconded: Mayor Brown**

**Voting Yea: Council Members Clarke, Morgan, Vice Mayor Brooks, Mayor Brown**

**Absent: Council Member Pedersen**

**9. Adjournment** – Adjourned at 8:40 PM to a Special City Council meeting on February 27, 2024, at 4:00 PM.

**ATTEST:**

\_\_\_\_\_  
Kristen Brown, Mayor

\_\_\_\_\_  
Julia Gautho, City Clerk

# City of Capitola

## Special City Council Meeting Minutes

### Tuesday, February 27, 2024 – 4:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Kristen Brown

**Vice Mayor:** Yvette Brooks

**Council Members:** Joe Clarke, Margaux Morgan, Alexander Pedersen

#### Special Meeting of the Capitola City Council – 4 PM

1. **Roll Call and Pledge of Allegiance** – *The meeting was called to order at 4:00 PM. In attendance: Council Members Clarke, Morgan, Pedersen, Vice Mayor Brooks, and Mayor Brown.*
2. **Additions and Deletions to the Agenda** – *None*
3. **Additional Materials**
  - A. *Item 6A - Updated staff report, attachments, presentation, and correspondence received after publication of the agenda*
4. **Oral Communications by Members of the Public** – *None*
5. **Staff / City Council Comments** – *None*
6. **General Government / Public Hearings**
  - A. Update on the Wharf Resiliency and Public Access Project  
Recommended Action: Approved Change Order 5 to the Public Works Agreement with Cushman Contracting for the Wharf Project in an amount not to exceed \$1,518,000 (for a total contract amount of \$9,832,000) and adopted Resolution No. 4359 amending the FY 2023-24 Adopted Budget to allocate an amount not to exceed \$369,000 in funding for the additional project expenditures.

***Public Works Director Kahn presented the staff report.***

***The City Council thanked the community for their input and encouraged continued participation in the Wharf re-envisioning process and thanked staff for their efforts to obtain revised bids.***

***Motion to approve Change Order 5 to the Public Works Agreement with Cushman and adopt Resolution No. 4359: Vice Mayor Brooks***

***Seconded: Council Member Morgan***

***Voting Yea: Council Members Clarke, Morgan, Pedersen, Vice Mayor Brooks, Mayor Brown***

**7. Adjournment** – *Adjourned at 4:41 PM to a Special City Council meeting on March 6, 2024, at 4:00 PM.*

**ATTEST:**

\_\_\_\_\_  
Kristen Brown, Mayor

\_\_\_\_\_  
Julia Gautho, City Clerk

# City of Capitola

## Special City Council Meeting Minutes

### Wednesday, March 06, 2024 – 4:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Kristen Brown

**Vice Mayor:** Yvette Brooks

**Council Members:** Joe Clarke, Margaux Morgan, Alexander Pedersen

#### Special Meeting of the Capitola City Council – 4 PM

1. **Roll Call** – *The meeting was called to order at 4:00 PM. In attendance: Council Members Clarke, Morgan, Pedersen, Brooks, and Mayor Brown. Council Member Morgan joined the meeting at 4:07 PM. Vice Mayor Brooks joined the meeting at 4:15 PM.*
2. **Additions and Deletions to the Agenda** – *None*
3. **Additional Materials**
  - A. *Item 6A – 2 emails were received after publication of the agenda.*
4. **Oral Communications by Members of the Public**
  - *Gorin Klepic*
5. **Staff / City Council Comments** – *None*
6. **General Government / Public Hearings**
  - A. **Fiscal Year 2024-25 Budget Principles & Goals**  
Recommended Action: 1) Review budget principals; 2) Review progress and status of Fiscal Year 2023-2024 budget goals; 3) Provide direction to staff regarding potential amendments to Fiscal Year 2023-24 Budget; 4) Prioritize goals related to key projects/programs for Fiscal Year 2024-25.

***The City Manager, Public Works Director, Community Development Director, Assistant to the City Manager, Recreation Division Manager, Police Chief, and Finance Director presented the staff report.***

***The City Council discussed the feasibility of conducting the Wharf Re-Envisioning Process concurrently with the City's Strategic Plan, creating an ad-hoc committee for the Wharf to be composed of staff and City Council Members, support for pickleball striping and the 41<sup>st</sup> Avenue Vision Plan, and a request to create a living wage ordinance.***

***The City Council directed staff to update the Public Improvement Budget Principles to include pedestrian and bicycle infrastructure, to bring forward a budget amendment for the Esplanade Park FY 2023-24 funding to be reallocated to the 41<sup>st</sup> Avenue median improvements and the Wharf, and create an ad-hoc committee for Wharf outreach.***

**7. Adjournment** – *Adjourned at 6:15 PM to the next regularly scheduled City Council meeting on March 14, 2024, at 6:00 PM.*

**ATTEST:**

\_\_\_\_\_  
Kristen Brown, Mayor

\_\_\_\_\_  
Julia Gautho, City Clerk

# Capitola City Council

## Agenda Report

**Meeting:** March 14, 2024

**From:** Finance Department

**Subject:** City Check Registers



**Recommended Action:** Approve check registers dated February 16, 2024, February 23, 2024, and March 1, 2024.

<b>Account: City Main</b>				
<b>Date</b>	<b>Starting Check #</b>	<b>Ending Check #</b>	<b>Payment Count</b>	<b>Amount</b>
02/16/2024	105425	105467	48	\$ 1,464,674.60
02/23/2024	105468	105548	81	\$ 163,549.50
03/01/2024	105549	105616	76	\$ 523,797.71

The main account check register dated February 9, 2024, ended with check #105424.

<b>Account: Payroll</b>				
<b>Date</b>	<b>Starting Check/EFT #</b>	<b>Ending Check/EFT #</b>	<b>Payment Count</b>	<b>Amount</b>
02/16/2024	-	-	-	-
02/23/2024	24356	24456	101	\$ 193,654.97
03/01/2024	-	-	-	-

The payroll account check register dated February 9, 2024, ended with EFT #24355.

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

<b>Check/EFT</b>	<b>Issued to</b>	<b>Dept</b>	<b>Description</b>	<b>Amount</b>
105430	Boone Low Ratliff Architects Inc	PW	Community Center Renovation Design Services	\$ 55,044.25
105437	Cushman Contracting Corp Escrow	PW	Wharf Project Retainer	\$ 61,564.99
105438	Cushman Contracting Corporation	PW	Wharf Resiliency & Public Access Project Services	\$ 1,169,879.88
1670	CalPERS Member Services Division	CM	PERS Contributions PPE 2/3/24	\$ 64,719.15
1671	Employment Development Department	CM	State Taxes PPE 2/3/24	\$ 11,649.07
1672	Internal Revenue Service	CM	Federal Taxes & Medicare PPE 2/3/24	\$ 38,090.61
105476	Betz Works Inc	PW	Jetty Repair Services	\$ 56,000.00
105491	Kimley Horn & Associates	PW	Upper Pacific Cove Sidewalk Project Design Services	\$ 11,874.18

105502	Pacific Gas & Electric	PW	February Monthly Utilities	\$ 21,287.51
105557	Burke Williams & Sorensen LLP	CM	January Legal Services	\$ 39,857.50
105591	MP Rail Trail Associates LP	CDD	City of Capitola Predevelopment Loan – Draw Request	\$ 178,146.68
105600	RRM Design Group	CDD	January Capitola Housing Element Update	\$ 11,713.75
1675	CalPERS Health Insurance	CM	March Health Insurance	\$ 73,010.14
1676	CalPERS Member Services Division	CM	PERS Contributions PPE 2/17/24	\$ 65,137.00
1677	Employment Development Department	CM	State Taxes PPE 2/17/24	\$ 10,594.19
1678	Internal Revenue Service	CM	Federal Taxes & Medicare PPE 2/17/24	\$ 35,664.99

Attachments:

1. 02-16-24 Check Register
2. 02-23-24 Check Register
3. 03-01-24 Check Register

Report Prepared By: Luis Ruiz, Accountant I

Reviewed By: Julia Gautho, City Clerk and Jim Malberg, Finance Director

Approved By: Jamie Goldstein, City Manager

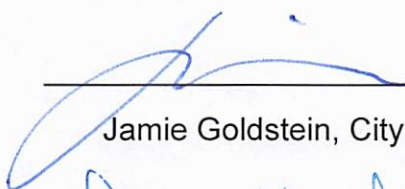
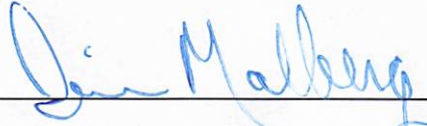
City main account checks dated February 16, 2024, numbered 105425 to 105467 totaling \$1,341,113.48, and 5 EFTs totaling \$123,561.12 for a grand total of \$1,464,674.60, have been reviewed and authorized for distribution by the City Manager.

As of February 16, 2024, the unaudited cash balance is \$6,410,941.13.

**CASH POSITION - CITY OF CAPITOLA**  
**February 16, 2024**

	<u>2/16/2024</u>
General Fund <sup>(1)</sup>	\$ 676,122.91
Payroll Payables	\$ 43,465.83
Contingency Reserve Fund	\$ 2,192,345.66
PERS Contingency Fund	\$ 1,154,274.68
Emergency Reserve Fund	\$ 1,461,505.54
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ (218,145.05)
Stores Fund	\$ 61,271.39
Information Technology Fund	\$ 228,363.35
Equipment Replacement	\$ 284,388.80
Self-Insurance Liability Fund	\$ (131,148.42)
Workers' Comp. Ins. Fund	\$ (105,103.71)
Compensated Absences Fund	\$ 330,886.06
<b>TOTAL AVAILABLE GENERAL FUNDS</b>	<u><u>\$ 6,410,941.13</u></u>

(1) Feb. 16th balance includes \$4.01 million non-current investments

 _____ Jamie Goldstein, City Manager	2/16/24 _____ Date
 _____ Jim Malberg, City Treasurer	2/16/24 _____ Date



# City Checks Issued February 16, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105425	02/16/2024			ALLIED UNIVERSAL	\$39.91
	Invoice	Date	Description		Amount
	15328166	02/09/2024	Leap Year day McGregor skate park foot patrol		\$19.25
	15328167	02/09/2024	Leap year day Esplanade park foot patrol		\$20.66
105426	02/16/2024			AMAZON CAPITAL SERVICES	\$536.78
	Invoice	Date	Description		Amount
	199K-QRQV-MWVM	02/11/2024	Garbage cans		\$135.39
	1PHH-3T1P-L9M1	02/11/2024	Sponge holder, dishwashing sponge, soap		\$41.68
	11RQ-1R44-T1PR	02/07/2024	Pens		\$13.07
	17XF-JXHT-61MQ	02/14/2024	Dewalt 12 battery		\$228.80
	1DQD-KH1Q-67FQ	02/13/2024	Phone charger, usb cables, car chargers		\$37.65
	116G-3WNK-1N9M	02/13/2024	Yellow reflective tape		\$20.49
	1N9K-1XYY-VM9X	02/08/2024	Pencil holder case, stylus pen		\$59.70
			1000 - General Fund		\$523.71
			2210 - ISF - Stores Fund		\$13.07
105427	02/16/2024			AT&T	\$8.73
	Invoice	Date	Description		Amount
	ATT020124	02/01/2024	February long distance charges		\$8.73
			1000 - General Fund		\$4.30
			2211 - ISF - Information Technology		\$4.43
105428	02/16/2024			AT&T/CALNET 3	\$266.75
	Invoice	Date	Description		Amount
	000021265690	02/13/2024	February telephone service		\$266.75
			1000 - General Fund		\$203.86
			2211 - ISF - Information Technology		\$62.89
105429	02/16/2024			BECKY ADAMS	\$1,124.50
	Invoice	Date	Description		Amount
	BA021124	02/11/2024	Instructor payment		\$1,124.50
105430	02/16/2024			BOONE LOW RATLIFF ARCHITECTS INC	\$55,044.25
	Invoice	Date	Description		Amount
	3978	02/08/2024	January Community Center renovation design services Phas		\$49,361.63
	3979	02/08/2024	January Community Center renovation design services Phas		\$5,682.62
			1200 - Capital Improvement Fund		
105431	02/16/2024			Bryan Pybas	\$325.00
	Invoice	Date	Description		Amount
	BP021124	02/11/2024	Instructor payment		\$325.00

# City Checks Issued February 16, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105432	02/16/2024			CALIFORNIA GREY BEARS INC.	\$4,238.94
	Invoice	Date	Description		Amount
	CDBG-NH-20008#Q2	02/08/2024	OCT-DEC CDBG health food program grant		\$4,238.94
			1350 - CDBG Grants		
105433	02/16/2024			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,104.50
	Invoice	Date	Description		Amount
	POA020924	02/09/2024	POA & gym dues PPE 2/3/24		\$1,104.50
			1001 - Payroll Payables		
105434	02/16/2024			CORODATA RECORDS MANAGEMENT, INC.	\$91.80
	Invoice	Date	Description		Amount
	RS3579770	01/31/2024	January records management		\$91.80
105435	02/16/2024			CRYSTAL SPRINGS WATER CO.	\$428.50
	Invoice	Date	Description		Amount
	CSW013124	01/31/2024	January drinking water		\$428.50
105436	02/16/2024			CSW-STUBER-STROEH ENGINEERING GROUP INC	\$4,507.96
	Invoice	Date	Description		Amount
	2402003	02/13/2024	Cliff Drive Resiliency Project Services thru 2/4/24		\$4,507.96
			1200 - Capital Improvement Fund		
105437	02/16/2024			CUSHMAN CONTRACTING CORP ESCROW #80013175	\$61,564.99
	Invoice	Date	Description		Amount
	CCC#06retention	01/31/2024	January Wharf Project retainer		\$61,564.99
			1200 - Capital Improvement Fund		
105438	02/16/2024			CUSHMAN CONTRACTING CORPORATION	\$1,169,879.88
	Invoice	Date	Description		Amount
	CCC#06	01/31/2024	January Wharf Resiliency and Public Access Project Service		\$1,169,879.88
			1200 - Capital Improvement Fund		
105439	02/16/2024			DANA LYNN SCHMIDT	\$286.00
	Invoice	Date	Description		Amount
	DLS021124	02/11/2024	Instructor payment		\$286.00
105440	02/16/2024			DAVID SCOTT COBABE	\$1,131.00
	Invoice	Date	Description		Amount
	DC021124	02/11/2024	Instructor payment		\$1,131.00

# City Checks Issued February 16, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105441	02/16/2024			ENVIRONMENTAL INNOVATIONS INC.	\$2,145.00
	Invoice	Date	Description		Amount
	2422	02/07/2024	CalRecycle January outreach		\$2,145.00
105442	02/16/2024			FLYERS ENERGY LLC	\$2,807.43
	Invoice	Date	Description		Amount
	24-024354	02/09/2024	420 gallons gasoline		\$1,978.56
	24-024353	02/09/2024	160 gallons diesel		\$828.87
105443	02/16/2024			HOME DEPOT CREDIT SERVICES	\$185.97
	Invoice	Date	Description		Amount
	9621918	02/07/2024	Storage box, paper towel, bucket, washers, nuts		\$177.60
	9522629	02/07/2024	Flat screen pine		\$8.37
105444	02/16/2024			INTERSTATE TRAFFIC CONTROL PRODUCTS	\$5,810.94
	Invoice	Date	Description		Amount
	261559	02/13/2024	Traffic signs		\$3,607.19
	261560	02/13/2024	Traffic Cones		\$2,203.75
105445	02/16/2024			JANET RUSSELL KELLER	\$295.75
	Invoice	Date	Description		Amount
	JRK021124	02/11/2024	Instructor payment		\$295.75
105446	02/16/2024			LEAGUE OF CALIFORNIA CITIES	\$300.00
	Invoice	Date	Description		Amount
	8311	02/06/2024	2024 Monterey Bay Division membership dues		\$300.00
105447	02/16/2024			MICHAEL G LEW	\$156.00
	Invoice	Date	Description		Amount
	ML021124	02/11/2024	Instructor payment		\$156.00
105448	02/16/2024			MID COUNTY AUTO SUPPLY	\$153.15
	Invoice	Date	Description		Amount
	M-2457385	02/07/2024	Rocker, gloves, illum rock		\$55.10
	M-2456129	02/06/2024	Rear brake pads		\$98.05
105449	02/16/2024			MISSION LINEN SUPPLY	\$272.83
	Invoice	Date	Description		Amount
	520997003	02/07/2024	Fleet towels, uniform cleaning		\$34.98
	520997004	02/07/2024	Corp. Yard linen service		\$154.40
	520990087	02/05/2024	Community Center mop and mat service		\$83.45

# City Checks Issued February 16, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105450	02/16/2024			MOFFATT AND NICHOL	\$6,102.17
	Invoice	Date	Description		Amount
	00785802	02/01/2024	Wharf design services through 1/27/2024		\$6,102.17
			1200 - Capital Improvement Fund		
105451	02/16/2024			NORTH BAY FORD	\$1,526.77
	Invoice	Date	Description		Amount
	291575	01/29/2024	Muffler Assembly		\$1,526.77
105452	02/16/2024			O'REILLY AUTO PARTS	\$610.12
	Invoice	Date	Description		Amount
	2763-411441	01/29/2024	Wiper blades		\$217.39
	2763-411745	01/30/2024	Battery, protectant		\$392.73
105453	02/16/2024			PAVEMENT ENGINEERING INC.	\$1,035.00
	Invoice	Date	Description		Amount
	2401-161	02/09/2024	2024 Pavement Management services through 1/31/24		\$1,035.00
			1200 - Capital Improvement Fund		
105454	02/16/2024			PHIL ALLEGRI ELECTRIC INC.	\$150.00
	Invoice	Date	Description		Amount
	33611	02/07/2024	New pump connections, plus testing		\$150.00
105455	02/16/2024			SAN LORENZO LUMBER	\$159.44
	Invoice	Date	Description		Amount
	55-0858600	01/08/2024	Lumber		\$93.85
	55-0861585	01/23/2024	Lumber		\$65.59
105456	02/16/2024			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$4,181.00
	Invoice	Date	Description		Amount
	SCCO013124	02/13/2024	January citation processing		\$4,181.00
105457	02/16/2024			SANTA CRUZ MUNICIPAL UTILITIES	\$298.09
	Invoice	Date	Description		Amount
	SCMU020524	02/05/2024	January water service for medians		\$298.09

# City Checks Issued February 16, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105458	02/16/2024			SOQUEL CREEK WATER DISTRICT	\$3,667.79
	Invoice	Date	Description		Amount
	42-14952-0020524	02/05/2024	42-14952 Cortez Park irrigation		\$169.12
	42-15297-0020524	02/05/2024	42-15297-00 426 Capitola Ave irrigation		\$162.71
	42-15969-0020524	02/05/2024	42-15969-00 Lawn Way irrigation		\$70.20
	42-16122-0020524	02/05/2024	42-16122-00 Esplanade fountain irrigation		\$78.28
	42-10504-0020524	02/05/2024	42-10504-00 Cliff Drive irrigation		\$70.20
	42-11090-0120524	02/05/2024	42-11090-01 Capitola Road irrigation		\$162.71
	42-11457-0020524	02/05/2024	42-11467-00 Jade Street park irrigation		\$1,356.49
	42-11517-0020524	02/05/2024	42-11517-00 41st Avenue irrigation		\$310.33
	42-14404-0020524	02/05/2024	42-14404-00 Monterey Ave. Nobel Gulch Park irrigation		\$70.20
	42-16130-0020524	02/05/2024	42-16130-00 Wharf Road irrigation		\$71.42
	42-16136-0020524	02/05/2024	42-16136-00 1400 Wharf Road irrigation		\$78.89
	42-16407-0020524	02/05/2024	42-16407-00 Bay Ave. irrigation		\$70.20
	13-10919-0020524	02/05/2024	13-10919-00 2000 Wharf Road water service		\$52.34
	42-14431-0020524	02/05/2024	42-14431-00 Monterey Ave irrigation		\$804.30
	42-17688-0020524	02/05/2024	42-17688-00 Lawn Way irrigation 2		\$70.20
	42-18238-0020524	02/05/2024	42-18238-00 Capitola Road irrigation		\$70.20
			1000 - General Fund		\$3,588.90
			1311 - Wharf		\$78.89
105459	02/16/2024			STAPLES ADVANTAGE	\$61.75
	Invoice	Date	Description		Amount
	3558235630	01/31/2024	Copier paper		\$61.75
			2210 - ISF - Stores Fund		
105460	02/16/2024			SUPERIOR PRESS	\$499.29
	Invoice	Date	Description		Amount
	4801654	02/13/2024	AP Check restock		\$499.29
105461	02/16/2024			TRAFFIC LOGIX CORPORATION	\$4,053.72
	Invoice	Date	Description		Amount
	SIN23647	01/29/2024	Speed tracker plus solar powered		\$4,053.72
105462	02/16/2024			UPEC LIUNA LOCAL 792	\$1,060.50
	Invoice	Date	Description		Amount
	UPEC022924	02/09/2024	January UPEC dues		\$1,060.50
			1001 - Payroll Payables		
105463	02/16/2024			US BANK EQUIPMENT FINANCE	\$179.55
	Invoice	Date	Description		Amount
	521661363	02/04/2024	Recreation copier lease		\$179.55

# City Checks Issued February 16, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105464	02/16/2024			US BANK PARS Acct 6746022400	\$471.19
	Invoice	Date	Description		Amount
	PARS020924	02/09/2024	PARS contributions PPE 2/3/24		\$471.19
			1001 - Payroll Payables		
105465	02/16/2024			WE ALL RIDE SANTA CRUZ	\$150.54
	Invoice	Date	Description		Amount
	4180493	02/02/2024	Battery maintenance		\$150.54
105466	02/16/2024			WEBER HAYES & ASSOCIATES INC.	\$550.00
	Invoice	Date	Description		Amount
	16119	02/07/2024	Completion Report/Land Use Covenant for Skate Park		\$550.00
105467	02/16/2024			WILLDAN FINANCIAL SERVICES	\$3,650.00
	Invoice	Date	Description		Amount
	010-57519	02/13/2024	Comprehensive User Fee Study and Overhead Cost Allocati		\$3,650.00
Type Check Totals:					\$1,341,113.48
<u>EFT</u>					
1670	02/12/2024			CalPERS Member Services Division	\$64,719.15
	Invoice	Date	Description		Amount
	1002576365-8	02/09/2024	PERS contributions PPE 2/3/24		\$64,719.15
			1000 - General Fund	\$0.31	
			1001 - Payroll Payables	\$64,718.84	
1671	02/12/2024			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$11,649.07
	Invoice	Date	Description		Amount
	1-385-414-160	02/09/2024	State taxes PPE 2/3/24		\$11,649.07
			1001 - Payroll Payables		
1672	02/12/2024			INTERNAL REVENUE SERVICE	\$38,090.61
	Invoice	Date	Description		Amount
	81138522	02/09/2024	Federal taxes & Medicare PPE 2/3/24		\$38,090.61
			1001 - Payroll Payables		
1673	02/12/2024			STATE DISBURSEMENT UNIT	\$1,662.91
	Invoice	Date	Description		Amount
	47171615	02/09/2024	Employee garnishments PPE 2/3/24		\$1,662.91
			1001 - Payroll Payables		

# City Checks Issued February 16, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
1674	02/12/2024			VOYA FINANCIAL	\$7,439.38

Invoice	Date	Description	Amount
VOYA020924	02/09/2024	Employee 457 contributions PPE 2/3/24 1001 - Payroll Payables	\$7,439.38

Type EFT Totals: \$123,561.12

Main City Totals	Count	Total
Checks	43	\$1,341,113.48
EFTs	5	\$123,561.12
All	48	\$1,464,674.60

Payroll Totals	Count	Total
Checks	0	\$0.00
EFTs	0	\$0.00
All	0	\$0.00

Grand Totals:	Count	Total
Checks	43	\$1,341,113.48
EFTs	5	\$123,561.12
All	48	\$1,464,674.60





# City Checks Issued February 23, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105468	02/23/2024			ADRIENNE HARRELL	\$353.60
	Invoice	Date	Description		Amount
	AH021724	02/17/2024	Instructor payment		\$353.60
105469	02/23/2024			ALLDATA	\$1,500.00
	Invoice	Date	Description		Amount
	AD022124	02/21/2024	ALLDATA REPAIR subscription renewal		\$1,500.00
105470	02/23/2024			ALLIED UNIVERSAL	\$18.63
	Invoice	Date	Description		Amount
	15328156	02/09/2024	February 2024 Leap Year Jade Street Park Patrol		\$18.63
105471	02/23/2024			AMAZON CAPITAL SERVICES	\$560.96
	Invoice	Date	Description		Amount
	1M1D-MMQN-7CWW	02/15/2024	High Visibility jackets		\$188.58
	1GGQ-CCVT-6XLN	02/16/2024	Face Covers		\$14.16
	1HLW-HMTW-W4NK	02/19/2024	Computer speakers		\$17.79
	1DGR-YQGG-JWHT	02/11/2024	Digital Video Recorders		\$157.42
	1FH4-YNDH-79T1	02/16/2024	Duty Holster		\$187.04
	16MW-LN6N-NNM3	02/19/2024	Credit Memo for 1MGL-CQY4-CQMJ		(\$58.48)
	1GRL-3CYF-76MC	02/21/2024	AA batteries		\$54.45
			1000 - General Fund		\$543.17
			2211 - ISF - Information Technology		\$17.79
105472	02/23/2024			AT&T/CALNET 3	\$2,849.47
	Invoice	Date	Description		Amount
	000021266358	02/13/2024	February T-1 access		\$2,849.47
105473	02/23/2024			B & B SMALL ENGINE REPAIR	\$614.62
	Invoice	Date	Description		Amount
	538613	02/08/2024	Pruning saws, chains		\$614.62
105474	02/23/2024			BAY PHOTO LAB	\$185.42
	Invoice	Date	Description		Amount
	20423089	02/20/2024	Printing		\$185.42
105475	02/23/2024			BEAR ELECTRICAL SOLUTIONS INC.	\$8,827.61
	Invoice	Date	Description		Amount
	21650	01/28/2024	January traffic signal maintenance services - response		\$1,574.20
	21541	01/28/2024	January traffic signal maintenance services - routine		\$646.80
	21691	02/15/2024	Capitola 3555 Clares St replacement poles		\$6,606.61
			1310 - Gas Tax		

# City Checks Issued February 23, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105476	02/23/2024			BETZ WORKS INC	\$56,000.00
	Invoice	Date	Description		Amount
	24018	02/14/2024	Install 200 Tons of Rock on Jetty 1200 - Capital Improvement Fund		\$56,000.00
105477	02/23/2024			CALIFORNIA COAST UNIFORM COMPANY	\$775.39
	Invoice	Date	Description		Amount
	10847	12/29/2023	527 Uniform Shirt		\$64.26
	10849	12/29/2023	565 Tailoring Charges		\$20.00
	10850	12/29/2023	Embroidery Charges		\$160.00
	10848	12/29/2023	536 Tailoring Charges		\$36.00
	10880	02/05/2024	564 Tailoring Charges		\$44.00
	10878	02/05/2024	Tailoring Charges		\$83.00
	10879	02/05/2024	Tailoring Charges		\$146.00
	10881	02/05/2024	Uniform Shirts and Embroidery Charges		\$222.13
105478	02/23/2024			CARIN HANNA	\$250.00
	Invoice	Date	Description		Amount
	CH021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105479	02/23/2024			CODE PUBLISHING COMPANY	\$352.50
	Invoice	Date	Description		Amount
	GCI0013210	02/14/2024	Municipal code web update		\$352.50
105480	02/23/2024			D & G SANITATION	\$501.78
	Invoice	Date	Description		Amount
	304044	01/31/2024	January Skate park hand wash station, portable toilets		\$501.78
105481	02/23/2024			EWING IRRIGATION	\$287.08
	Invoice	Date	Description		Amount
	21421781	01/23/2024	Replacement blades, super sweeper, cultivator handle		\$81.54
	21444015	01/29/2024	Roundup pesticide		\$205.54
105482	02/23/2024			EXCEEDIO	\$2,509.68
	Invoice	Date	Description		Amount
	15146	02/16/2024	Duracell batteries, labor services 2211 - ISF - Information Technology		\$2,509.68
105483	02/23/2024			FIRST ALARM	\$254.55
	Invoice	Date	Description		Amount
	801934	02/15/2024	Community Center quarterly intrusion system monitoring		\$254.55

# City Checks Issued February 23, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105484	02/23/2024			FLYERS ENERGY LLC	\$109.86
	Invoice	Date	Description		Amount
	CFS-3746296	02/15/2024	Card processing		\$109.86
105485	02/23/2024			GALLS LLC	\$1,155.18
	Invoice	Date	Description		Amount
	027089563	02/14/2024	High Speed Gear, Belt and Magazine Pouch		\$308.47
	027088309	02/14/2024	Duty Jacket, Performance Shirt and Stryke Pant		\$846.71
105486	02/23/2024			GINA ENRIQUEZ	\$7,931.00
	Invoice	Date	Description		Amount
	GE021724	02/17/2024	Instructor payment		\$7,931.00
105487	02/23/2024			HO KUK MU SUL CORPORATION	\$62.40
	Invoice	Date	Description		Amount
	HKMSC021724	02/17/2024	Instructor payment		\$62.40
105488	02/23/2024			HOME DEPOT CREDIT SERVICES	\$316.69
	Invoice	Date	Description		Amount
	1512432	02/15/2024	Picture hanging strips		\$56.36
	6624298	02/20/2024	Picture hanging strips		\$64.94
	6521117	01/31/2024	Adjustable wrenches		\$21.73
	3517518	02/13/2024	Safety high visibility vests		\$173.66
105489	02/23/2024			JACKIE YEUNG	\$588.45
	Invoice	Date	Description		Amount
	JY020924	02/09/2024	Drone Training Reimbursement		\$588.45
105490	02/23/2024			KBA Document Solutions LLC	\$527.20
	Invoice	Date	Description		Amount
	55Y1434420	02/14/2024	City Hall copier usage charges		\$527.20
			2211 - ISF - Information Technology		
105491	02/23/2024			KIMLEY HORN AND ASSOCIATES INC	\$11,874.18
	Invoice	Date	Description		Amount
	27257470	01/31/2024	Upper Pacific Cove Sidewalk Project Design Services 1.31		\$9,759.18
	27257469	01/31/2024	Park Ave Traffic Calming phase I		\$2,115.00
			1200 - Capital Improvement Fund		
105492	02/23/2024			LABORMAX STAFFING	\$1,095.87
	Invoice	Date	Description		Amount
	26-362860	02/16/2024	Public works seasonal labor 2/13 - 2/16/24		\$1,095.87

# City Checks Issued February 23, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105493	02/23/2024			LLOYD'S TIRE AND AUTO	\$133.80
	Invoice	Date	Description		Amount
	218641	02/13/2024	Tire install & services		\$133.80
105494	02/23/2024			LP POLICE	\$5.98
	Invoice	Date	Description		Amount
	124LP31150	01/31/2024	LP Police Live Search		\$5.98
105495	02/23/2024			MARY MCGLENN CAHALEN	\$1,500.00
	Invoice	Date	Description		Amount
	MMC021124	02/11/2024	Capitola Sip & Stroll Coordinator Services 1321 - BIA - Capitola Village-Wharf BIA		\$1,500.00
105496	02/23/2024			MASTER CLEANERS	\$566.46
	Invoice	Date	Description		Amount
	MC021124	02/11/2024	January 2024 Uniform Cleaning		\$566.46
105497	02/23/2024			MISSION LINEN SUPPLY	\$159.21
	Invoice	Date	Description		Amount
	521030387	02/14/2024	Corp. Yard linen service		\$124.23
	521030386	02/14/2024	Fleet towels, uniform cleaning		\$34.98
105498	02/23/2024			MISSION PRINTERS	\$283.81
	Invoice	Date	Description		Amount
	65321	02/21/2024	Windowed envelopes 2210 - ISF - Stores Fund		\$283.81
105499	02/23/2024			NORTH BAY FORD	\$246.67
	Invoice	Date	Description		Amount
	291718	02/13/2024	Screw and lockwashe		\$7.52
	291688	02/09/2024	Latch		\$148.08
	291744	02/15/2024	Flashlight, headlamp		\$91.07
105500	02/23/2024			O'REILLY AUTO PARTS	\$100.67
	Invoice	Date	Description		Amount
	2763-414839	02/14/2024	Canister oil, screws, coils, fuel filter		\$100.67
105501	02/23/2024			PACIFIC CREST ENGINEERING INC.	\$1,911.14
	Invoice	Date	Description		Amount
	13392	01/31/2024	Noble Gulch Culvert Condition Assessment Services thru 1/31/2. 1200 - Capital Improvement Fund		\$1,911.14

## City Checks Issued February 23, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105502	02/23/2024			PACIFIC GAS & ELECTRIC	\$21,287.51
	Invoice	Date	Description		Amount
	PGE021324-acct9	02/13/2024	February Monthly utilities		\$18,570.27
	PGE020924-acct0	02/09/2024	Wharf Road Rispin Mansion utilities		\$11.28
	PGE021324-acct5	02/13/2024	February Pacific Cove parking lot utilities		\$2,705.96
			1000 - General Fund		\$12,049.44
			1300 - SLESF - Supl Law Enfc		\$164.14
			1310 - Gas Tax		\$8,414.03
			1311 - Wharf		\$659.90
105503	02/23/2024			PALACE BUSINESS SOLUTIONS	\$276.56
	Invoice	Date	Description		Amount
	2320844-0	02/09/2024	Copy		\$154.76
	2321040-0	02/12/2024	Mouse Pad, Marker Kit and White Board Cleaner		\$121.80
105504	02/23/2024			PET PALS DISCOUNT PET SUPPLIES	\$978.32
	Invoice	Date	Description		Amount
	2860674	08/03/2023	K-9 Food and Treats		\$174.31
	2875400	09/02/2023	K-9 Treats and Supplies		\$89.31
	2880835	09/14/2023	K-9 Food and Treats		\$164.85
	2887901	09/29/2023	K-9 Treats and Supplies		\$120.35
	2908305	11/11/2023	K-9 Treats and Supplies		\$94.42
	2916264	11/29/2023	K-9 Food		\$149.84
	2920922	12/09/2023	K-9 Recovery Collar		\$52.31
	2924906	12/17/2023	K-9 Food and Treats		\$132.93
105505	02/23/2024			PHOENIX GROUP INFORMATION SYSTEMS	\$3,460.02
	Invoice	Date	Description		Amount
	012024070	02/15/2024	January 2024 Citation Processing		\$3,460.02
105506	02/23/2024			SAN LORENZO LUMBER	\$168.85
	Invoice	Date	Description		Amount
	55-0864569	02/06/2024	Sealant, caulk gun		\$36.28
	55-0865903	02/13/2024	Lumber		\$132.57
105507	02/23/2024			SANTA CRUZ AUTO PARTS INC.	\$124.35
	Invoice	Date	Description		Amount
	14508-489542	02/15/2024	Adhesion, truck bed coating		\$124.35
105508	02/23/2024			SIRCHIE	\$60.51
	Invoice	Date	Description		Amount
	0630425-IN	02/07/2024	Evidence and Property Supplies		\$60.51

# City Checks Issued February 23, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105509	02/23/2024			SOQUEL CREEK WATER DISTRICT	\$1,029.95
	Invoice	Date	Description		Amount
	06-14476-0021224	02/12/2024	06-14476-00 430 Kennedy Drive water service		\$133.78
	08-15299-0021224	02/12/2024	08-15299-00 Monterey Ave. water		\$52.65
	08-15562-0021224	02/12/2024	08-15562-00 Cliff and Fairview water service		\$52.34
	09-15964-0021224	02/12/2024	09-15964-00 Monterey Ave. Esplanade water		\$791.18
105510	02/23/2024			SOQUEL UNION ELEMENTARY SCHOOL DISTRICT	\$4,130.20
	Invoice	Date	Description		Amount
	INV24-00305	02/15/2024	2022 Jade Street Community Center sanitation charges		\$2,186.08
	INV24-00306	02/15/2024	2023 Jade Street Community Center sanitation charges		\$1,944.12
105511	02/23/2024			STAPLES ADVANTAGE	\$159.75
	Invoice	Date	Description		Amount
	3559318245	02/09/2024	Cups and Utensils		\$159.75
105512	02/23/2024			THE HOME DEPOT PRO	\$2,002.08
	Invoice	Date	Description		Amount
	789566940	02/14/2024	Cleaning supplies		\$1,782.96
	789566957	02/14/2024	Cleaning supplies		\$219.12
105513	02/23/2024			TRANSPORTATION ALLIANCE BANK INC.	\$4,696.93
	Invoice	Date	Description		Amount
	681996	02/16/2024	Squeegee assembly, hose assembly, LED lights, strainer, bump		\$4,323.76
	682027	02/20/2024	Light bar assembly		\$373.17
			1310 - Gas Tax		
105514	02/23/2024			UNITED RENTALS (NORTH AMERICA) INC.	\$825.68
	Invoice	Date	Description		Amount
	229925130-001	02/08/2024	Generator rental		\$825.68
105515	02/23/2024			VICTORIA M JOHNSON	\$659.08
	Invoice	Date	Description		Amount
	VMMJ021724	02/17/2024	Instructor payment		\$659.08
105516	02/23/2024			WITMER TYSON IMPORTS INC.	\$750.00
	Invoice	Date	Description		Amount
	T15311	02/15/2024	January 2024 K-9 Maintenance Training		\$750.00
105517	02/23/2024			37TH PARALLEL	\$250.00
	Invoice	Date	Description		Amount
	37P021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		

# City Checks Issued February 23, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105518	02/23/2024			4980 CLIFF DRIVE LLC	\$1,560.12
	Invoice	Date	Description		Amount
	CDL022024	02/20/2024	4980 Cliff Drive #A TOT Refund		\$1,560.12
105519	02/23/2024			BARGETTO	\$250.00
	Invoice	Date	Description		Amount
	B021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105520	02/23/2024			BIG BASIN VINEYARDS	\$250.00
	Invoice	Date	Description		Amount
	BBV021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105521	02/23/2024			BOTTLE JACK	\$250.00
	Invoice	Date	Description		Amount
	BJ021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105522	02/23/2024			BURRELL SCHOOL	\$250.00
	Invoice	Date	Description		Amount
	BS021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105523	02/23/2024			CHARMANT VINEYARDS	\$250.00
	Invoice	Date	Description		Amount
	CV021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105524	02/23/2024			CHAUCER	\$250.00
	Invoice	Date	Description		Amount
	C021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105525	02/23/2024			CONNIE GENEVIEVE LEE	\$330.00
	Invoice	Date	Description		Amount
	CGL022024	02/20/2024	318 Capitola Ave #5 TOT Refund		\$330.00
105526	02/23/2024			CUTTING JEFFREY P	\$4,710.52
	Invoice	Date	Description		Amount
	CJP022024	02/20/2024	328 Riverview Ave TOT Refund		\$4,710.52

# City Checks Issued February 23, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105527	02/23/2024			Dabir, Richard	\$50.00
	Invoice	Date	Description		Amount
	RD021424	02/14/2024	Village Parking Permit Refund		\$50.00
105528	02/23/2024			DEEDEE WILSON	\$250.00
	Invoice	Date	Description		Amount
	DW021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105529	02/23/2024			DEVON SALTER	\$250.00
	Invoice	Date	Description		Amount
	DS021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105530	02/23/2024			ENGLISH ALE	\$250.00
	Invoice	Date	Description		Amount
	EA021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105531	02/23/2024			GALI VINEYARDS	\$250.00
	Invoice	Date	Description		Amount
	GV021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105532	02/23/2024			HALLCREST	\$500.00
	Invoice	Date	Description		Amount
	H021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$500.00
105533	02/23/2024			KINGS MOUNTAIN	\$250.00
	Invoice	Date	Description		Amount
	KM021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105534	02/23/2024			KISSED BY THE ANGEL	\$250.00
	Invoice	Date	Description		Amount
	KA021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00
105535	02/23/2024			LE'AL VINEYARDS	\$250.00
	Invoice	Date	Description		Amount
	LV021324	02/13/2024	Sip and Stroll participation fee 1321 - BIA - Capitola Village-Wharf BIA		\$250.00



# City Checks Issued February 23, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105536	02/23/2024			LEFT BEND	\$250.00
	Invoice	Date	Description		Amount
	LB021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105537	02/23/2024			LLAMA WINES	\$500.00
	Invoice	Date	Description		Amount
	LW021324	02/13/2024	Sip and Stroll participation fee		\$500.00
			1321 - BIA - Capitola Village-Wharf BIA		
105538	02/23/2024			MOYLE BRIAN R	\$4,875.21
	Invoice	Date	Description		Amount
	MBR022024	02/20/2024	112 Capitola #200 TOT Refund		\$4,875.21
105539	02/23/2024			PATRICK BUONSANTE	\$250.00
	Invoice	Date	Description		Amount
	PB021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105540	02/23/2024			PELICAN RANCH	\$250.00
	Invoice	Date	Description		Amount
	PR021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105541	02/23/2024			RAFFAELLI	\$250.00
	Invoice	Date	Description		Amount
	R021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105542	02/23/2024			ROUDON SMITH	\$250.00
	Invoice	Date	Description		Amount
	RS021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105543	02/23/2024			SKILLS OF LIFE CAFE	\$4.00
	Invoice	Date	Description		Amount
	SLC022124	02/21/2024	Disability Access & Education Business License Fee Refund		\$4.00
105544	02/23/2024			SONES	\$250.00
	Invoice	Date	Description		Amount
	S021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		

# City Checks Issued February 23, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105545	02/23/2024			WAR ROOM CELLARS	\$250.00
	Invoice	Date	Description		Amount
	WRC021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105546	02/23/2024			WARGIN WINES	\$250.00
	Invoice	Date	Description		Amount
	WW021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105547	02/23/2024			WINDY OAKS WINERY	\$250.00
	Invoice	Date	Description		Amount
	WOW021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		
105548	02/23/2024			WRIGHT STATION VINEYARDS & WINERY	\$250.00
	Invoice	Date	Description		Amount
	WSVW021324	02/13/2024	Sip and Stroll participation fee		\$250.00
			1321 - BIA - Capitola Village-Wharf BIA		

Type Check Totals: \$163,549.50

Main City Totals	Count	Total
Checks	81	\$163,549.50
EFTs	0	\$0.00
All	81	\$163,549.50

Payroll Totals	Count	Total
Checks	0	\$0.00
EFTs	101	\$193,654.97
All	101	\$193,654.97

Grand Totals:	Count	Total
Checks	81	\$163,549.50
EFTs	101	\$193,654.97
All	182	\$357,204.47


City main account checks dated March 1, 2024, numbered 105549 to 105616 totaling \$322,326.68, and 8 EFTs totaling \$201,471.03 for a grand total of \$523,797.71, have been reviewed and authorized for distribution by the City Manager.

As of March 1, 2024, the unaudited cash balance is \$6,022,498.26.

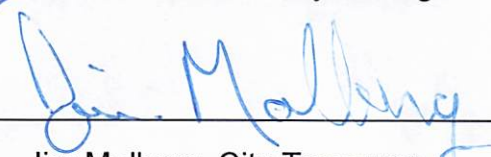
**CASH POSITION - CITY OF CAPITOLA**  
**March 1, 2024**

	<u>3/1/2024</u>
General Fund <sup>(1)</sup>	\$ 338,164.60
Payroll Payables	\$ 4,831.62
Contingency Reserve Fund	\$ 2,192,345.66
PERS Contingency Fund	\$ 1,154,274.68
Emergency Reserve Fund	\$ 1,541,505.54
Facilities Reserve Fund	\$ 432,714.09
Capital Improvement Fund	\$ (291,390.62)
Stores Fund	\$ 58,783.18
Information Technology Fund	\$ 212,246.78
Equipment Replacement	\$ 284,388.80
Self-Insurance Liability Fund	\$ (131,148.42)
Workers' Comp. Ins. Fund	\$ (105,103.71)
Compensated Absences Fund	\$ 330,886.06
<b>TOTAL AVAILABLE GENERAL FUNDS</b>	<u><u>\$ 6,022,498.26</u></u>

(1) Mar. 1st balance includes \$3.99 million non-current investments

  
\_\_\_\_\_  
Jamie Goldstein, City Manager

3/4/24  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jim Malberg, City Treasurer

3/1/24  
\_\_\_\_\_  
Date

# City Checks Issued March 1, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105549	03/01/2024			ABRAHAM CAMACHO	\$1,294.68
	Invoice	Date	Description		Amount
	AC020924	02/09/2024	Drone Training Reimbursement 1300 - SLESF - Supl Law Enfc		\$1,294.68
105550	03/01/2024			ADAMS ASHBY GROUP INC.	\$5,256.25
	Invoice	Date	Description		Amount
	5266	02/19/2024	General Admin to PLHA 1373 - Permanent Local Housing Alloca		\$5,256.25
105551	03/01/2024			AFLAC	\$1,865.14
	Invoice	Date	Description		Amount
	062416	02/23/2024	February supplemental insurance 1001 - Payroll Payables		\$1,865.14
105552	03/01/2024			ALLSAFE LOCK COMPANY	\$9.81
	Invoice	Date	Description		Amount
	89883	02/20/2024	3 Keys		\$9.81
105553	03/01/2024			AMAZON CAPITAL SERVICES	\$1,703.51
	Invoice	Date	Description		Amount
	1TRM-LVTF-XXN4	02/25/2024	Paint rollers		\$27.24
	1PKW-QPHX-VMGK	02/25/2024	Wireless keyboard, usb flash drive, usb splitter		\$44.22
	1YCL-1Y3H-9MR1	02/22/2024	Dish brush		\$8.67
	1KCM-GC1Q-7PXV	02/27/2024	Digital door keypad lock		\$1,519.62
	1LY6-C6QY-CL39	02/27/2024	DVI Cable		\$15.24
	1TRM-LVTF-M71T	02/24/2024	Pay Station Nylon Bags		\$81.11
	16TG-774W-6X34	02/27/2024	Batteries		\$7.41
		1000 - General Fund			\$1,644.05
		2211 - ISF - Information Technology			\$59.46
105554	03/01/2024			BAY PHOTO LAB	\$608.85
	Invoice	Date	Description		Amount
	20432382	02/26/2024	Prints		\$146.50
	20415127	02/15/2024	Lustre Prints, mounting		\$107.96
	20428137	02/22/2024	Lustre prints, color corrections, mounting		\$32.57
	20415114	02/15/2024	Prints, Mountings		\$321.82

# City Checks Issued March 1, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105555	03/01/2024			BELLOWS PLUMBING HEATING & AIR	\$912.00
	Invoice	Date	Description		Amount
	202992	01/25/2024	Smoke test per hour		\$912.00
105556	03/01/2024			BENEFIT COORDINATORS CORP.	\$5,754.30
	Invoice	Date	Description		Amount
	B0CHR6	02/01/2024	February dental & vision insurance		\$5,754.30
			1001 - Payroll Payables		
105557	03/01/2024			BURKE WILLIAMS AND SORENSEN LLP	\$39,857.50
	Invoice	Date	Description		Amount
	316428	02/26/2024	January 1098 38th Street Legal Services		\$518.50
	316427	02/26/2024	January Rent Control Ordinance Legal Services		\$3,840.00
	316426	02/26/2024	January Fee Issues Legal Services		\$605.00
	316425	02/26/2024	January BHR Lawsuit Legal Services		\$645.00
	316424	02/26/2024	January 4401 Capitola Road Legal Services		\$637.00
	316423	02/26/2024	January Labor Negotiations Legal Services		\$5,640.00
	316422	02/26/2024	January Public Works Legal Services		\$440.00
	316421	02/26/2024	January Police Legal Services		\$715.00
	316420	02/26/2024	January Planning Legal Services		\$8,442.50
	316419	02/26/2024	January Litigation Legal Services		\$4,246.00
	316418	02/26/2024	January Code Enforcement Legal Services		\$120.00
	316416	02/26/2024	January Labor and Employment Legal Services		\$1,467.50
	316417	02/26/2024	January City Attorney Legal Services		\$12,541.00
105558	03/01/2024			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,087.00
	Invoice	Date	Description		Amount
	POA022324	02/23/2024	POA & gym dues PPE 2/17/24		\$1,087.00
			1001 - Payroll Payables		
105559	03/01/2024			CAPITOLA-SOQUEL CHAMBER OF COMMERCE	\$375.00
	Invoice	Date	Description		Amount
	4726	02/20/2024	2024 Membership Dues		\$375.00
105560	03/01/2024			CARIN HANNA	\$4,580.00
	Invoice	Date	Description		Amount
	CH022124	02/21/2024	Sip & Stroll gift certificates reimbursement		\$4,580.00
			1321 - BIA - Capitola Village-Wharf BIA		
105561	03/01/2024			CINTAS CORPORATION	\$156.08
	Invoice	Date	Description		Amount
	5199244705	02/23/2024	First Aid Replenishment		\$156.08

# City Checks Issued March 1, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105562	03/01/2024			CIVICPLUS LLC	\$3,190.00
	Invoice	Date	Description		Amount
	291482	03/01/2024	Municode Web Open Platform Maintenance 2211 - ISF - Information Technology		\$3,190.00
105563	03/01/2024			COMMUNITY PRINTERS	\$2,071.92
	Invoice	Date	Description		Amount
	36392011	02/16/2024	Visitor's Guide Brochure - Sip & Stroll 1321 - BIA - Capitola Village-Wharf BIA		\$2,071.92
105564	03/01/2024			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$3,418.25
	Invoice	Date	Description		Amount
	3356	11/30/2023	November televised meetings		\$1,045.25
	3341	11/08/2023	October televised meetings		\$1,243.00
	3328	10/19/2023	September televised meetings		\$621.50
	3313	09/26/2023	August televised meetings		\$508.50
105565	03/01/2024			CSG Consultants Inc.	\$4,564.50
	Invoice	Date	Description		Amount
	B240040	02/01/2024	Building Plan Review Services		\$4,564.50
105566	03/01/2024			DEBORAH OSTERBERG	\$77.29
	Invoice	Date	Description		Amount
	DO012224	01/22/2024	Historical Society Museum research travel reimbursement		\$77.29
105567	03/01/2024			DONALD W ALLEY	\$3,460.25
	Invoice	Date	Description		Amount
	224-01	02/19/2024	Bio-Monitoring of Capitola Beach Jetty Rehabilitation 1200 - Capital Improvement Fund		\$3,460.25
105568	03/01/2024			EQUITABLE	\$3,258.87
	Invoice	Date	Description		Amount
	1514491	01/11/2024	Feb LTD, STD, AD&D, Life Insurance 1001 - Payroll Payables		\$3,258.87
105569	03/01/2024			EWING IRRIGATION	\$163.81
	Invoice	Date	Description		Amount
	21510625	02/09/2024	Trash can, pipe cutter, rake handle, scoop handle		\$163.81
105570	03/01/2024			EXCEEDIO	\$9,083.61
	Invoice	Date	Description		Amount
	15185	03/01/2024	March IT services 2211 - ISF - Information Technology		\$9,083.61

# City Checks Issued March 1, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105571	03/01/2024			FERGUSON ENTERPRISES LLC #795	\$892.81
	Invoice	Date	Description		Amount
	4837244-1	02/22/2024	Chain knocker, cables, cable ties		\$892.81
105572	03/01/2024			FLYERS ENERGY LLC	\$3,544.59
	Invoice	Date	Description		Amount
	24-035594	02/22/2024	810 gallons gasoline		\$3,544.59
105573	03/01/2024			GIGGLES N WIGGLES	\$1,260.00
	Invoice	Date	Description		Amount
	94562	11/21/2023	Camp Capitola field trip		\$195.50
	87713-6	02/26/2024	Camp Capitola field trips (4)		\$1,064.50
105574	03/01/2024			GRAINGER	\$423.12
	Invoice	Date	Description		Amount
	9019293142	02/13/2024	Self-retracting personal fall limiter		\$330.22
	9028002781	02/21/2024	Shoes		\$92.90
105575	03/01/2024			GRANITE CONSTRUCTION COMPANY	\$913.09
	Invoice	Date	Description		Amount
	2656636	02/16/2024	EZ Street asphalt		\$913.09
105576	03/01/2024			GROUP 4 ARCHITECTURE RESEARCH & PLANNING INC.	\$7,680.00
	Invoice	Date	Description		Amount
	12107	01/31/2024	City Hall Facilities Need Assessment		\$7,680.00
105577	03/01/2024			Hi-Line Inc.	\$251.79
	Invoice	Date	Description		Amount
	0151708446481	02/20/2024	Screws, washers, abrasive, GT 150 housing		\$251.79
105578	03/01/2024			HOME DEPOT CREDIT SERVICES	\$551.16
	Invoice	Date	Description		Amount
	4520239	02/22/2024	Pure and Natural salt		\$67.54
	4510374	02/02/2024	Lumber, saw blades, springs, flap discs		\$101.31
	4620743	02/02/2024	Hand Sanitizer pump, bleach, cleanout, drum auger		\$123.82
	3633064	02/13/2024	Plastic drop cloth, bucket, spray foam		\$21.84
	5624335	02/21/2024	Washers, screws		\$68.46
	4624586	02/22/2024	Super nozzle, rapid mortar, sponge		\$36.74
	4624565	02/22/2024	Screws, lumber		\$57.46
	5520060	02/21/2024	Drain gate, floor drain, silicone		\$73.99
105579	03/01/2024			HOSE SHOP	\$113.54
	Invoice	Date	Description		Amount
	457254	02/21/2024	Crimp fitting		\$113.54

# City Checks Issued March 1, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105580	03/01/2024			HUMBOLDT PETROLEUM LLC	\$17.00
	Invoice	Date	Description		Amount
	INV-113505	02/15/2024	Carwash Closing Date 2/15/2024		\$17.00
105581	03/01/2024			INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE	\$650.00
	Invoice	Date	Description		Amount
	1450	02/21/2024	501 Technology Conference Registration		\$650.00
105582	03/01/2024			JIM MALBERG - PETTY CASH CUSTODIAN	\$325.55
	Invoice	Date	Description		Amount
	PC030124	03/01/2024	Petty cash expenses February		\$325.55
105583	03/01/2024			KBA Document Solutions LLC	\$728.83
	Invoice	Date	Description		Amount
	55Y1435838	02/21/2024	City Hall copier usage charges		\$369.12
	55Y1436328	02/23/2024	Toner		\$359.71
			2211 - ISF - Information Technology		
105584	03/01/2024			LABORMAX STAFFING	\$1,095.87
	Invoice	Date	Description		Amount
	26-364153	02/23/2024	Public works seasonal labor 2/20 - 2/23		\$1,095.87
105585	03/01/2024			LAURA ALIOTO	\$650.00
	Invoice	Date	Description		Amount
	LA022524	02/25/2024	Instructor payment		\$650.00
105586	03/01/2024			LINDE GAS & EQUIPMENT INC.	\$242.42
	Invoice	Date	Description		Amount
	41264182	02/22/2024	Acetylene rental		\$242.42
105587	03/01/2024			LLOYD'S TIRE AND AUTO	\$810.02
	Invoice	Date	Description		Amount
	218703	02/16/2024	Tires, tire services		\$810.02
105588	03/01/2024			MICHELE FAIA	\$1,326.00
	Invoice	Date	Description		Amount
	MF022524	02/25/2024	Instructor payment		\$1,326.00
105589	03/01/2024			MID COUNTY AUTO SUPPLY	\$115.39
	Invoice	Date	Description		Amount
	M-2473229	02/21/2024	Fuel Cap		\$83.98
	M-2474616	02/22/2024	Oxy sensor		\$31.41



# City Checks Issued March 1, 2024

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105590	03/01/2024			MISSION LINEN SUPPLY	\$304.83
	Invoice	Date	Description		Amount
	521075858	02/21/2024	Fleet towels, uniform cleaning		\$34.98
	521086081	02/16/2024	Fleet towels, uniform cleaning		\$32.00
	521075859	02/21/2024	Corp. Yard linen service		\$154.40
	521063891	02/19/2024	Community Center mop and mat service		\$83.45
105591	03/01/2024			MP RAIL TRAIL ASSOCIATES, L.P.	\$178,146.68
	Invoice	Date	Description		Amount
	MP020124	02/01/2024	City of Capitola Predevelopment Loan - Draw Request 5552 - Cap Hsg Succ- Program Income		\$178,146.68
105592	03/01/2024			NIGEL BELTON	\$190.00
	Invoice	Date	Description		Amount
	2945	02/20/2024	Consulting Arborist Services - 47th Ave & Emerald St		\$190.00
105593	03/01/2024			NOAH SHERIN	\$155.74
	Invoice	Date	Description		Amount
	NS020924	02/09/2024	Drone Training Reimbursement 1300 - SLESF - Supl Law Enfc		\$155.74
105594	03/01/2024			NUZ Inc.	\$777.49
	Invoice	Date	Description		Amount
	95941	11/15/2023	Good Times publication		\$766.00
	102521	01/31/2024	Finance Charges		\$11.49
105595	03/01/2024			O'REILLY AUTO PARTS	\$157.67
	Invoice	Date	Description		Amount
	2763-410824	01/26/2024	Hose		\$26.35
	2763-416365	02/22/2024	Coil cover, water neck, coolant hoses, oil dipstick		\$131.32
105596	03/01/2024			OUTDOOR SUPPLY HARDWARE	\$281.76
	Invoice	Date	Description		Amount
	192995	02/22/2024	Bulk Fasteners, ball bearing, sander, flap disc		\$207.01
	189899	02/15/2024	Paint roller cover, wire paint roller		\$21.99
	190092	02/15/2024	Paint rags, wall brush, bristle		\$23.93
	192586	02/21/2024	Cleanout plug		\$11.98
	189875	02/15/2024	Loop chain, lap link		\$16.85
105597	03/01/2024			PAULA BLISS	\$715.00
	Invoice	Date	Description		Amount
	PB022524	02/25/2024	Instructor payment		\$715.00

## City Checks Issued March 1, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105598	03/01/2024			PHIL ALLEGRI ELECTRIC INC.	\$1,729.29
	Invoice	Date	Description		Amount
	33750	02/23/2024	Jade St Park troubleshoot pole light		\$1,729.29
105599	03/01/2024			PITNEY BOWES	\$2,030.00
	Invoice	Date	Description		Amount
	PB021924	02/19/2024	City Hall postage machine refill		\$2,030.00
		2210 - ISF - Stores Fund			
105600	03/01/2024			RRM DESIGN GROUP	\$11,713.75
	Invoice	Date	Description		Amount
	2757-01-0124	02/16/2024	January Capitola Housing Element Update		\$11,713.75
		1313 - General Plan Update and Maint			
105601	03/01/2024			RYDIN DECAL	\$681.67
	Invoice	Date	Description		Amount
	PS-INV115422	02/13/2024	2024 CE-500 Parking Permits		\$681.67
105602	03/01/2024			SAN LORENZO LUMBER	\$21.23
	Invoice	Date	Description		Amount
	55-0866044	02/13/2024	Lumber		\$21.23
105603	03/01/2024			SANTA CRUZ AUTO PARTS INC.	\$227.85
	Invoice	Date	Description		Amount
	14508-489935	02/21/2024	Prime guard, carb cleaner, brakeclean, oil filters		\$227.85
105604	03/01/2024			SANTA CRUZ COUNTY DEPT OF PUBLIC WORKS	\$188.40
	Invoice	Date	Description		Amount
	ZONEV-20240049	02/22/2024	Zone V pass through payment		\$188.40
105605	03/01/2024			SANTA CRUZ VIBES MEDIA, LLC	\$1,000.00
	Invoice	Date	Description		Amount
	1144	02/20/2024	SC Vibes Magazine Ad for Sip & Stroll		\$1,000.00
		1321 - BIA - Capitola Village-Wharf BIA			
105606	03/01/2024			SOQUEL CREEK WATER DISTRICT	\$399.60
	Invoice	Date	Description		Amount
	10-16317-0022024	02/20/2024	10-16317-00 420 Capitola Ave. water		\$224.03
	10-16315-0022024	02/20/2024	10-16315-00 504 Beulah Dr. water		\$57.53
	10-16316-0022024	02/20/2024	10-16316-00 426 Capitola Ave. water		\$118.04
105607	03/01/2024			SOQUEL UNION ELEMENTARY SCHOOL DISTRICT	\$3,228.75
	Invoice	Date	Description		Amount
	INV24-00307	02/21/2024	2024 Jade Street Community Center sanitation charges		\$3,228.75

# City Checks Issued March 1, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
105608	03/01/2024			T MOBILE	\$346.00
	Invoice	Date	Description		Amount
	TM022024-2	02/20/2024	February cell phone usage - acct # 947590665		\$43.60
	TM022024	02/20/2024	February cell phone usage - acct # 989440968		\$302.40
105609	03/01/2024			TRACIE HERNANDEZ	\$497.22
	Invoice	Date	Description		Amount
	TH090823	02/26/2024	2023 WLLE Conference Reimbursement		\$497.22
105610	03/01/2024			TRANSPARENTSEA MEDIA CO.	\$500.00
	Invoice	Date	Description		Amount
	2024-4	02/21/2024	Video/Photo production for Sip & Stroll 1321 - BIA - Capitola Village-Wharf BIA		\$500.00
105611	03/01/2024			TRANSPORTATION ALLIANCE BANK INC.	\$1,413.37
	Invoice	Date	Description		Amount
	682143	02/23/2024	Rear grille assembly 1310 - Gas Tax		\$1,413.37
105612	03/01/2024			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW022924	02/23/2024	February United Way contributions 1001 - Payroll Payables		\$20.00
105613	03/01/2024			US BANK EQUIPMENT FINANCE	\$174.40
	Invoice	Date	Description		Amount
	523212652	02/23/2024	City Hall Copier Lease 2210 - ISF - Stores Fund		\$174.40
105614	03/01/2024			US BANK PARS Acct 6746022400	\$500.97
	Invoice	Date	Description		Amount
	PARS022324	02/23/2024	PARS contributions PPE 2/17/24 1001 - Payroll Payables		\$500.97
105615	03/01/2024			WATCHTOWER SOLUTIONS, INC.	\$2,184.00
	Invoice	Date	Description		Amount
	CLG-02-23	10/30/2023	Watchtower Platform License Subscription		\$2,184.00
105616	03/01/2024			EMMY MITCHELL-LYNN	\$401.21
	Invoice	Date	Description		Amount
	EML022724	02/27/2024	Capitola Hats Reimbursement		\$401.21

Type Check Totals:

\$322,326.68

# City Checks Issued March 1, 2024

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Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>					
1675	03/01/2024			CalPERS Health Insurance	\$73,010.14
	Invoice	Date	Description		Amount
	1002586846	02/14/2024	March health insurance		\$73,010.14
			1000 - General Fund		\$4,368.56
			1001 - Payroll Payables		\$68,641.58
1676	02/26/2024			CalPERS Member Services Division	\$65,137.00
	Invoice	Date	Description		Amount
	1002584867-70	02/23/2024	PERS contributions PPE 2/17/24		\$65,137.00
			1000 - General Fund		\$0.33
			1001 - Payroll Payables		\$65,136.67
1677	02/26/2024			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$10,594.19
	Invoice	Date	Description		Amount
	1-443-938-576	02/23/2024	State taxes PPE 2/17/24		\$10,594.19
			1001 - Payroll Payables		
1678	02/26/2024			INTERNAL REVENUE SERVICE	\$35,664.99
	Invoice	Date	Description		Amount
	33772250	02/23/2024	Federal taxes & Medicare PPE 2/17/24		\$35,664.99
			1001 - Payroll Payables		
1679	02/26/2024			STATE DISBURSEMENT UNIT	\$1,662.91
	Invoice	Date	Description		Amount
	47324559	02/23/2024	Employee garnishments PPE 2/17/24		\$1,662.91
			1001 - Payroll Payables		
1680	02/26/2024			VOYA FINANCIAL	\$7,465.30
	Invoice	Date	Description		Amount
	VOYA022324	02/23/2024	Employee 457 contributions PPE 2/17/24		\$7,465.30
			1001 - Payroll Payables		
1681	02/26/2024			WEX HEALTH INC.	\$135.00
	Invoice	Date	Description		Amount
	0001885699-IN	01/31/2024	January COBRA and FSA admin.		\$135.00
1682	02/28/2024			WELLS FARGO BANK	\$7,801.50
	Invoice	Date	Description		Amount
	WF020224	02/02/2024	January Credit Card Charges		\$7,801.50
			1000 - General Fund		\$7,005.57
			1300 - SLESF - Supl Law Enfc		\$795.93

Type EFT Totals:

\$201,471.03

# City Checks Issued March 1, 2024

Item 8 B.

Check Number	Invoice Number	Invoice Date	Description	Payee Name	Transaction Amount
<b>Main City Totals</b>				<b>Count</b>	<b>Total</b>
Checks				68	\$322,326.68
EFTs				8	\$201,471.03
All				76	\$523,797.71
<b>Payroll Totals</b>					
Checks				0	\$0.00
EFTs				0	\$0.00
All				0	\$0.00
<b>Grand Totals:</b>					
Checks				68	\$322,326.68
EFTs				8	\$201,471.03
All				76	\$523,797.71

# Capitola City Council

## Agenda Report

**Meeting:** March 14, 2024

**From:** Public Works Department

**Subject:** Santa Cruz Integrated Regional Water Management Program



**Recommended Action:** Authorize the City Manager to execute the 2024 Memorandum of Agreement with the Santa Cruz Integrated Regional Water Management Program at no cost to the City.

**Background:** The Santa Cruz Regional Water Management Group (RWMG) consists of 12 local agencies with authority over water supply, water quality, watershed stewardship, and flood and stormwater management in a region that includes most of Santa Cruz County. The RWMG is active in the planning and implementation of the Santa Cruz IRWM Plan (IRWMP), which was developed in response to the state's IRWM planning initiative to promote an informed, locally driven, and consensus-based approach to water resource management. The IRWMP aims to develop and implement policies and projects that achieve the agencies' desired objectives including sustainable water use, reliable water supply, better water quality, improved flood protection and stormwater management, and promoting environmental stewardship.

The RWMG operates under a Memorandum of Agreement (MOA); previous MOAs were adopted in 2006, 2011, and 2016. In 2015, the City formally joined the RWMG, resulting in all municipalities within the IRWM region becoming members of the RWMG and approving the 2014 IRWMP. Updates to the MOA occur on an approximate 5-year cycle. To continue participating in the Santa Cruz IRWM Program, the City will need to execute the updated 2024 Memorandum of Agreement (MOA).

**Discussion:** The 2024 Santa Cruz IRWM Program MOA has been updated to reflect activities since 2016 and new statewide programs, including the Sustainable Groundwater Management Act (SGMA), Groundwater Sustainability Agencies (GSA), and forthcoming programs that advance and incentivize regional planning through watershed resilience and climate resiliency programs outlined in the 2023 State Water Plan Update.

The City's participation in the Regional Water Management Plan is necessary to qualify for grant funding pertaining to water resource management and sustainability projects. Nearly all State grant programs now require that the project applicant is part of an integrated Water Management Plan to qualify for grant funding. To date, the Santa Cruz IRWM Program has brought \$17.6M to the region. Signing the MOA confirms the City's intent to participate in future integrated water planning efforts, positions the City for important grant funding opportunities, and provides access to a network of local member agencies for collaboration on regional water resource planning and climate resiliency projects.

**Fiscal Impact:** There is no fiscal impact with executing the Santa Cruz IRWM Program MOA.

**Attachments:**

1. SC IRWM MOA Cover Letter dated 12-12-2023
2. SC IRWM MOA 2024

**Report Prepared By:** Erika Senyk, Environmental Projects Manager

**Reviewed By:** Julia Gautho, City Clerk; Jessica Kahn, Public Works Director

**Approved By:** Jamie Goldstein, City Manager

December 12, 2023

Santa Cruz Regional Water Management Group:

Please find the attached 2024 Memorandum of Agreement (MOA) amongst the member agencies of Regional Water Management Group (RWMG) participating in the Santa Cruz Integrated Regional Water Management (IRWM) Program. The initial MOA was approved in 2006, it was updated and renewed 2010/2011 and updated and renewed with additional member agencies added in 2016. Signatories to the 2016 MOA include:

- Central Water District
- City of Capitola
- City of Santa Cruz
- City of Scotts Valley
- City of Watsonville
- County of Santa Cruz
- Santa Cruz County Sanitation District
- Davenport County Sanitation District
- Resource Conservation District of Santa Cruz County
- San Lorenzo Valley Water District
- Scotts Valley Water District
- Soquel Creek Water District

The 2024 MOA is updated to reflect activities since 2016 and the new statewide programs, including the Sustainable Groundwater Management Act (SGMA) and new Groundwater Sustainability Agencies, and forthcoming state programs to advance and incentivize regional planning via new watershed resilience and climate resiliency programs outlined in the State Water Plan Update 2023.

To date, over \$28 million grant awards and more than \$20 million in local matching funds, have supported the completion of more than 110 projects and technical studies in the Region through the IRWM Program. The RWMF has worked with local agencies in support of an additional \$33 million in other grant awards to advance water supply, water quality, stormwater management, drought resilience, watershed stewardship, and water resources planning and projects via complementary grant programs.

The 2024 MOA has been reviewed by the IRWM Steering Committee. If you have any questions about the MOA, please let me know. We request you bring the MOA to your governing boards for consideration and approval at your earliest convenience.

Best regards,

Tim Carson  
Program Director  
Regional Water Management Foundation

**MEMORANDUM OF AGREEMENT  
FOR THE SANTA CRUZ INTEGRATED REGIONAL WATER  
MANAGEMENT PROGRAM AND COMPLEMENTARY EFFORTS**

## **1. PURPOSE**

The purpose of this interagency cooperative memorandum of agreement (MOA) is to reaffirm the joint efforts of the participating organizations in participating in the Integrated Regional Water Management (IRWM) Program that supports coordination, collaboration and communication in addressing the region's water resources issues. The signatories hereby commit to the common and specific purpose of maintaining and implementing the Santa Cruz IRWM Plan (IRWMP) and efforts consistent with the IRWM Program. This MOA updates and continues the efforts initiated under the initial MOA completed in 2006 and subsequent updates completed in 2010/2011, and 2016.

## **2. IRWMP GOALS AND OBJECTIVES**

The Santa Cruz IRWMP goals are intended to be a summary of the desired objectives that the agencies in the region are collectively working to achieve:

- Provide safe, reliable, and affordable water supply to meet current and projected demand without causing undesirable environmental impacts.
- Maintain and improve surface and groundwater quality to protect beneficial uses.
- Improve the condition of upland riparian and aquatic ecosystems to support the native species, watershed functions, and water needs.
- Reduce flood hazards and manage stormwater runoff through policies and projects that enhance natural hydrologic function and protect communities.

More specific objectives for the Santa Cruz IRWMP are listed below, according to the four functional areas.

### **Water Supply**

- Ensure reliable and sustainable water supply through strategies that diversify the supply portfolio, develop alternative/supplemental sources, protect and enhance surface water and groundwater, protect against seawater intrusion, maximize efficient delivery, and address the projected impacts of climate change.
- Reduce water demand as technically and economically feasible, particularly in relation to the cost of additional sources.

### **Water Quality**

- Reduce the sources of harmful pollutants (e.g., sediment, bacteria, nitrate, persistent organics and other toxic constituents) and their impacts on aquatic resources.

### **Watershed Resources**

- Improve and protect watershed ecosystems to support healthy watershed function.
- Increase the habitat quality and quantity of critical aquatic ecosystems (i.e., streams,



tidal wetlands, and freshwater wetlands).

#### Flood/Stormwater

- Implement integrated flood management strategies that reduce hazards and impacts from floods and provide diverse benefits (e.g., improve stormwater quality, protect ecosystems, increase groundwater recharge).

### 3. DEFINITIONS

3.1. **Integrated Regional Water Management Plan (IRWMP).** The California Water Code defines IRWMP as "a comprehensive plan for a defined geographic area, the specific development, content, and adoption of which shall satisfy requirements developed pursuant to this part. At a minimum, an Integrated Regional Water Management Plan describes the major water-related objectives and conflicts within a region, considers a broad variety of resource management strategies, identifies the appropriate mix of water demand and supply management alternatives, water quality protection, and environmental stewardship actions to provide long-term, reliable, and high-quality water supply and protect the environment, and identifies disadvantaged communities in the region and takes the water-related needs of those communities into consideration." (*CWC §10530 et seq.*)

3.2. **IRWM Planning Region** also known as the IRWM Region. The geographic area in which consolidated planning and coordination efforts including stakeholders, agencies and projects are conducted. Regions are self-forming and organizing. Regions are to be geographically contiguous and determined with regard to shared water management issues, stakeholders, and water-related conflicts. In March 2009, the California Department of Water Resources' (DWR) established a Region Acceptance Process to evaluate and approve an IRWM region. Approval of an IRWM region by DWR is required before a region can submit an application for IRWM grant funds. There are 48 IRWM regions statewide, six IRWM regions in the Central Coast Funding Area. In September 2009, DWR formally approved the Santa Cruz IRWM Region. The Santa Cruz region encompasses all of the watersheds of Santa Cruz County, excluding the Pajaro watershed, but including the Watsonville Sloughs watershed. The Pajaro watershed is within the adjacent Pajaro IRWM Region, which also addresses flood and water supply issues in the Watsonville Sloughs watershed.

3.3. **Central Coast Funding Area (CCFA).** The Central Coast Funding Area (CCFA) is one of 12 funding areas statewide allocated a specific amount of funding to support IRWM activities (Water Code section 79744 (a)). The CCFA includes six IRWM Regions and incorporates lands in portions of the counties of Santa Clara (south of Morgan Hill), San Mateo (small portions), Santa Cruz, San Benito, Monterey, Kern (small portions), San Luis Obispo, Santa Barbara, Ventura (northern portion).

3.4. **Regional Water Management Group (RWMG).** State guidelines define the RWMG as a group of three or more agencies, at least two of which have a statutory authority over water supply or water management, as well as those persons who may be necessary for the development and implementation of an IRWM Plan, pursuant to the requirements in CWC

§10540 and §10541.

For the Santa Cruz IRWM program, the RWMG consists of the local Agencies with statutory authority over water management and related resources, and the Regional Water Management Foundation (RWMF) which serves as the administrative and coordinating entity. RWMG members that are signatories to the 2016 MOA includes:

- Central Water District
- City of Capitola
- City of Santa Cruz
- City of Scotts Valley
- City of Watsonville
- County of Santa Cruz
- Santa Cruz County Sanitation District
- Davenport County Sanitation District
- Resource Conservation District of Santa Cruz County
- San Lorenzo Valley Water District
- Scotts Valley Water District
- Soquel Creek Water District

3.5. **Steering Committee.** The Santa Cruz IRWM Steering Committee is an active, decision-making entity of the RWMG that is designed to comprise a broad representation of the RWMG to effectively make decisions on behalf of the group in a timely manner. The Steering Committee meets on a regular basis to oversee IRWM implementation and coordinate efforts as needed. The Steering Committee currently consists of the County Water Resources Program Manager, the Executive Director of the Resource Conservation District, and the General Manager/Director of a water supply agency. These individuals continue to serve as the Steering Committee unless a majority vote of the RWMG (based on one vote per agency) replaces all or some of the Steering Committee members or a replacement is necessary due to an individual's resignation. The Steering Committee provides direction and expertise in the four functional planning areas – water supply, water quality, watershed resources, and flood/stormwater management. The RWMF Program Director participates as a non-voting member of the Steering Committee and provides staff support. All Steering Committee decisions with material financial implications are ratified by the RWMG.

The Steering Committee provides information and consults with the RWMG, and performs the following functions on behalf of the RWMG

- guides IRWM Plan development and implementation;
- acts as a liaison to the Regional Water Management Foundation (see below) and all stakeholders, including state agencies, elected officials, non-governmental organizations, and the public;
- coordinates funding proposals;
- promotes project integration of multi-benefit projects;
- ensures stakeholder participation; and,

- tends to administrative matters concerning IRWM efforts.

3.6. **Regional Water Management Foundation (RWMF).** The RWMF was established in 2007 to provide organizational support for the implementation of the Santa Cruz IRWMP. The RWMF is a subsidiary of the Community Foundation Santa Cruz County (CFSCC). The RWMF is a separate 501(c)(3) tax-exempt nonprofit organization. It has its own Board of Directors and staff, with an office located at the CFSCC. The RWMF Board, includes directors appointed by the Community Foundation and three directors representing public agencies; currently, the Public Agency director seats are filled by the Steering Committee members. The primary objectives of the RWMF are to (1) protect communities in Santa Cruz County from water shortages and floods; (2) improve water supply reliability in Santa Cruz County (3) protect and improve water quality and the natural environment in Santa Cruz County; and,; and (4) improve preparedness, adaption, mitigation, and resiliency to climate change related impacts to water resources. The RWMF aims to support regional planning and implementation efforts via the IRWM program and complementary efforts such as the Sustainable Groundwater Management Act Groundwater Sustainability Plans, Watershed Resilience and Climate Resiliency programs.

The RWMF served as the grantee on prior IRWM grants awarded to the Santa Cruz region, including: a 2007 IRWM Implementation grant, a 2011 IRWM Planning grant; a 2013 Disadvantaged Communities Engagement Pilot Project; a 2016 IRWM Implementation grant; a 2018 IRWM Disadvantaged Communities Involvement Grant; and IRWM Implementation grants awarded in 2020 and 2023. The RWMF provided management and administration of these grants and served as the central hub for reporting, invoicing, and inter-agency coordination. The RWMF also assists with the preparation of grant applications and provides administrative services to agencies' awarded grants that are complementary to IRWM efforts.

The RWMF also provides administrative and planning support to two Groundwater Sustainability Agencies that formed in response to the Sustainable Groundwater Management Act. The RWMF has provided administrative and planning support to the Santa Cruz Mid-County Groundwater Agency since 2016. The RWMF has supported the Santa Margarita Groundwater Agency with grants since 2018 and with administrative and planning support since 2022.

3.7. **IRWM Stakeholders.** Stakeholder group includes a diverse range of resource agencies, municipalities, local districts, non-governmental organizations, interest groups, and residents with an interest in water resources planning and management. Efforts to engage, inform and provide opportunities for stakeholders to actively participate in IRWM have occurred from the program's inception. The stakeholder engagement seeks to ensure that diverse interests and perspectives are considered in establishing the region's water management goals, objectives, strategies and priorities. Local agencies, organizations, and stakeholders have opportunities for input on the IRWM Plan development and specific projects through meetings and workshops and the broader community informed through boards, advisory groups, meetings and events.

3.8. **IRWM Projects.** The California Water Code (§10537) establishes that IRWM projects and programs are those that accomplish any of the following objectives;

- a) Reduce water demand through agricultural and urban water use efficiency.
- b) Increase water supplies for any beneficial use through the use of any of the following, or other, means:
  - 1. Groundwater storage and conjunctive water management
  - 2. Desalination
  - 3. Precipitation enhancement
  - 4. Water recycling
  - 5. Regional and local surface storage
  - 6. Water use efficiency
  - 7. Stormwater management
- c) Improve operational efficiency and water supply reliability, including conveyance facilities, system reoperation, and water transfers.
- d) Improve water quality, including drinking water treatment and distribution, groundwater and aquifer remediation, matching water quality to water use, wastewater treatment, water pollution prevention, and management of urban and agricultural runoff.
- e) Improve resource stewardship, including agricultural lands stewardship, ecosystem restoration, flood plain management; recharge area protection, urban land use management, groundwater management, water-dependent recreation, fishery restoration, including fish passage improvement, and watershed management.
- f) Improve flood management through structural and non-structural means, or by any other means.

#### 4. SUMMARY OF SANTA CRUZ IRWM EFFORTS TO DATE

**2005** – A Preliminary IRWMP was developed and a Proposition 50 IRWM grant proposal submitted to the DWR and the State Water Resources Control Board (SWRCB), with the CFSCC serving as applicant at the behest of the Partner Agencies.

**2006** – The Partner Agencies (presently referred to as the Regional Water Management Group) entered into a Memorandum of Agreement (MOA) to establish an institutional framework to implement the IRWMP under the context of a single, regional grant agreement. The MOA describes the Partner Agencies' and CFSCC's responsibilities to fulfill the terms of the Prop 50 IRWM Implementation grant agreement. Signatories to the 2006 MOA include:

- Soquel Creek Water District
- Scotts Valley Water District
- County of Santa Cruz
- Resource Conservation District of Santa Cruz County

- Santa Cruz County Sanitation District
- Davenport County Sanitation District
- City of Santa Cruz
- City of Watsonville
- Watsonville Wetlands Watch
- Community Foundation of Santa Cruz County

**2007** – The SWRCB awarded a \$12.5 million grant to the CFSCC to fund the implementation of high priority IRWM projects in the region. In 2007, the CFSCC created a subsidiary organization, the RWMF, to support the IRWMP efforts and the Prop 50 administrative duties.

**2008** – The RWMF and SWRCB executed a Proposition 50 IRWM Implementation Grant that awarded \$12.5m for local agencies to implement 15 high priority components addressing water supply, water quality, and watershed/habitat condition. Many of components feature multi-benefit projects with on-the ground improvements in multiple locations. In total, over 50 projects were completed at more than 80 sites in the County from 2008 - 2013. The total cost of the implementation, including local match contribution, was over \$30m. The RWMF served as grantee and provided the administration and coordination of this grant.

**2009** – The Santa Cruz Region successfully completed the state’s IRWM Regional Acceptance Process, through which the region was formally evaluated and approved by the Dept. of Water Resources. Approval is a requirement to be eligible for IRWM grant funding. This effort was coordinated by the Santa Cruz IRWM Steering Committee with the RWMF and consultant support.

**2010** – The Santa Cruz Region conducted an open solicitation for partners, affiliates, and stakeholders to submit planning and implementation projects for inclusion in the IRWMP. Also, local agencies initiated the renewal and update of the 2006 IRWM Memorandum of Agreement. Central Water District joined as new signatory.

**2011** – The RWMF and DWR executed a Proposition 84 IRWM Planning Grant that awarded approximately \$1m for IRWM planning efforts in the region. The grant funded an update of the 2005 IRWM Plan and key technical studies to inform water resources management. The technical studies included: Aromas and Purisima Groundwater Basin Management; Santa Margarita Groundwater Basin Model Update; Conjunctive Use and Water Transfers (Phase II); and Watsonville Sloughs hydrology study.

**2013** – The Santa Cruz Region was one of seven regions selected statewide to participate in a pilot project to identify methods and strategies to enhance economically disadvantaged community participation in the IRWM planning process. The RWMF served as grantee and supported this work that targeted efforts in Watsonville and Davenport.

**2014** – A comprehensive update of the Santa Cruz IRWM Plan was completed. The Plan was reviewed and approved by the Department of Water Resources. Each of the Santa Cruz RWMG agencies formally approved the Plan through a publicly noticed process.

**2015** – The City of Capitola and the City of Scotts Valley formally join the RWMG. With these additions, all municipalities within the IRWM region are members of the RWMG and have approved the 2014 IRWM Plan.

**2016** – The DWR recommended the Santa Cruz IRWM region receive a \$1.2m grant to implement three projects to enhance water supply reliability, improve drinking water quality, and provide recycled water. The participating local agencies approved updates to and renewal of the IRWM Memorandum of Agreement.

**2016** – Establishment of the Santa Cruz Mid-County Groundwater Agency (MGA), a Groundwater Sustainability Agency (GSA) under the Sustainable Groundwater Management Act (SGMA). The agency has four member agencies: Soquel Creek Water District, City of Santa Cruz, Central Water District and the County of Santa Cruz. The MGA is governed by an 11-member Board of Directors comprising of two representatives from each member agency and three private well owner representatives tasked with overseeing the groundwater management activities of the Santa Cruz Mid-County Groundwater Basin.

**2017** – Establishment of the Santa Margarita Groundwater Agency (SMGWA), a GSA that oversees the groundwater management activities of the Santa Margarita Groundwater Basin. The agency has three member agencies: Scotts Valley Water District, San Lorenzo Valley Water District, and County of Santa Cruz and is governed by an 11-member Board of Directors comprising of two representatives from each member agency, one representative from the City of Scotts Valley, one from the City of Santa Cruz, one from Mount Hermon Association, and two well owner representatives.

**2018** – The Santa Cruz Region received approximately \$472,000 to assess the water-related needs of economically disadvantaged communities, to conduct involvement activities, and to advance projects to address needs. The six IRWM regions in the Central Coast Funding Area (Santa Cruz to Santa Barbara) coordinated efforts through DWR's statewide disadvantaged communities involvement program. Work was conducted from 2018 to 2022.

**2019** – The RWMF led the coordination and completion of an addendum to the 2014 IRWM Plan to meet the state's updated Plan standards. The addendum included a climate change vulnerability assessment and additional requirements added by the state after 2014. The addendum was approved by DWR, thus maintaining eligibility to apply for IRWM grants.

**2020** – The DWR awarded the Santa Cruz IRWM region \$2.3m to implement multiple projects. The Resource Conservation District (RCD) will implement improvements at approximately 15 sites to reduce sediment loads in the San Lorenzo River watershed and other impaired waterbodies. Davenport County Sanitation District will improve water supply storage infrastructure. The RCD and partner organizations will implement watershed restoration in the Watsonville Sloughs to improve habitat and reduce flood hazard.

**2023** – The RWMF successfully applied for the final round of Proposition 1 funding and was

awarded a \$2.5m IRWM grant to fund six projects to improve water supply reliability, wastewater infrastructure improvements, water quality, and climate change resiliency. Implementing agencies include: San Lorenzo Valley Water District, County of Santa Cruz, cities of Santa Cruz and Watsonville, and Watsonville Wetlands Watch. Projects will be implemented from 2023 to 2028.

**5. PROPOSITION 1 FUNDING FOR IRWM AND CENTRAL COAST FUNDING AREA COOPERATIVE AGREEMENT**

Proposition 1 (Water Code §79744) authorized \$510 million for projects that are included in an adopted IRWM plan that is consistent with Water Code §10530, et seq., and respond to climate change and contribute to regional water security. Funding is administered by the DWR which awards funding through competitive grants for IRWM planning and projects. \$510 million is allocated across 12 hydrologic region-based Funding Areas; \$43 million is allocated to the Central Coast Funding Area.

Since 2005, the six CCFA IRWM regions have worked to improve the IRWM planning process, to coordinate planning across region boundaries, and to facilitate the distribution of funding for IRWM projects by DWR. In May 2016, the CCFA IRWM regions entered into a Memorandum of Agreement (CCFA MOA) (incorporated herein by this reference). The primary intent of the CCFA MOA is to share Proposition 1 IRWM funding allocated to the CCFA among the six IRWM regions in a fair and equitable manner. The CCFA MOA will enhance the potential to improve inter-regional cooperation and efficiency. The CCFA MOA is also intended to reduce the need for the regions to compete against each other for grant funds, which creates unnecessary economic inefficiencies in implementing each region’s IRWM Plan. Each region will retain autonomous control over how funds are allocated within their respective IRWM regions. Each IRWM region will independently determine and prioritize projects to be funded within its IRWM region consistent with the IRWM program guidelines.

The CCFA is allocated \$43 million through Proposition 1 for the IRWM program. This funding allocation includes the following breakdown:

IRWM Central Coast Funding Area allocation	\$ 43,000,000
State Administration Fee <sup>1</sup> - 7% of Funding Area Total	\$ 3,010,000
DAC Specific Funding Allocations - 20% of Funding Area Total	
DAC involvement funding <sup>2</sup> (10%)	\$ 4,300,000
DAC project implementation <sup>2</sup> (10%)	\$ 4,300,000
Implementation and Planning Grants	\$ 31,390,000

<sup>1</sup> State of California administrative fees (7%) consisting of 5% for DWR program administration and 2% for statewide bond costs.

<sup>2</sup> Per Proposition 1, 20% of the Funding Area allocation is to be award for projects and planning efforts that directly benefit economically Disadvantaged Communities (DAC) with 10% directed towards Involvement and 10% towards project implementation.

Per the CCFA MOA, the formula for sharing funds is based on the following: one-half (50%) of funds are equally split among the six IRWM regions; one-quarter (25%) of funds are split based on population percentage of each region based on 2009-2013 American Census Data; and one-quarter (25%) of funds are split based on the percentage of area in square miles of each region. As mandated under Proposition 1 IRWM guidelines, not less than \$8.6M, or 20%, shall be allocated to projects that directly benefit Disadvantaged Communities (DAC); these funds may be awarded on a competitive or non-competitive basis. The CCFA regions will coordinate on grant funding requests by each of the regions to ensure that the sum of the total grant requests from the Funding Area does not exceed the amount allocated to the Funding Area. The division of funding shall be consistent terms of the CCFA MOA.

	Santa Cruz	Pajaro	Greater Monterey	Monterey Peninsula	San Luis Obispo	Santa Barbara	Total CCFA
Description	ALLOCATIONS						
DAC support	\$1,109,810	\$1,340,107	\$1,775,034	\$931,966	\$1,712,669	\$1,730,414	\$8,600,000
Implementation	\$4,050,805	\$4,891,390	\$6,478,875	\$3,401,677	\$6,251,243	\$6,316,010	\$31,390,000
<b>Subtotal</b>	<b>\$5,160,615</b>	<b>\$6,231,497</b>	<b>\$8,253,910</b>	<b>\$4,333,643</b>	<b>\$7,963,912</b>	<b>\$8,046,424</b>	<b>\$39,990,000</b>
State Admin Fee							\$3,010,000
Total							\$43,000,000

## 6. IRWM COLLABORATION

In addressing the region's water resources challenges, the participating agencies are committed to:

- 6.1 Establish and foster relationships with regional, state, and local governments, individuals, and other interested organizations to develop and implement management practices to preserve and protect Santa Cruz County water resources.
  - a. Undertake cooperative research and resource management initiatives that are regional in scope and disseminate information resulting from these activities.
  - b. Produce and share relevant informational materials among the RWMG.
  - c. Recommend to the respective governing boards actions necessary to successfully develop and implement the IRWMP.
- 6.2 All parties to this agreement wish to join in a common effort to develop and implement an IRWMP which shall include, but not be limited to establishing water quality, water supply, watershed stewardship, and stormwater and flood management objectives for the Santa Cruz IRWM Region.
- 6.3 As with IRWM efforts to date, the RWMG will contribute the personnel and financial resources necessary to develop and implement the IRWMP proportional to their potential benefit.



- 6.4 As new partners elect to participate, they shall approve and execute this Memorandum of Agreement which establishes the understanding among participating agencies with regard to the purposes, development, and implementation of the Santa Cruz IRWMP.
- 6.5 In the event of future IRWM-related grant awards, sub-grantee agreements, referred to as Local Project Sponsor agreements, are anticipated to be developed that establish the specific roles and responsibilities of the grantee and sub-grantee based upon the terms and conditions of the grant award.

## 7. IRWMP AMENDMENTS, FORMAL UPDATES, AND PROJECT LIST UPDATES

The Santa Cruz IRWMP is intended to be a dynamic document that changes over time in response to changing conditions and priorities in order to remain current in identifying strategies to address the region's water resource needs. The updates serve to keep the document up to date with the state's IRWM Plan Standards including amendments, formal updates, and updates to the IRWMP Project List.

- 7.1 **Amendments.** Amendments to the IRWMP may include informal changes that reflect minor process or organizational changes that occur relatively frequently and do not necessitate a decision by the governing bodies of the individual RWMG entities. Amendments may also include new content in response to state legislation (e.g., SB985, AB1249) to ensure the state's Plan Standards for state funding eligibility. The IRWM Steering Committee will provide guidance and coordination of amendments. A RWMG member agency may present an amendment for consideration to the Steering Committee. The RWMG will be informed of and provided opportunity for input on proposed interim amendments. The Steering Committee will ratify amendments by consensus. An amendment to the IRWMP was completed in 2019 to maintain consistency with the state's IRWM Plan Standards. As necessary, amendments will be incorporated into the IRWMP during the subsequent formal update.
- 7.2 **Formal updates.** Formal updates will reflect any significant changes to the IRWMP including processes, organizational structure and governance, water management conditions, or goals and objectives. The Steering Committee will provide a leadership role in guiding and coordinating the formal updates, as necessary, to ensure an inclusive and transparent decision-making process. Formal updates will include stakeholder outreach, including disadvantaged communities, to ensure that interested entities have an opportunity to participate.
- 7.3 **Project list updates.** The IRWMP includes a list of projects, submitted by proponents, such as a RWMG member agencies or stakeholder organizations, which were evaluated and included based upon each project's anticipated contribution towards meeting the goals and objectives of the IRWMP. The list of projects will be periodically updated as projects are completed and as new priorities arise. The Steering Committee is tasked with coordinating updates. The Steering Committee conducts a review of the project list no less frequently than every five years, and as needed, initiate and coordinate a publicly

announced solicitation for projects. Projects may also be submitted for addition to the list during interim periods. Projects submitted will be vetted for eligibility by the Steering Committee; eligible projects will be added to the list of IRWMP Projects and incorporated into future IRWMP updates.

## 8. COMPLEMENTARY PROGRAMS

### 8.1 SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)

The State of California enacted the Sustainable Groundwater Management Act (SGMA), effective January 1, 2015, as the first legislation in the state’s history to mandate comprehensive sustainable groundwater resources management. In response, two Groundwater Sustainability Agencies (GSAs) formed in the Santa Cruz IRWM Region.

The Santa Cruz Mid-County Groundwater Agency (MGA) formed in 2016 under SGMA to develop this Groundwater Sustainability Plan (GSP or Plan) for the Santa Cruz Mid-County Groundwater Basin. The MGA is Joint Powers Agreement (JPA), with four member agencies: Central Water District, City of Santa Cruz, County of Santa Cruz, and Soquel Creek Water District. The Board of Directors includes two representatives from each member agency and three private well owner representatives.

The Santa Margarita Groundwater Agency (SMGWA) formed in 2017 under SGMA to develop the GSP for the Santa Margarita Groundwater Basin. The SMGWA is a JPA among the Scotts Valley Water District, the San Lorenzo Valley Water District, and the County of Santa Cruz. The SMGWA is governed by a Board of Directors comprising two representatives from each member agency, single representatives from the City of Scotts Valley, City of Santa Cruz, and Mount Hermon Association (MHA), and two private well owners.

The respective GSPs describe how both GSAs intend to manage groundwater in their respective Basins to achieve groundwater sustainability and meet the requirements of SGMA. Both Basin Plans provide the basis for ongoing management to both achieve sustainability in the State’s required 20-year planning horizon and to maintain sustainability over the 50-year implementation horizon. By following their GSPs, the MGA and SMGWA, and their cooperating agencies, and other local stakeholders will collaboratively manage the respective Basins to maintain a safe and reliable groundwater supply for all beneficial groundwater uses and users.

The RWMF has provided administrative and planning support to the MGA since 2016 and to the SMGWA on grant related support since 2018. In 2022, following a County issued Request for Qualifications, the RWMF was awarded a contract to provide administrative and planning services to both MGA and SMGWA from 2022 - 2025.

Many of goals and objectives in the IRWMP and the GSPs in both Basins are complementary and aligned. Funding awards in IRWM grants have supported planning and technical studies that have advanced the work of member agencies participating in both Basins. The same GSA member agencies are also participating in IRWM. There are

potential mutual benefits and efficiencies to be gained in the cooperation and collaboration of the agencies participating in IRWM and SGMA.

## 8.2 WATERSHED RESILIENCE

California's 2023 Water Plan Update (September 2023 draft) presents a statewide vision for Watershed Resilience to be achieved via partnerships between state agencies, local agencies, organizations and stakeholders. The Plan describes the need for climate resilience planning at the watershed scale and broadly outlines a new framework for the State's efforts to promote local collaboration at regional scales to respond to climate change risks. The Plan introduces a new Watershed Resilience program to be administered by DWR. The forthcoming program will build on existing collaborative relationships, planning, and investments to improve regional climate resilience and invest in natural and built backbone infrastructure.

The Santa Cruz Regional Water Management Group is well positioned to build upon existing collaborative programs, such as the IRWM Program and Sustainable Groundwater Management Program, to pursue funding to support multi-sector collaborations and solutions at the watershed- and regional-scale.

## 8.3 CLIMATE RESILIENCY

Climate change is increasingly impacting the state's and the region's water resources and watersheds, as evidenced by greater weather extremes, changes in rainfall and runoff patterns, sea level rise, wildfire intensity, and impacts related to water resources and watersheds. Multiple state and federal programs provide guidance, technical support, planning and assessment tools, and/or funding to public agencies and organizations to improve local adaptation and resiliency to climate change impacts.

Municipalities (County and cities), agencies and organizations in Santa Cruz County have conducted extensive planning to respond to climate change. Multiple local plans document the vulnerability, impacts, adaptations, mitigations and/or responses (e.g., municipal Climate Action Plans; County Climate Action and Adaptation Plan (CAAP); IRWM Plan; Groundwater Sustainability Plans; other).

As noted by DWR, as the impacts of climate change intensify, local water managers will need better tools to identify the adaptation strategies for their watersheds and diverse hydrology to make more-informed infrastructure investment decisions. Two steps identified by DWR to fulfill key the goals of the Governor's Water Resilience Portfolio are:

1. Develop data, tools, and guidance for watershed-based climate vulnerability and adaptation analyses.
2. Explore the formation of a California-based network of climate scientists and water management practitioners.

Regional coordination and collaboration may provide opportunities to pursue funding and other resources for studies/projects to generate better climate change information for decision-making or develop systems that are more resilient to climate change and natural

disasters.

#### 8.4 STORM WATER RESOURCE PLAN (SWRP)

The SWRP is a comprehensive document outlining regional stormwater project priorities, as well as regional stormwater permit compliance. A SWRP was completed in December 2016. Development of the SWRP was led by the County of Santa Cruz Environmental Health with contributions by staff and representatives from the City of Santa Cruz, the City of Scotts Valley, the City of Watsonville, the City of Capitola, Ecology Action, the Resource Conservation District of Santa Cruz County, and the University of California Santa Cruz. The SWRP is incorporated into the IRWM Plan as an appendix. In June 2017, the State Water Resources Control Board issued its letter of concurrence that the SWRP met the requirements of the California Water Code and the SWRP Guidelines. IRWM and SWRP efforts are aligned. The coordination of these programs offers the potential benefit of identifying and pursuing funding opportunities to support planning and implementation.

### 9. MUTUAL UNDERSTANDINGS

- 9.1 **Purpose of the MOA.** This MOA pertains to the joint efforts of the agencies participating in the IRWM Program to increase coordination, collaboration and communication in addressing the region's water resources issues. This MOA updates and continues the efforts initiated under the prior MOA executed in 2006 and renewed in 2010/2011 and 2016.
- 9.2 **Subject matter scope of the IRWMP.** The IRWMP includes, but may not necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater and flood management, watershed planning and habitat protection and restoration, and climate change resiliency related to water and watersheds.
- 9.3 **Decision-making.** Consensus is sought in decision-making. The Steering Committee provides a lead role in the decision-making process and coordinating input from the participating agencies. As needed, the Steering Committee ratifies decisions by majority vote. Amendments resulting in material financial implications are ratified by the RWMG. Votes are recorded as one vote per signatory agency.
- 9.4 **Approval of the IRWMP.** IRWMP adoption occurs by adopting a resolution by each RWMG agency's governing body. The 2014 IRWMP was adopted by all the RWMG members.
- 9.5 **Relation to local planning efforts.** The Santa Cruz IRWMP is intended to be complementary to the participating agencies' individual plans and programs and does not supersede such plans and programs.
- 9.6 **Termination.** An agency may terminate their participation in the IRWMP effort by providing 90 calendar days written notice to the Regional Water Management Foundation.

- 9.7 **Personnel and financial resources.** It is expected that agencies contribute the personnel and financial resources necessary to develop, implement and update the IRWMP and pursue complementary efforts.
- 9.8 **Reports and communications.** The Steering Committee reports regularly on IRWMP progress to the participating agencies and stakeholders. The SantaCruzIRWMP.org website is used for disseminating news, reports and updates to the participating agencies and the public.
- 9.9 **Future awards.** In the event of future grant awards, it is expected that agreement(s) are entered into by the applicable participating agencies that establish the terms and conditions applicable to the specific grant award.
- 9.10 **Term.** This updated MOA commences as of January 1, 2024 and continues until terminated by action of a majority of the participating agencies or is superseded by a future MOA. This agreement is evaluated and reviewed no later than five years after its implementation, at which time, recommendations for improvements and modifications are considered by all parties. Any amendment or modification to this agreement must be in writing, agreed upon by a majority of all signatories, executed by the duly authorized representatives of the parties hereto, and incorporated into this agreement by reference.

## 10. SIGNATORIES TO THE MEMORANDUM OF AGREEMENT

We, the undersigned representatives of our respective agencies, acknowledge the above as our understanding of how the Santa Cruz Integrated Regional Water Management Plan and complementary efforts will be developed and implemented.

Each party has full power and authority to enter into and perform this MOA and the person signing this MOA on behalf of each party is authorized and empowered to enter into this MOA. Each party further acknowledges that it has read this MOA, understands it and agrees to it.

MEMORANDUM OF AGREEMENT  
FOR THE SANTA CRUZ INTEGRATED REGIONAL WATER MANAGEMENT

Central Water District

Signature: \_\_\_\_\_

Ralph Bracamonte, General Manager

Date: \_\_\_\_\_

City of Capitola

Signature: \_\_\_\_\_

Jamie Goldstein, City Manager

Date: \_\_\_\_\_

City of Santa Cruz

Signature: \_\_\_\_\_

Matt Huffaker, City Manager

Date: \_\_\_\_\_

MEMORANDUM OF AGREEMENT  
FOR THE SANTA CRUZ INTEGRATED REGIONAL WATER MANAGEMENT

City of Scotts Valley

Signature: \_\_\_\_\_

Mali LaGoe, City Manager

Date: \_\_\_\_\_

City of Watsonville

Signature: \_\_\_\_\_

René Mendez, City Manager

Date: \_\_\_\_\_

County of Santa Cruz

Signature: \_\_\_\_\_

Carlos Palacios, County Administrative Officer

Date: \_\_\_\_\_

MEMORANDUM OF AGREEMENT  
FOR THE SANTA CRUZ INTEGRATED REGIONAL WATER MANAGEMENT

County of Santa Cruz Sanitation  
District

Signature: \_\_\_\_\_

Matt Machado, Director of Public Works

Date: \_\_\_\_\_

Davenport County Sanitation District  
(County of Santa Cruz)

Signature: \_\_\_\_\_

Matt Machado, Director of Public Works

Date: \_\_\_\_\_

Resource Conservation District of  
Santa Cruz County

Signature: \_\_\_\_\_

Lisa Lurie, Executive Director

Date: \_\_\_\_\_



MEMORANDUM OF AGREEMENT  
FOR THE SANTA CRUZ INTEGRATED REGIONAL WATER MANAGEMENT

<p>San Lorenzo Valley Water District</p>	<p>Signature: _____ Brian Frus, Interim General Manager Date: _____</p>
<p>Scotts Valley Water District</p>	<p>Signature: _____ David McNair, General Manager Date: _____</p>
<p>Soquel Creek Water District</p>	<p>Signature: _____ Ron Duncan, General Manager Date: _____</p>

MEMORANDUM OF AGREEMENT  
FOR THE SANTA CRUZ INTEGRATED REGIONAL WATER MANAGEMENT

Santa Cruz Mid-County  
Groundwater Agency

Signature: \_\_\_\_\_

Board Chair

Date: \_\_\_\_\_

Santa Margarita Groundwater  
Agency

Signature: \_\_\_\_\_

Board Chair

Date: \_\_\_\_\_

Regional Water Management  
Foundation

Signature: \_\_\_\_\_

John Ricker, Board President

Date: \_\_\_\_\_

# Capitola City Council

## Agenda Report

**Meeting:** March 14, 2024

**From:** City Manager Department

**Subject:** Addition of a Temporary/Hourly Position



**Recommended Action:** Approve job descriptions and hourly pay rates for Recreation Specialist I and II positions.

**Background:** The City of Capitola hosts the Art at the Beach Event each summer. The event involves the coordination of multiple vendors to culminate in a two-day event. For the past 14 years, the City has contracted with an event coordinator to plan and execute this special event. Due to legal changes taking effect this year, the City is unable to continue to contract the coordination of this event.

Staff reviewed existing job descriptions for temporary/hourly employees and did not find a position that meets the necessary responsibilities and duties this role requires. The coordination of this event typically occurs in spring, so it is necessary to recruit somebody to fill this role as soon as possible. The creation of a new temporary/hourly position also requires the adoption of a new hourly pay rate.

The Recreation Division Manager, in collaboration with the City Manager Department, has provided a recommended job title and job description for this position. With the addition of Recreation Specialist I & II positions, the City will have an avenue to hire temporary employees to work on special events and/or projects that have clear start and end dates and require a limited amount of total hours worked. The addition of this temporary/hourly City role also creates potential for growth if approved in future budget years.

**Discussion:** Proposed Recreation Specialist I and II job descriptions are attached for review. The recommended hourly rate for the two positions aligns with the City's current temporary/hourly pay rate for the current temporary Administrative Assistant to the Art and Cultural Commission. In the future, the Recreation Division will likely propose eliminating the Administrative Assistant to the Art and Cultural Commission role, instead having a Recreation Specialist II perform those and other duties.

**Fiscal Impact:** Minimal. In years past, the City hired an independent contractor at a not-to-exceed amount of \$3,000 to coordinate Art at the Beach events. Following new legal requirements, the City will hire a Recreation Specialist I to coordinate the Summer 2024 Art at the Beach Events (about 100 hours of work), amounting to similar costs. Temporary/hourly positions are not eligible for City benefits and their hiring does not incur other personnel costs.

### Attachments:

1. Proposed Job Description – Recreation Specialist I
2. Proposed Job Description – Recreation Specialist II
3. Proposed hourly pay rates

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

**Reviewed By:** Nikki Bryant LeBlond, Recreation Division Manager; Jim Malberg, Finance Director; Julia Gautho, City Clerk

**Approved By:** Jamie Goldstein, City Manager

**City of Capitola  
Temporary/Hourly Position**

**Recreation Specialist I**

The Capitola Recreation Division provides programs and events to residents of Capitola and surrounding community and is committed to providing safe, affordable, and fun recreational activities to support the health and well-being of residents. The Division operates Community Cultural Events, Afterschool Rec Club, Camp Capitola, Community Center and facility rentals, Lifeguard Services and Junior Guard program, Adult and Youth Classes and spring and summer sport leagues. The Division is currently accepting applications for Recreation Specialist I which is a Part-Time/Seasonal position not to exceed 960 hours in a calendar year.

**GENERAL PURPOSE**

The Recreation Specialist I, under the supervision of a Recreation Coordinator, implements a program or event offered by the department. A Recreation Specialist is responsible for planning, scheduling, ensuring safety of participants, enforcing policies and procedures, communicating with the public, set up and clean up, maintaining records, transporting supplies, notifying Coordinator of unusual problems and emergencies, supervising volunteers and any other duty associated with the implementation of the program or event.

**REQUIRED QUALIFICATIONS**

- Ability to communicate effectively with participants and residents with high standards of customer service.
- Ability to take oral and written direction and accept constructive feedback from supervisor.
- Experience in working in a Recreation environment and implementing relevant activities
- Ability to provide leadership during implementation of program or event
- Perform effectively in situations requiring emergency action
- Experience supervising volunteers
- All applicants must be fingerprinted.
- Must be 18 years of age or older

**DESIRABLE QUALIFICATIONS**

- Current Basic First Aid and C.P.R. certification or ability to obtain
- Fluent in Spanish; oral and written
- Possess a valid California driver's license.
- Ability to be versatile, flexible, friendly, cooperative, and willing to learn new skills.

**SALARY/WORK SCHEDULE**

The work schedule of a Recreation Specialist I will resemble the operating schedule of the program assigned. In general, this position is expected to work part time on program assigned.

**City of Capitola  
Temporary/Hourly Position**

**Recreation Specialist II**

The Capitola Recreation Division provides programs and events to residents of Capitola and surrounding community and is committed to providing safe, affordable, and fun recreational activities to support the health and well-being of residents. The Division operates Community Cultural Events, Afterschool Rec Club, Camp Capitola, Community Center and facility rentals, Lifeguard Services and Junior Guard program, Adult and Youth Classes and spring and summer sport leagues. The Division is currently accepting applications for Recreation Specialist II which is a Part-Time/Seasonal position not to exceed 960 hours in a calendar year.

**GENERAL PURPOSE**

The Recreation Specialist II, under the supervision of a Recreation Coordinator, implements a program or event offered by the department. A Recreation Specialist is responsible for planning, scheduling, ensuring safety of participants, enforcing policies and procedures, communicating with the public, set up and clean up, maintaining records, transporting supplies, notifying Coordinator of unusual problems and emergencies, supervising volunteers and any other duty associated with the implementation of the program or event. The Recreation Specialist II is expected to act and make decisions with considerable independence and is the distinction from the Recreation Specialist I.

**REQUIRED QUALIFICATIONS**

- Ability to communicate effectively with participants and residents with high standards of customer service.
- Ability to take oral and written direction and accept constructive feedback from supervisor.
- Experience in working in a Recreation environment and implementing relevant activities
- Ability to provide leadership during implementation of program or event
- Perform effectively in situations requiring emergency action
- Experience supervising volunteers
- All applicants must be fingerprinted.
- Must be 18 years of age or older

**DESIRABLE QUALIFICATIONS**

- Current Basic First Aid and C.P.R. certification or ability to obtain
- Fluent in Spanish; oral and written
- Possess a valid California driver's license.
- Ability to be versatile, flexible, friendly, cooperative, and willing to learn new skills.

**SALARY/WORK SCHEDULE**

The work schedule of a Recreation Specialist II will resemble the operating schedule of the program assigned. In general, this position is expected to work part time on program assigned.

Effective January 1, 2024 (CC approved November 21, 2023)						
proposed changes in red						
POSITION	0	1	2	3		
Intern	\$ 17.58	\$ 18.46	\$ 19.38	\$ 20.35		
Beach Lifeguard / Junior Lifeguard Instructor	\$ 19.66	\$ 20.65	\$ 21.68	\$ 22.76		
Lifeguard Lieutenant / Junior Lifeguard Assistant Coordinator	\$ 22.76	\$ 23.90	\$ 25.10	\$ 26.35		
Junior Lifeguard Coordinator	\$ 26.35	\$ 27.67	\$ 29.05	\$ 30.51		
Recreation Leader I	\$ 16.80	\$ 17.64	\$ 18.52	\$ 19.44		
Recreation Leader II	\$ 20.42	\$ 21.44	\$ 22.51	\$ 23.63		
Recreation Program Assistant Coordinator	\$ 22.51	\$ 23.63	\$ 24.82	\$ 26.06		
Recreation Program Coordinator	\$ 24.82	\$ 26.06	\$ 27.36	\$ 28.73		
Recreation Facility Assistant	\$ 16.00	\$ 16.80	\$ 17.64	\$ 18.52		
Recreation Specialist I	\$ 25.34	\$ 26.68	\$ 28.08	\$ 29.56		
Recreation Specialist II	\$ 31.11	\$ 32.75	\$ 34.48	\$ 36.29		
POSITION						
Retired Annuitant	Salary will be equivalent to the position for which the individual is working in as per the CALPERS regulations.					
Retired Annuitant Officer	Salary will be equivalent to the position for which the individual is working in as per the CALPERS regulations.					
	However, retired Capitola Police Officers who apply and are accepted as Annuitant Officers will be paid an hourly wage consistent with Step F of the Police Officer salary range.					
Reserve Officer Level I	Automatically adjusts to 20% below the Police Officer Pay Scale					
Reserve Officer Level II	Automatically adjusts to 20% below the Level I Reserve Officer Pay Scale					
Seasonal Recreation Assistant	Salary will be equivalent to the position of Recreation Assistant					
Part-Time Parking Enforcement Officer	Salary will be equivalent to the position of Parking Enforcement Officer					
Art and Cultural Assistant	Salary will be equivalent to the position of Administrative Assistant					
Police Records Technician	Salary will be equivalent to the position of Police Records Technician					

# Capitola City Council

## Agenda Report

**Meeting:** March 14, 2024  
**From:** City Manager Department  
**Subject:** Voter Polling Results

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**Recommended Action:** Receive survey results from EMC Research.

**Background:** In 2021, the City Council decided against proposing a revenue measure for the 2022 General Election ballot and directed staff to research and provide information about the viability of such measures in conjunction with the 2024 General Election. The adopted FY 2023-24 Budget allocated funding to poll Capitola voters to determine the viability of potential tax revenue measures before the 2024 General Election.

In November 2023, the Capitola Finance Advisory Committee discussed polling potential revenue measures for the 2024 General Election and recommended polling an extension of Measure F and a General Obligation Bond, to assess how each type of tax measure would be received by voters.

On November 21, 2023, the City Council authorized the City Manager to execute a Professional Services Agreement with EMC Research to conduct polling with Capitola voters on potential revenue measures to be placed on the 2024 General Election ballot.

**Discussion:** EMC Research surveyed registered voters over two weeks in January, and used email, text, and phone calls to obtain interviews in both English and Spanish, depending on voters' language preferences; ultimately obtaining 206 interviews. Representatives from EMC Research will present survey results during the March 14<sup>th</sup> meeting.

Staff plans to bring resolutions formally requesting the 2024 General Election and consolidation with the County to the City Council in June. The last day for the City to submit a measure to be placed on the ballot is August 9<sup>th</sup>. If the City Council directs staff to pursue a ballot measure, the adoption of a resolution to place a measure on the ballot could be considered in June, in conjunction with the resolutions requesting an election.

**Fiscal Impact:** None.

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

**Reviewed By:** Julia Gautho, City Clerk; Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager



**City of Capitola**  
**Revenue Measure Feasibility Survey**  
**January 2024 Survey**  
*Summary of Results – March 14, 2024*



# Methodology

- ▶ Multi-modal email- and text-to-web/live telephone survey of likely November 2024 voters
- ▶ Survey conducted January 10-28, 2024
- ▶ 206 interviews; overall margin of error  $\pm 6.8$  percentage points
- ▶ Interviews were conducted in English and Spanish by trained, professional interviewers; landlines and mobile phones included
- ▶ Where applicable, results compared with the following:

	Methodology	Dates	Sample Size
Gene Bregman & Associates	Phone & Web	May 2022	168
Gene Bregman & Associates	Phone & Web	May 2020	192
Gene Bregman & Associates	Phone	June 2016	180
Gene Bregman & Associates	Phone	June 2014	240
Fairbank, Maslin, Maullin, Metz & Associates (FM3)	Phone	February 2012	300
Fairbank, Maslin, Maullin, Metz & Associates (FM3)	Phone	July 2008	350
Fairbank, Maslin, Maullin, Metz & Associates (FM3)	Phone	July 2003	351

Please note that due to rounding, some percentages may not add up to exactly 100%.

# Key Findings

- ▶ Capitola voters are optimistic about the direction of the community and most see the City as doing a good job on its essential functions.
- ▶ A majority of voters recognize the City's need for additional funding and are willing to maintain services through taxes.
- ▶ Maintaining public safety response; roads, sidewalks, and bike lanes; and the beach and new wharf are top priorities for voters.
- ▶ Support for a renewal of the expiring sales tax is well above the threshold.
- ▶ A potential bond measure is more divisive.

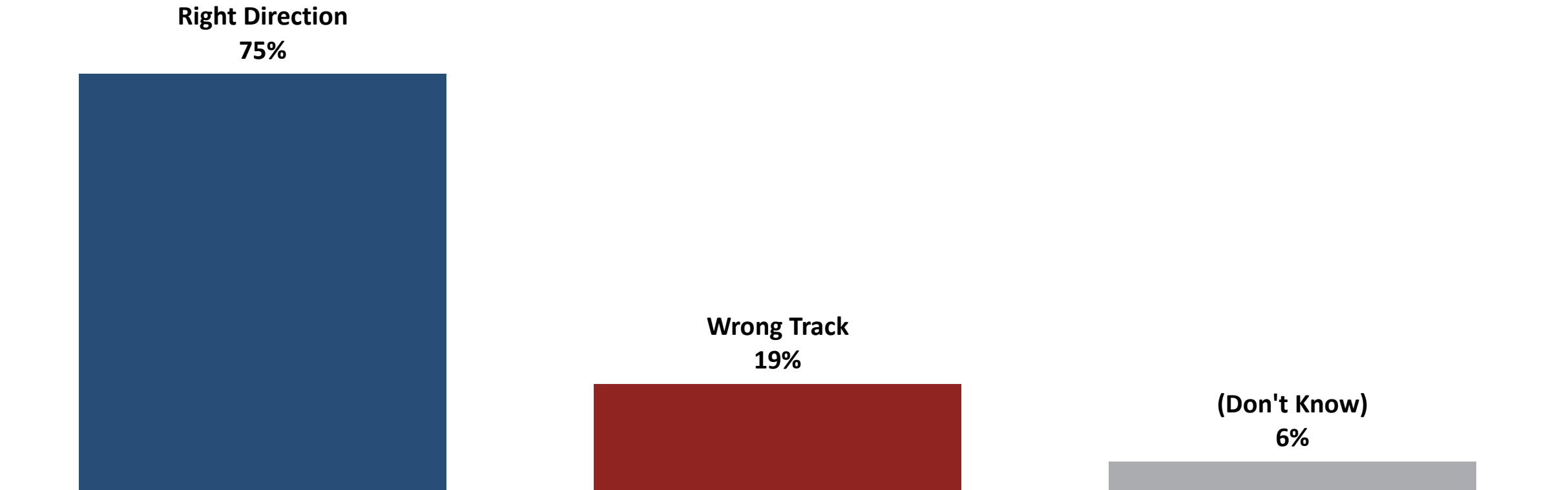


# Issue Environment

# Right Direction/Wrong Track

*Optimism is high in Capitola, with three-quarters of voters saying things are going in the right direction.*

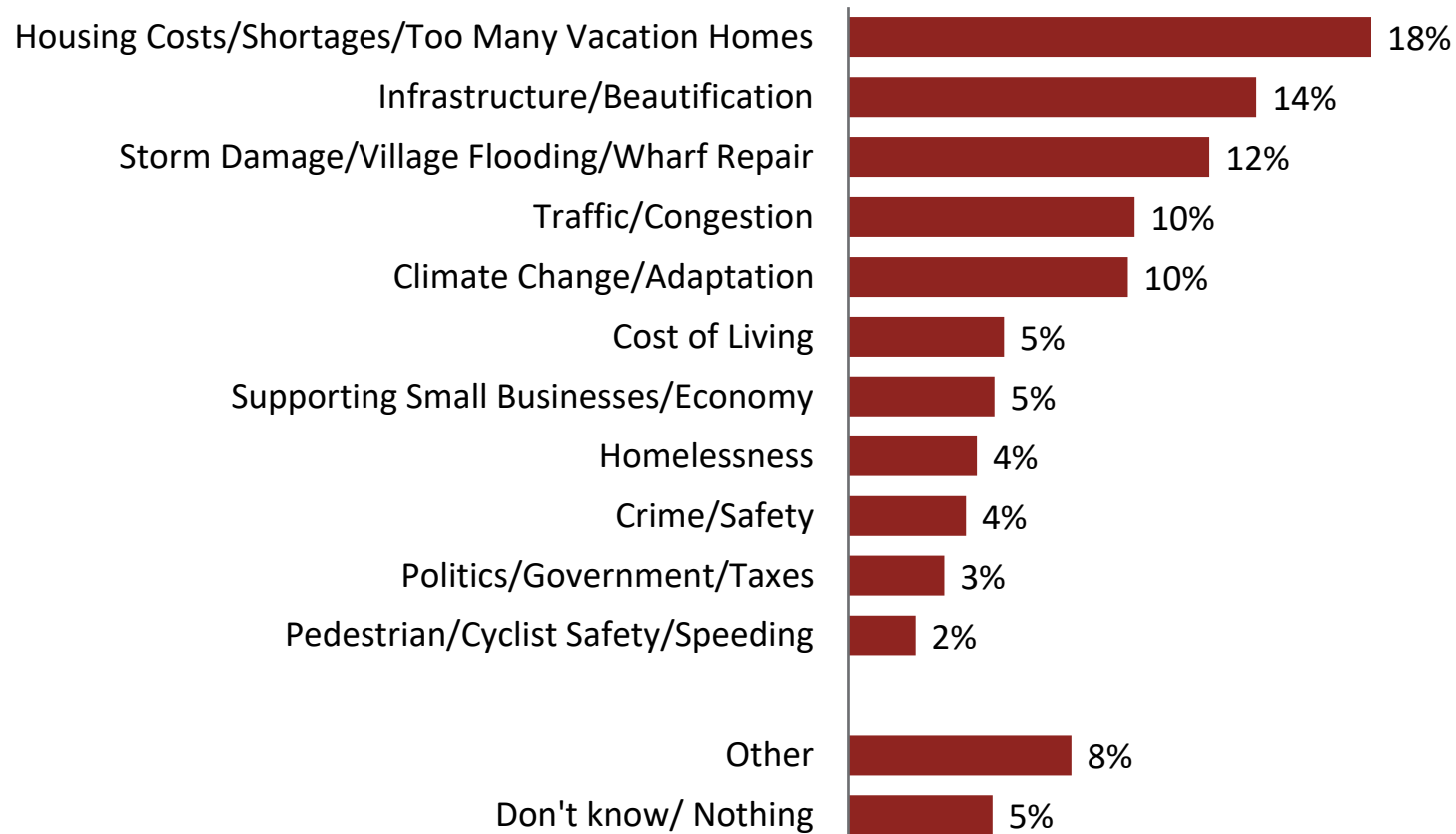
**Do you feel that things in Capitola are generally going in the right direction or do you feel things have gotten pretty seriously off on the wrong track?**



# Most Important Problem

*When asked to name the most important problem in Capitola, housing affordability and availability rise to the top.*

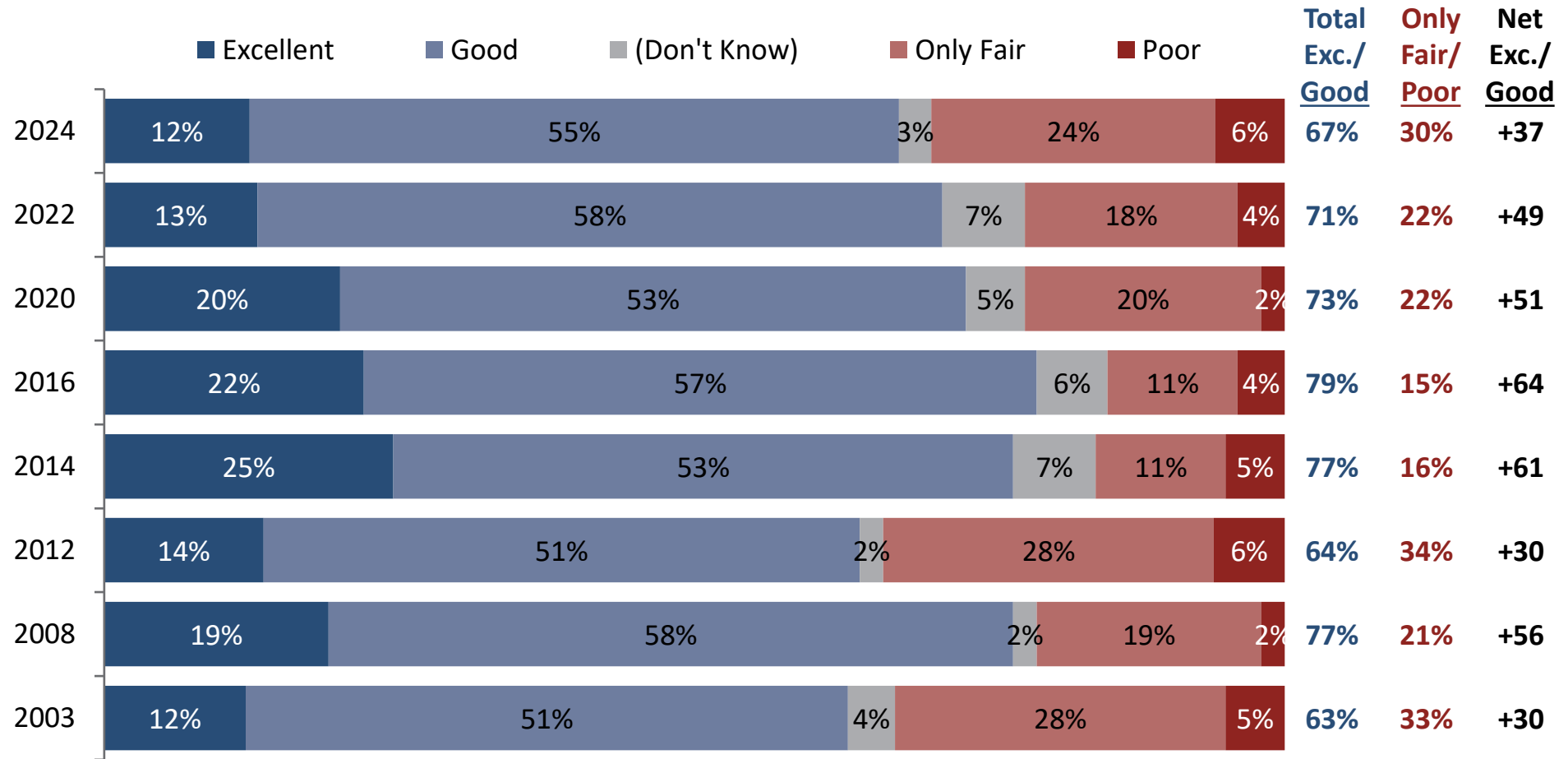
## What do you think is the most important problem facing Capitola today?



# City Ratings Over Time

*Ratings of the job the City is doing providing services and caring for residents' needs remain positive, and largely consistent since 2022.*

## Providing services and taking care of the needs of local residents



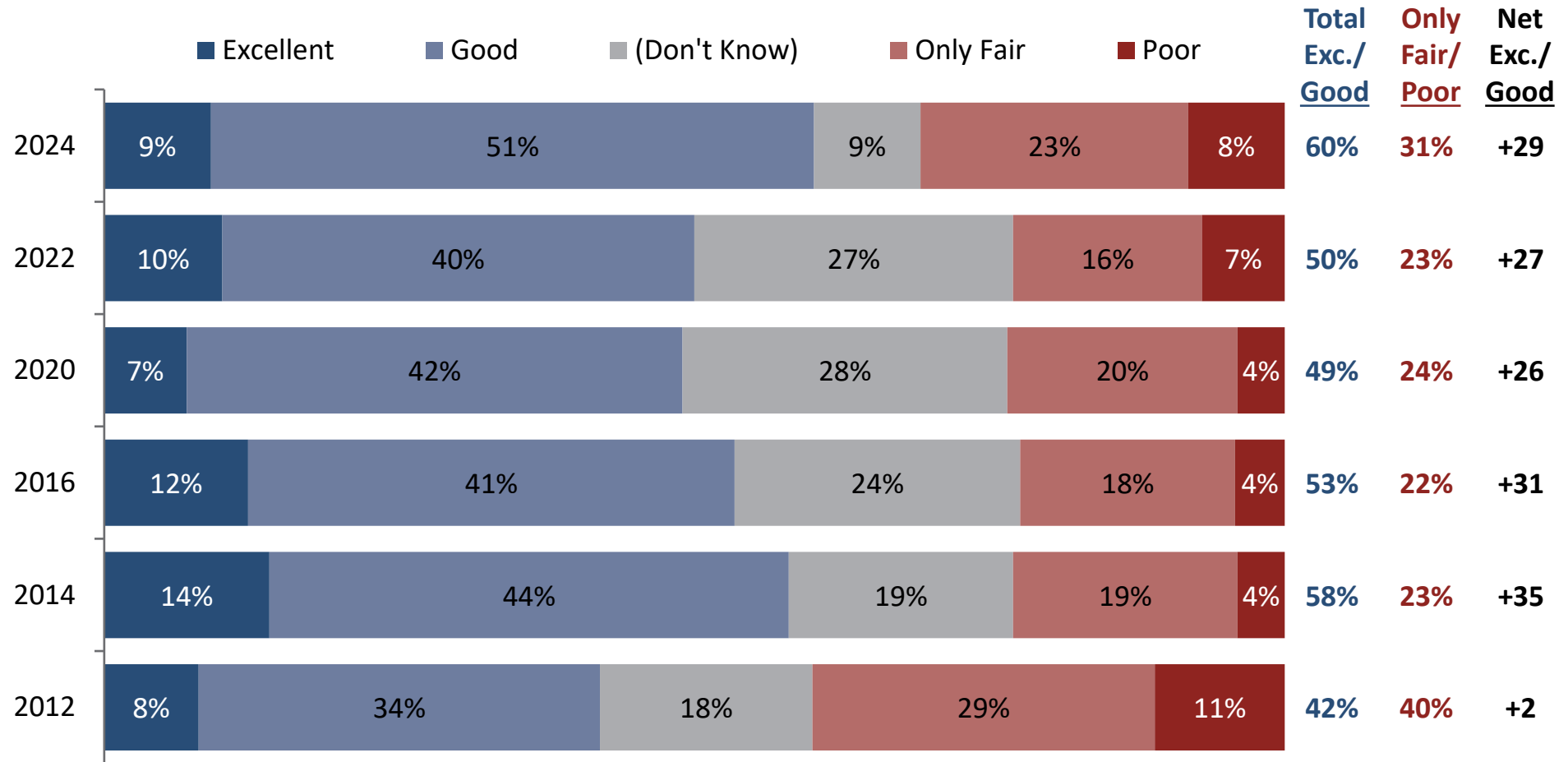
*\*2022 and 2020 surveys offered an explicit "don't know option" to web respondents; surveys prior to 2020 were phone only*

Q5. How would you rate the overall job being done by Capitola City government in providing services and taking care of the needs of local residents: as excellent, good, only fair, or poor?

# City Ratings Over Time

*Intensity on ratings of the City's financial management remain stable. With fewer voters declining to provide a rating, both "good" and "only fair" ratings have increased.*

## Managing the City's budget and finances



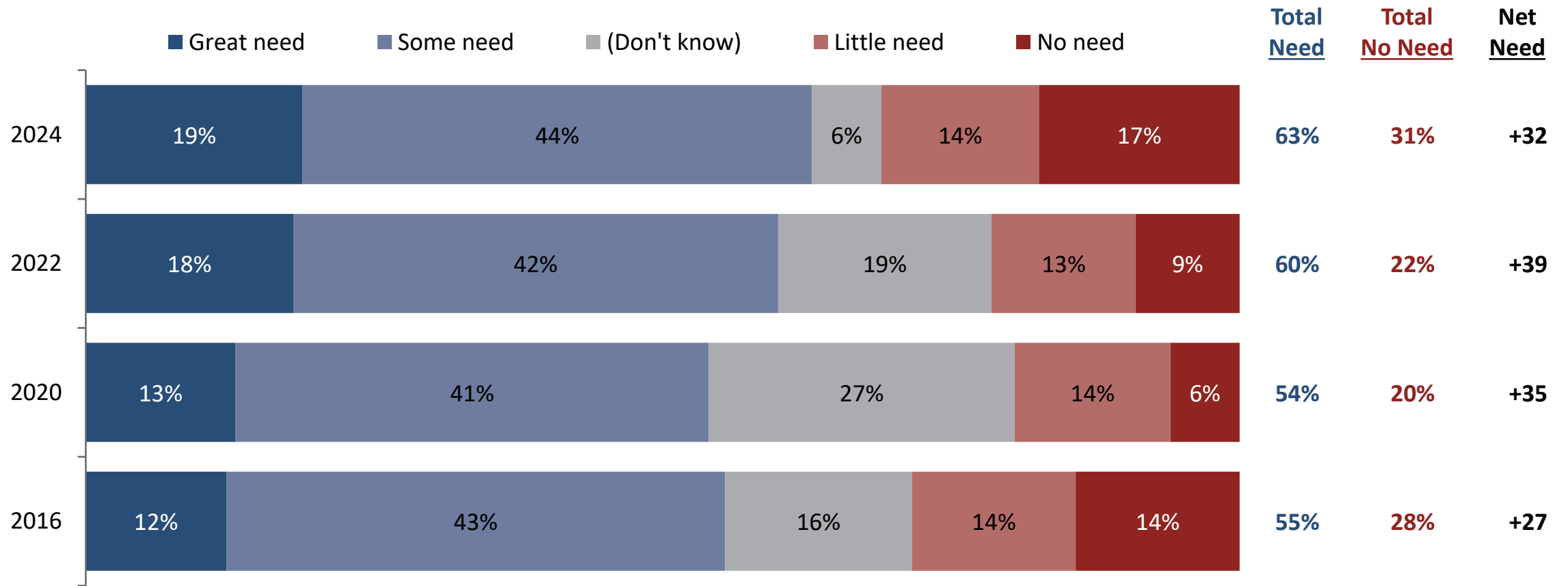
*\*2022 and 2020 surveys offered an explicit "don't know option" to web respondents; surveys prior to 2020 were phone only*

Q6. How would you rate the overall job being done by Capitola City officials in managing the City's budget and finances: as excellent, good, only fair, or poor?

# Perceived Need for Funding Over Time

*Just under two-thirds of voters see the City as in need of additional funding.*

**Generally speaking, would you say that the City of Capitola has a great need for more money, some need, a little need, or no real need for more money?**

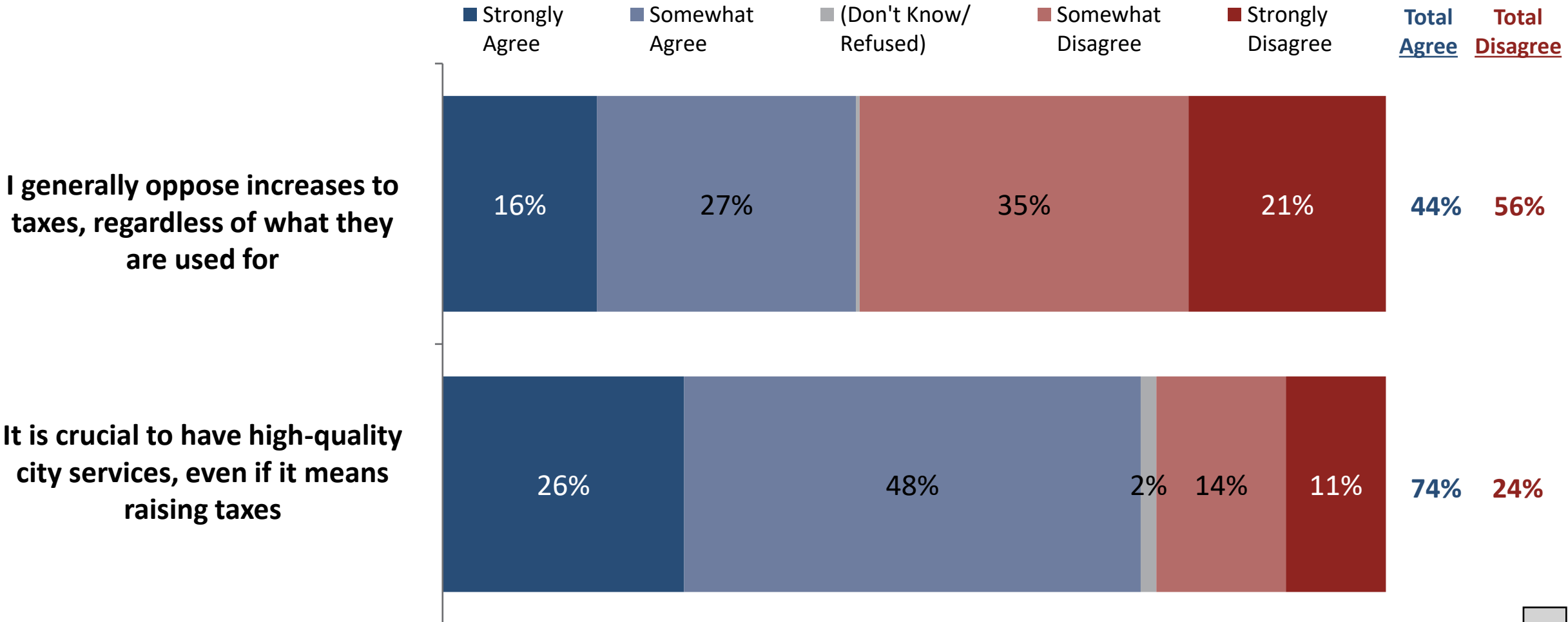


*\*2022 and 2020 surveys offered an explicit "don't know option" to web respondents; 2016 survey was phone only Q7.*



# Tax Sentiment

*Anti-tax sentiment is relatively low, with about three-quarters expressing a willingness to raise taxes to maintain services, and less than half opposed to new taxes regardless of the purpose.*



Q9-10. Please tell me whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with each of the following statements.

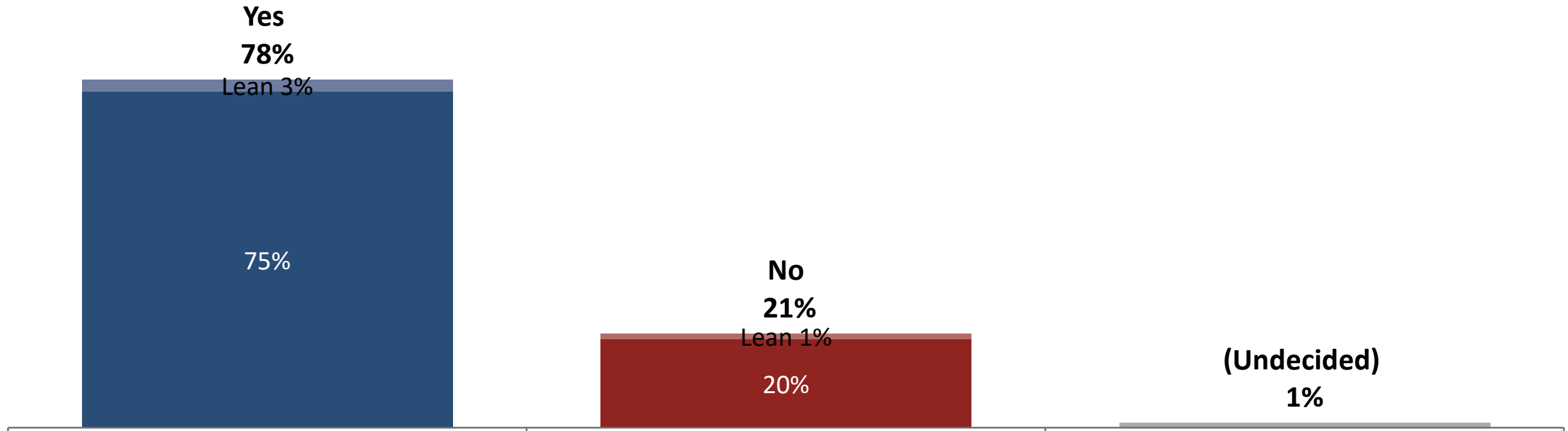


# Potential Sales Tax Measure

# Sales Tax Initial Vote

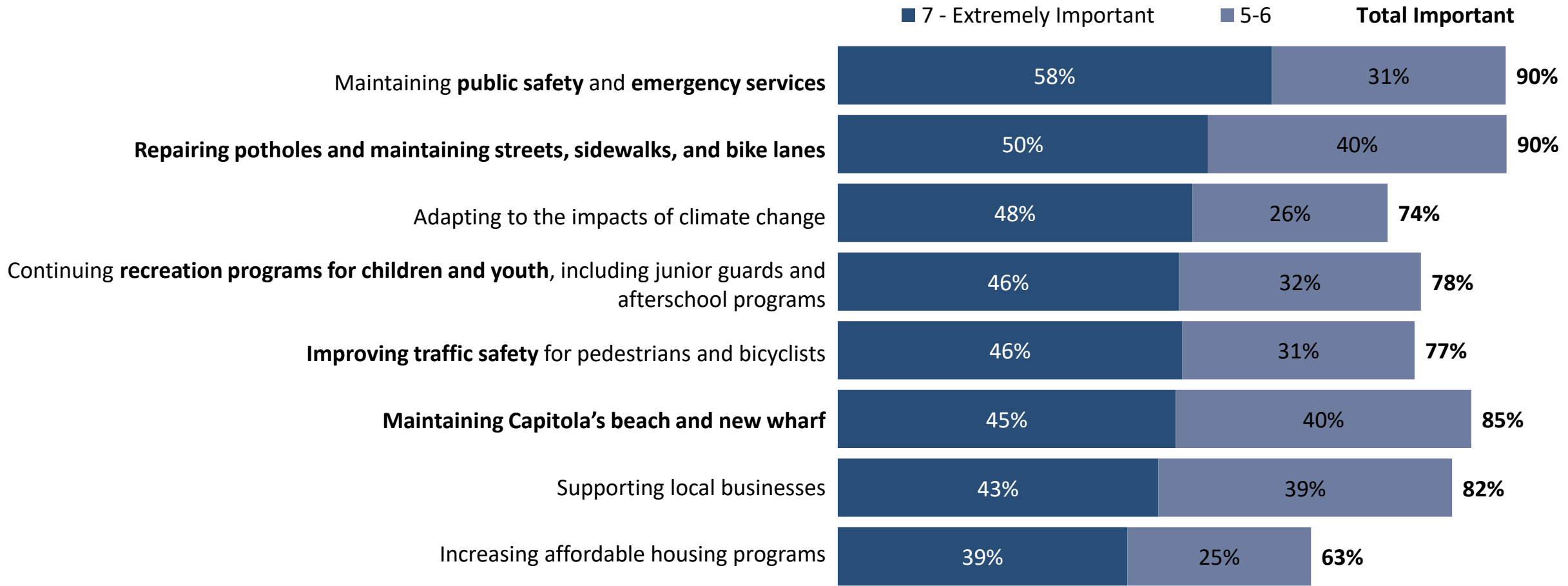
Support for a sales tax renewal starts out very strong, with three-quarters of voters expressing solid support.

Without increasing taxes, to protect essential city services including public safety and emergency services; maintain parks, beaches, the new wharf, and recreation programs for youth and seniors; improve traffic safety; repair potholes, and maintain streets, sidewalks, and bike lanes; shall City of Capitola adopt a measure renewing its expiring one-quarter percent sales tax providing \$1,000,000 annually for general government use, until ended by voters, with independent audits, public disclosure of all spending, and all funds staying local?



# Potential Measure Projects

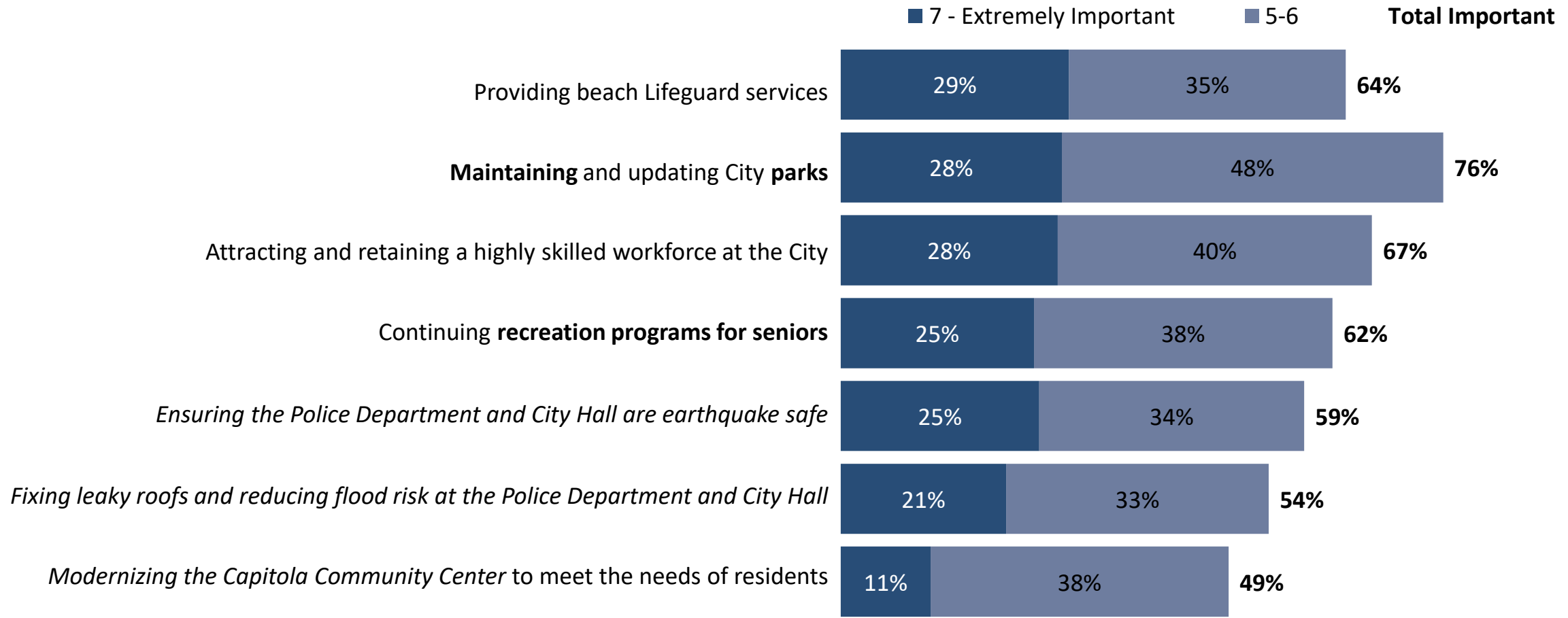
*Most items listed in the potential sales tax measure are among the top-tier projects tested, with public safety/emergency services and road infrastructure especially important.*



Bolded items appear in tested 75-word statement for the potential sales tax renewal Q11-25. I'm going to read you a list of items that could be funded with a revenue measure for the City of Capitola. After each one, please rate how important that item is to you, using a scale of 1 to 7, where 1 means not at all important, and 7 means extremely important.

# Potential Measure Projects

*The potential bond measure projects are seen as less important than most other priorities.*

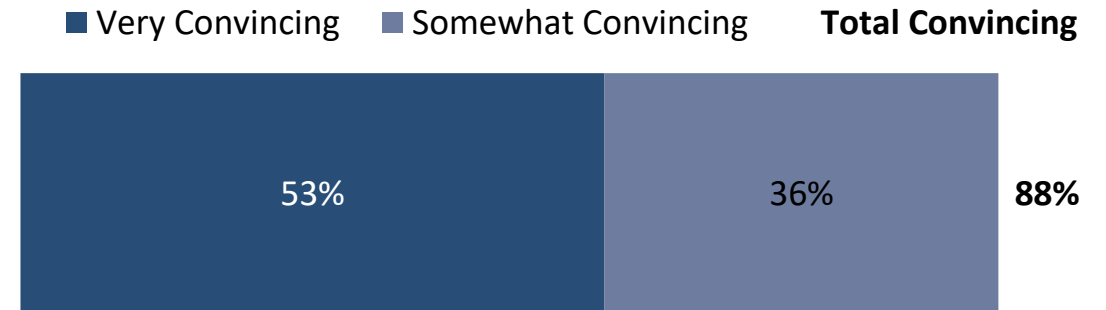


Bolded items appear in tested 75-word statement for potential sales tax renewal; italicized items in potential bond Q11-25. I'm going to read you a list of items that could be funded with a revenue measure for the City of Capitola. After each one, please rate how important that item is to you, using a scale of 1 to 7, where 1 means not at all important, and 7 means extremely important.

# Additional Information

*Information around exemptions, the fact that the measure would not increase taxes, and infrastructure repairs are all compelling to majorities of voters, with strong intensity.*

By law, essential purchases like groceries and medicine are exempt from the sales tax to help ensure this measure is not a burden to those on fixed incomes.



This measure does NOT increase our taxes. It just continues an existing, voter-approved funding source that helps balance the City's budget and provide vital city services.



This measure will help make much needed upgrades to some of our aging public infrastructure, including filling potholes and repaving streets, as well as making improvements to bike paths, sidewalks, and overall traffic safety so that drivers, bicyclists, and pedestrians can share the road safely.



Q26-32. Next I'd like to read you statements from people who support the proposed measure for Capitola. After each one, please tell me how convincing that statement is as a reason to vote for the measure – very convincing, somewhat convincing, not too convincing, or not at all convincing.

# Additional Information

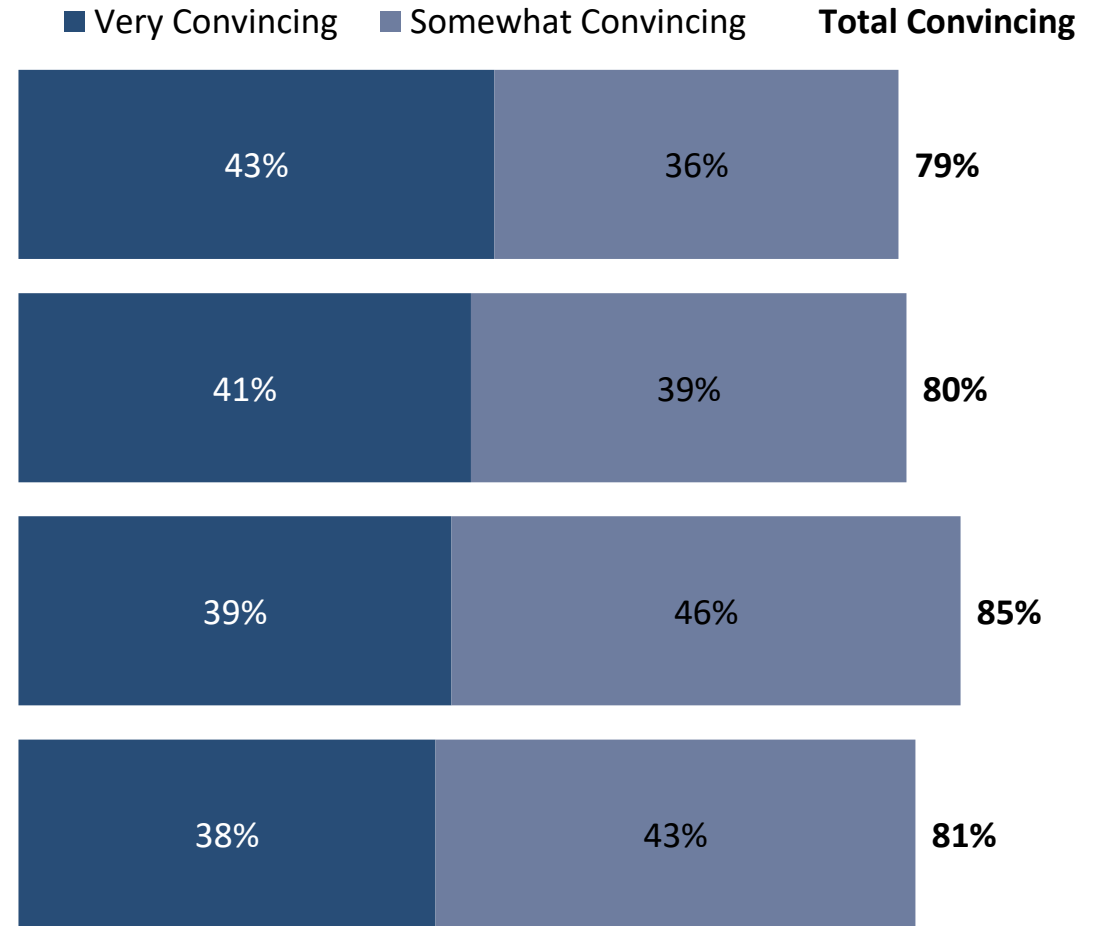
*Other information is also convincing, but with lower intensity.*

Capitola is a great place to live, work, and raise a family. This measure will protect programs for youth and seniors, including the Junior Guards; and improve the Community Center, parks, wharf, and beaches that are essential to our local quality of life.

Over 70% of Capitola’s sales tax revenue comes from out-of-town visitors, so those who visit and shop in Capitola pay their fair share for local services like streets and public safety. And even with this measure, Capitola’s sales tax will still be the lowest of any city in the county, so shoppers won’t take their business elsewhere.

This measure requires independent annual audits and public disclosure of all spending to ensure funds are used properly and, by law, revenue from this measure cannot be taken by the State, ensuring our tax dollars stay local for the benefit of Capitola residents.

This measure will help keep Capitola a safe community by maintaining crime prevention efforts, supporting fast emergency response times, and ensuring our successful lifeguard program can continue.

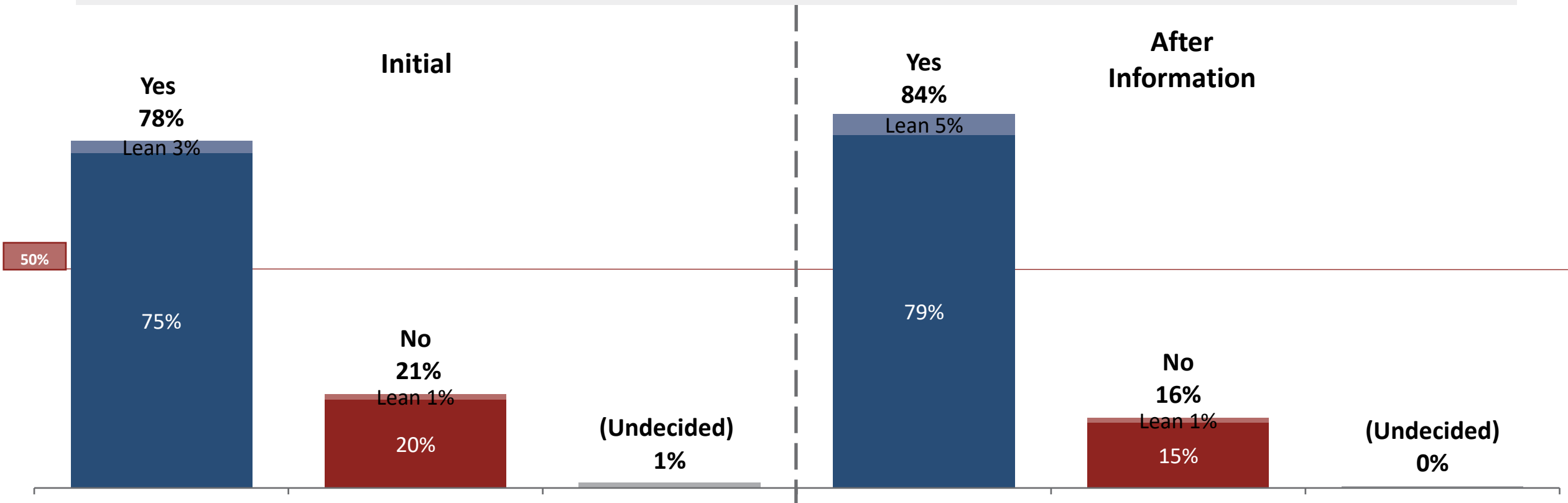


Q26-32. Next I’d like to read you statements from people who support the proposed measure for Capitola. After each one, please tell me how convincing that statement is as a reason to vote for the measure – very convincing, somewhat convincing, not too convincing, or not at all convincing.

# Vote After Additional Information

*Support increases slightly after additional information.*

Without increasing taxes, to protect essential city services including public safety and emergency services; maintain parks, beaches, the new wharf, and recreation programs for youth and seniors; improve traffic safety; repair potholes, and maintain streets, sidewalks, and bike lanes; shall City of Capitola adopt a measure renewing its expiring one-quarter percent sales tax providing \$1,000,000 annually for general government use, until ended by voters, with independent audits, public disclosure of all spending, and all funds staying local?

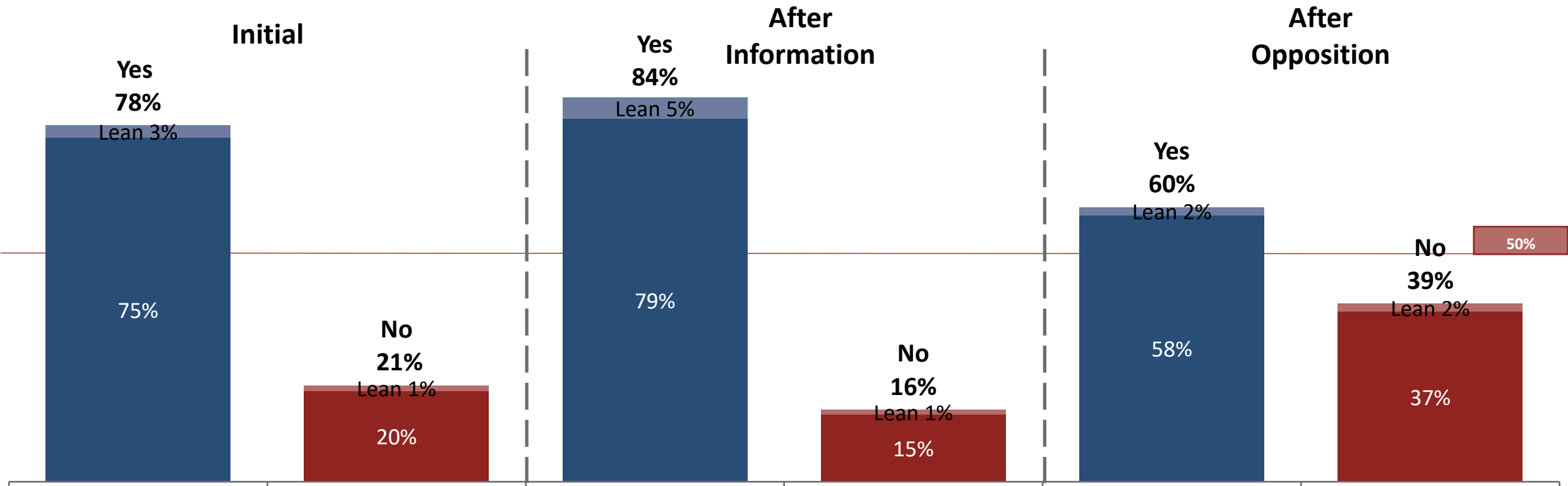




# Vote After Opposition Statement

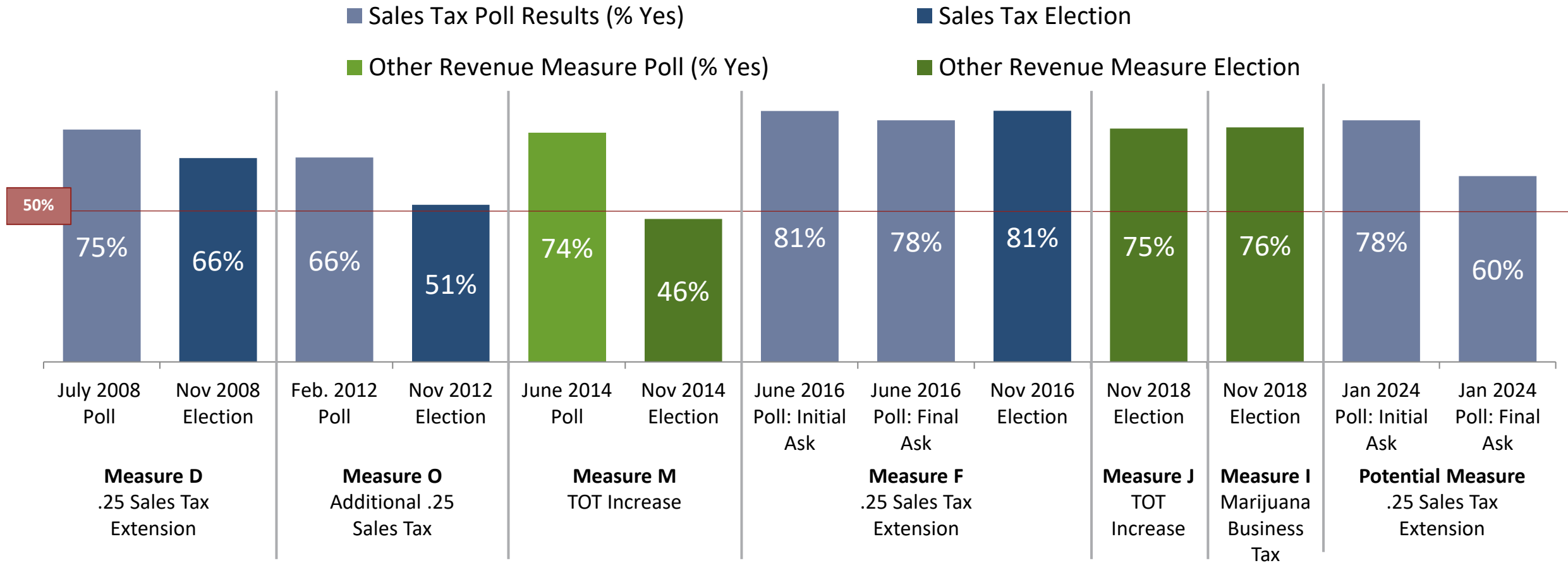
*After an opposition statement, support falls precipitously, but remains above the threshold for passage.*

Without increasing taxes, to protect essential city services including public safety and emergency services; maintain parks, beaches, the new wharf, and recreation programs for youth and seniors; improve traffic safety; repair potholes, and maintain streets, sidewalks, and bike lanes; shall City of Capitola adopt a measure renewing its expiring one-quarter percent sales tax providing \$1,000,000 annually for general government use, until ended by voters, with independent audits, public disclosure of all spending, and all funds staying local?



# Historical Context

*Initial support for a renewal with no sunset is similar to the level of support seen in polling ahead of Measure F, a ten-year extension of the expiring quarter-cent sales tax. However, the current measure is more vulnerable to opposition.*



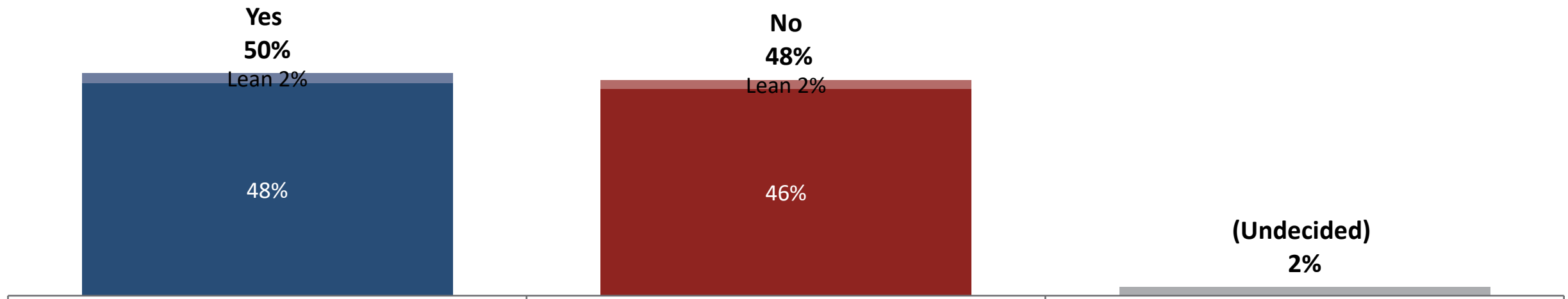


# Potential Bond Measure

# Potential Bond Measure Vote

*The potential bond measure is far more divisive than the sales tax, with voters split down the middle.*

**To update public safety facilities to ensure prompt response in emergencies; provide improved parks, beach, and recreational facilities; fix leaky roofs; ensure the Police Station and City Hall are earthquake and flood safe; and modernize the Capitola Community Center, shall the City of Capitola issue \$30 million in general obligation bonds at the rate of \$49 per \$100,000 of assessed property value, averaging \$1.5 million annually until repaid, with independent oversight and annual audits, and all funds benefiting the City of Capitola?**

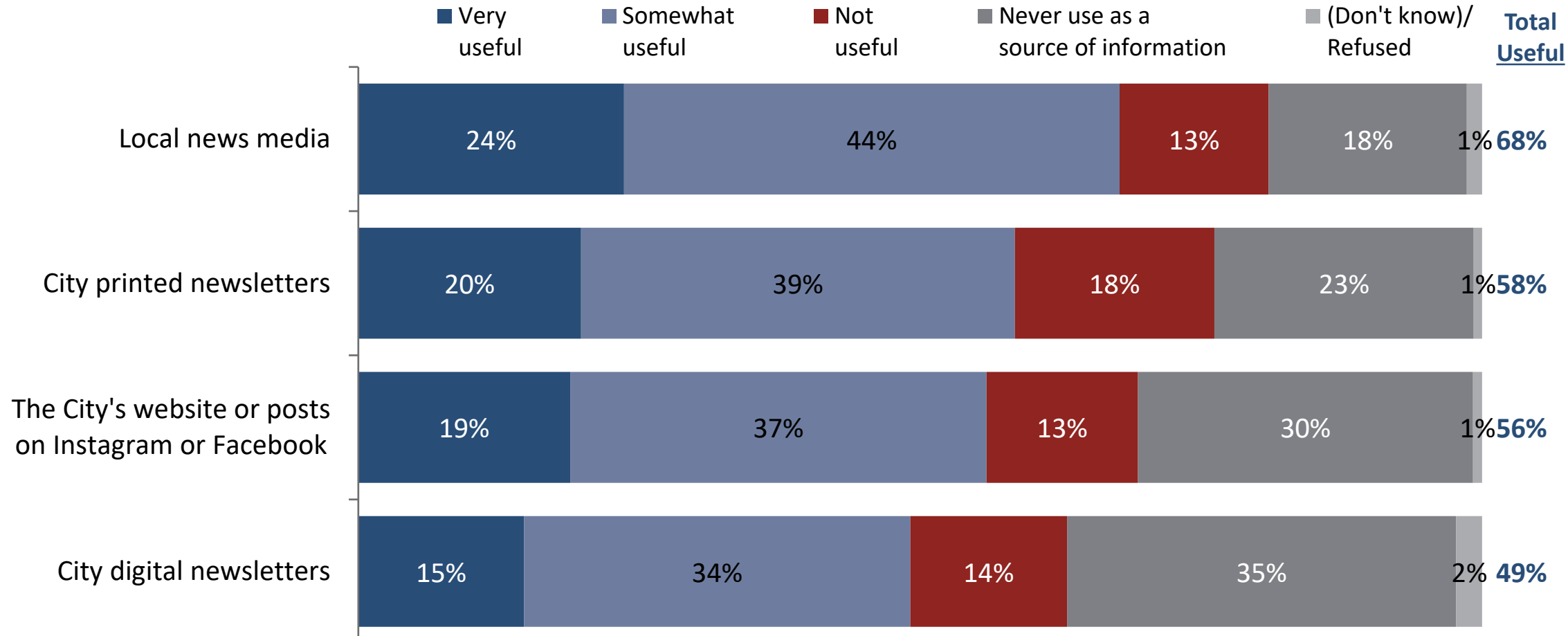




# News and Information

# Information Sources

*All City information sources are seen as useful by at least about half of voters, with the printed newsletter receiving slightly higher usefulness ratings than the digital version.*

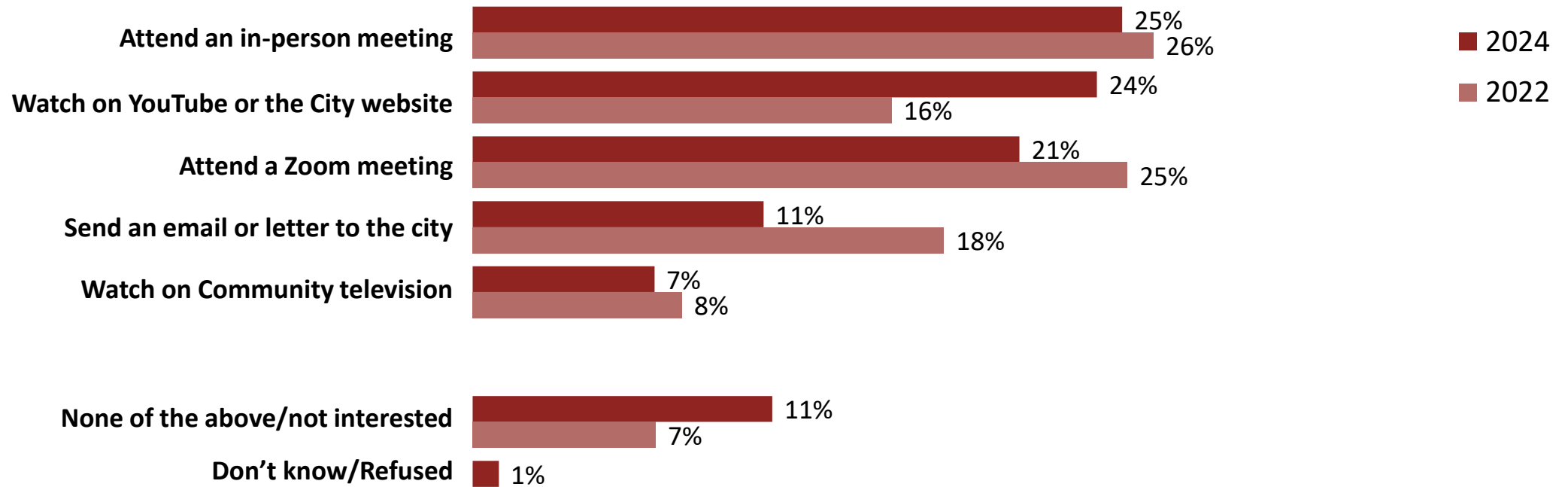


Q36-39. Next, I'm going to mention some places or sources where people might get information about Capitola's City government. After I read each one, please tell me how useful you find that as a source of information about City Government: very useful, somewhat useful, or not useful. If you never use that source to get information about Capitola City Government, you may say so.

# Participation Mechanisms

About a quarter of voters each say they would prefer to attend an in-person meeting or watch on YouTube or the City website if they wanted to learn more about a city issue. Community television is the least-preferred participation channel.

If you were interested in a City issue and wanted to learn more, in which one of these would you most likely participate:



# Conclusions and Recommendations

- ▶ Support for renewing the existing quarter-cent sales tax begins in a strong place. While a potential renewal measure is somewhat vulnerable to opposition, tax sensitivity is relatively low, and support remains above the passage threshold even after an opposition statement in the current landscape.
- ▶ A potential facilities bond faces a more difficult path, although support was tested after the sales tax opposition argument.
- ▶ It will be important to involve the community in conversation about any potential measure, clearly communicate the need for revenue to maintain quality services, and emphasize the benefits to the community.
- ▶ The potential measure benefits that align with voters' top priorities include maintaining public safety response, roads, and the beach and new wharf. Many other priorities, such as youth recreation programs and support for small businesses, also resonate with large portions of the community.





**Jessica Polsky-Sanchez**  
jessica@emcresearch.com  
510.550.8933

**Sianna Ziegler**  
sianna@emcresearch.com  
510.550.8934

**Mandip Bagri**  
mbagri@emcresearch.com  
209.203.0407

# Capitola City Council

## Agenda Report

**Meeting:** March 13, 2024

**From:** Community Development Department

**Subject:** Housing Element Update and 2023 Annual Report



**Recommended Action:** Receive an update on Housing Element certification, implementation, and the 2023 Annual Report.

**Background:** On November 9, 2023, the City Council unanimously adopted the [6th Cycle Housing Element](#) and authorized staff to submit the document to the State Department of Housing and Community Development (HCD) for Certification.

On January 12, 2024, staff received comments from HCD recommending further items be addressed before HCD certification (Attachment 1). In addition to requests for clarification and additional analysis on minor topics, the HCD letter specifically references the Capitola Mall and asks the City to “commit to establishing heights that encourage redevelopment” and modifications to Chapter 17.88: Incentives for Community Benefits to “remove governmental constraints to the development of housing.”

Capitola Municipal Code Chapter 17.88: Incentives for Community Benefits establishes incentives of additional height and floor area ratio in exchange for community benefits. The City’s Municipal Code provides incentives for the redevelopment of the Capitola Mall because mall redevelopment specifically qualifies as a community benefit. The current incentives include increasing the maximum permitted building height from 40 to 50 feet and the maximum permitted floor area ratio from 1.5 to 2.0 on the Capitola Mall site (CMC § 17.88.050.).

The adopted Housing Element identifies 645 housing units within the Capitola Mall sites, 419 of which are affordable. The 645 units within the Capitola Mall were all located on Merlone Geier Partners (MGP) properties, the majority property owner at the Mall. The adopted Housing Element did not include parcels at the mall not owned by MGP, other than the Macy’s parking lot.

The City’s Housing Element consultants confirmed the development of 645 units could be accommodated within a height limit of 50 feet and a floor area ratio of 2.0. However, the public comments from MGP assert that the Capitola Mall redevelopment project may not be economically feasible under the current development standards with 419 of the units required to be affordable.

In a public comment, MGP indicated an increase in the maximum permitted building height for the mall site to 75 feet would improve project feasibility. A height limit of 60 - 75 feet could result in 1,000 - 1,300 total units on MGP property. MGP also requested an exception to the floor area ratio calculation to exclude parking garages. This modification would incentivize onsite parking. At a time when the state is decreasing/removing parking requirements, having incentives for parking in the Municipal Code may assist in the development of onsite parking. The visual impacts of parking garages can be mitigated through objective design standards.

On February 1, 2024, the Planning Commission held a work session and discussed HCD’s input regarding Chapter 17.88: Incentives for Community Benefits relative to the Capitola Mall. The Commission expressed unanimous support for the request to increase the height limit to 75 feet and the addition of an exception for parking garages from the floor area ratio to encourage redevelopment. The Planning Commission also supported adding design mitigations that include stepping the massing of the building from the street frontage, wrapping parking garages into the site architecture, and limiting the increased 75-foot height limit to the Capitola Mall site.

On February 8, 2024, the City Council received an update on the Housing Element and echoed the Planning Commission’s recommendations related to height, floor area calculations, and additional design mitigation. During the City Council meeting, an MGP representative provided additional comments regarding the Housing Element sites inventory’s stated number of affordable units on the MGP properties . Following public comment, the City Council directed staff to work with MGP on the number of affordable units while preparing an updated draft of the Housing Element for HCD review.

Discussion: The purpose of this agenda item is to provide the City Council with an update on the City’s Housing Element certification process, the implementation plan for the Housing Element, once readopted and certified, and an annual report on housing development.

6<sup>th</sup> Cycle Housing Element: Since the February 2024 meetings, staff has been working with RRM Design and VTA (Housing Element consultants) to revise the Housing Element’s sites inventory to include all mall properties located within the boundaries of 41<sup>st</sup> Avenue, Clares Street, and Capitola Road, except the Kohl’s and the parking area near the food court due to a long-term lease and parking agreements. Previously, the sites inventory only included the MGP properties and the Macy’s parking lot. Rather than concentrating all of the units on the MGP properties and the Macy’s parking lot, the updated Housing Element will distribute the affordable housing requirements throughout all mall properties and include a 15 percent low-income requirement and a five percent moderate-income projection to meet the City’s Regional Housing Needs Allocation (RHNA).

During the March 14, 2024, City Council meeting, staff will provide an update on the recommended modifications to the Housing Element. Staff continues to meet with HCD and MGP to discuss the revisions with the intent to publish an updated draft on approximately March 15, 2024. The update includes changes to the site inventory, which triggers updates to numerous tables and maps throughout the entire document. Staff intends to resubmit to HCD for a conditional approval and then move forward with re-adoption hearings.

Housing Element Implementation Plan: The 6<sup>th</sup> Cycle Housing Element includes a housing plan that outlines goals, policies, and programs. The new housing plan includes 80 items that must be implemented in the first three years of the 8-year housing cycle from 2023 to 2031 (Attachment 2). The following table outlines the broader implementation items and projected timing for completion.

Item	Timing	Who
Agency Coordination	Ongoing	City Staff
Developer Interest Outreach	Annually	City Staff and Local Housing Organizations
Emergency Rental Assistance	Annually	3 <sup>rd</sup> Party
Fee Study Update	2026	3 <sup>rd</sup> Party
Funding Opportunities	Ongoing	City Staff
Create a Home Buyer Assistance Program	2024/2025	Legal
Administer Home Buyer Assistance Program	Ongoing	Legal and 3 <sup>rd</sup> Party
Incentives – Develop Regulatory Incentive	December 2025	City Staff
Mobile Home Programs	Ongoing	City Staff
Progress Reports and Monitoring	Annually	City Staff
Public Information	Annually	City Staff and Local Housing Organizations
Create Rehabilitation Program	December 2025	Legal

Administer Rehabilitation Program	Annually	3 <sup>rd</sup> Party
Security Deposit Program	Annually	3 <sup>rd</sup> Party
Technical Guides (ADU & SB9)	Update w/ Building Code updates	3 <sup>rd</sup> Party
Municipal Code Update	2024/2025	3 <sup>rd</sup> Party

**Annual Housing Report:** The City is required to submit an annual housing report to HCD by April 15<sup>th</sup> of each year (Attachment 4). The following table includes all new units which received building permits within 2023. Projects that were entitled in 2023 but did not receive a building permit are not included in the annual reporting as counting toward the City's Regional Housing Needs Allocation. In 2023, 15 additional units received building permits, including 1 single-family home and 14 accessory dwelling units. Within the 5<sup>th</sup> Cycle planning period, there were 75 units developed of the 143 assigned under RHNA. Of note, the 36-unit, 100% affordable development at 4401 Capitola Road is not included in the 2023 RHNA due to the building permit being issued in January 2024. It will be included in the 6<sup>th</sup> Cycle reporting.

The following is a list of new housing units for 2023 which count toward RHNA.

Address	Permit #	Type	Income
529 Capitola Ave	20230032	ADU	Above Mod
402 McCormick Ave	20220273	ADU	Above Mod
402 McCormick Ave	20220273	ADU	Above Mod
621 Gilroy Dr	20220414	ADU	Above Mod
825 Columbus Dr	20220415	ADU	Above Mod
4180 Clares St	20220507	ADU	Above Mod
113 Oakland Ave	20230302	ADU	Above Mod
603 Escalona Dr	20230290	ADU	Above Mod
109 Central Ave	20230138	ADU	Above Mod
435 Monterey Ave	20230140	ADU	Above Mod
2202 Derby Ave	20230110	ADU	Above Mod
1410 Prospect Ave	20230107	SFD	Above Mod
4855 Topaz St	20220542	ADU	Above Mod
1385 Prospect Ave	20220506	ADU	Above Mod
106 Cliff Ave	20220435	ADU	Above Mod
511 Escalona Dr	20190433	ADU	Above Mod

**Fiscal Impact:** None. All costs associated with the implementation of the Housing Element are included in the amended Fiscal Year 2023-24 Budget.

**Attachments:**

1. MGP letter

2. Housing Element List of Implementation Items
3. Annual Housing Report

Report Prepared By: Katie Herlihy, Community Development Director

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

Approved By: Jamie Goldstein, City Manager

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



January 12, 2024

Katie Herlihy, Director  
Community Development Department  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Dear Katie Herlihy:

**RE: City of Capitola's 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the City of Capitola's (City) housing element that was adopted November 9, 2023 and received for review on November 15, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from PerkinsCoie on behalf of Merlone Geier Partners pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements that were described in HCD's October 3, 2023; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The revisions needed to comply with State Housing Element Law are as follows:

1. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

*Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services...(Gov. Code, § 65583, subd. (c)(1).)*

**Suitability of Nonvacant Sites and Zoning for Lower-Income Households:** The element includes sites in the R-1 zone (with a maximum density of 8.7 du/ac) with existing congregational or educational uses currently listed as sites appropriate to meet the lower-income RHNA. The element mentions that recent legislation (SB 4) would allow development at appropriate densities (at least 20 units per acre). However, densities should be based on locally adopted densities.

As a result, the element should either provide an analysis based on factors such as market demand, financial feasibility, and development experience within identified zones, remove the sites or add programs to rezone the sites at appropriate densities, including meeting all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).

In addition, the element must still evaluate the extent existing uses impede additional development. To address this requirement, the element should demonstrate the potential for redevelopment based on current market demand for the existing use, existing leases or contracts that would perpetuate the existing use or prevent additional residential development and other indicators of property turnover such as property for sale, vacancy, abandoned space, structural conditions, expressed interest in residential development, lack of improvements and frequent turnover. This analysis can be done on a site-by-site, corridor, or other planning area basis.

Publicly-Owned Sites: The element now generally discusses why publicly-owned sites were chosen but should still discuss their suitability for development in the planning period, including status, anticipated schedule, and any known barriers to development in the planning period. Based on the outcomes of this analysis, programs should be added or modified to comply with surplus land act requirements, if applicable, target numerical objectives consistent with the inventory and commit to a schedule of actions to facilitate development, including alternative actions, if necessary, by a specified date.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. While the City submitted the sites inventory in the appropriate form, any changes to the inventory should be reflected in the form and the form should be re-submitted as part of adoption. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

Programs: Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised, as follows:

- *Program 1.7 (Shopping/Commercial Center Redevelopment)*: While the element now includes actions to evaluate whether the Capitola Mall site redevelopment is achievable, an evaluation should instead evaluate whether redevelopment will occur in the planning period. In addition, as part of establishing land use policies, zoning and development standards, the Program should commit to establishing heights that encourage redevelopment.

- *Program 1.1 (Adequate Housing Sites):* As part of establishing incentives to encourage lot consolidation, the Program should commit to establishing density incentives.
2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..(Gov. Code, § 65583, subd. (a)(5).)*

*Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)*

Other Locally Adopted Ordinances – Incentives for Community Benefit: While the element now discusses the discretionary process for incentives, it should still evaluate impacts on housing supply and cost. The analysis should particularly address the impacts on costs for providing community benefits and add or modify programs, as appropriate.

Program 3.4 (Housing for Persons with Disabilities): The Program now appears to limit zoning and permit procedure changes to licensed group homes for seven or more persons. However, the Program should clearly commit to permit group homes for seven or more persons in all zones allowing residential uses and similar to other residential uses of the same type in the same zone. These amendments should be completed regardless of licensing.

The element will meet the statutory requirements of State Housing Element Law once it has been revised, re-adopted, if necessary, submitted and reviewed by HCD to substantially comply with the above requirements pursuant to Government Code section 65585.

Public participation in the development, adoption, and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government’s website and to email a link to all individuals and organizations that have previously requested notices relating to the local government’s housing element at least seven days before submitting to HCD.



Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the City's housing element team provided during the update and review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at [Jose.Ayala@hcd.ca.gov](mailto:Jose.Ayala@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

	D	E	F	G	H
1					
2	Section	Category	Deliverable	Year	Month
3	3.4.e	Agency Coordination	By end of 2025, collaborate with the San Andreas Regional Center to implement an outreach program informing households within the City of housing and services available for persons with developmental disabilities.	2025	December
4	1.5.a	Agency Coordination	Continue to work with local mobile home park residents, owners, and the state to improve mobile home park affordability and sustainability.	Ongoing	Annually
5	2.4.a	Agency Coordination	Continue to participate in the Housing Authority of Santa Cruz County Housing Choice Vouchers Program, with the goal of providing assistance to 240 households by December 2031.	Ongoing	Annually
6	3.1.b	Agency Coordination	Work with the appropriate organizations to ensure the needs of homeless and extremely low-income residents are met.	Ongoing	Annually
7	1.1.h	Agency Coordination	Capitola will work with AMBAG in the 2050 MTP/SCS (scheduled for June 2026) to designate the Capitola Mall as a planned high-quality major transit stop.	2026	June
8	1.1.c	Developer Interest	Meet with property owners and interested developers to pursue housing development in the City.	Ongoing	Annually
9	1.4.a	Developer Interest	Annually meet with property owners and interested developers to pursue mixed-use housing development in the City, especially on sites identified in the sites inventory for RHNA. The sites inventory identifies capacity for 1,298 units on mixed-use properties.	Ongoing	Annually
10	2.5.b	Developer Interest	Annually collaborate with non-profit organizations, private developers, employers, special needs groups, state and federal agencies and other interested parties to pursue affordable housing projects.	Ongoing	Annually
11	4.2.a	Emergency Rental Assistance	Continue funding the City's Emergency Housing Assistance program that offers eviction and foreclosure prevention in the form of non-reimbursable grants to eligible applicants. (Emergency Rental Assistance Program)	Ongoing	Annually
12	4.2.b	Emergency Rental Assistance	Utilizing the Emergency Rental Housing Assistance Program, assist 40 households per year during the planning period	Ongoing	Annually
13	2.7.b	Fee study	ensure that the fees are sufficient to support the development of affordable housing and, if market conditions have changed, to enable the reinstatement of the inclusionary housing requirement on rental housing.	Ongoing	Annually
14	2.8.a	Fee study	Update the feasibility study by October 2026 to ensure that the fees are sufficient to support the development of affordable housing and, if market conditions have changed, to enable the reinstatement of the inclusionary housing requirement on rental housing.	2026	December

	D	E	F	G	H
1	Section	Category	Deliverable	Year	Month
15	2.3.a	funding	Annually investigate new funding and financing opportunities to encourage the acquisition/rehabilitation of existing rental housing and conversion into long-term affordable housing.	Ongoing	Annually
16	2.5.c	Funding	Continue to utilize available financing to assist with the planning and development of new affordable housing for all ages and household types. Annually, Community Development staff will monitor federal and state funding sources available for affordable housing projects, and pursue or support the applications for funding.	Ongoing	Annually
17	3.1.c	funding	Prioritize funding and other available incentives for projects that provide housing for homeless and extremely low-income residents whenever possible	Ongoing	Annually
18	3.4.c	funding	Annually seek state and federal monies, as funding becomes available, in support of housing construction and rehabilitation targeted for persons with disabilities, including developmental disabilities.	Ongoing	Annually
19	1.3.e	funding	Beginning in 2025, and annually thereafter, pursue funding sources available to enhance ADU affordability with the goal of creating ten affordable ADUs, targeting assistance in lower density neighborhoods.	2025	December
20	4.3.a	Home Buyer Assistance	By December 2025, reinstate City homebuyer assistance program using either city or other funding sources. Assist five households during the planning period.	2025	December
21	3.4.d	Incentives	By the end of 2025, amend the Zoning Code to provide regulatory incentives, such as expedited permit processing, and fee waivers and deferrals, to projects targeted for persons with disabilities.	2025	December
22	3.5.b	Incentives	Provide regulatory incentives, such as expedited permit processing, and fee waivers and deferrals, to projects that include housing for extremely-low income households.	Ongoing	Annual
23	2.1.a	Mobile homes	Annually monitor the effectiveness of the rent stabilization ordinance in preserving affordability of mobile home park rents.	Ongoing	Annually
24	2.1.b	mobile homes	Annually, provide technical assistance, funding, and/or support for funding applications for resident controlled and nonprofit-owned mobile home parks, and potential tenant/nonprofit acquisition of the remaining park.	Ongoing	Annually
25	2.1.c	mobile homes	Identify funding opportunities through state, city, or nonprofits for financial assistance to mobile home park residents to facilitate their acquisition or conversion efforts. Assist and/or support in funding application.	Ongoing	Annually
26	2.1.d	mobile homes	If conversions of (mobile home) use are contemplated, ensure that resident investment values are preserved and that adequate relocation assistance is provided pursuant to state law. To the extent possible, preserve or replace affordable housing units. (Mobile home park closures are subject to rigorous state regulations.)	Ongoing	Annually

	D	E	F	G	H
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2	Section	Category	Deliverable	Year	Month
27	2.1.e	mobile homes	Identify necessary infrastructure improvements as part of the acquisition or conversion process.	Ongoing	Annually
28	1.3.f	Progress Report	City's progress in meeting projected ADU units. If the City's ADU construction activities fall behind projection, the City will develop additional incentives, resources, and/or tools to	2027	July
29	1.4.e	Progress Report	Monitor and include an update in the annual Housing Element Progress Report of all mixed-use	Ongoing	Annually
30	2.2.b	Progress Report	Maintain the AB 987 database to include detailed information on all subsidized units, including those that have affordability covenants. Update annually	Ongoing	Annually
31	1.1.b	Public Information	Maintain an inventory of available vacant and prospective sites that can accommodate new housing; update annually.	Ongoing	Annually
32	1.3.a	Public Information	By December 2024, update City ADU webpage to include other resources available, such as the \$40,000 grant for pre-development costs available to lower income homeowners through California Housing Finance Agency (CalHFA).	2024	December
33	1.3.b	Public Information	By July 2024, develop a Fair Housing Factsheet to be included in the ADU webpage and application packet to inform property owners of their responsibility to comply with state and federal fair housing laws.	2024	July
34	2.4.b	Public Information	Annually promote the Housing Choice Voucher (HCV) program to residents and property owners by disseminating program information at City Hall, on the City website and social media accounts. Conduct targeted outreach to property owners in the High and Highest Resource neighborhoods.	Ongoing	Annually
35	2.6.b	Public Information	regarding public hearings, community events, and City projects	Ongoing	Quarterly
36	3.4.f	Public Information	Annually update information on housing and services available for persons with disabilities at City Hall and on the City website.	Ongoing	Annually
37	4.3.b	Public Information	By December 2024, update City website to provide links to homebuying resources available at CalHFA.	2024	December
38	6.1.a	Public Information	Within 30 days of Housing Element adoption, provide a copy of the adopted Element to water and sewer providers, reiterating their obligation to provide priority to affordable housing projects pursuant to state law.	2024	January
39	2.5.f	Public Information	Local Labor. Encourage developers and contractors to evaluate hiring local labor, hiring from or contributing to apprenticeship programs, increasing resources for labor compliance, and providing living wages.		
40	2.6.a	Public Information	Maintain communication channels with City residents, community groups, local housing representatives, and other agencies. Conduct at least one community meeting annually to discuss housing needs and opportunities.	Ongoing	Annually

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2	Section	Category	Deliverable	Year	Month
41	2.6.c	Public Information	Organize community workshops for large development projects.	Ongoing	
42	2.3b	Rehab	Pursue one acquisition/rehabilitation project over 8 years. (Preservation of exiting rental housing)	8 years	
43	2.7.a	Rehab	By December 2025, initiate a City Housing Rehabilitation Loan and Grant Program, to assist with affordable housing project feasibility studies and permanent financing of acquisition/rehabilitation projects and new construction affordable housing projects. Assist 10 households with affordable loans and grants and 25 households through multifamily rehabilitation over 8 years.	2025	December
44	3.5.a	Rehab	Annually seek state and federal monies, as funding becomes available, in support of housing construction and rehabilitation targeted for households with extremely low incomes.	Ongoing	Annually
45	5.1.a	Rehab	By December 2025, reinstate a housing rehabilitation program to provide grant assistance to lower income and special needs households.	2025	December
46	5.1.b	Rehab	Annually seek federal and state grants to support a rehabilitation grant program.	Ongoing	Annually
47	5.1.c	Rehab	Assist 16 seniors, disabled, and lower income households during the planning period through the Housing Rehabilitation program	Ongoing	
48	5.2.a	Rehab	Continue to implement a proactive code enforcement program for health and safety violations through the Building Department and inform residents of rehabilitation assistance when available at City Hall and the City's website.	Ongoing	
49	5.2.b	Rehab	Assist 16 households during the planning period through the City's Housing Rehabilitation Program.	Ongoing	
50	1.1.a	RHNA	Facilitate the development of 1,336 housing units over 8 years	8 years	
51	1.3.a	RHNA	Facilitate the development of 50 ADUs over 8 years.	Ongoing	Annually
52	2.5.d	RHNA	Facilitate the development of 430 very low and 282 low-income affordable units over 8 years.	8 years	
53	2.8.c	RHNA	Facilitate the development of 430 very low and 282 low-income affordable units over 8 years.	8 years	
54	4.1.a	Security Deposit Program	Assist 7 to 10 households per year during the planning period. (Security Deposit Program)	Ongoing	Annually
55	4.1.b	Security Deposit Program	Annually seek state and federal funding to expand this program. (security deposit program)	Ongoing	Annually
56	1.3.c	Update Technical Guide	Beginning in 2025 and every three years thereafter, update the ADU Resource Guide.	2025	December
57	1.3.d	Update Technical Plans	Beginning in 2025, and every three years thereafter, update Capitola ADU Prototype Building Plans to comply with building code updates.	2025	December
58	1.1.d	Zoning Update	Develop formal procedure to monitor no net loss in capacity pursuant to SB166	2024	July

	D	E	F	G	H
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2	Section	Category	Deliverable	Year	Month
59	1.1.e	Zoning Update	Develop strategies to provide for missing middle housing, such as conversion of second story commercial/office space, live/work housing, and duplex/triplex	2025	December
60	1.1.f	Zoning Update	Develop incentives to encourage lot consolidation. Typical strategies include ministerial approval of lot line adjustments and flexible development standards (such as reduced or alternative parking arrangements) for large sites	2025	December
61	1.1.g	Zoning Update	As part of the Zoning Ordinance update by the end of 2025 remove the Affordable Housing Overlay from the Zoning Code and Zoning Map.	2025	December
62	1.2.a	Zoning Update	By December 2024, amend the Zoning Code to address the replacement housing requirements.	2024	July
63	1.4.b	Zoning Update	By the end of 2025, expand the incentivized zone for increased FAR and Height to facilitate mixed use development, targeting commercial corridors where key sites are identified for RHNA, in exchange for an expanded list of community benefits that complement mixed use residential development (such as child care facilities, recreation areas, etc.)	2025	December
64	1.4.c	Zoning Update	Utilize the City's newly established Objective Design Standards to streamline review of mixed-use developments.	Ongoing	Annually
65	1.4.d	Zoning Update	By December 2025, incentive development of affordable housing on commercial sites along transit corridors.	2025	December
66	1.5.a	Zoning Update	Encourage and facilitate the development of other alternative housing types, such as factory-built housing, live/work units, SRO units, Small Ownership Units (SOUs), and micro units. By the end of 2025, review and revise as appropriate, the Zoning Code to facilitate alternative housing types.	2025	December
67	1.6.a	Zoning Update	Review and revise as appropriate, requirements such as the minimum unit size, setbacks, parking requirements, and height restrictions to ensure they are necessary and pertinent and do not pose constraints on the development of housing. This includes assessing the maximum densities allowed in the RM-L and RM-M zones to determine if higher densities can help facilitate multi-family development in the City.	2025	December
68	1.6.b	Zoning Update	Revise the multifamily residential parking requirements based on the unit size or number of bedrooms and will also revise the current covered parking requirement for multifamily development. Continue to allow the use of parking studies to request flexibility with mixed use standards, including shared parking with commercial uses.	2025	December
69	1.6.c	Zoning Update	Include reduced parking standards for senior and special needs housing.	2025	December

	D	E	F	G	H
1					
2	Section	Category	Deliverable	Year	Month
70	1.6.d	Zoning Update	Using the results of the Capitola Mall study (see Program 1.7), analyze the zoning and development standards in the Incentives for Community Benefits Ordinance and modify the findings required for Chapter 17.88, Incentives for Community Benefits, to meet objective standards. This will allow project applicants to meet all discretionary permits with the same objective standards. These revisions will occur at the same time the Incentives for Community Benefits zone boundaries are expanded.	2025	December
71	1.6.e	Zoning Update	Corner lot duplexes in the R-1 zone: to allow corner lots in single-family neighborhoods to accommodate duplex units. Such a strategy is intended to provide flexibility compared to SB 9 requirements with objective development standards, with the goal of introducing moderately priced homes in the neighborhoods. Objective development standards will be used for these projects.	2025	December
72	2.5.a	Zoning Update	Facilitate the development of affordable housing through the provision of regulatory concessions and density increases under the City's Density Bonus Ordinance and the City's Incentives for Community Benefit Ordinance	Ongoing	
73	2.5.e	Zoning Update	Regularly update the City's Density Bonus Ordinance to include updates in state law.	Ongoing	Annually
74	2.8.b	Zoning Update	Analyze the zoning and development standards to determine if there are constraints that affect the economic feasibility of affordable rental housing development.	Ongoing	Annually
75	3.1.a	Zoning Update	By December 31, 2024, amend the Zoning Code to permit emergency shelters by-right in the Community Commercial zone and to permit LBNCs in areas zoned for mixed uses and other nonresidential zones permitting multifamily housing.	2024	December
76	3.2.a	Zoning Update	By December 31, 2024, amend the Zoning Code to address the provision of transitional and supportive housing consistent with state law	2024	December
77	3.3.a	Zoning Update	By December 31, 2024, amend the Zoning Code to address the provision of employee housing consistent with state law and revise the types of hobby farming activities allowed in various	2024	December
78	3.4.a	Zoning Update	By December 31, 2025, amend the Zoning Code to permit licensed large residential care facilities in zones where residential uses are permitted.	2025	December
79	3.4.b	Zoning Update	By December 31, 2025, amend the Zoning Code to review the separation requirement and to establish objective criteria for the approval of licensed large residential care facilities as well as reasonable accommodations.	2025	December
80	3.6.a	Zoning Update	By December 2025, study and revise, as appropriate, the Zoning Code to create objective standards for daycares in the commercial districts to allow daycares with a minor use permit.	2025	December
81	3.6.b	Zoning Update	By December 2024, update Density Bonus Ordinance.	2024	December

Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1	2										3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	34	-	-	-	-	-	-	-	-	-	7	27	
	Non-Deed Restricted		-	-	-	-	2	-	3	1	1			
Low	Deed Restricted	23	-	-	-	-	-	-	-	-	-	-	23	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-			
Moderate	Deed Restricted	26	-	-	-	-	-	-	-	-	-	3	23	
	Non-Deed Restricted		-	-	-	1	1	-	-	1	-			
Above Moderate		60	-	2	1	20	9	7	3	5	3	15	65	
Total RHNA		143												
Total Units			-	2	1	21	12	7	6	7	4	15	75	73





# City of Capitola City Council Meeting

March 14, 2024



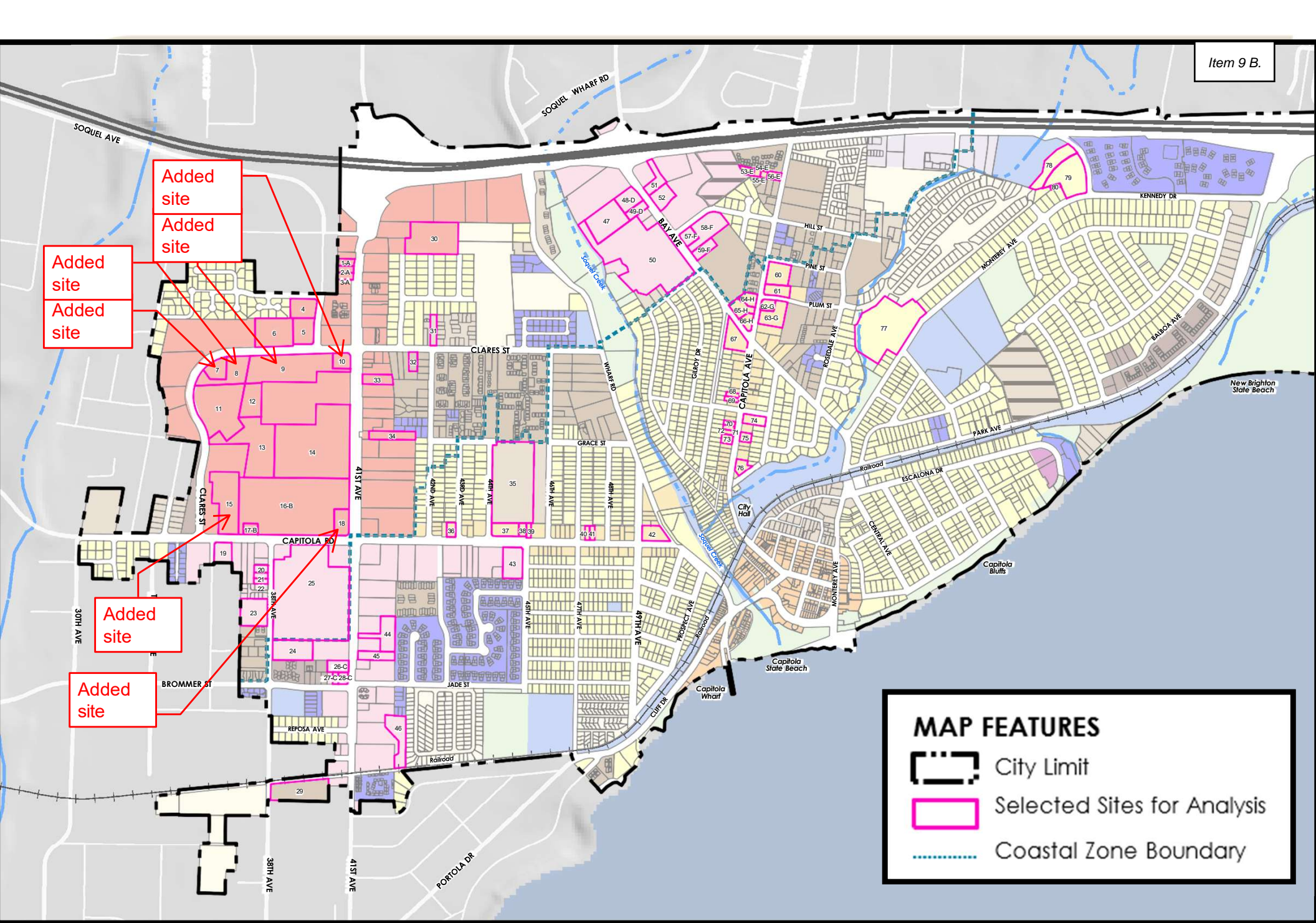
# **City of Capitola Housing Element Update**



## Housing Element Update

### Recent Updates to Mall Site:

- Increase height 60 – 75 feet
- FAR to not include parking garages
- Objective standards for design of garages and building stepping
- Site inventory to include all mall properties with 41st Avenue, Clares Street, and Capitola Road, except the Kohl and the parking area near the food
- 15% low-income requirement and 5% moderate-income estimate.






Added site  
Added site

Added site  
Added site

Added site

Added site

**MAP FEATURES**

-  City Limit
-  Selected Sites for Analysis
-  Coastal Zone Boundary

# CAPITOLA MALL: PARCEL YIELD ANALYSIS

5-Mar-2024

Item 9 B.

Parcel	Acres	Units (15% Lower)	Units (5% Mod)	Units (80% Above)	Total Units	APN	Notes
<b>MERLONE GEIER PARTNERS</b>							
13	3.57	26	9	137	<b>172</b>	034-261-38	MGP
14	8.36	60	20	321	<b>401</b>	034-261-37	MGP
16	10.05	72	24	386	<b>482</b>	034-261-40	MGP
17	0.28	2	1	11	<b>14</b>	034-261-39	MGP
<b>SUBTOTAL</b>	<b>22.26</b>	<b>160</b>	<b>54</b>	<b>855</b>	<b>1,069</b>		
<b>OTHER</b>							
7	0.66	5	2	25	<b>32</b>	034-261-35	Olive Garden
9	3.94	28	9	151	<b>188</b>	034-261-53	Ross Center
12	1.16	8	3	45	<b>56</b>	034-261-15	Ross Center
10	0.48	3	1	18	<b>22</b>	034-261-54	Citi Bank
18	0.68	5	2	26	<b>33</b>	034-261-14	Bank of America
8	1.45	10	3	56	<b>69</b>	034-261-36	Macy's
11	3.84	28	9	147	<b>184</b>	034-261-34	Macy's
15	2.59	19	6	99	<b>124</b>	034-261-51	Target
<b>SUBTOTAL</b>	<b>14.80</b>	<b>106</b>	<b>35</b>	<b>567</b>	<b>708</b>		
<b>TOTAL</b>	<b>37.06</b>	<b>266</b>	<b>89</b>	<b>1,422</b>	<b>1,777</b>		

## ASSUMPTIONS:

- 5 stories housing + 1 story commercial; 75 feet building height.
- Approximately 10 du/floor/ac; 48 du/ac effective density.

## SURPLUS (Mall Sites Only):

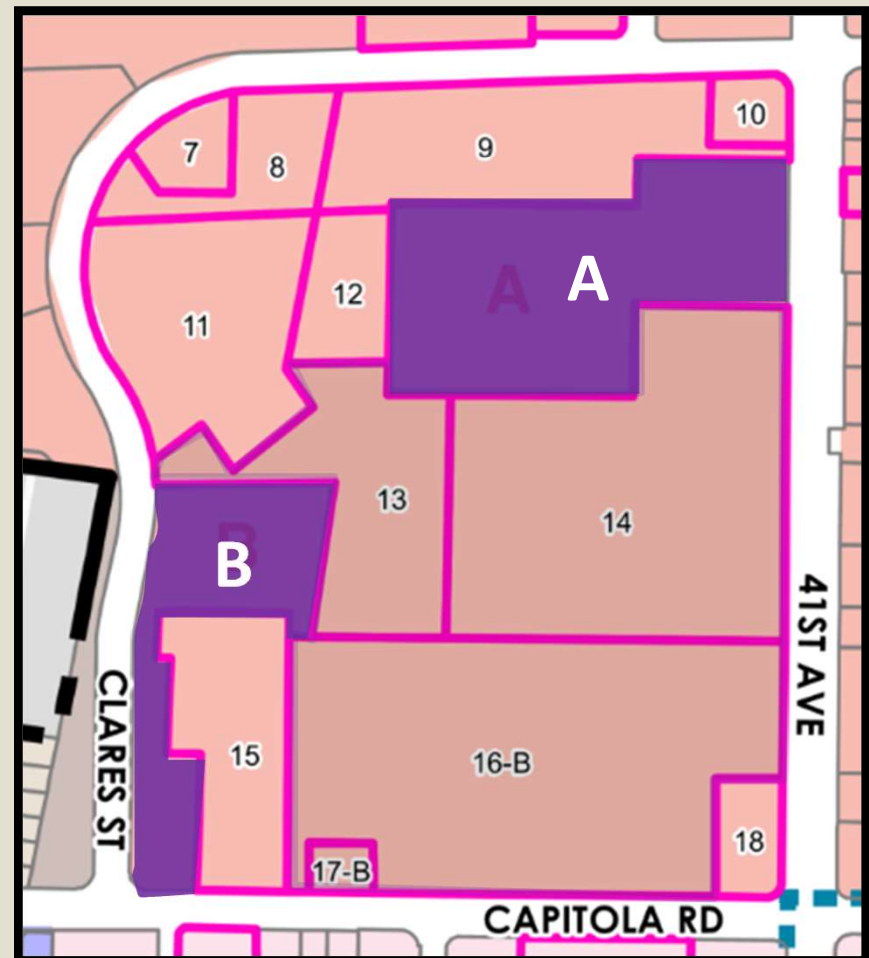
Lower Income: Currently 368 units; Proposal reduces overall sites inventory surplus from 116 units (16.3%) to 15 units (2.1%)

Moderate Income: Currently 109 units; Proposal reduces overall sites inventory surplus from 61 units (36.1%) to 41 units (24.3%)

Above Moderate Income: Currently 257 units; Proposal increases overall sites inventory surplus from 5 units (1.1%) to 1,171 units

# Housing Element Update

MGP PARCEL 'H' (KOHL'S)							
<b>A</b>	5.99	43	14	230	<b>287</b>	034-261-07	MGP - Kohl's
MGP PARCEL 'E'							
<b>B</b>	3.17	23	8	122	<b>152</b>	034-261-52	MGP (long-term parking)





# **Housing Element Implementation Plan Update**



## Housing Element Update

### Housing Element Implementation Plan:

#### Housing Plan:

1. Goals
2. Policies
3. Programs.

80 items that must be implemented in first 3-years of 8-year cycle



Item	Timing	Who
Agency Coordination	Ongoing	City Staff
Developer Interest Outreach	Annually	Partnership
Emergency Rental Assistance	Annually	3 <sup>rd</sup> Party - CAB
Fee study update (if necessary)	2026	3 <sup>rd</sup> Party
Funding Opportunities	Ongoing	City Staff
Home Buyer Assistance Program	2024/2025	Legal
Home Buyer Assistance Admin	Ongoing	3 <sup>rd</sup> Party
Incentives –Regulatory Incentive	2025	City Staff
Mobile Home Programs	Ongoing	City Staff
Progress Reports and Monitoring	Annually	City Staff
Public Information	Annually	Partnerships
Rehabilitation Program	2025	Legal
Rehabilitation Projects	Annually	3 <sup>rd</sup> Party
Security Deposit Program	Annually	3 <sup>rd</sup> Party
Technical Guides (ADU & SB9)	Bldg Code	3 <sup>rd</sup> Party
Municipal Code Update	2024/2025	3 <sup>rd</sup> Party

Item 9 B.

Item	Who	Annual Cost	8-Year Cost
Agency Coordination	City Staff		Item 9 B.
Developer Interest Outreach	Partnership		
Emergency Rental Assistance	3 <sup>rd</sup> Party - CAB	\$25,000	\$200,000
Fee study update (if necessary)	3 <sup>rd</sup> Party		\$30,000
Funding Opportunities	City Staff		
Home Buyer Assistance Program	Legal		\$25,000
Home Buyer Assistance Admin	3 <sup>rd</sup> Party	5 @ \$25,000	\$125,000
Incentives –Regulatory Incentive	City Staff		
Mobile Home Programs	City Staff		
Progress Reports and Monitoring	City Staff		
Public Information	Partnerships		
Rehabilitation Program	Legal		\$25,000
Rehabilitation Projects	3 <sup>rd</sup> Party	16 @ \$12,500	\$200,000
Security Deposit Program	3 <sup>rd</sup> Party	\$7,500	\$60,000
Technical Guides (ADU & SB9)	3 <sup>rd</sup> Party		TBD
Municipal Code Update	3 <sup>rd</sup> Party		\$65,000
<b>Housing Successor Agency</b>		<b>\$32,000/yr</b>	<b>\$260,000</b>

Item	Who	Annual Cost	8-Year <span data-bbox="1906 66 2032 126" style="border: 1px solid black; padding: 2px;">Item 9 B.</span>
Agency Coordination	City Staff		
Developer Interest Outreach	Partnership		
Emergency Rental Assistance	3 <sup>rd</sup> Party - CAB	\$25,000	\$400,000
Fee study update (if necessary)	3 <sup>rd</sup> Party		\$30,000
Funding Opportunities	City Staff		
Home Buyer Assistance Program	Legal – 1x fee	5 @ \$25,000	\$25,000
Home Buyer Assistance Project	3 <sup>rd</sup> Party	\$15,625/year	\$125,000
Incentives –Regulatory Incentive	City Staff		
Mobile Home Programs	City Staff		
Progress Reports and Monitoring	City Staff		
Public Information	Partnerships		
Rehabilitation Program	Legal – 1x fee	16 @ \$12,500	\$25,000
Rehabilitation Projects	3 <sup>rd</sup> Party	\$25,000 year	\$200,000
Security Deposit Program	3 <sup>rd</sup> Party	\$7500	\$7,500
Technical Guides (ADU & SB9)	3 <sup>rd</sup> Party		TBD
Municipal Code Update	3 <sup>rd</sup> Party		\$60,000
	Housing Trust	\$40,625	\$375,000

Item	Who	Annual Cost	8-Year Cost
Agency Coordination	City Staff		Item 9 B.
Developer Interest Outreach	Partnership		
Emergency Rental Assistance	3 <sup>rd</sup> Party - CAB	\$25,000	\$400,000
Fee study update (if necessary)	3 <sup>rd</sup> Party		\$30,000
Funding Opportunities	City Staff		
Home Buyer Assistance Program	Legal		\$25,000
Home Buyer Assistance Admin	3 <sup>rd</sup> Party	5 @ \$25,000	\$125,000
Incentives –Regulatory Incentive	City Staff		
Mobile Home Programs	City Staff		
Progress Reports and Monitoring	City Staff		
Public Information	Partnerships		
Rehabilitation Program	Legal		\$25,000
Rehabilitation Projects	3 <sup>rd</sup> Party	Dakota 24 unit	\$850,000 – 3M
Security Deposit Program	3 <sup>rd</sup> Party	\$7500	\$7,500
Technical Guides (ADU & SB9)	3 <sup>rd</sup> Party		TBD
Municipal Code Update	3 <sup>rd</sup> Party		\$65,000
<b>Grants</b>			<b>\$915,000 – \$3.8M</b>



# **City of Capitola**

# **Annual Housing Report**

## Annual Housing Report:

- Due April 15 to HCD
- New units with 2023 building permit count toward RHNA
- Entitled in 2023 but no building permit = not included
- 15 additional units: 1 single-family and 14 ADUs
- 4401 Capitola Rd building permit in January 2024. Count towards 6<sup>th</sup> cycle

Address	Permit #	Type	Income
529 Capitola Ave	20230032	ADU	Above Mod
402 McCormick Ave	20220273	ADU	Above Mod
621 Gilroy Dr	20220414	ADU	Above Mod
825 Columbus Dr	20220415	ADU	Above Mod
4180 Clares St	20220507	ADU	Above Mod
113 Oakland Ave	20230302	ADU	Above Mod
603 Escalona Dr	20230290	ADU	Above Mod
109 Central Ave	20230138	ADU	Above Mod
435 Monterey Ave	20230140	ADU	Above Mod
2202 Derby Ave	20230110	ADU	Above Mod
1410 Prospect Ave	20230107	SFD	Above Mod
4855 Topaz St	20220542	ADU	Above Mod
1385 Prospect Ave	20220506	ADU	Above Mod
106 Cliff Ave	20220435	ADU	Above Mod
511 Escalona Dr	20190433	ADU	Above Mod

## Annual Housing Report:

- 5th Cycle
- 75 units developed of the 143 assigned
- 7 very low, 3 moderate, and 65 above moderate

Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	34	-	-	-	-	-	-	-	-	-	7	27
	Non-Deed Restricted		-	-	-	2	-	3	1	1	-		
Low	Deed Restricted	23	-	-	-	-	-	-	-	-	-	-	23
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	26	-	-	-	-	-	-	-	-	-	3	23
	Non-Deed Restricted		-	-	1	1	-	-	1	-	-		
Above Moderate		60	2	1	20	9	7	3	5	3	15	65	-
Total RHNA		143											
Total Units			2	1	21	12	7	6	7	4	15	75	73



Staff recommendation: Accept presentation





## City Council Questions

Table D-1: Housing Element Sites Inventory

Item 9 B.

Site Address	Site #	APN	Consolidated Sites	Single Owner	Shared Access	GP Existing	Zoning Existing	Density Min	Density Max	Density Realistic	Acres	Income Category	Units Low	Units Mod	Units Above	UNITS Realistic Capacity	Developer Interest	Vacant/ Non-Vacant	FAR	% of Max FAR	Building Age	Improv. / Land Ratio	Discontinued/ Non-Conforming Use	Existing Uses	Notes
2175 41ST AVE	1	034-192-07	A	Yes	Yes	C-R	C-R	0	Unlimited	21	0.21	Mixed	2	1	1	4	No	Non-Vacant	0.38	25.5%	1969	2.74	No	121-MULTI STORES/1 BLDG	
2165 41ST AVE	2	034-192-08	A	Yes	Yes	C-R	C-R	0	Unlimited	21	0.20	Mixed	2	1	1	4	No	Non-Vacant	0.24	15.8%	1969	1.46	No	120-SINGLE STORE	
2155 41ST AVE	3	034-192-09	A	Yes	Yes	C-R	C-R	0	Unlimited	21	0.20	Mixed	2	1	1	4	No	Non-Vacant	0.33	22.1%	1969	2.22	No	120-SINGLE STORE	
2045 A 40TH AVE	4	034-512-01				C-R	C-R	0	Unlimited	21	0.87	Mixed	9	3	6	18	No	Non-Vacant	0.41	27.1%	1989	0.48	Yes	171-MULTI OFFICES/1 BLDG; office use	
2001 40TH AVE	5	034-512-02				C-R	C-R	0	Unlimited	21	0.95	Mixed	10 20	3 0	7 0	20	No	Non-Vacant	0.40	26.4%	1989	1.05	No	121-MULTI STORES/1 BLDG	
3825 CLARES ST	6	034-261-47				C-R	C-R	0	Unlimited	21	1.89	Mixed	10 20	3 0	7 0	20	No	Non-Vacant	0.32	21.4%	1992	0.96	Yes	160-MAJOR SHOPPING CENTER; discontinued use	Old Pier 1 site; East half available
3400 CLARES ST	7	034-261-35				C-R	C-R	0	Unlimited	48	0.66	Mixed	5	2	25	32	No	Non-Vacant	0.29	19.6%	2019	1.89	No	200-RESTAURANT Capitola Mall	Capitola Mall
3700 CLARES ST	8	034-261-36				C-R	C-R	0	Unlimited	48	1.45	Mixed	10	3	56	69	No	Non-Vacant	0.00	0.0%	n/a	0.00	No	192-COMMERCIAL PARKING Capitola Mall	Capitola Mall
1955 41ST AVE BB	9	034-261-53				C-R	C-R	0	Unlimited	48	3.94	Mixed	28	9	151	188	No	Non-Vacant	0.33	21.9%	1979	4.71	No	161-MINOR SHOPPING CENTER Capitola Mall	Capitola Mall
1995 41ST AVE	10	034-261-54				C-R	C-R	0	Unlimited	48	0.48	Mixed	3	1	18	22	No	Non-Vacant	0.28	18.6%	1977	0.41	No	211-SAVINGS & LOAN Capitola Mall	Capitola Mall
1865 41st AVE	7 11	034-261-34				C-R	C-R	0	Unlimited	29 48	1.92 3.84	Mixed	28 28	8 9	49 147	55 184	No	Non-Vacant	0.28	18.4%	1988	1.55	No	160-MAJOR SHOPPING CENTER; Capitola Mall	Capitola Mall Utilizing 50% of site
1855 41ST AVE	8 12	034-261-15				C-R	C-R	0	Unlimited	29 48	1.16	Mixed	17 8	5 3	42 45	34 56	Yes	Non-Vacant	0.00	0.1%	n/a	0.95	No	192-COMMERCIAL PARKING; Capitola Mall	Capitola Mall
1855 41ST AVE	9 13	034-261-38				C-R	C-R	0	Unlimited	29 48	3.57	Mixed	52 26	15 9	37 137	104 172	Yes	Non-Vacant	0.59	39.3%	1988	2.15	No	160-MAJOR SHOPPING CENTER; Capitola Mall	Capitola Mall
1855 41ST AVE	10 14	034-261-37				C-R	C-R	0	Unlimited	29 48	8.36	Mixed	121 60	36 20	85 321	242 401	Yes	Non-Vacant	0.42	28.3%	1978	0.98	No	160-MAJOR SHOPPING CENTER; Capitola Mall	Capitola Mall
1855 41ST AVE	15	034-261-51				C-R	C-R	0	Unlimited	48	2.59	Mixed	19	6	99	124	No	Non-Vacant	0.80	53.3%	1990	3.24	No	160-MAJOR SHOPPING CENTER Capitola Mall	Capitola Mall
4015 CAPITOLA RD	11 16	034-261-40	B	Yes	Yes	C-R	C-R	0	Unlimited	29 48	10.05	Mixed	146 72	44 24	104 386	291 482	Yes	Non-Vacant	0.24	16.2%	1971	0.09	No	160-MAJOR SHOPPING CENTER; Capitola Mall	Capitola Mall
3775 CAPITOLA RD	12 17	034-261-39	B	Yes	Yes	C-R	C-R	0	Unlimited	29 48	0.28	Mixed	4 2	4 1	3 11	8 14	Yes	Non-Vacant	0.69	45.7%	1992	0.36	Yes	200-RESTAURANT; Capitola Mall; discontinued use	Capitola Mall
4055 CAPITOLA RD	18	034-261-14				C-R	C-R	0	Unlimited	48	0.68	Mixed	5	2	26	33	No	Non-Vacant	0.33	21.8%	1968	0.60	No	210-BANK Capitola Mall	Capitola Mall
3720 CAPITOLA RD	13 19	034-181-14				C-C	C-C	0	Unlimited	17	0.62	Mixed	5	2	4	11	Yes	Non-Vacant	0.24	23.7%	1961	0.18	Yes	023-NON-CONFORMING RES; non conforming use	
1625 38TH AVE	14 20	034-181-03				C-C	C-C	0	Unlimited	17	0.18	Mixed	0	1	2	3	No	Non-Vacant	0.25	25.2%	1941	0.39	Yes	171-MULTI OFFICES/1 BLDG; non-conforming use	
1605 38TH AVE	15 21	034-181-04				C-C	C-C	0	Unlimited	17	0.14	Mixed	0	1	1	2	No	Non-Vacant	0.51	51.0%	1962	0.32	Yes	023-NON-CONFORMING RES; non conforming use	
1595 38TH AVE	16 22	034-181-05				C-C	C-C	0	Unlimited	17	0.13	Mixed	0	1	1	2	No	Non-Vacant	0.31	30.5%	1962	0.43	No	023-NON-CONFORMING RES	
1465 38TH AVE	17 23	034-181-18				C-C	C-C	0	Unlimited	17	1.29	Mixed	11	3	8	22	No	Non-Vacant	0.56	56.3%	1988	0.67	No	322-MINI STORAGE	
1404 38TH AVE	18 24	034-164-41				C-C	C-C	0	Unlimited	25	1.40	Mixed	18	5	12	35	Yes	Non-Vacant	0.10	10.2%	1990	0.98	No	615-OTHER SPORTS CENTER	Agility Boulders Gym; Assuming 25 du/ac
1475 41ST AVE	19 25	034-151-20				C-C	C-C	0	Unlimited	17	3.00	Mixed	26	8	17	51	Yes	Non-Vacant	0.34	33.9%	1974	1.41	No	160-MAJOR SHOPPING CENTER	Exception - Only utilizing 3.0 ac of site (parking lot)
1395 41ST AVE	20 26	034-164-12	C	No	Potential	C-C	C-C	0	Unlimited	17	0.44	Mixed	4	1	3	8	No	Non-Vacant	0.27	26.7%	1985	0.89	No	131-MULTI STORES/OFFICES	
4055 BROMMER ST A	21 27	034-164-09	C	No	Potential	C-C	C-C	0	Unlimited	17	0.12	Mixed	1	0	1	2	No	Non-Vacant	0.46	46.1%	1962	0.24	Yes	030-SINGLE DUPLEX; non-conforming use	
1355 41ST AVE	22 28	034-164-13	C	No	Potential	C-C	C-C	0	Unlimited	17	0.20	Mixed	2	0	1	3	No	Non-Vacant	0.21	20.7%	1954	0.52	Yes	028-SFR + SECOND UNIT; non-conforming use	
1098 38TH AVE	23 29	034-172-01				R-M	RM-M	0	15.0	15	1.98	Low	52	0	0	52	Yes	Non-Vacant	0.36		n/a	n/a	Yes	742-CONVALESCENT HOSPITAL; discontinued use	Rehab - No existing units; 52-unit project
4180 GROSS RD	24 30	034-141-23				C-R	C-R	0	Unlimited	21	2.82	Mixed	30 59	9 0	20 0	59	No	Non-Vacant	0.41	27.6%	1977	1.53	Yes	322-MINI STORAGE; non-conforming use	
4205 CLARES ST	25 31	034-222-06				R-M	RM-L	0	9.9	10	0.34	Mixed	0	1	1	2	No	Non-Vacant	0.18		1978	3.69	No	033-TRIPLEX	
4180 CLARES ST	26 32	034-201-42				R-M	RM-M	0	15.0	15	0.29	Mixed	0	1	2	3	No	Non-Vacant	0.31		1949	4.18	No	020-SINGLE RESIDENCE	
1970 41ST AVE	27 33	034-201-11				C-R	C-R	0	Unlimited	21	0.53	Mixed	6	2	3	11	No	Non-Vacant	0.02	1.1%	n/a	0.07	No	192-COMMERCIAL PARKING	
1840 41ST AVE	28 34	034-131-15				C-R	C-R	0	Unlimited	21	0.69	Mixed	7	2	5	14	Yes	Non-Vacant	0.29	19.0%	1984	1.18	No	131-MULTI STORES/OFFICES	
1710 44TH AVE A	29 35	034-124-21				R-M	RM-L	0	9.9	15	5.91	Mixed	8	3	5	16	No	Non-Vacant	0.20		1979	3.09	No	044-41 - 60 UNITS	Capitola Gardens; 0.8 ac available; Assign AHO
4243 CAPITOLA RD	30 36	034-121-18				MU-N	MU-N	0	Unlimited	17	0.23	Mixed	0	1	3	4	Yes	Non-Vacant	0.35	35.3%	1978	1.29	No	171-MULTI OFFICES/1 BLDG	
4401 CAPITOLA RD	31 37	034-123-05				MU-N	MU-N	0	Unlimited	17	0.63	Low	36	0	0	36	Yes	Non-Vacant	0.14	13.5%	1985	1.01	No	171-MULTI OFFICES/1 BLDG	The Bluffs; No existing units;
4401 CAPITOLA RD	32 38	034-124-18				MU-N	MU-N	0	Unlimited	17	0.18	Mixed	0	1	2	3	Yes	Non-Vacant	0.30	29.9%	n/a	0.00	No	110-VACANT COMMERCIAL LAND	
4525 CAPITOLA RD	33 39	034-124-06				MU-N	MU-N	0	Unlimited	17	0.12	Mixed	0	1	1	2	No	Non-Vacant	0.33	33.3%	1949	0.33	No	020-SINGLE RESIDENCE	Congreg 2 units

Site Address	Site #	APN	Consolidated Sites	Single Owner	Shared Access	GP Existing	Zoning Existing	Density Min	Density Max	Density Realistic	Acres	Income Category	Units Low	Units Mod	Units Above	UNITS Realistic Capacity	Developer Interest	Vacant/ Non-Vacant	FAR	% of Max FAR	Building Age	Improv. / Land Ratio	Discontinued/ Non-Conforming Use	Existing Uses	Notes
4625 CAPITOLA RD	34 40	034-022-19				MU-N	MU-N	0	Unlimited	17	0.12	Mixed	0	1	1	2	No	Vacant	0.03	3.1%	n/a	0.00	No	110-VACANT COMMERCIAL LAND	Vacant
4655 CAPITOLA RD	35 41	034-022-18				MU-N	MU-N	0	Unlimited	17	0.12	Mixed	0	1	1	2	No	Vacant	0.00	0.0%	n/a	0.00	No	110-VACANT COMMERCIAL LAND	Vacant
1750 WHARF RD	36 42	034-024-10				MU-N	MU-N	0	Unlimited	17	0.61	Mixed	5	2	3	10	No	Non-Vacant	0.00	0.0%	n/a	0.06	No	192-COMMERCIAL PARKING	
4475 CAPITOLA RD	37	034-111-46				C-C	C-C	0	Unlimited	47	1.10	Mixed	9	3	7	19	No	Non-Vacant	0.01	0.7%	n/a	n/a	No	910-VACANT STATE LAND	
4209 CAPITOLA RD	38	034-111-40				C-C	C-C	0	Unlimited	47	1.73	Mixed	15	5	9	29	No	Non-Vacant	0.23	22.7%	n/a	n/a	No	911-STATE BUILDING	
4450 CAPITOLA RD	39 37 43	034-111-47				C-C	C-C	0	Unlimited	17	1.07	Mixed	9	3	6	18	Yes	Non-Vacant	0.33	32.9%	1986	1.33	No	171-MULTI OFFICES/1 BLDG	
1430 41ST AVE	40 38 44	034-111-52				C-C	C-C	0	Unlimited	17	1.10	Mixed	9	3	7	19	Yes	Non-Vacant	0.34	34.3%	1987	1.03	Yes	160-MAJOR SHOPPING CENTER, discontinued use	
1408 1/2 41ST AVE	41 39 45	034-111-36				C-C	C-C	0	Unlimited	17	0.57	Mixed	5	2	3	10	No	Non-Vacant	0.27	27.0%	1961	0.49	No	122-STORE W/ LIVING UNIT	
1210 41ST AVE	42 40 46	034-101-36				C-C	C-C	0	Unlimited	17	1.17	Mixed	10 20	3 0	7 0	20	No	Non-Vacant	0.34	33.9%	n/a	7.70	Yes	20-SINGLE STORE, discontinued use	
4510 JADE ST	43 41	034-551-02				P/QP	CF	n/a	n/a	45	4.70	Mixed	8 0	0 4	0 4	8	No	Non-Vacant	0.05		n/a	n/a	No	940-SCHOOL DISTRICT APN	School; Assigned 8 units
829 BAY AVE	44 42 41 47	035-381-02				C-C	C-C	0	Unlimited	17	1.82	Mixed	7	2	5	14	No	Non-Vacant	0.12	11.7%	n/a	1.94	No	620-CLUB/LODGE HALL	Available open space area - 0.8 ac
831 BAY AVE	45 43 42 48	035-381-03	D	No	Yes	C-C	C-C	0	Unlimited	17	0.67	Mixed	6	2	4	12	No	Non-Vacant	0.29	28.6%	1978	1.00	No	171-MULTI OFFICES/1 BLDG	
827 BAY AVE	46 44 43 49	035-381-04	D	No	Yes	C-C	C-C	0	Unlimited	17	0.35	Mixed	3	1	2	6	No	Non-Vacant	0.23	22.7%	n/a	1.19	No	122-STORE W/ LIVING UNIT	
809 BAY AVE	45 44 50	035-021-43				C-C	C-C	0	Unlimited	17	1.70	Mixed	14	0	15	29	No	Non-Vacant	1.52	152.2%	1965	10.72	No	160-MAJOR SHOPPING CENTER	Exception - Only utilizing 1.7 ac of site (parking lot)
830 BAY AVE	47 46 45 51	036-011-22				C-C	C-C	0	Unlimited	17	0.57	Mixed	5	2	3	10	No	Non-Vacant	0.24	24.2%	1973	3.38	No	171-MULTI OFFICES/1 BLDG	
828 BAY AVE	48 47 46 52	036-011-31				C-C	C-C	0	Unlimited	17	0.68	Mixed	6	2	3	11	No	Non-Vacant	0.18	17.7%	1986	0.62	No	120-SINGLE STORE	
911 CAPITOLA AVE	49 48 47 53	036-011-13	E	Yes	Yes	MU-N	MU-N	0	Unlimited	17	0.16	Mixed	1	1	1	3	No	Vacant	0.00	0.0%	n/a	0.00	No	110-VACANT COMMERCIAL LAND, discontinued use	Vacant
911 CAPITOLA AVE	50 49 48 54	036-011-14	E	Yes	Yes	MU-N	MU-N	0	Unlimited	17	0.10	Mixed	1	0	1	2	No	Non-Vacant	0.25	25.0%	n/a	0.00	No	192-COMMERCIAL PARKING, discontinued use	
911 CAPITOLA AVE	51 50 49 55	036-011-12	E	Yes	Yes	MU-N	MU-N	0	Unlimited	17	0.08	Low	1	0	0	1	No	Non-Vacant	0.94	94.4%	1967	0.53	No	191-OTHER COMMERCIAL USE, discontinued use	
911 CAPITOLA AVE A	52 51 50 56	036-011-11	E	Yes	Yes	MU-N	MU-N	0	Unlimited	17	0.18	Mixed	2	0	1	3	No	Non-Vacant	0.22	22.3%	1934	1.03	No	122-STORE W/ LIVING UNIT, discontinued use	
816 BAY AVE	53 52 51 57	036-051-26	F	Yes	Potential	C-C	C-C	0	Unlimited	17	0.38	Mixed	3	1	2	6	No	Non-Vacant	0.16	15.9%	1967	0.32	No	201-FAST FOOD RESTAURANT	
816 BAY AVE A	54 53 52 58	036-051-29	F	Yes	Potential	C-C	C-C	0	Unlimited	17	1.36	Mixed	12 23	4 0	7 0	23	No	Non-Vacant	0.22	22.3%	1971	3.20	No	161-MINOR SHOPPING CENTER	
800 BAY AVE	55 54 53 59	036-051-30	F	Yes	Potential	C-C	C-C	0	Unlimited	17	0.44	Mixed	4	1	2	7	No	Non-Vacant	0.16	16.1%	1936	0.34	Yes	023-NON-CONFORMING RES; non conforming use	
718 CAPITOLA AVE	56 55 54 60	036-062-11				MU-N	MU-N	0	Unlimited	17	0.86	Mixed	7	2	6	15	No	Non-Vacant	0.24	24.1%	1946	0.86	No	190-MISC MULTI USE	
716 CAPITOLA AVE	57 56 55 61	036-062-12				MU-N	MU-N	0	Unlimited	17	0.50	Mixed	4	1	3	8	No	Non-Vacant	0.43	42.9%	1966	1.45	No	131-MULTI STORES/OFFICES	
712 CAPITOLA AVE	58 57 56 62	036-062-14	G	No	Potential	MU-N	MU-N	0	Unlimited	17	0.27	Mixed	2	1	2	5	No	Non-Vacant	0.23	23.2%	1965	1.43	No	122-STORE W/ LIVING UNIT	
706 CAPITOLA AVE	59 58 57 63	036-062-15	G	No	Potential	MU-N	MU-N	0	Unlimited	17	0.88	Mixed	7	2	6	15	No	Non-Vacant	0.24	24.1%	1965	1.45	No	131-MULTI STORES/OFFICES	
715 CAPITOLA AVE	60 59 58 64	036-051-34	H	Yes	No	MU-N	MU-N	0	Unlimited	17	0.33	Mixed	3	1	2	6	No	Non-Vacant	0.32	32.0%	1980	4.00	No	131-MULTI STORES/OFFICES	
700 BAY AVE	61 60 59 65	036-051-35	H	Yes	No	MU-N	MU-N	0	Unlimited	17	0.50	Mixed	4	1	4	9	No	Non-Vacant	0.35	35.1%	1948	0.57	No	122-STORE W/ LIVING UNIT	
600 BAY AVE	62 61 60 66	036-051-12	H	Yes	No	MU-N	MU-N	0	Unlimited	17	0.29	Mixed	2	1	2	5	No	Vacant	0.00	0.0%	n/a	0.00	No	110-VACANT COMMERCIAL LAND	Vacant
601 BAY AVE	63 62 61 67	035-301-01				MU-N	MU-N	0	Unlimited	17	0.86	Mixed	7	2	6	15	No	Non-Vacant	0.16	16.2%	1974	0.57	No	210-BANK	
605 CAPITOLA AVE	64 63 62 68	035-301-16				MU-N	MU-N	0	Unlimited	17	0.10	Mixed	0	1	1	2	No	Non-Vacant	0.31	30.9%	1925	0.28	No	020-SINGLE RESIDENCE	
603 CAPITOLA AVE	65 64 63 69	035-301-18				MU-N	MU-N	0	Unlimited	17	0.11	Mixed	0	1	1	2	No	Non-Vacant	0.32	32.2%	1910	1.08	No	023-NON-CONFORMING RES	
525 CAPITOLA AVE 1	66 65 64 70	035-093-03				MU-N	MU-N	0	Unlimited	17	0.09	Mixed	0	1	1	2	No	Non-Vacant	0.50	50.1%	1977	0.66	No	180-MEDICAL OFFICE	
523 CAPITOLA AVE	67 66 65 71	035-093-04				MU-N	MU-N	0	Unlimited	17	0.09	Mixed	0	1	1	2	No	Non-Vacant	0.33	33.4%	1966	0.62	No	181-DENTAL OFFICE	
521 CAPITOLA AVE	68 67 66 72	035-093-05				MU-N	MU-N	0	Unlimited	17	0.09	Mixed	0	1	1	2	No	Non-Vacant	0.45	45.4%	1964	0.47	No	180-MEDICAL OFFICE	
519 CAPITOLA AVE	69 68 67 73	035-093-06				MU-N	MU-N	0	Unlimited	17	0.19	Mixed	0	1	2	3	No	Non-Vacant	0.29	29.1%	n/a	2.51	No	171-MULTI OFFICES/1 BLDG	
528 CAPITOLA AVE	70 69 68 74	035-094-29				MU-N	MU-N	0	Unlimited	17	0.38	Mixed	0	2	4	6	No	Non-Vacant	0.36	36.1%	1961	2.71	No	180-MEDICAL OFFICE	
522 CAPITOLA AVE	71 70 69 75	035-094-37				MU-N	MU-N	0	Unlimited	17	0.18	Mixed	0	1	2	3	No	Non-Vacant	0.36	36.2%	1976	0.78	No	171-MULTI OFFICES/1 BLDG	
506 CAPITOLA AVE 1	72 71 70 76	035-094-14				MU-N	MU-N	0	Unlimited	17	0.31	Mixed	0	2	3	5	No	Non-Vacant	0.17	16.7%	1947	1.96	No	041-5- 10 UNITS	
435 MONTEREY AVE	73 72 71 77	036-072-48				R-1	R-1	0	8.7	40 8.7	5.02	Mixed	5 0	0 3	0 2	5	No	Non-Vacant	0.10	21.7%	n/a	5.10	No	710-CHURCH	Congregational; Assigned 5 units
700 MONTEREY AVE	74 73	036-151-01				P/QP	CF	n/a	n/a	45	4.94	Mixed	4 0	0 2	0 2	4	No	Non-Vacant	0.19		n/a	n/a	No	940-SCHOOL DISTRICT APN	School; Assigned 4 units
875 MONTEREY AVE	75 74 72 78	036-041-28	I	Yes	Yes	R-1	R-1	0	8.7	0	1.08	Above	4 0	0 0	0 1	1	No	Non-Vacant	0.16	32.6%	n/a	0.00	No	711-OTHER CHURCH PROPERTY	Congregational
875 MONTEREY AVE	76 75 73 79	036-041-26	I	Yes	Yes	R-1	R-1	0	8.7	40 8.7	1.99	Mixed	3 0	0 2	0 1	3	No	Non-Vacant	0.30	61.6%	1972	15.15	No	710-CHURCH	Congregational; Assigned 5 units
837 MONTEREY AVE	77 76 74 80	036-195-02	I	Yes	Yes	R-1	R-1	0	8.7	0	0.07	Above	4 0	0 0	0 1	1	No	Non-Vacant	0.12	21.1%	n/a	n/a	No	801-UTILITY WATER COMPANY	Congregational
1500 PARK AVE	78	036-201-03				P/OS	P/OS	n/a	n/a	0	5.88	Low	40	0	0	40	No	Non-Vacant	0.00	0.0%	n/a	n/a	No	913-STATE PARK/RECREATION, underutilized	State Beach; Assigned 10 employee / workforce units; along frontage road

716 180 1,615 2,511

- Reflects edits made for September 19, 2023 submittal to HCD
- Reflects edits made for October 13, 2023 submittal to HCD
- Indicates data meets thresholds; exceptions are noted in the Notes column
- Reflects edits made for October 18, 2023 submittal to HCD
- Reflects edits made for November 13, 2023 submittal to HCD
- Reflects edits made for January 2024 submittal to HCD
- Reflects edits made for February 2024 submittal to HCD
- Reflects edits made for March 2024 submittal to HCD

# Capitola City Council

## Agenda Report



**Meeting:** February 22, 2024  
**From:** Police Department  
 Recreation Department  
 City Manager Department  
**Subject:** Special Events and Park Regulations

**Recommended Action:** Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola repealing and replacing Capitola Municipal Code Chapter 9.36 “Special Events” and Chapter 12.40 “Park Regulations” to create a comprehensive permitting system for public assemblies, events, and use of City property.

**Background:** The proposed ordinance replaces the existing Capitola Municipal Code Chapter 9.36 regarding Special Events and Chapter 12.40 regarding City Parks.

### *Special Events*

The City’s permitting process for special events is established largely by administrative policies. This has resulted in confusion from the public regarding procedure and requirements for obtaining permits to conduct special events on City Property, such as streets and sidewalks. The proposed ordinance replaces Capitola Municipal Code Chapter 9.36 and the existing administrative policies with a procedure for obtaining permits to conduct special events on City property while protecting the public’s First Amendment rights of assembly and speech.

### *Park Regulations*

The City’s parks currently operate on a first-come, first-served basis. The Recreation Division manages the scheduling and rental of all park fields and courts, each with associated rental fees; however, the Municipal Code does not include a process for the public to reserve areas of City parks for exclusive use for small, personal events such as birthday or graduation parties. Additionally, the City has no means of regulating the activities, like bounce houses or erecting shade structures, at these events.

**Discussion:** The proposed ordinance intends to protect the Constitutional rights of the people of Capitola to peaceably assemble and protest in the City’s public spaces. The proposed revisions to the Municipal Code also create a mechanism for cost recovery and use charges to the extent authorized by law, while not unduly impacting the viability of special events in the City.

### *Special Events*

The proposed revision to Municipal Code Chapter 9.36 establishes a permitting system for special events in the City, which generally mirrors the existing process the City has used over the last decade to permit special events. The primary changes are intended to clarify what differentiates a minor from a major event, and explicitly allowing Constitutionally protected expressive activity. Similar to the City’s existing processes, the proposed ordinance identifies three categories of special events on public property that would require a permit:

1. Minor Special Events: an organized assemblage between 75 and 200 people, not requiring closure of a major street (as defined in proposed Section 9.36.020(H)) or a street in a single-family or multi-family zone.

2. Neighborhood Special Events: an event organized for up to 200 people requiring closure of a street in a single-family or multi-family zone. This replaces the City's Block Party Permit.
3. Major Special Events: any of the following:
  - a. Any organized assemblage of more than 200 people on any public property gathering for a common purpose under the direction or control of a person; or
  - b. Any organized assemblage on any public property gathering for a common purpose under the direction or control of a person or organization and that requires closure of a Major Street; or
  - c. Any other organized assemblage conducted by a person for a common or collective use, purpose, or benefit which shall require extensive use of City public services for police regulation, monitoring or control, erecting barriers, or traffic control, parking needs that will exceed the capacity of the venue, or that will significantly interfere with normal use and operation of public right-of-way for travel.

The following events/activities would not require permits under the proposed Chapter 9.36:

1. Constitutionally protected expressive activity on City-owned, controlled, or maintained property that is not a Minor, Neighborhood, or Major Special Event;
2. Activities on school grounds;
3. Spontaneous events, under certain conditions;
4. Activities comprising or involving construction, maintenance, or requiring a City-issued encroachment permit; or
5. Filming, as regulated by Chapter 9.62. (Proposed § 9.36.030(B).)

The proposed ordinance defines expressive activity as "conduct, the sole or principal object of which is the expression of opinion, views, or ideas protected by the First Amendment of the U.S. Constitution," and includes, but is not limited to, "public oratory and distribution of literature" (Proposed § 9.36.020(E).)

The Police Chief (or his/her designee) would issue Minor and Neighborhood Special Event Permit applications. In general, the City Council would issue Major Special Event Permit applications. However, permit applications for *recurring* Major Special Events, defined as Major Special Events that recur every year, do not require new or different levels of City services from year to year, and that did not present major public safety or traffic issues in the prior year may be reviewed and issued by the Police Chief or designee without City Council approval. The proposed Chapter 9.36 also requires the Police Chief or designee to provide annual updates to the City Council regarding Minor and Major Special Events from the prior year. (Proposed § 9.36.070(E).)

The proposed ordinance provides that the City Council shall set Special Event application fees and fees to recover costs for safety services (such as public safety personnel, solid waste and recycling services, City lifeguard services, and traffic control costs) by resolution.

### *Parks Regulations*

The proposed revision to Municipal Code Chapter 12.40 establishes a permitting procedure for renting portions of City parks and recreation facilities for exclusive use and to ensure compliance with Constitutional prerogatives protecting freedom of speech and assembly. Under these proposed revisions, organizers of events requiring exclusive use of the Park at Rispin Mansion, Esplanade Park, Monterey Park, Jade Street Park, or McGregor Park must obtain a permit from the City Manager, or his/her designee. Moreover, individuals who wish to use powered equipment or temporary structures (such as a bounce house or shade structure) in a City park or recreation facility must also obtain a permit pursuant to the requirements of the Chapter. However, if the event requiring exclusive use of one of the named parks above would be considered "expressive activity," it would instead be subject to the Special Events permitting requirements discussed above. The proposed ordinance also requires a permit for exclusive use of a City Recreation facility, such as softball fields or the bandstand.

Similar to the proposed Special Events Chapter above, the City Council may also adopt a resolution establishing fees to recover the City's cost of processing applications or for providing services for events in City parks and recreation facilities. (Proposed § 12.40.120.)

Fiscal Impact: The proposed ordinance provides for the City Council to adopt, by resolution, fees to recover the City's costs of processing applications for Special Events and Parks permits (discussed above), and costs associated with providing services to support and staff these proposed events. The City's fee schedule currently sets some of these fees. However, staff intends to conduct an internal review of the costs associated with these events and return to the City Council with proposed revisions to the City's fee schedule if necessary.

Attachments:

1. Ordinance – Chapter 9.36
2. Ordinance – Chapter 12.40

Report Prepared By: Sarah Ryan, Administrative Captain, Nikki Bryant, Recreation Division Manager

Reviewed By: Tamar Burke, Assistant City Attorney

Approved By: Jamie Goldstein, City Manager

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING AND REPLACING CHAPTER 9.36 “SPECIAL EVENTS” AND  
REPEALING AND REPLACING CHAPTER 12.40 “PARK REGULATIONS” OF  
THE CITY OF CAPITOLA MUNICIPAL CODE**

**WHEREAS**, the United States Constitution and California Constitution guarantee the right of the people to peaceably assemble and speak or protest in public places; and

**WHEREAS**, the City of Capitola intends to protect these Constitutional rights of the people of Capitola to peaceably assemble and protest in the City’s public spaces; and

**WHEREAS**, the City wishes to provide a coordinated process for managing special events and events in City parks and recreation facilities to ensure the health and safety of event patrons, residents, workers, and other visitors, and to prohibit illegal activities from occurring at special events consisting of expressive activities; and

**WHEREAS**, the City also wishes to create a mechanism for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of events; and

**WHEREAS**, the City intends to update its existing permitting requirements for the City’s streets, sidewalks, parks, and open spaces to protect the rights of the people to peaceably assemble, as well as to protect and conserve those parks and open spaces.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:**

**Section 1: Findings.** The above recitals are hereby declared to be true and correct findings of the City Council of the City of Capitola.

**Section 2: Repeal and Replace Chapter 9.36 – Special Events, of Title 9 – Public Peace, Morals and Welfare of the Capitola Municipal Code.** Chapter 9.36 – Special Events, of Title 9 – Public Peace, Morals and Welfare is hereby repealed in its entirety and replaced to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

**Section 3: Repeal and Replace Chapter 12.40 – Park Regulations, of Title 12 – Streets, Sidewalks and Public Places of the Capitola Municipal Code.** Chapter 12.40 – Park Regulations, of Title 12 – Streets, Sidewalks and Public Places is hereby repealed in its entirety and replaced to read as set forth in Exhibit B, attached hereto and incorporated herein by reference.

**Section 4: Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 5: Codification.** This ordinance shall be codified in the Capitola Municipal Code.

**Section 6: CEQA.** The City Council finds that the adoption and implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Ordinance may have significant effects on the environment.

**Section 7: Publication; Effective Date.** This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

**Section 8: Certification.** The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the 22<sup>nd</sup> day of February, 2024, and was adopted at a regular meeting of the City Council on the 14<sup>th</sup> day of March, 2024, by the following vote:

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

\_\_\_\_\_  
Kristen Brown, Mayor

Attest: \_\_\_\_\_  
Julia Gautho, City Clerk

Approved as to form:

\_\_\_\_\_  
Samantha W. Zutler, City Attorney

- Exhibits:
- A. Chapter 9.36 – SPECIAL EVENTS
  - B. Chapter 12.40 – PARKS REGULATIONS



## Exhibit A

### Chapter 9.36 – SPECIAL EVENTS

#### Sections:

- 9.36.010 – Purpose and intent.
- 9.36.020 – Definitions.
- 9.36.030 – General provisions.
- 9.36.040 – Minor Special Event Permit application.
- 9.36.050 – Neighborhood Street Closure Event Permit application.
- 9.36.060 – Major Special Event Permit application.
- 9.36.070 – Review process.
- 9.36.080 – Denial/revocation of Special Event Permit.
- 9.36.090 – Applicable fees.
- 9.36.010 – Appeals.
- 9.36.110 – Interference with Expressive Activity prohibited.
- 9.36.120 – Hold harmless.
- 9.36.130 – Display of Special Event Permit.
- 9.36.140 – Administrative regulations or policies.
- 9.36.150 – Penalties.

#### **9.36.010 – Purpose and intent.**

The purpose of this Chapter is to protect the First Amendment rights of the people of Capitola to peaceably assemble and/or protest in the City’s public places and to establish the least restrictive and reasonable time, place, and manner regulation of these activities. It is further intended to provide a coordinated process for managing special events to ensure the health and safety of event patrons, residents, workers, and other visitors, to prohibit illegal activities from occurring at special events, and to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of special events.

#### **9.36.020 – Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this Chapter:

1. “Applicant” means any individual, corporation, partnership, trust, non-profit organization, association, group or other business entity or organization who seeks a Special Event Permit under this chapter to Organize a Special Event. For purposes of this Chapter, “Applicant” includes sponsors of the proposed Special Event.
2. “Application” means a form approved by the city manager or his/her designee, which an Applicant must submit pursuant to Section 9.36.030.
3. “Assembly” means the assembling or coming together of a number of persons for a particular purpose.

4. “City property” means all real property and improvements owner, operated or controlled by the City within the City’s jurisdiction. City property includes, but is not limited to, City Hall, police and fire facilities, recreational facilities, parks, libraries, and streets and sidewalks.

5. “Expressive Activity” means conduct, the sole or principal object of which is the expression of opinion, views, or ideas, protected by the First Amendment of the U.S. Constitution. Expressive activity includes, but is not limited to, public oratory and distribution of literature.

6. “Issuing Entity” means either:

- A. the police chief or designee for Minor Special Events, Neighborhood Street Closure Events, and recurring Major Special Events that were held in the prior year with no major public safety or traffic issues and which do not require new or different levels of City services from the prior year;
- B. the City Council for Major Special Events or upon referral by the police chief or designee.

7. “Major Special Event” means any of the following:

A. Any organized assemblage of more than two hundred (200) persons at any public place, public property, or public facility which is to gather for a common purpose under the direction or control of a person; or

B. Any organized assemblage at any public place, public property, or public facility which is to gather for a common purpose under the direction or control of a person or organization and that requires closure of a Major Street; or

C. Any other organized assemblage conducted by a person for a common or collective use, purpose or benefit which shall require extensive use of City public services for police regulation, monitoring or control, erecting barriers, or traffic control, parking needs that will exceed the capacity of the venue, or that will significantly interfere with normal use and operation of public right-of-way for travel.

8. “Major Streets” means the streets in the City of Capitola which serve to deliver significant traffic through the City, and include: 38<sup>th</sup> Avenue, 41<sup>st</sup> Avenue, 42<sup>nd</sup> Avenue between Jade Street and Capitola Road, 45<sup>th</sup> Avenue, 47<sup>th</sup> Avenue between Portola Drive and Capitola Road, 49<sup>th</sup> Avenue between Capitola Road and Wharf Road, Bay Avenue, Capitola Avenue, Capitola Road, Clares Street, Cliff Drive, Esplanade (not including the portion of the Esplanade directly adjacent to Esplanade Park), Gross Road, Hill Street, Jade Street, Kennedy Drive, McGregor Drive, Monterey Avenue, Park Avenue, San Jose Avenue between Esplanade and Capitola Avenue, Stockton Avenue, and Wharf Road..

9. “Minor Special Event” means an organized assemblage of at least seventy-five (75) and at most two hundred (200) persons at any public place, public property, or public facility which is to gather for a common purpose under the direction or control of a person and which does not

require Major Street closure and does not require closure of a street in a single-family or multi-family zone.

10. “Neighborhood Street Closure Event” means an event organized for the assemblage of up to two hundred (200) persons requiring the closure of a street in a single-family or multi-family zone.

11. “Organize” means to organize, operate, manage, stage, promote, sponsor or carry on a Special Event, as defined.

12. “Organizer” means the person responsible for managing and leading the proposed Special Event, as defined, on the day or days of the Special Event.

13. “Permittee” means any person that has been issued a Special Event Permit in accordance with this Chapter.

14. “Special Event” refers to any or all of a Major Special Event, Minor Special Event, or a Neighborhood Street Closure Event.

15. “Special Event Permit” means a permit issued by the Issuing Entity to Organize a Major Special Event, a Minor Special Event, or a Neighborhood Street Closure Event, as defined, consistent with the provisions of this Chapter.

### **9.36.030 – General provisions.**

A. Permit Required. Except when expressly provided pursuant to the terms of a permit, lease, or contract which has been specifically authorized by the City Council, no person shall operate any Special Event regulated by this Chapter without first obtaining a Special Event Permit in accordance with the provisions of this Chapter, unless exempt as set forth below. Special Event Permits must set forth the applicable noise limit if the proposed event shall exceed the noise regulations set forth in Chapter 9.12.

B. Exempt Activities:

1. Any Expressive Activity on City owned, controlled, or maintained property not otherwise considered a Minor Special Event, Major Special Event, or Neighborhood Street Closure Event.
2. Activities on school grounds, which are exempt from the requirements of this Chapter.
3. Spontaneous events which are occasioned by news or affairs coming into public knowledge less than forty-eight hours prior to such event may be conducted on City property without the Organizers having to obtain a Special Event Permit if all of the following factors are satisfied:
  - i. The spontaneous event does not impede vehicular traffic or violate regulations regarding pedestrian and vehicular traffic;
  - ii. The Organizer provides the police chief or designee with at least four (4) hours of prior notice of the spontaneous event; and

iii. The location where the spontaneous event it to be conducted has not been previously rented, reserved, or otherwise obligated to another use in accordance with established City policies and procedures for use and/or rental of City facilities.

- 4. Activities comprising or involving construction, maintenance, or requiring a City-issued encroachment permit.
- 5. Filming, as regulated by Chapter 9.62.

C. Events or gatherings which require a permit pursuant to other chapters of the Municipal Code, including but not limited to group activities in City-owned parks pursuant to Chapter 12.40, shall not be considered spontaneous events.

D. Major Streets: The police chief or designee shall review all Applications to determine whether closure of Major Streets is required. The police chief or designee shall make factual findings supporting his or her determination, including whether the proposed Special Event poses specific health or and safety issues requiring closure of Major Streets, including but not limited to impacts to traffic and use of City resources, as a result of the proposed Special Event.

**9.36.040 – Minor Special Event Permit Application.**

A. To receive a Minor Special Event permit, an Applicant must file a complete Application with the police chief or his/her designee on a form approved by the city manager at least forty-five (45) days before the proposed Minor Special Event. An Application is considered complete when it includes all of the following information:

- 1. A description of the proposed use, event, or activity;
- 2. The street or other public property and the specific area or areas thereof which will be utilized in connection with the proposed Minor Special Event, including a whether the proposed Minor Special Event will require closure of any street, a description of noise generating equipment, as well as circulation plan and site layout;
- 3. The manner in which the public property will be utilized;
- 4. Proof of insurance, as required by the City;
- 5. The date or dates and the specific times thereof, including set-up and tear-down, that the public property is to be utilized for the proposed Minor Special Event;
- 6. The name, address, and telephone number of the Applicant(s) for the proposed Minor Special Event permit;
- 7. The name, address, and telephone number of the Organizer, in the event the City must contact said individual on the day or day(s) of the proposed Minor Special Event; and
- 8. Other information as deemed necessary by the police chief or his/her designee to ensure public safety.

B. The police chief or designee shall review and issue or deny the Minor Special Event Application within thirty days (30) of receipt of a completed Application, unless the applicant and the City mutually agree to a later date.

C. Minor Special Event permits are issued on the condition that the Applicant receives approvals and/or any other necessary permits from relevant governmental agencies.

**9.36.050 – Neighborhood Street Closure Permit Application**

A. To receive a Neighborhood Street Closure permit, the applicant must file a complete Application with the police chief or his/her designee on a form approved by the city manager at least thirty days (30) days before the proposed Neighborhood Street Closure Event. An Application is considered complete when it includes all of the following information:

1. A description of the proposed use, event, or activity;
2. The specific area of the street that will be closed in connection with the Neighborhood Street Closure Event;
3. Evidence of the Applicant's and Organizer's residence on the specific area of the street request for closure.
4. Consent of at least six (6) additional households or fifty percent (50%) of the households located within the requested street closure area, whichever is less;
5. Map or site layout of the Neighborhood Street Closure Event site;
6. Proof of insurance, as required by the City;
7. The manner in which the public property will be utilized;
8. The date and the specific times thereof, including set-up and tear-down that the street is to be closed;
9. The name, address, and telephone number of the Applicant and Organizer(s) to be contacted regarding the Application, permit, and the Neighborhood Special Event;
10. Other information as deemed necessary by the police chief or his/her designee to ensure public safety.

B. The police chief or designee shall review and issue or deny the Neighborhood Street Closure Event Permit Application within thirty (30) days of receipt of a completed Application unless the applicant and the City mutually agree to a later date.

C. Neighborhood Street Closure Event permits are issued on the following conditions:

1. The Applicant submits proof that all households within the street closure area are notified of the street closure ten (10) days prior to the Neighborhood Street Closure Event; and
2. The Applicant has received approvals and/or any other necessary permits from relevant governmental agencies.
3. All households located within the street closure area shall be permitted to attend Neighborhood Street Closure Events free of charge.

### **9.36.060 – Major Special Event Permit Application**

A. To receive a Major Special Event permit, an Applicant must file a complete Application with the police chief or his/her designee on a form approved by the city manager at least ninety (90) days before the proposed Major Special Event. An Application is considered complete when it includes all of the following information:

1. A description of the proposed use, event, or activity;
2. The street or other public property and the specific area or areas thereof which will be utilized in connection with the proposed Major Special Event, including a whether the proposed Major Special Event will require closure of Major Streets or other streets, a description of noise generating equipment, a circulation plan and site layout, including a parking or shuttle plan for transportation to and from the proposed Major Special Event;

3. The manner in which the public property will be utilized;
4. The date or dates and the specific times thereof, including set-up and tear-down, that the public property is to be utilized for the described Major Special Event;
5. The name, address and telephone number of the Applicant(s);
6. Proof of insurance, as required by the City;
7. The name, address and telephone number of the Organizer of the proposed Major Special Event, in the event the City must contact said Organizer on the day or day(s) of the proposed Major Special Event;
8. A completed safety and security plan;
9. Other information as deemed necessary by the police chief or his/her designee to ensure public safety;
10. Certification of completeness by the police chief or his/her designee.

B. The City Council shall review and issue or deny the Application no later than the second regular City Council meeting following the submission of a completed Application or thirty days, whichever is later, unless the applicant and the City mutually agree to a later date.

C. Major Special Event permits are issued on the condition that the Applicant receives approvals and/or any other necessary permits from relevant governmental agencies.

**9.36.070 – Review process.**

A. Subject to the criteria for denial set forth in Section 9.36.080, the Issuing Entity shall issue a Special Event Permit if it is determined that all of the following criteria have been met:

1. The proposed use of City property for the Special Event is not otherwise governed by or subject to any other permit procedures provided elsewhere in this Code.

2. The Application is complete and includes all the information required by this Chapter.

3. The preparation for or the conduct of the proposed Special Event will not unduly impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the particular Special Event area or adversely affect the City’s ability to perform municipal functions or furnish City services in the vicinity of the Special Event area.

4. The proposed Special Event does not otherwise present a substantial safety, noise, environmental, or traffic hazards, considering the number of participants and proposed location, such as to endanger the health or safety of the event participants, general public, or City employees, which cannot be adequately remedied by reasonable traffic control and other safety measures.

B. In deciding whether to approve an Application, no consideration may be given to the message of the proposed Special Event, the content of speech, or the identity or associational relationships of the Applicant(s) or Organizer(s).

C. The Issuing Entity may condition the Special Event Permit to mitigate health, safety, and impacts to City services.

D. Recurring Special Events: Major Special Events that recur every year, and which do not require new or different levels of City services from year to year and which did not present major public safety or traffic issues in the prior year may be reviewed and issued by the police chief or designee without City Council approval.

E. Annual Special Event Update: The police chief or designee shall provide the City Council with an annual report on the Minor and Major Special Event Permits that were issued in the prior year, summarizing any issues that were identified and, to the extent necessary, outlining any procedural changes for the following year.

**9.36.080 – Denial/revocation of Special Event Permit.**

The Issuing Entity may deny any Application for a Special Event Permit or revoke such a Permit if the Issuing Entity finds any of the following:

- A. One or more of the approval criteria specified in Section 9.36.070 is not or can no longer be met;
- B. The Applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the Application process;
- C. The Application is incomplete or does not contain the information required by this Chapter;
- D. The Application does not satisfy the requirements of this Chapter;
- E. The Applicant fails to comply with any conditions of approval, including, but not limited to:
  1. Remittance of fees, charges, or deposits,
  2. Submittal of an indemnification agreement and/or proof of insurance for the Special Event as required by the City;
  3. Timely submittal of all required documents; or
  4. Obtaining approvals and/or any other necessary permits from relevant governmental agencies.
- F. The Applicant or Organizer has damaged City property and has not paid in full for such damage or has other outstanding and unpaid debts related to a prior Special Event Permit issued by the City.
- G. The proposed Special Event is scheduled to occur at a location and time in conflict with another Special Event already permitted or that can be permitted to another Applicant that submitted an Application first in time, or is in conflict with City-sponsored programming.
- H. The proposed Special Event would require the diversion of public safety or other City employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the City, or the proposed Special Event will adversely affect the City's ability to reasonably perform municipal functions or furnish City services.
- I. The proposed Special Event is in conflict with applicable provisions of any federal, state and/or local laws.
- J. The Application was submitted less than 30 days before the proposed Neighborhood Street Closure Event, 45 days before the proposed Minor Special Event, or 90 days before the proposed Major Special Event.

**9.36.090 – Applicable fees.**

Special Event Permit Application fees pursuant to this Chapter shall be established by Resolution of the City Council. Applicants shall pay Application fees upon submittal of the Application to

the City for review. Where a Special Event requires street closure, barriers, or other infrastructure, the Applicant shall pay such fees as may be established by resolution of the City Council for traffic control and relating municipal expenses, including, but not limited to, public safety, services, solid waste and recycling services, building inspections, City lifeguard services, traffic control, and any other applicable fees. Additionally, use of City buildings or facilities shall be subject to any use or rental fees established by the City.

**9.36.010 – Appeals.**

An Applicant may appeal the denial or revocation of a Special Event Permit by the police chief or designee in accordance with the appeal process set forth in Chapter 2.52 of this Code.

**9.36.110 – Interference with Expressive Activity prohibited.**

It shall be unlawful for any person to interfere with a Special Event permitted under this Chapter by engaging in the following acts when done with the intent to cause interference:

- A. Blocking, obstructing, or impeding the passage of participants, vehicles, or animals in the Special Event along the Special Event route;
- B. Walking or running, driving a vehicle, riding a bicycle or skateboard, or using any similar device through, between, with, or among participants, vehicles, or animals in the Special Event;
- C. Dropping, throwing, rolling, or flying any object toward, among, or between participants, vehicles, or animals in a Special Event.

**9.36.120 – Hold harmless.**

Each Permittee shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the willful or negligent acts or omissions of the Permittee or its officers, employees, and agents. If City property is destroyed or damaged by reason of Permittee’s Special Event and the damage or destruction is directly attributable to the Permittee, the Permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property. Nothing in this provision shall require a Permittee to indemnify the City from claims or losses occasioned by the reaction of third parties to Expressive Activity at the Permittee’s Special Event.

**9.36.130 – Display of Special Event Permit.**

A copy of the Special Event Permit shall be available at the event site and shall be exhibited upon demand of any City official.

**9.36.140 – Administrative regulations or policies.**

The city manager, or designee, may adopt administrative regulations or policies that are consistent with and that further the terms and requirements set forth within this Chapter, and as may be necessary to coordinate multiple uses of public property, assure preservation of public property



and public places, prevent dangerous, unlawful uses, protect the safety of persons and property and to control vehicular and pedestrian traffic. All such administrative regulations or policies must be in writing.

**9.36.150 – Penalties.**

Violations of this chapter may be enforced pursuant to any laws and remedies available to the City including but not limited to enforcement as a misdemeanor and/or public nuisance pursuant to Title 4 of this Code.

## Exhibit B

### Chapter 12.40

#### PARK REGULATIONS

Sections:

- 12.40.010 – Purpose of chapter.
- 12.40.020 – Definitions.
- 12.40.030 – General Principles.
- 12.40.040 – Group activities – Permit required.
- 12.40.050 – Sound standard.
- 12.40.060 – Application for permit.
- 12.40.070 – Criteria for issuance.
- 12.40.080 – Conditions of approval.
- 12.40.090 – Permit holder responsibilities.
- 12.40.100 – Revocation of permit.
- 12.40.110 – Appeal of decision.
- 12.40.120 – Establishment of fees.
- 12.40.130 – Prohibited activity in parks or facilities.
- 12.40.140 – Park regulations.
- 12.40.150 – Park and Recreation facility hours.
- 12.40.160 – Penalty for violation.

#### **12.40.010 Purpose of chapter.**

The purpose of this chapter is to regulate the use of parks and other recreation facilities of the City for the optimum use and enjoyment of residents of Capitola; to establish standards to prevent the misuse and destruction of the facilities; to establish regulations to insure the safety and comfort of users of the facilities as well as persons residing or owning property in the vicinity of the facilities; and to protect the First Amendment rights of the People of Capitola to peaceably assemble in the City's public parks.

#### **12.40.020 Definitions.**

1. "Applicant" means any individual, corporation, partnership, trust, non-profit organization, association, group or other business entity or organization who seeks a Permit under this chapter. For purposes of this Chapter, "Applicant" includes the organizer of the event, responsible for coordination and management of the event on the day or days of the event.
2. "Expressive Activity" shall have the same definition as set forth in Chapter 9.36 of this Code.
3. "Park(s)" means and includes every park owned and maintained by the City together with any accompanying parking lot or staging area, which is owned, managed, or

controlled by the City of Capitola for the recreational use and/or enjoyment of the public. Parks do not include the beach.

4. “Permit” means a permit issued by the City of Capitola issued pursuant to this Chapter.

5. “Recreation Facility” means fields, courts, pools, amphitheatres, the Capitola Bandstand at Esplanade Park, areas specifically designed for organized activities such as, but not limited to, baseball, softball, soccer, tennis, basketball, skateboarding, bicycling, and organized group gatherings which are owned, managed, or controlled by the City of Capitola for the recreational use and/or enjoyment of the public.

6. “Refuse” means any garbage, trash, bottles, cans, papers, ashes, food and vegetable material, rubbish, industrial wastes, animal waste, grass clippings, tree or shrub pruning or any other discarded substance, matter, or thing, whether liquid or solid.

**12.40.030 General principles.**

The following principles shall govern use of Parks and Recreation Facilities:

A. Parks and Recreation Facilities primarily are intended for the use and enjoyment by residents of Capitola;

B. Public recreation services should be available to all Capitola residents without discrimination as to race, religion, gender identity, economic status, or any protected status;

C. The public recreation program should include a wide variety of activities, including passive enjoyment, to appeal to different interests, ages, and abilities, and should not merely be limited to physical activities, outdoor activities, daytime activities, or to the interests of children or others of special categories;

D. Parks and Recreation Facilities are intended to be used, subject to applicable regulations, for:

1. Informally by residents,
2. For programs sponsored by the city,
3. For joint city-school programs,
4. For organized group activities.

E. Commercial activities in Parks and Recreation Facilities are not permitted, except for activities sponsored by the City of Capitola or as otherwise authorized in this Code.

**12.40.040 Permit required.**

A. To ensure equal access to City Parks and open space areas, preservation of these spaces and due to limitations of size, parking availability, and open areas, activities involving the exclusive use of any area of a Park is prohibited, except with a permit for the specific Parks

listed below. Specific areas within the following Parks that are available for exclusive use shall be identified in the application forms:

1. The Park at Rispin Mansion
2. Esplanade Park
3. Monterey Park
4. Jade Street Park
5. McGregor Park

B. Activities involving the exclusive use of Recreational Facilities shall require a permit and are subject to the standards and regulations contained in this Chapter.

C. Use of Powered Equipment or Temporary Structures, including, but not limited to, shade structures and bounce houses: Any person wishing to use equipment requiring a power source or erect a structure larger than 100 square feet or taller than 10 feet in a Park shall obtain a permit therefore, and is subject to the standards and regulations contained in this chapter.

D. Applicants shall remit an application review fee upon submittal of a permit application to the City for review.

E. It shall be unlawful for any person to engage in any use of any Park or Recreational Facility for which a permit is required pursuant to this Chapter without obtaining such a permit, except where such activity is regulated by other provisions of this Code, such as Chapter 9.36. Nothing in this section shall require persons or entities to obtain a permit for Expressive Activities, where such activity is addressed by Chapter 9.36 of this Code.

**12.40.050 Sound standard.**

A. In recognition of the rights of residents in the vicinity of Parks to enjoy the comfort of their homes in normal peace and quiet, as well as the right of citizens to enjoy a reasonable peace and quiet in appropriately designed Parks, the use of any radio receiving set, musical instrument, machine or device for producing or reproducing sound, or any device which produces noise in such a manner as to unreasonably disturb the peace, quiet, and comfort of persons is prohibited in all Parks, unless otherwise specified on a permit issued by the City.

**12.40.055 Open Play Hours at the Capitola Bandstand**

A. For purposes of this Section, “Open Play Hours” means between 9:00 a.m. through 12:00 p.m. on Saturdays and Sundays.

B. The sound limitations in this Chapter shall not apply to the use of musical instruments at the Capitola Bandstand at Esplanade Park during Open Play Hours, however amplification of any kind is not permitted.

**12.40.060 Application for permit.**

1. Any individual or group desiring to reserve any Park or Recreation Facility, or any portion thereof, pursuant to Section 12.40.040, shall apply to the city manager, or his/her designee, in writing on a form approved by the city manager.

2. A complete application must be submitted to the city manager, or his/her designee, not less than seventy-two (72) hours prior to the desired reservation.

**12.40.070 Criteria for denial.**

The city manager, or his/her designee, shall deny a permit pursuant to the provisions of this Chapter if the city manager, or his/her designee, determines the application meets any of the following criteria:

A. The information contained in the application, or supplemental information provided, is not complete or is materially false or misleading.

B. The Applicant has failed to submit a complete application, supply satisfactory evidence of insurance, or has not remitted the fees or deposits as required by the Chapter.

C. The Park or Recreation Facility, or portion thereof, is unavailable for the period for which the permit is requested.

D. The area proposed for the Applicant's use or activity could not physically accommodate the number of participants expected to participate in a safe manner.

E. The proposed use, activity or event is not compatible with the uses established for the requested Park or Recreation Facility or portion thereof during the date or time requested, in that it unreasonably interferes with use of the Park by others.

F. The proposed use has a realistic potential to create a threat to the public health, safety or welfare, or to damage public property, which may not be adequately remedied by reasonable traffic control, barriers, and/or other safety measures.

G. The proposed use would require the diversion of public safety or other City employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the city, or the event will adversely affect the City's ability to reasonably perform municipal functions or furnish city services.

H. The proposed use, event or activity will have a substantial adverse environmental impact.

I. The proposed use would be in conflict with applicable provisions of any federal, state and/or local law.

- J. The proposed use is commercial and not otherwise authorized by this Code.

#### **12.40.080 Conditions of approval**

Permits issued pursuant to this Chapter are subject to such reasonable conditions as the city manager or his/her designee may determine necessary to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful uses, protect the safety of persons and property, ensure compliance with noise requirements set forth in Chapter 9.12, and to control vehicular and pedestrian traffic in and around the Park and/or Recreation Facility. These conditions may include conditions for waste management and restoration of the Park, environmental protection, conditions to ensure safe accommodation of an event's pedestrian and vehicular traffic, indemnification and hold harmless of the City, and reasonable designation of alternate sites, times, or dates in the event of conflict with available resources.

#### **12.40.090 Permit holder responsibilities.**

After a person obtains a permit pursuant to the provisions of this Chapter, that permit holder must:

1. Comply with all rules and regulations and all applicable City Ordinances as though the same were incorporated into the permit.
2. Comply with all conditions imposed by the permit.
3. Inform all attendees of the conditions of the permit and the applicable rules and regulations.
4. Make Permit available at the event site and shall be exhibited upon request of any City official.

#### **12.40.100 Revocation of permit.**

Any permit for the use of the premises shall contain a provision that the city manager or his/her designee shall have the power to revoke such permit and to require the immediate removal of all persons from said premises upon their finding:

- A. That the Applicant misrepresented or misstated any material fact in their application; or
- B. Applicant damaged City property or violated permit conditions; or
- C. That the activity or any significant part thereof taking place on said premises is contrary to State or local law or is endangering life and/or property.

#### **12.40.110 Appeal of decision.**

An Applicant may appeal the denial or revocation of a permit by the city manager or designee in accordance with the appeal process set forth in Chapter 2.52 of this Code.

**12.40.120 Establishment of fees.**

Application fees pursuant to this Chapter shall be established by Resolution of the City Council. Where an event organized pursuant to this Chapter requires City services or infrastructure, the Applicant shall pay such fees as may be established by resolution of the City Council for municipal services, including but not limited to public safety services, solid waste and recycling services, traffic control, and any other applicable fees. Additionally use of City buildings or facilities shall be subject to any use or rental fees established by the City.

**12.40.130 Prohibited activity in Parks and Recreation Facilities.**

The following activities are prohibited in any Park or Recreation Facility:

- A. Exclusive use of any Park or Recreation Facility without a permit therefor, or use of any Park or Recreation Facility by any group for which a permit is required without such permit;
- B. Commercial activities not otherwise authorized by this Code;
- C. Golf, except in designated areas;
- D. Motor-driven vehicles;
- E. Discharging weapons;
- F. Removal of turf, soil, grass, tree, shrub, or portion thereof; except as such work may be done by authorized City employees;
- G. Lighting or maintaining fires, except as otherwise permitted by this Code or posted notices in specific Parks, however UL or ASMI listed manufactured gas (LPG or NG) outdoor flame devices (such as gas BBQs or gas fire-pits) that comply with the Fire Code are permitted at Jade Street and Monterey Parks;
- H. Overnight use of parks, other than city-sponsored activities or other activities which have received a permit from the City to conduct such after-hours activities;
- I. Play or practice baseball or softball in areas not specifically designated for baseball and softball activities;
- J. To possess or consume alcoholic beverages, except as expressly permitted by the Department of Alcohol Beverage Control;
- K. To cause, create, encourage, or threaten to cause any disturbance which may reasonably result in injury or property damage, or disturb the peace, comfort and security of the park patrons or employees;

L. Off-leash dogs, except as designated pursuant to applicable park regulations; dogs shall be permitted on leash pursuant to Section 6.14.200.

M. Use of a Park or Recreation Facility in such a fashion as to violate a posted notice restricting that Park or Recreation Facility's use to one or more specified recreational uses.

N. Bounce houses shall not be permitted at Esplanade Park.

O. Any activity that is contrary to applicable law or is endangering life and/or property.

#### **12.40.140 Park and Recreation Facility regulations.**

The city manager shall be and is authorized and directed to promulgate such rules and regulations that are consistent with and that further the terms of the requirements herein. The regulations may permit any of the activities prohibited in this chapter in any defined and prescribed area provided that a suitable area is set aside for such activity, and said areas are signed and posted, indicating the type of use permissible, and the rules applicable to said use, if any.

#### **12.40.150 Park hours.**

All Parks located in the City shall, except for areas otherwise posted, be closed from sunset (the time when the upper limb of the sun disappears below the sensible horizon as a result of the diurnal rotation of the earth) until six a.m. in the morning, unless explicitly extended in a permit issued by the City.

#### **12.40.170 Penalty for violation.**

Violations of this chapter may be enforced pursuant to any laws and remedies available to the City including, but not limited to, enforcement as a misdemeanor and/or public nuisance pursuant to Title 4 of this Code.





Nikki Bryant &  
Sarah Ryan

# 2024 SPECIAL EVENTS & PARK REGULATIONS

# Purpose

- Introduce the Special Event application process
- Introduce Park Regulation permitting process
- Create a comprehensive permitting system for public assemblies, events and use of City property

# Special Events – Current Process

- Police Department issues SE permits
  1. *Major SE Permits - > 200 attendees and impacts to city services*
  2. *Minor SE Permits - < 200 attendees and minimal impacts to city services*

*2023 Staff Issued 10 General SE Permits, 26 Minor SE Permits, and 5 Permits to the Art & Cultural Commission*



# 10 Major Special Events

- Beyond the Flood Benefits Concert
- February Surfer's Path 10k/5k
- Capitola Art & Wine Festival
- May Surfer's Path Half Marathon
- Capitola Beach Festival
- Capitola Custom Classic Car Show
- Women on Waves
- Wharf to Wharf
- October Surfer's Path Wahine 10k/6k
- Oktoberfest



# 26 Minor Special Events

- Village Sip and Stroll (3 total)
- California Coast Classic Ride
- Operation Surf
- Veteran Surf Alliance Paddle Out
- Fill the Boot for Muscular Dystrophy
- Halloween Parade
- Skate-Tola
- Surfing Santa
- Walk for Angelman's Syndrome
- Food Truck Fridays Event at Monterey Park
- First Responder's Surf Contest
- AIDS/Lifecycle Bicycle Ride



# Special Event Process

<b>Current</b>	<b>Proposed Changes</b>
Minor Event- no threshold specification	Minor Event- 75-200 people not requiring road closures.
General Event- no threshold specification	Major Event- more than 200 people requiring closure of “major” road.
No mention of constitutionally protected activity	Updated language to protect expressive activity protected by the First Amendment
No set fee schedule for special events	Council shall set special event application fees and cost recovery fees for services needed to support the event.
Encroachment Permit	Eliminated, determined not necessary based on the updated process.

# Park Use Permit

- Currently first come first serve

*Recreation manages field and court rentals*

- The public inquires often on process for small gatherings and allowable equipment in parks (bounce houses, BBQ)
  - The Park Use permit would provide a procedure for renting portions of the City's parks for use by small groups up to 74 people and not “expressive activity”
  - The application packet will detail required information for renting and location options available for permit.
-



Britannia Arms  
Of Capitola

Item 9 C.

Restroom

103

Bandstand Pavilion

Esplanade  
Park

Not Permitted: Bounce  
Houses or BBQ

Monterey Ave





Item 9 C.



Item 9 C.

215

21

y Ave

Monterey Ave

Union Elementary  
School District

Monterey  
Avenue Park

162

72

# Fiscal Impact

- Staff is currently working on a fee study to update to the City's fee schedule. That updated fee schedule will include recommended billing rates for City resources associated with Special Events. Staff expects the fee study and schedule to be presented to Council this Spring.

# Recommendation

- Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola repealing and replacing Capitola Municipal Code Chapter 9.36 “Special Events” and Chapter 12.40 “Park Regulations” to create a comprehensive permitting system for public assemblies, events and use of City property.

# Questions

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# Major Streets

38<sup>th</sup> Avenue, 41<sup>st</sup> Avenue, 42<sup>nd</sup> Avenue between Jade Street and Capitola Road, 45<sup>th</sup> Avenue, 47<sup>th</sup> Avenue between Portola Drive and Capitola Road, 49<sup>th</sup> Avenue between Capitola Road and Wharf Road, Bay Avenue, Capitola Avenue, Capitola Road, Clares Street, Cliff Drive, Esplanade (not including the portion of the Esplanade directly adjacent to Esplanade Park), Gross Road, Hill Street, Jade Street, Kennedy Drive, McGregor Drive, Monterey Avenue, Park Avenue, San Jose Avenue between Esplanade and Capitola Avenue, Stockton Avenue, and Wharf Road.

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Nikki Bryant &  
Sarah Ryan

# 2024 SPECIAL EVENTS & PARK REGULATIONS

# Purpose

- Introduce the Special Event application process
- Introduce Park Regulation permitting process
- Create a comprehensive permitting system for public assemblies, events and use of City property to be consistent with First Amendment right to gather.



# Special Events – Current Process

- Police Department issues SE permits
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- Surfing Santa
- Walk for Angelman's Syndrome
- Food Truck Fridays Event at Monterey Park
- First Responder's Surf Contest
- AIDS/Lifecycle Bicycle Ride



# Special Event Process

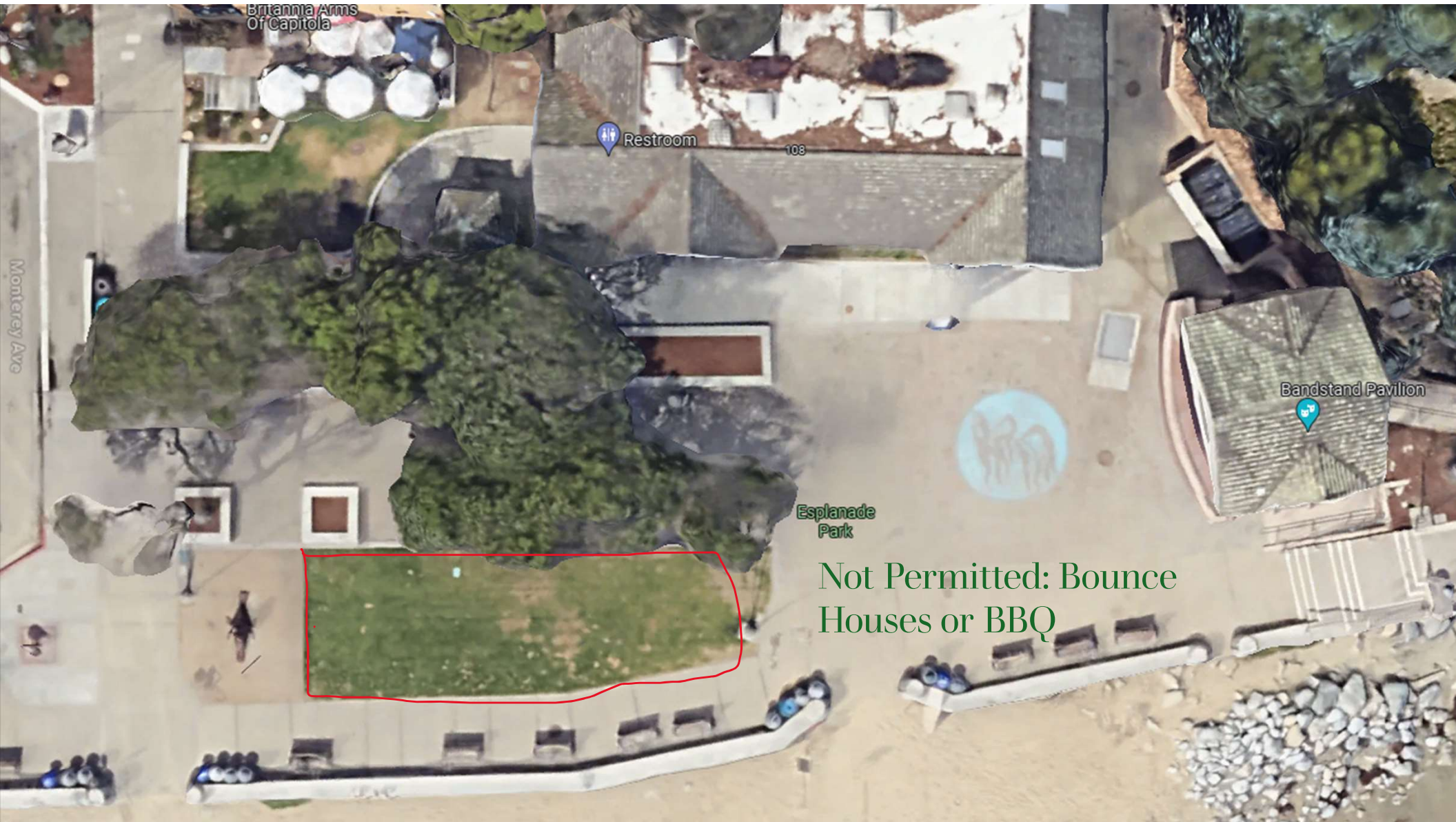
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  - The application packet will detail required information for renting and location options available for permit.
-



Not Permitted: Bounce Houses or BBQ







# Fiscal Impact

- Staff is currently working on a fee study to update to the City's fee schedule. That updated fee schedule will include recommended billing rates for City resources associated with Special Events. Staff expects the fee study and schedule to be presented to Council this Spring.
-

# Recommendation

- Introduce, by title only, waiving further reading of the text, an ordinance of the City of Capitola repealing and replacing Capitola Municipal Code Chapter 9.36 “Special Events” and Chapter 12.40 “Park Regulations” to create a comprehensive permitting system for public assemblies, events and use of City property.
-

# Questions

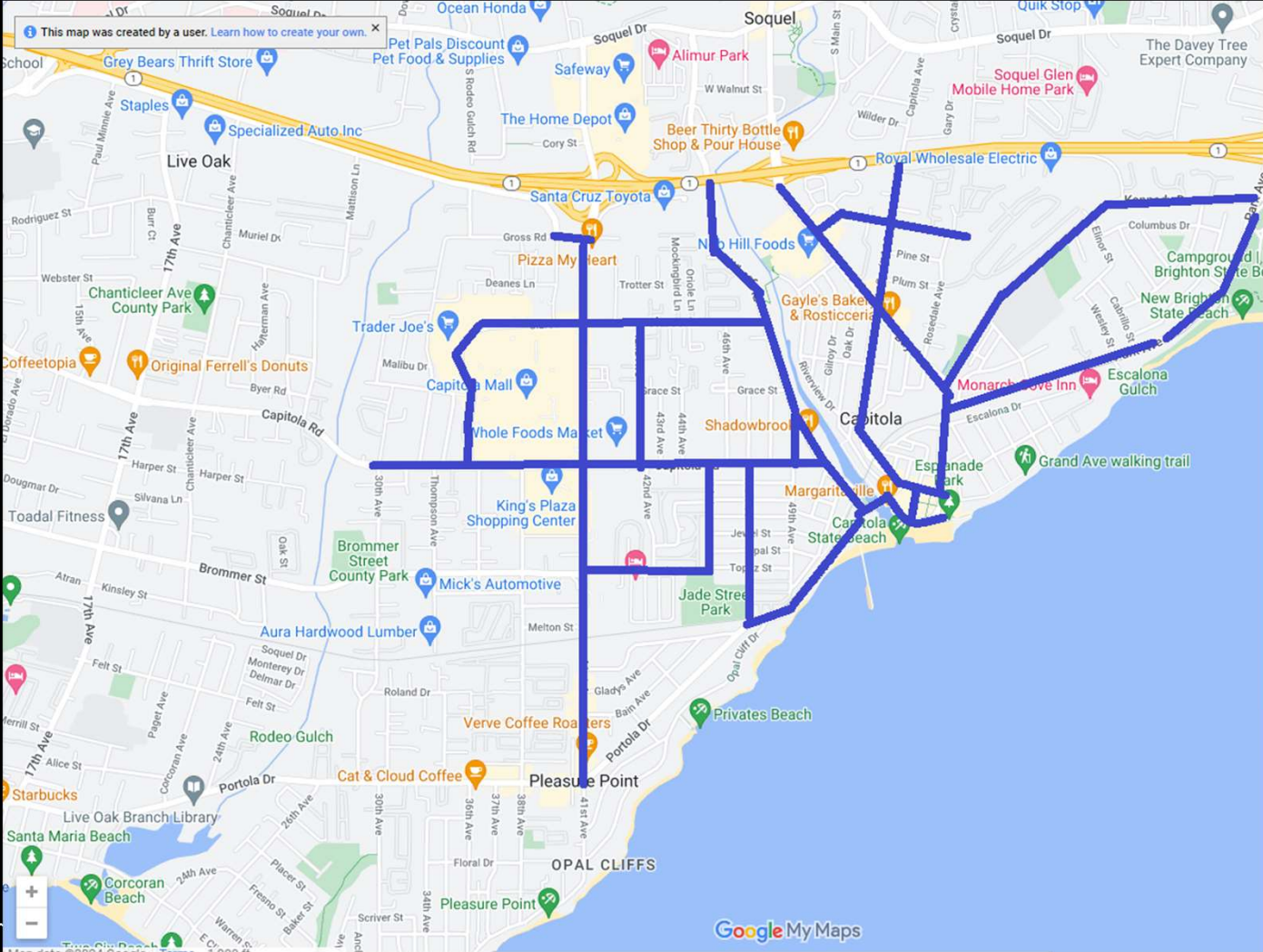
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## Major Streets

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# Major Streets



# Capitola City Council

## Agenda Report

**Meeting:** March 14, 2024

**From:** City Manager Department

**Subject:** Remote Public Participation



**Recommended Action:** Provide direction to staff about remote participation options for members of the public at City Council and Planning Commission meetings.

**Background:** The Brown Act (CA Government Code Sections 54950 et seq.) requires that the City Council conduct business in open, public, and noticed meetings. Before the COVID-19 Pandemic, all City Council meetings were held in person and there were no options for remote participation. During COVID-19, the City implemented technology upgrades to accommodate remote participation of members of the public.

During the October 26, 2023, City Council meeting, remote participants provided racist, homophobic, and antisemitic commentary via Zoom (“Zoom Bombing”). Following that meeting, the City suspended the ability for the public to provide public comment remotely and the Planning Commission followed suit.

On January 11, 2024, the City Clerk presented a staff report to the City Council regarding this item. During that meeting, the City Council directed staff to conduct an updated survey of California agencies that have been affected and return to the City Council in March.

**Discussion:** Currently the public can provide feedback to the City Council and Planning Commission in the following ways:

- Emailing the City Council comments before the meeting. These comments are included in the official record of the meeting.
- Attend meetings in person and provide verbal comments.

City Council and Planning Commission meetings are broadcast live on Zoom, YouTube, and local access television (Community Television). Members of the public can access video (live and archived) through the City’s website, the City’s YouTube channel, and Community Television’s website.

The City Clerk’s office collected updated survey data in March 2024, and approximately 66 California government agencies experienced Zoom Bombing incidents in 2023 and 2024 (Attachment 1). Of those agencies, 42 of them have temporarily or permanently suspended the use of Zoom for public comment during meetings.

In late 2023, the cities of San Carlos and Laguna Beach initially suspended the use of remote public comments after experiencing Zoom bombing incidents. Upon reinstating remote public comments in 2024, they experienced repeat Zoom bombing events. Cities like Berkeley and San Diego never suspended remote public comments and continue to experience Zoom bombing on a regular basis.

The “Zoom Bombers” plaguing California cities appear to be coordinating their behavior to disrupt meetings, disguising themselves as concerned citizens, only to provide often discriminatory commentary that is not relevant to the subject matter jurisdiction of the legislative body. Such behavior may discourage public participation at meetings, and potentially make it less likely that community members would attend in-person meetings.

The use of Zoom for public comment creates challenges in controlling disruptive behavior during public meetings since participants on Zoom can be anonymous. Zoom participation can be from anywhere in the world. The City is not obligated to provide Zoom participation options in meetings. If the City Council directs staff to bring back the use of Zoom for remote public comments, applicable law would not allow the City to impose restrictions upon remote participants (such as residency restrictions).

The City Council may direct staff to bring back Zoom use for public participation, continue holding public meetings without Zoom use, or provide alternative direction.

Fiscal Impact: None.

Attachments:

1. Survey of CA Agencies – Updated in March 2024

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

Agency/Body Targeted	Date of Incident	Current Zoom Status	Links		Notes
Antioch City Council	N/A	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Arcadia City Council	N/A	Discontinued Zoom comments over this issue			
Atherton City Council	9/20/2023	Continuing to use Zoom for public comments	<a href="#">Link</a>		
Bay Area Air Quality District	N/A	Temporarily suspended Zoom comments over this issue, returned to Zoom.	<a href="#">Link</a>		
Berkeley City Council	9/26/23 & 10/10/23	Repeated Zoom bombing events, using Zoom.	<a href="#">Link</a>		
Brentwood City Council	9/26/2023	Discontinued Zoom comments on non-agendized items. Continuing to allow Zoom comments on agenda items as long as they are on-topic.	<a href="#">Link</a>	<a href="#">Link 2</a>	
Calabasas City Council	10/25/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Capitola City Council	10/26/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Carmel-by-the-Sea City Council	N/A	Continuing to use Zoom for public comments			
Ceres City Council	9/25/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>	<a href="#">Link 2</a>	
Claremont City Council	10/10/2023	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
Concord City Council	N/A	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Contra Costa County	N/A	Temporarily suspended Zoom comments over this issue, returned to Zoom.	<a href="#">Link</a>		
El Cerrito City Council	9/19/2023	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
El Dorado County Board of Supervisors	9/26/2023	Continuing to use Zoom for public comments	<a href="#">Link</a>		
Fremont City Council	N/A	Discontinued Zoom comments over this issue	<a href="#">Link</a>	<a href="#">link 2</a>	
Galt City Council	10/17/2023	Discontinued Zoom comments over this issue			
Healdsburg City Council	N/A	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Hermosa Beach City Council	9/26/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Irwindale City Council	10/25/2023	Temporarily suspended Zoom comments over this issue, returned to Zoom.			
Isleton		Discontinued Zoom comments over this issue			
Laguna Beach	2/13/2024	Discontinued Zoom comments over this issue			
Larkspur City Council	9/20/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Livermore City Council	9/25/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>	<a href="#">Link 2</a>	
Malibu City Council	10/9/2023	Temporarily suspended Zoom comments over this issue, returned to Zoom.			
Milpitas City Council	N/A	Temporarily suspended Zoom comments over this issue, returned to Zoom.	<a href="#">Link</a>		
Modesto City Council	9/26/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Monterey City Council	9/19/2023	Continuing to use Zoom for public comments	<a href="#">Link 1</a>		
Moorpark City Council	N/A	Discontinued Zoom comments over this issue			
Morgan Hill City Council	10/4/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Novato City Council	9/26/2023	Continuing to use Zoom for public comments			
Pacific Grove City Council	10/18/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Pacifica City Council	9/25/2023	Continuing to use Zoom for public comments	<a href="#">Link</a>		
Palm Springs Administrative Appeals Board	N/A	Continuing to use Zoom for public comments			
Palo Alto City Council	10/16/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>	<a href="#">Link 2</a>	
Palo Alto Unified School District Board	N/A	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Pleasanton City Council	10/17/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Plymouth City Council	10/26/2023	Discontinued Zoom comments over this issue			
Rancho Cordova	2/13/2024	Discontinued Zoom comments over this issue			
Redwood City Council	N/A	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
Richmond City Council	10/2/2023	Continuing to use Zoom for public comments	<a href="#">Link</a>		



Sacramento City Council	9/5/2023	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
San Bernardino City Council	10/18/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>	<a href="#">Link 2</a>	
San Carlos City Council	9/25/2023, 11/13/23	Continuing to use Zoom for public comments despite repeated Zoom bombing.	<a href="#">Link</a>		
San Diego City Council	9/18/2023	Continuing to use Zoom for public comments despite repeated Zoom bombing.	<a href="#">Link</a>		
San Francisco Board of Supervisors	9/26/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>	<a href="#">Link 2</a>	
San Jose City Council	10/3/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
San Mateo City Council	N/A	Continuing to use Zoom for public comments			
San Ramon City Council	N/A	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
Santa Rosa City Council	9/26/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Santa Rosa City Schools Board	9/13/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>	<a href="#">Link 2</a>	
Saratoga City Council	9/20/2023	Continuing to use Zoom for public comments.	<a href="#">Link</a>		Reorganized agenda so public comment is at end of meeting.
Seaside City Council	10/19/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Sebastopol City Council	9/19/2023	Continuing to use Zoom for public comments despite repeated Zoom bombing.			
Solvang City Council	10/9/2023	Continuing to use Zoom for public comments.	<a href="#">Link</a>		
Sonoma City Council	11/1/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		Removed video
Sonoma County BOS	9/12/2023	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
South San Francisco City Council	9/13/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Sunnyvale City Council	10/10/2023	Continuing to use Zoom for public comments despite repeated Zoom bombing.	<a href="#">Link</a>		
Tiburon City Council	9/20/2023	Continuing to use Zoom for public comments.	<a href="#">Link</a>		
Union City Council	N/A	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Vallejo City Council	10/10/2023	Continuing to use Zoom for public comments despite repeated Zoom bombing.	<a href="#">Link</a>		
Ventura City Council	9/25/2023	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
Walnut Creek City Council	multiple in June	Discontinued Zoom comments over this issue	<a href="#">Link 1</a>	<a href="#">Link 2</a>	
Watsonville City Council	10/24/2023	Discontinued Zoom comments over this issue	<a href="#">Link</a>		
Windsor	N/A	Discontinued Zoom comments over this issue			