

Closed Litigation Session**1:00 PM**

At 1:00 p.m., the Presiding Officer will open the City Council and Redevelopment Agency Closed Litigation sessions in a public meeting in the Courtyard Conference Room, for the purpose of announcing the agenda; thereafter the meeting will be closed to the public.

A. Public Employee Hiring Decision (Government Code §54957).

City Council's hiring of City Manager.

B. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations—
1. Police Management
 2. Police Officers' Association
 3. SEIU – All Units
 4. Operating Engineers-Supervisors
 5. Operating Engineers-Managers

C. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9).

Initiation of Litigation by City (Government Code §54956.9(c)).

2 cases to be discussed.

Significant Exposure of City to Litigation (Government Code §54956.9(b)).

1 case to be discussed

D. Conference with Legal Counsel –Liability Claims (Government Code §54956.95).

1. Claimant: Wallace Woodworth Berry
2. Claimant: Paulino Mendosa Sanchez
3. Claimant: State Farm Ins. (Weymouth)

Claims Against: City of Santa Cruz

An oral report will be presented in the 3:00 p.m. Session (item 25).

Joint City Council/Redevelopment Agency

3:00 PM

- * Call to Order
- * Roll Call
- * Pledge of Allegiance
- * Spotlight on City Services - American Recovery and Reinvestment Act - Economic Development Department
- * Presentation - Amgen
- * Presiding Officer's Announcements
- * Statements of Disqualification
- * Additions and Deletions
- * Joint City Council/Redevelopment Agency Oral Communications - 30 Minutes

Consent Agenda

1. Minutes of the January 12, 2010 and January 26, 2010 Regular and January 19, 2010 Special City Council Meetings. (CC)
2. Minutes of the January 12, 2010 and January 26, 2010 Regular Redevelopment Agency Meetings. (CC)
3. 49-A Municipal Wharf - Municipal Wharf Lease Agreement with Barking Lion Corporation. (ED)

Motion to authorize and direct the City Manager to execute a Municipal Wharf Lease Agreement and any amendments thereto of a non-substantive nature, in a form acceptable to the City Attorney, with Barking Lion Corporation for the operation of a restaurant at 49-A Municipal Wharf.

Consent Agenda (continued)4. Living Wage Rate Annual Prescription for 2010. (FN)

Resolution upwardly indexing the prescribed minimum living wage rate by 0.2%, the amount which corresponds to San Francisco-Oakland-San Jose Area Consumer Price Index (CPI), for the period ending October 31, 2009 to become effective July 1, 2010.

5. Liability Claims Filed Against City of Santa Cruz. (HR)

Motion to reject liability claims: a) Wallace Woodworth Berry; and b) Paulino Mendosa Sanchez, based upon staff investigation.

6. City's Classification and Compensation Plans and the FY 2010 Budget Personnel Complement - Water Department. (HR)

Resolution amending the Classification and Compensation Plans and the FY 2010 Budget Personnel Complement by adding one full time Utility Service Representative (USR) position to the Water Department.

7. City Storm Water Management Plan – Plan Changes Regarding Developing Hydromodification Control Criteria. (PW)

Motion directing staff to join the Regional Joint Effort for Developing Hydromodification Control Criteria and making the required related revisions to the City's Storm Water Management Plan in compliance with the City's State Storm Water Permit.

8. Award Biosolids End-Use Services Contract for Wastewater Treatment Facility. (PW)

Motion to accept the bid of Terra Renewal Services, Garden Grove, CA, in the amount of \$31.65/ton for Biosolids End-Use Services for the Wastewater Treatment Facility and authorize the City Manager to execute the agreement.

9. Highway 1 Bike/Pedestrian Underpass Project (c400826) – Budget Adjustment. (PW)

Resolution transferring funds and amending the FY 2010 budget in the amount of \$200,000 from the Traffic Impact Fee Fund for alternative transportation to fund the Highway 1 Bike/Pedestrian Underpass Project (c400826).

Consent Agenda (continued)10. Miscellaneous Water Service Fees. (WT)

Resolution amending miscellaneous water service fees, and rescinding Resolution No. NS-28,144.

11. Water Supply Project – CEQA/NEPA Services – Award of Contract. (WT)

Motion to authorize the City Manager to execute an agreement with URS Corporation Americas (Oakland, CA) in the amount of \$1,421,948 for the preparation of the Environment Impact Report (EIR) for the proposed Seawater Desalination Facility.

12. Administrative Appeal Fee Schedule. (CN)

Resolution establishing an administrative appeal fee schedule for administrative appeals taken pursuant to Title 4 of the Santa Cruz Municipal Code.

End Consent Agenda**Public Hearing**13. Alcohol Ordinance Amendment (Environmental Determination: Categorical Exemption) (City of Santa Cruz, Applicant). (PL)

Final Adoption of Ordinance No. 2010-02.

General Business

Note: Council may discuss and/or take action on the composition and integration of various advisory bodies listed as items 14 through 23.

14. Arts Commission Appointment or Reappointment (One Possible Reappointment, with a Term Expiration of 1/1/14). (CC)

Motion to appoint or reappoint an Arts Commissioner.

15. Downtown Commission Appointments (Three Vacancies, One with a Term Expiration of 1/1/14, and Two with Term Expirations of 1/1/12). (CC)

Motion to appoint three Downtown Commissioners.

General Business (continued)

16. Historic Preservation Commission (Two Vacancies, Both with Term Expirations of 1/1/14). (CC)

Motion to appoint two Historic Preservation Commissioners.

17. Parks and Recreation Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14). (CC)

Motion to appoint or reappoint two Parks and Recreation Commissioners.

18. Planning Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14). (CC)

Motion to appoint or reappoint two Planning Commissioners.

19. Public Works Commission (One Vacancy, with a Term Expiration of 1/1/11) (CC)

Motion to appoint a Public Works Commissioner.

20. San Lorenzo River Committee (Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/11). (CC)

Motion to appoint three San Lorenzo River Committee members.

21. Santa Cruz City Transportation Commission (Two Vacancies, with Term Expirations of 1/1/14). (CC)

Motion to appoint two Santa Cruz City Transportation Commissioners.

22. Sister Cities Committee (One Possible Reappointment, with a Term Expiration of 1/1/14, and Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/12). (CC)

Motion to appoint or reappoint four Sister Cities Committee members.

General Business (continued)

23. Water Commission (Two Openings, Both with Term Expirations of 1/1/14). (CC)

Motion to appoint two Water Commissioners.

24. Council Meeting Calendar.

That the City Council review the meeting calendar attached to the agenda and revise as necessary.

25. City Attorney Oral report on Closed Session. (See Page 2)

26. Council Memberships in City Groups and Outside Agencies.

The Presiding Officer will provide Councilmembers with the opportunity to update Council and the public regarding City Groups and Outside Agencies.

Adjournment — The Redevelopment Agency will adjourn from the regularly scheduled meeting of February 9, 2010 to the next regularly scheduled meeting on February 23, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Adjournment — The City Council will adjourn from the regularly scheduled meeting of February 9, 2010, to the next regularly scheduled meeting on February 23, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Note: The Council Chambers will be closed ten minutes after the meeting is adjourned.

Advisory Body Appointments

The following at-large positions are will be open for reappointment and or appointment in January 2010. Council will make appointments at the meeting of February 9, 2010.

Arts Commission	One (1) reappointment
Downtown Commission	Three (3) vacancies
Historic Preservation Commission	Two (2) vacancies
Parks and Recreation Commission	Two (2) reappointments
Planning Commission	Two (2) reappointments
Public Works Commission	One (1) vacancy
San Lorenzo River Committee	Two (2) vacancies
S.C. City Transportation Commission	Two (2) vacancies
Sister Cities Committee	One (1) reappointment and three (3) vacancies
Water Commission	Two (2) vacancies

Public Hearing: If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6 Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes "final." The 60-day rule applies to all public hearings conducted pursuant to the City's Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.

City Council Agenda Legislative History Addendum

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk's Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to:

Court decisions

Coastal Commission Appeals of City Council actions

Closed Session Agreements/Settlements, which are public record

Association of Monterey Bay Area Governments

Local Agency Formation Commission

ADDENDUM TO CITY COUNCIL AGENDA – FEBRUARY 9, 2010

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

(Copies available in the Central Branch Library at the Reference Desk)

Economic Development Department	Downtown Public Art Walking Tour Brochure - 1/14/10 (EDFYI 001)
Public Works Department	Implementation of Council Approved Pay for Parking at the Cedar/Church Garage and Cedar/Cathcart Parking Lot -1/12/10 (PWFYI 0055)
Water Department	Status Report on Water Conditions and Initial Water Supply Outlook for 2010 - 1/26/10 (WTFYI 035)

ADDENDUM TO CITY COUNCIL AGENDA – FEBRUARY 9, 2010
MAYOR’S PROCLAMATIONS

1. Proclaiming Friday, February 5, 2010 as “Patricia Sapone Day” and encouraging all her coworkers and citizens to join in expressing heartfelt appreciation for her thirty years of dedicated and exemplary service and numerous contributions to the Santa Cruz Police Department and the City of Santa Cruz and wishing her well in her retirement.
2. Proclaiming the month of February 2010 as “3 Cups of Tea Santa Cruz Month” and encouraging all citizens to promote peace through education; to support the work of the Central Asia Institute by organizing *Pennies for Peace* programs in our schools, libraries, and places of worship; and to raise awareness and understanding of the people of Afghanistan and Pakistan.
3. Proclaiming January 28, 2010 as “Branciforte Small Schools Library Day” in celebration of the rededication of the Bricmont Children’s Library.
4. Proclaiming January 31, 2010 as “Arbor Day” in honor of Tu B’Shevat and encouraging all citizens to join in recognizing the important work and contributions of the Gan Tefillah School student volunteers and the City of Santa Cruz and to plant trees to offset climate change, enhancing our natural world for our present and future generations.

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060

**MINUTES OF A REGULAR JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING**

January 12, 2010

1:30 P.M. SESSION

Mayor Rotkin opened the Closed Litigation Session at 1:41 p.m. in a public session in the Courtyard Conference Room, for the purpose of announcing the agenda.

Referral to Closed Session

- 1. Referral to Closed Session - 49-A Municipal Wharf, APN 005-651-012. (ED)

Action

Councilmember Robinson moved, seconded by Councilmember Mathews, to refer to closed session: 1) the potential sale of the business known as Carniglia's located at 49-A Municipal Wharf; and 2) the potential assignment of the existing lease for a limited term and/or the execution of a new lease for the purpose of instructing the Director of Economic Development concerning the assignment and terms of a new lease, or both. The motion carried unanimously.

Council closed the session to the public at 1:43 p.m. All Councilmembers were present. (See pages 1067 through 1068 for a report on closed session.)

3:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 3:08 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Beiers, Madrigal, Robinson; Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: None.

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JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 12, 2010
3:00 P.M. SESSION

Roll Call (continued)

Staff: City Manager R. Wilson, Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Economic Development and Redevelopment B. Lipscomb, Director of Human Resources L. Sullivan, Director of Planning and Community Development J. Rebagliati, Director of Parks and Recreation D. Shoemaker, Parks Superintendent S. Hammack, Director of Water B. Kocher, Chief Ranger S. Lang, Associate Planner N. Daly, Climate Change Coordinator R. Clark, Climate Action Assistant C. Lewis, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Pledge of Allegiance

Spotlight on City Services - Greenhouse Gas Inventory Update – Climate Change Coordinator R. Clark and Climate Action Assistant C. Lewis.

Introduction of New Employee – Assistant Director of Water L. Almond introduced Environmental Projects Analyst Ryan Jolley.

Presiding Officer's Announcements – Mayor Rotkin congratulated Peter McGettigan for receiving a Gail Rich Award.

Statements of Disqualification – None.

Additions and Deletions – None.

Joint City Council/Redevelopment Agency Oral Communications

Tony Tessba, Robert Norse, and Becky Johnson sang a song about homelessness.

Pat Kittle expressed concerns about time limits on public comments and free speech.

John McGuire expressed concerns about the Friends of Lighthouse Field, and reminded Councilmembers the group was still advocating.

Robert Facer expressed concerns about the poor and homeless.

Dexter Cube expressed concerns about medicinal marijuana.

Derek Verduzco expressed concerns about medicinal marijuana.

Mike Tomasi expressed concerns about freedom and justice.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 12, 2010
3:00 P.M. SESSION

Consent Agenda

SPEAKING FROM THE FLOOR REQUESTING ITEMS TO BE REMOVED FROM THE CONSENT AGENDA AND/OR EXPRESSING CONCERNS:

Robert Norse

The following item was removed for consideration immediately after action taken on the Consent Agenda: Item 11.

Action

Councilmember/Member Lane moved, seconded by Vice Mayor/Vice Chair Coonerty, to approve the remaining items on the Consent Agenda. The motion carried unanimously.

2. Minutes of the December 8, 2009 Regular City Council Meeting. (CC)

Motion carried to approve as submitted.

3. Minutes of the December 8, 2009 Regular Redevelopment Agency Meeting. (CC)

Motion carried to approve as submitted.

4. Educational Revenue Augmentation Fund (ERAF). (ED)

Redevelopment Agency motion carried directing the Executive Director to pay \$3,746,760 from Agency funds on or before May 10, 2010 to the County Auditor for deposit into the State Supplemental Educational Revenue Augmentation Fund.

Redevelopment Agency Resolution No. 1475 was adopted appropriating funds and amending the Fiscal Year (FY) 2010 budget in the amount of \$3,746,760 from the Merged and Eastside Project Area Debt Service Funds.

5. Tannery Arts Center – National Endowment of the Humanities Grant Application. (ED)

Redevelopment Agency Resolution No. 1476 was adopted authorizing the Executive Director, or her designee, to apply for a grant in an amount not to exceed \$51,901 from the National Endowment of the Humanities to fund Historic Interpretative Exhibits which are being created as part of the rehabilitation of the Tannery's historic buildings and to execute any and all documents, in a form approved by the City Attorney, necessary to accept the grant.

Consent Agenda (continued)

6. U. S. Department of Commerce, Economic Development Administration (EDA), American Recovery and Reinvestment Act (ARRA) Grant - Budget Adjustment. (ED)

Redevelopment Agency Resolution No. 1477 was adopted appropriating funds and amending the FY 2010 budget in the amount of \$4,766,250 for the EDA ARRA grant for the Digital Media Center at the Tannery and \$430,805 for project costs which are not grant eligible.

7. Placement of Proceeds from Sale of 913 Cedar Street into Public Trust Fund. (FN)

Motion carried to direct staff to place the proceeds from the sale of the property at 913 Cedar Street into the Public Trust Fund.

8. Annual Financial Reports for FY 2009. (FN/ED/RDA)

Motion carried to authorize the Finance Director to file the Comprehensive Annual Financial Report and Single Audit Report for Fiscal Year 2009.

Motion carried to authorize the Agency Executive Director to file the Redevelopment Agency Financial Report for Fiscal Year 2009.

9. Liability Claims Filed Against City of Santa Cruz. (HR)

Motion carried to reject liability claims a) Carol E. Meilicke and b) Patricia Kathleen Miller, based upon staff investigation.

10. Naming of Field 1 "Rich Young Field" and Installation of a Memorial Plaque at Harvey West Park. (PK)

Motion carried to authorize the naming of Field 1 "Rich Young Field" and authorize the placement of a memorial plaque in honor of Mr. Young at the "Little League Field" at Harvey West Park.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 12, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

11. Approving and Appointing Representatives to Other Agencies and Groups and Council Committees and Task Forces. (CN)

Action

Councilmember Robinson moved, seconded by Mayor Rotkin, to appoint or nominate representatives to other agencies and groups and Council committees and task forces as presented, with the following exception:

City of Santa Cruz and Soquel Creek Desalination Project,
Councilmember Lane as the Regular Member and Councilmember
Coonerty as the Alternate Member.

The motion carried unanimously.

End Consent Agenda

General Business

12. Statewide Park Development and Community Revitalization Act of 2008 (Proposition 84) Property Selection. (PK)

Director of Parks and Recreation D. Shoemaker and Superintendent of Parks S. Hammack presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Robinson moved, seconded by Councilmember Beiers, to select the Lower Ocean Neighborhood for acquisition and development of a neighborhood park to be submitted for the Statewide Park Development and Community Revitalization Act of 2008 (Statewide Park Program) Prop 84. The motion carried unanimously.

General Business (continued)

13. Loch Lomond Recreation Area – Changes for 2010 Season. (WT)

Director of Water B. Kocher and Chief Ranger S. Lang presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to introduce for publication Ordinance No. 2010-01 amending the Santa Cruz Municipal Code Chapter 16. 05, changing the name from Recreational Use of the Loch Lomond Reservoir to Loch Lomond Recreation Area; and 16.05.030 Places and Times to change the schedule and hours of operation; and 16.05.100 General Regulations concerning (c) pets; and (e) trees, shrubs and other plants, and to adopt Resolution No. NS-28,156 amending the Loch Lomond Recreation Area Fee Schedule to increase the Boat Storage Fee to \$200 per season, and rescinding Resolution No. NS-28,075 in its entirety. The motion carried unanimously.

14. Resolution Establishing the Interest Rate for Residential Rental Property Security Deposits. (ED)

Associate Planner N. Daly presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Ron Pomerantz
Mike Tomasi

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to adopt Resolution No. NS-28,157 establishing the interest rate for residential security deposits at 0.10% and rescinding Resolution No. NS-27,997. The motion carried by the following vote:

AYES: Councilmembers Lane, Mathews, Beiers, Madrigal, Robinson; Vice Mayor Coonerty.
NOES: Mayor Rotkin.
ABSENT: None.
DISQUALIFIED: None.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 12, 2010
3:00 P.M. SESSION

Public Hearing

15. Authorization to Participate in a Renewable Energy Assessment District Program. (PL)

Mayor Rotkin opened the public hearing at 4:41 p.m.

Director of Planning and Community Development J. Rebagliati and Climate Change Coordinator R. Clark presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT:

Mike Tomasi
Rom Pomerantz

Mayor Rotkin closed the public hearing at 5:09 p.m.

Action

Councilmember Robinson moved, seconded by Vice Mayor Coonerty, to adopt Resolution No. NS-28,158 authorizing the City of Santa Cruz to join the CaliforniaFIRST Program, and to adopt Resolution No. NS-28,159 authorizing Sacramento County to serve as the Lead Collaborative Entity to apply for California Energy Commission SEP grant funds. The motion carried unanimously.

General Business

16. Council Meeting Calendar.

Mayor Rotkin reminded Councilmembers about the Special Meeting scheduled for January 19, 2010 at 7:00 p.m.

17. City Attorney Oral Report on Closed Session.

- A. Real Property (Government Code §54956.8).
49A Wharf Lease Negotiations (Carniglia's)
APN: 005-651-012
Bonnie Lipscomb--Negotiator

Council received a status report and took no reportable action..

- B. Conference with Legal Counsel– Anticipated Litigation (Government Code §54956.9).

Significant exposure of City to Litigation (Government Code §54956.9(b)) (3 cases)

3 cases were discussed.

General Business (continued)

17. City Attorney Oral Report on Closed Session (continued)

D. Conference With Legal Counsel—Existing Litigation (Government Code §54956.9).

1. Greiner v. City of Santa Cruz, United States District Court Case No. C07-02523-RS.
2. People v. Bradley Kellma, Santa Cruz Superior Court Case No. CV151944.

Council settled Item 1, Greiner v. City of Santa Cruz, for \$5,000, and took no reportable action on Item 2.

E. Conference with Legal Counsel – Liability Claims (Government Code §54956.95)

1. Claimant: Carol E. Meilicke
2. Claimant: Patricia Kathleen Miller

Claims against: City of Santa Cruz

Claims 1 and 2 were not discussed.

F. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations -
1. IAFF - Firefighters
 2. Fire Management
 3. Police Management
 4. Police Officers' Association
 5. SEIU – All Units
 6. Operating Engineers - Supervisors
 7. Operating Engineers – Managers

Council received status reports on 2 and 3 only, and took no reportable action.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 12, 2010
3:00 P.M. SESSION

18. Council Memberships in City Groups and Outside Agencies.

Councilmember Mathews reported that a Tourism Marketing District proposal will be coming soon from the Convention and Visitors Council.

Councilmember Lane reported that the Regional Transportation Commission funding has now been released for landscaping at the Highway 17/Highway 1 merge project.

Councilmember Madrigal announced that the Tri-County Latino Electeds Association will be having a regional 2010 Census training at 6:00 p.m., January 28, 2010 at Salinas High School Theater.

Adjournment — At 5:21 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of January 12, 2010 to the next regularly scheduled meeting on January 26, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Adjournment — At 5:21 p.m., City Council adjourned from the regularly scheduled meeting of January 12, 2010 to a Special Meeting on January 19, 2010 in the City Council Chambers for Advisory Body Interviews. The next regularly scheduled meeting will be on January 26, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Respectfully submitted

Tom Graves
Deputy City Clerk

Approved

Lorrie Brewer
City Clerk

Approved

Michael Rotkin
Mayor

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060

MINUTES OF A SPECIAL CITY COUNCIL MEETING

JANUARY 19, 2010

7:00 P.M. SESSION

Mayor Rotkin called the meeting to order at 7:03 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers Lane, Mathews, Beiers, Robinson; Vice Mayor Coonerty; Mayor Rotkin.

Absent: Councilmember Madrigal.

Staff: Administrative Assistant II R. Balsley; City Clerk L. Brewer.

Note: There were no Oral Communications during this meeting. Members of the public had a right to address Council on the items listed on this agenda.

1. Advisory Body Interviews.

Council conducted advisory body interviews.

Adjournment — At 8:35 p.m., the Council adjourned to the next regularly scheduled City Council meeting on January 26, 2010, for a group photo at 1:00 p.m. followed by a closed litigation session at 1:30 p.m. in the Courtyard Conference Room and 3:00 p.m. and 7:00 p.m. open sessions in Council Chambers.

Approved

Lorrie Brewer
City Clerk

Approved

Michael Rotkin
Mayor

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060

**MINUTES OF A REGULAR JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING**

January 26, 2010

1:30 PM SESSION

Mayor Rotkin opened the Closed Litigation Session at 1:42 p.m. in a public session in the Courtyard Conference Room, for the purpose of announcing the agenda and considering Item 1.

Referral to Closed Session

1. 49-B Municipal Wharf – Olita’s Cantina and Grille Lease Extension. (ED)

Action

Councilmember Robinson moved, seconded by Councilmember Mathews, to approve a referral to closed session for: 1) the extension of an existing lease for a limited term; and 2) the provision of instructions to the Director of Economic Development regarding the terms of a new lease. The motion carried unanimously.

Council closed the session to the public at 1:43 p.m. All Councilmembers were present. (See page 1084 for a report on closed session.)

3:00 PM SESSION

Mayor/Chair Rotkin called the meeting to order at 3:08 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Beiers, Madrigal, Robinson; Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: None.

Staff: City Manager R. Wilson, Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Economic Development and Redevelopment B. Lipscomb, Director of Human Resources L. Sullivan, Director of Planning and Community Development J. Rebagliati, Assistant Director of Planning and Community Development A. Khoury, Principal Planner E. Marlatt, Associate Planner N. Concepcion, Director of Parks and Recreation D. Shoemaker, Chief of Police H. Skerry, Deputy Chief of Police P. Sapone, Police Lieutenant R. Martinez, Director of Public Works M. Dettle, Director of Water B. Kocher, Deputy Water Director/Operations Manager T. Tompkins, CPVAW Coordinator K. Agnone, City Clerk L. Brewer, Administrative Assistant II R. Balsley, Deputy City Clerk T. Graves.

Pledge of Allegiance

Presentation – Thirty-Year Service Pin to Terry Tompkins, Deputy Water Director/Operations Manager, by Director of Water B. Kocher.

Presentation - Mayor's Proclamation Recognizing January as National Blood Donor Month – Patti Childress, American Red Cross.

Presentation - Mayor's Proclamation Recognizing Deputy Chief of Police Patty Sapone on her Retirement - Chief of Police H. Skerry.

Presiding Officer's Announcements

Statements of Disqualification – None.

Additions and Deletions – None.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

Joint City Council/Redevelopment Agency Oral Communications

An unidentified woman thanked Councilmembers for their service to the community.

Ron Pomerantz spoke about a hotel fee mentioned in a Santa Cruz newspaper story, and asked Councilmembers to discuss the fee at a future Council meeting. He suggested increasing the Transient Occupancy Tax instead.

Kathy Agnone announced that the Commission for the Prevention of Violence Against Women (CPVAW) is sponsoring Take Back Our Streets on January 28, 2010 at 6:30 p.m.

Eric Rodberg spoke about the Lower Ocean Street neighborhood, the recent shootings there, and urged an interdepartmental approach to crime.

Mike Tomasi spoke about freedom and justice.

Tony Madrigal announced a Train the Trainers workshop for Census 2010 in Salinas on January 30, 2010.

Consent Agenda

No items were removed from the Consent Agenda.

Action

Councilmember Robinson moved, seconded by Councilmember Beiers, to approve the remaining items on the Consent Agenda. The motion carried unanimously (Councilmember Robinson recording a no vote on Item 7).

2. Citywide Wayfinding Study - Approval to Proceed. (ED)

Motion carried to authorize the Executive Director to proceed with a Citywide Wayfinding Study.

Consent Agenda (continued)

3. Tannery Arts Center – Authorization to Apply for Grant Funding from the California Cultural and Historical Endowment. (ED)

Redevelopment Agency Resolution No. 1478 was adopted authorizing the Executive Director to apply for a grant in an amount up to \$500,000 from the California Cultural and Historical Endowment for the Tannery Arts Center Project and to execute any and all documents, in a form approved by the City Attorney, necessary to accept the grant.

4. Liability Claims Filed Against City of Santa Cruz. (HR)

Motion carried to reject liability claims a) Susan Jane Beach and b) Allysha Ann Leonard, based upon staff investigation.

5. Stormwater Fund for Arana Gulch Watershed Alliance - Budget Adjustment. (PW)

Resolution No. NS-28,160 was adopted amending the FY 2010 budget to appropriate funds in the amount of \$9,000 from the Stormwater Fund, to fund a portion of the executive director's salary for the Arana Gulch Watershed Alliance.

6. Beltz Well 11 Siting Study – Contract Amendment No. 3. (WT)

Motion carried to authorize the City Manager to execute Contract Amendment No. 3 with Hopkins Groundwater Consultants, Inc. in the amount of \$22,580 for additional costs associated with the Beltz Well 11 Siting Study and Hydrogeological Consulting.

7. The California Universal Healthcare Act (SB 810) – Resolution of Support. (CN)

Councilmember Robinson recorded a no vote on this item.

Resolution No. NS-28,161 was adopted supporting SB 810, The California Universal Healthcare Act, and urging the State Legislature and Governor to support SB 810.

End Consent Agenda

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

General Business

8. Pogonip Homeless Garden Project. (PK)

Director of Parks and Recreation D. Shoemaker and Director of Redevelopment and Economic Development B. Lipscomb presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mark Primack
Mike Tomasi
Mac Herrera

Action

Councilmember Lane moved, seconded by Councilmember Madrigal, to: 1) provide conceptual approval of the Homeless Garden Project's (HGP's) Operations and Management Plan, pending environmental evaluation and all other agency permit requirements; 2) direct staff to identify a process, timeline and funding source (if necessary) to address the HGP's request to amend the Master Plan to delete the requirement to use municipal water for Garden irrigation and to acknowledge instead that water from Spring #1 will be used to irrigate the Garden; and 3) direct staff to draft a lease that, once all evaluations are made and agency permit requirements are met, will be brought to Council for action. The motion carried unanimously.

Action

By consensus, staff was directed to include a security element in the final Operation and Maintenance Plan.

General Business (continued)

9. SCWD2 Desalination Task Force – Preliminary Construction Cost Split.
(WT)

Director of Water B. Kocher presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Robinson moved, seconded by Mayor Rotkin, to concur with the SCWD2 Desalination Task Force recommended cost split between the City and the Soquel Creek Water District for the construction of a proposed desalination plant. The motion carried unanimously.

Public Hearings

10. Ordinance No. 2010-01 Amending the Santa Cruz Municipal Code Chapter 16. 05, Changing the Name from Recreational Use of the Loch Lomond Reservoir to Loch Lomond Recreation Area; and 16.05.030 Places and Times to Change the Schedule and Hours of Operation; and 16.05.100 General Regulations Concerning (c) Pets; and (e) Trees, Shrubs and Other Plants. (WT)

Mayor Rotkin opened the public hearing at 4:13 p.m.

No members of the public wished to speak.

Mayor Rotkin closed the public hearing at 4:13 p.m.

Action

Councilmember Beiers moved, seconded by Councilmember Lane, to pass Ordinance 2010-01 for final adoption. The motion carried unanimously.

Public Hearings (continued)

JOINT CITY COUNCIL/
 REDEVELOPMENT AGENCY MEETING
 JANUARY 26, 2010
 3:00 P.M. SESSION

11. Alcohol Ordinance Amendment (Environmental Determination: Categorical Exemption) (City of Santa Cruz, Applicant). (PL)

Mayor Rotkin opened the public hearing at 4:15 p.m.

Principal Planner E. Marlatt, Associate Planner N. Concepcion, and Police Lieutenant R. Martinez presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

John Huffman
 Mike Tomasi
 Morgan Macher
 Michael Pitt
 Annaliese Cube
 Deborah Elston

Mayor Rotkin closed the public hearing at 4:57 p.m.

Action

Councilmember Beiers moved, seconded by Councilmember Robinson, to introduce Ordinance No. 2010-02 for publication amending portions of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) modifying definitions and amending other sections regarding alcohol sales and live entertainment. The motion carried unanimously.

12. Marijuana Moratorium Extension. (PL)

Mayor Rotkin opened the public hearing at 5:02 p.m.

Assistant Director of Planning and Community Development A. Khoury presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Derek Verduzco
 An unidentified man

Public Hearings (continued)

12. Marijuana Moratorium Extension. (Continued)

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Stuart Kriege
Peter Wildberger
An unidentified man

Mayor Rotkin closed the public hearing at 5:16 p.m.

Action

Vice Mayor Coonerty moved, seconded by Councilmember Madrigal, to introduce for publication and pass for final adoption interim Ordinance No. 2010-03, extending the moratorium on the establishment of medical marijuana dispensaries and production houses for a period of four months and 15 days, and declaring the urgency thereof. The motion carried unanimously.

General Business

Advisory Body Appointments

Director of Public Works M. Dettle gave an oral report regarding Items 19 and 21, and responded to Council's questions.

Administrative Assistant II R. Balsley made oral remarks about the advisory body process, and responded to Council's questions.

Action

Councilmember Mathews moved, seconded by Councilmember Madrigal, to continue Items 13, and Items 15 through 23, to the meeting of February 9, 2010, and to direct staff to return with recommendations on the consolidation of the Transportation and Public Works Commissions, and the sunseting of the San Lorenzo River Committee. The motion carried unanimously.

13. Arts Commission Appointment or Reappointment (One Possible Reappointment, with a Term Expiration of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

General Business (continued)

Advisory Body Appointments (continued)

14. Commission for the Prevention of Violence Against Women Appointment (One Opening, Councilmember Robinson's Nomination, with a Term Expiration of 1/1/11). (CC)

Councilmember Robinson nominated Maria L. Leon.

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to approve Councilmember Robinson's nomination to appoint Maria L. Leon to the Commission for Prevention of Violence Against Women. The motion carried unanimously.

15. Downtown Commission Appointments (Two Vacancies, One with a Term Expiration of 1/1/14, and One with a Term Expiration of 1/1/12). (CC)

This item was continued to the meeting of February 9, 2010.

16. Historic Preservation Commission (Two Vacancies, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

17. Parks and Recreation Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

18. Planning Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

19. Public Works Commission (One Vacancy, with a Term Expiration of 1/1/11). (CC)

This item was continued to the meeting of February 9, 2010.

20. San Lorenzo River Committee (Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/11). (CC)

This item was continued to the meeting of February 9, 2010.

General Business (continued)

21. Santa Cruz City Transportation Commission (Two Vacancies, with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

22. Sister Cities Committee (One Possible Reappointment, with a Term Expiration of 1/1/14, and Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/12). (CC)

This item was continued to the meeting of February 9, 2010.

23. Water Commission (Two Openings, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

24. Council Meeting Calendar.

The City Clerk announced that the meeting date for discussion of the FY 2010-2011 Capital Improvement Program will be April 20, 2010, and that the budget hearings are tentatively scheduled for June 7, 2010 and June 9, 2010 (if necessary).

Note: Councilmember Beiers left the meeting at 5:45 p.m.

25. Council Memberships in City Groups and Outside Agencies.

Action Vice Mayor Coonerty moved, seconded by Councilmember Madrigal, to appoint Councilmember Mathews to the Downtown Management Agency in the place of Mayor Rotkin. The motion carried unanimously (Councilmember Beiers absent).

JOINT CITY COUNCIL/
 REDEVELOPMENT AGENCY MEETING
 JANUARY 26, 2010
 3:00 P.M. SESSION

General Business (continued)

26. City Attorney Oral Report on Closed Session.

A. Real Property (Government Code §54956.8).

1. 49A Wharf Lease Negotiations
 (Olita's Lease Extension Negotiations)
 APN: 005-661-01
 Bonnie Lipscomb—Negotiator
2. Soquel Avenue (North Bay Ford - easement)
 1900, 1912, and 1926 Soquel Avenue (Portions of each)
 (Dennis DeMontigny and Kamaljit Sokhon—Owners)
 Bonnie Lipscomb; Ceil Cirillo—City Negotiators
 Assessor's Parcel Numbers 001-051-14; 011-052-37; 001-052-17

Council received status reports and took no reportable action.

B. Conference with Legal Counsel – Liability Claims (Government Code §54956.95)

1. Claimant: Susan Jane Beach
2. Claimant: Allysha Ann Leonard
 Claims Against: City of Santa Cruz

Claims 1 and 2 were not discussed.

C. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations—
1. IAFF Firefighters
 2. Fire Management
 3. Police Officers' Association
 4. Police Management
 5. SEIU – All Units
 6. Operating Engineers-Supervisors
 7. Operating Engineers-Managers

Council received status reports and instructed the negotiator. No reportable action was taken.

D. Public Employee Performance Evaluation (Government Code §54956.7).

Council conducted the performance evaluation of the City Manager.

General Business (continued)

27. 816 Pacific Avenue Lease Extension with Haber Brothers for Space Utilized by Community Television. (CM)

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Lloyd Ellis

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to adopt Resolution No. NS-28,162 authorizing the City Manager to execute a lease extension with Haber Brothers for the space utilized by Community Television at 816 Pacific Avenue. The motion carried unanimously (Councilmember Beiers absent).

Mayor Rotkin recessed the meeting at 5:50 p.m.

Mayor Rotkin reconvened the meeting at 6:03 p.m.

Presentation to Almost Chaos - National SchoolJAM USA Contest Finalists.

Presentation – U.S. Club Soccer.

Adjournment — At 6:24 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of January 26, 2010 to the next regularly scheduled meeting on February 9, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

Adjournment — At 6:24 p.m., the City Council adjourned from the regularly scheduled meeting of January 26, 2010, to the next regularly scheduled meeting on February 9, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Respectfully submitted

Tom Graves
Deputy City Clerk

Approved

Lorrie Brewer
City Clerk

Approved

Michael Rotkin
Mayor

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060

MINUTES OF A REGULAR REDEVELOPMENT AGENCY MEETING

January 12, 2010

3:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 3:08 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Beiers, Madrigal, Robinson; Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: None

Staff: City Manager R. Wilson, Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Economic Development and Redevelopment B. Lipscomb, Director of Human Resources L. Sullivan, Director of Planning and Community Development J. Rebagliati, Director of Parks and Recreation D. Shoemaker, Parks Superintendent S. Hammack, Director of Water B. Kocher, Chief Ranger S. Lang, Associate Planner N. Daly, Climate Change Coordinator R. Clark, Climate Action Assistant C. Lewis, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Pledge of Allegiance

Spotlight on City Services - Greenhouse Gas Inventory Update – Climate Change Coordinator R. Clark and Climate Action Assistant C. Lewis.

Introduction of New Employee – Assistant Director of Water L. Almond introduced Environmental Projects Analyst Ryan Jolley.

Presiding Officer's Announcements – Mayor Rotkin congratulated Peter McGettigan for receiving a Gail Rich Award.

Statements of Disqualification – None.

Additions and Deletions – None.

REDEVELOPMENT AGENCY MEETING
 JANUARY 12, 2010
 3:00 P.M. SESSION

Joint City Council/Redevelopment Agency Oral Communications

Tony Tessba, Robert Norse, and Becky Johnson sang a song about homelessness.

Pat Kittle expressed concerns about time limits on public comments and free speech.

John McGuire expressed concerns about the Friends of Lighthouse Field, and reminded Councilmembers the group was still advocating.

Robert Facer expressed concerns about the poor and homeless.

Dexter Cube expressed concerns about medicinal marijuana.

Derek Verduzco expressed concerns about medicinal marijuana.

Mike Tomasi expressed concerns about freedom and justice.

Consent Agenda

SPEAKING FROM THE FLOOR REQUESTING ITEMS TO BE REMOVED FROM THE CONSENT AGENDA AND/OR EXPRESSING CONCERNS:

Robert Norse

The following item was removed for consideration immediately after action taken on the Consent Agenda: Item 11.

Action

Councilmember/Member Lane moved, seconded by Vice Mayor/Vice Chair Coonerty, to approve the remaining items on the Consent Agenda. The motion carried unanimously.

1. Minutes of the December 8, 2009 Regular City Council Meeting. (CC)

Motion carried to approve as submitted.

2. Minutes of the December 8, 2009 Regular Redevelopment Agency Meeting. (CC)

Motion carried to approve as submitted.

Consent Agenda (continued)

3. Educational Revenue Augmentation Fund (ERAF). (ED)

Redevelopment Agency motion carried directing the Executive Director to pay \$3,746,760 from Agency funds on or before May 10, 2010 to the County Auditor for deposit into the State Supplemental Educational Revenue Augmentation Fund.

Redevelopment Agency Resolution No. 1475 was adopted appropriating funds and amending the Fiscal Year (FY) 2010 budget in the amount of \$3,746,760 from the Merged and Eastside Project Area Debt Service Funds.

4. Tannery Arts Center – National Endowment of the Humanities Grant Application. (ED)

Redevelopment Agency Resolution No. 1476 was adopted authorizing the Executive Director, or her designee, to apply for a grant in an amount not to exceed \$51,901 from the National Endowment of the Humanities to fund Historic Interpretative Exhibits which are being created as part of the rehabilitation of the Tannery's historic buildings and to execute any and all documents, in a form approved by the City Attorney, necessary to accept the grant.

5. U. S. Department of Commerce, Economic Development Administration (EDA), American Recovery and Reinvestment Act (ARRA) Grant - Budget Adjustment. (ED)

Redevelopment Agency Resolution No. 1477 was adopted appropriating funds and amending the FY 2010 budget in the amount of \$4,766,250 for the EDA ARRA grant for the Digital Media Center at the Tannery and \$430,805 for project costs which are not grant eligible.

6. Placement of Proceeds from Sale of 913 Cedar Street into Public Trust Fund. (FN)

Motion carried to direct staff to place the proceeds from the sale of the property at 913 Cedar Street into the Public Trust Fund.

REDEVELOPMENT AGENCY MEETING
 JANUARY 12, 2010
 3:00 P.M. SESSION

Consent Agenda (continued)

7. Annual Financial Reports for FY 2009. (FN/ED/RDA)
 Motion carried to authorize the Finance Director to file the Comprehensive Annual Financial Report and Single Audit Report for Fiscal Year 2009.
 Motion carried to authorize the Agency Executive Director to file the Redevelopment Agency Financial Report for Fiscal Year 2009.
8. Liability Claims Filed Against City of Santa Cruz. (HR)
 Motion carried to reject liability claims a) Carol E. Meilicke and b) Patricia Kathleen Miller, based upon staff investigation.
9. Naming of Field 1 "Rich Young Field" and Installation of a Memorial Plaque at Harvey West Park. (PK)
 Motion carried to authorize the naming of Field 1 "Rich Young Field" and authorize the placement of a memorial plaque in honor of Mr. Young at the "Little League Field" at Harvey West Park.
10. Approving and Appointing Representatives to Other Agencies and Groups and Council Committees and Task Forces. (CN)

Action

Councilmember Robinson moved, seconded by Mayor Rotkin, to appoint or nominate representatives to other agencies and groups and Council committees and task forces as presented, with the following exception:

City of Santa Cruz and Soquel Creek Desalination Project,
 Councilmember Lane as the Regular Member and Councilmember Coonerty as the Alternate Member.

The motion carried unanimously.

End Consent Agenda

General Business

11. Statewide Park Development and Community Revitalization Act of 2008 (Proposition 84) Property Selection. (PK)

Director of Parks and Recreation D. Shoemaker and Superintendent of Parks S. Hammack presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Robinson moved, seconded by Councilmember Beiers, to select the Lower Ocean Neighborhood for acquisition and development of a neighborhood park to be submitted for the Statewide Park Development and Community Revitalization Act of 2008 (Statewide Park Program) Prop 84. The motion carried unanimously.

12. Loch Lomond Recreation Area – Changes for 2010 Season. (WT)

Director of Water B. Kocher and Chief Ranger S. Lang presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to introduce for publication Ordinance No. 2010-01 amending the Santa Cruz Municipal Code Chapter 16. 05, changing the name from Recreational Use of the Loch Lomond Reservoir to Loch Lomond Recreation Area; and 16.05.030 Places and Times to change the schedule and hours of operation; and 16.05.100 General Regulations concerning (c) pets; and (e) trees, shrubs and other plants, and to adopt Resolution No. NS-28,156 amending the Loch Lomond Recreation Area Fee Schedule to increase the Boat Storage Fee to \$200 per season, and rescinding Resolution No. NS-28,075 in its entirety. The motion carried unanimously.

REDEVELOPMENT AGENCY MEETING
 JANUARY 12, 2010
 3:00 P.M. SESSION

General Business (continued)

13. Resolution Establishing the Interest Rate for Residential Rental Property Security Deposits. (ED)

Associate Planner N. Daly presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Ron Pomerantz

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to adopt Resolution No. NS-28,157 establishing the interest rate for residential security deposits at 0.10% and rescinding Resolution No. NS-27,997. The motion carried by the following vote:

AYES: Councilmembers Lane, Mathews, Beiers, Madrigal, Robinson; Vice Mayor Coonerty.
 NOES: Mayor Rotkin.
 ABSENT: None.
 DISQUALIFIED: None.

Public Hearing

14. Authorization to Participate in a Renewable Energy Assessment District Program. (PL)

Mayor Rotkin opened the public hearing at 4:41 p.m.

Director of Planning and Community Development J. Rebagliati and Climate Change Coordinator R. Clark presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT:

Rom Pomerantz

Mayor Rotkin closed the public hearing at 5:09 p.m.

Action

Councilmember Robinson moved, seconded by Vice Mayor Coonerty, to adopt Resolution No. NS-28,158 authorizing the City of Santa Cruz to join the CaliforniaFIRST Program, and to adopt Resolution No. NS-28,159 authorizing Sacramento County to serve as the Lead Collaborative Entity to apply for California Energy Commission SEP grant funds. The motion carried unanimously.

General Business

15. Council Meeting Calendar.

Mayor Rotkin reminded Councilmembers about the Special Meeting scheduled for January 19, 2010 at 7:00 p.m.

16. City Attorney Oral Report on Closed Session.

- A. Real Property (Government Code §54956.8).
49A Wharf Lease Negotiations (Carniglia's)
APN: 005-651-012
Bonnie Lipscomb--Negotiator

Council received a status report and took no reportable action..

- B. Conference with Legal Counsel– Anticipated Litigation (Government Code §54956.9).

Significant exposure of City to Litigation (Government Code §54956.9(b)) (3 cases)

3 cases were discussed.

17. City Attorney Oral Report on Closed Session (continued)

- D. Conference With Legal Counsel—Existing Litigation (Government Code §54956.9).

1. Greiner v. City of Santa Cruz, United States District Court Case No. C07-02523-RS.
2. People v. Bradley Kellma, Santa Cruz Superior Court Case No. CV151944.

Council settled Item 1, Greiner v. City of Santa Cruz, for \$5,000, and took no reportable action on Item 2.

- E. Conference with Legal Counsel – Liability Claims (Government Code §54956.95)

1. Claimant: Carol E. Meilicke
2. Claimant: Patricia Kathleen Miller

Claims against: City of Santa Cruz

Claims 1 and 2 were not discussed.

REDEVELOPMENT AGENCY MEETING
 JANUARY 12, 2010
 3:00 P.M. SESSION

General Business (continued)

17. City Attorney Oral Report on Closed Session (continued)

F. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- | | | |
|--------------------------|----|-----------------------------------|
| Employee Organizations - | 1. | IAFF - Firefighters |
| | 2. | Fire Management |
| | 3. | Police Management |
| | 4. | Police Officers' Association |
| | 5. | SEIU – All Units |
| | 6. | Operating Engineers - Supervisors |
| | 7. | Operating Engineers – Managers |

Council received status reports on 2 and 3 only, and took no reportable action.

18. Council Memberships in City Groups and Outside Agencies.

Councilmember Mathews reported that a Tourism Marketing District proposal will be coming soon from the Convention and Visitors Council.

Councilmember Lane reported that the Regional Transportation Commission funding has now been released for landscaping at the Highway 17/Highway 1 merge project.

Councilmember Madrigal announced that the Tri-County Latino Electeds Association will be having a regional 2010 Census training at 6:00 p.m., January 28, 2010 at Salinas High School Theater.

Adjournment — At 5:21 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of January 12, 2010 to the next regularly scheduled meeting on January 26, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Approved

 Mike Rotkin
 Chair

Attest

 Bonnie Lipscomb
 Executive Director

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060

MINUTES OF A REGULAR REDEVELOPMENT AGENCY MEETING

January 26, 2010
3:00 PM SESSION

Mayor/Chair Rotkin called the meeting to order at 3:08 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Beiers, Madrigal, Robinson; Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: None.

Staff: City Manager R. Wilson, Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Economic Development and Redevelopment B. Lipscomb, Director of Human Resources L. Sullivan, Director of Planning and Community Development J. Rebagliati, Assistant Director of Planning and Community Development A. Khoury, Principal Planner E. Marlatt, Associate Planner N. Concepcion, Director of Parks and Recreation D. Shoemaker, Chief of Police H. Skerry, Deputy Chief of Police P. Sapone, Police Lieutenant R. Martinez, Director of Public Works M. Dettle, Director of Water B. Kocher, Deputy Water Director/ Operations Manager T. Tompkins, CPVAW Coordinator K. Agnone, City Clerk L. Brewer, Administrative Assistant II R. Balsley, Deputy City Clerk T. Graves.

Pledge of Allegiance

Presentation – Thirty-Year Service Pin to Terry Tompkins, Deputy Water Director/Operations Manager, by Director of Water B. Kocher.

Presentation - Mayor's Proclamation Recognizing January as National Blood Donor Month – Patti Childress, American Red Cross.

Presentation - Mayor's Proclamation Recognizing Deputy Chief of Police Patty Sapone on her Retirement - Chief of Police H. Skerry.

REDEVELOPMENT AGENCY MEETING
 JANUARY 26, 2010
 3:00 P.M. SESSION

Presiding Officer's Announcements

Statements of Disqualification – None.

Additions and Deletions – None.

Joint City Council/Redevelopment Agency Oral Communications

An unidentified woman thanked Councilmembers for their service to the community.

Ron Pomerantz spoke about a hotel fee mentioned in a Santa Cruz newspaper story, and asked Councilmembers to discuss the fee at a future Council meeting. He suggested increasing the Transient Occupancy Tax instead.

Kathy Agnone announced that the Commission for the Prevention of Violence Against Women (CPVAW) is sponsoring Take Back Our Streets on January 28, 2010 at 6:30 p.m.

Eric Rodberg spoke about the Lower Ocean Street neighborhood, the recent shootings there, and urged an interdepartmental approach to crime.

Mike Tomasi spoke about freedom and justice.

Tony Madrigal announced a Train the Trainers workshop for Census 2010 in Salinas on January 30, 2010.

Consent Agenda

No items were removed from the Consent Agenda.

Action

Councilmember Robinson moved, seconded by Councilmember Beiers, to approve the remaining items on the Consent Agenda. The motion carried unanimously (Councilmember Robinson recording a no vote on Item 7).

1. Citywide Wayfinding Study - Approval to Proceed. (ED)

Motion carried to authorize the Executive Director to proceed with a Citywide Wayfinding Study.

REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

2. Tannery Arts Center – Authorization to Apply for Grant Funding from the California Cultural and Historical Endowment. (ED)

Redevelopment Agency Resolution No. 1478 was adopted authorizing the Executive Director to apply for a grant in an amount up to \$500,000 from the California Cultural and Historical Endowment for the Tannery Arts Center Project and to execute any and all documents, in a form approved by the City Attorney, necessary to accept the grant.

3. Liability Claims Filed Against City of Santa Cruz. (HR)

Motion carried to reject liability claims a) Susan Jane Beach and b) Allysha Ann Leonard, based upon staff investigation.

4. Stormwater Fund for Arana Gulch Watershed Alliance - Budget Adjustment. (PW)

Resolution No. NS-28,160 was adopted amending the FY 2010 budget to appropriate funds in the amount of \$9,000 from the Stormwater Fund, to fund a portion of the executive director's salary for the Arana Gulch Watershed Alliance.

5. Beltz Well 11 Siting Study – Contract Amendment No. 3. (WT)

Motion carried to authorize the City Manager to execute Contract Amendment No. 3 with Hopkins Groundwater Consultants, Inc. in the amount of \$22,580 for additional costs associated with the Beltz Well 11 Siting Study and Hydrogeological Consulting.

6. The California Universal Healthcare Act (SB 810) – Resolution of Support. (CN)

Councilmember Robinson recorded a no vote on this item.

Resolution No. NS-28,161 was adopted supporting SB 810, The California Universal Healthcare Act, and urging the State Legislature and Governor to support SB 810.

End Consent Agenda

REDEVELOPMENT AGENCY MEETING
 JANUARY 26, 2010
 3:00 P.M. SESSION

General Business

7. Pogonip Homeless Garden Project. (PK)

Director of Parks and Recreation D. Shoemaker and Director of Redevelopment and Economic Development B. Lipscomb presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mark Primack
 Mike Tomasi
 Mac Herrera

Action

Councilmember Lane moved, seconded by Councilmember Madrigal, to: 1) provide conceptual approval of the Homeless Garden Project's (HGP's) Operations and Management Plan, pending environmental evaluation and all other agency permit requirements; 2) direct staff to identify a process, timeline and funding source (if necessary) to address the HGP's request to amend the Master Plan to delete the requirement to use municipal water for Garden irrigation and to acknowledge instead that water from Spring #1 will be used to irrigate the Garden; and 3) direct staff to draft a lease that, once all evaluations are made and agency permit requirements are met, will be brought to Council for action. The motion carried unanimously.

Action

By consensus, staff was directed to include a security element in the final Operation and Maintenance Plan.

REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

General Business (continued)

8. SCWD2 Desalination Task Force – Preliminary Construction Cost Split.
(WT)

Director of Water B. Kocher presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Mike Tomasi

Action

Councilmember Robinson moved, seconded by Mayor Rotkin, to concur with the SCWD2 Desalination Task Force recommended cost split between the City and the Soquel Creek Water District for the construction of a proposed desalination plant. The motion carried unanimously.

Public Hearings

9. Ordinance No. 2010-01 Amending the Santa Cruz Municipal Code Chapter 16. 05, Changing the Name from Recreational Use of the Loch Lomond Reservoir to Loch Lomond Recreation Area; and 16.05.030 Places and Times to Change the Schedule and Hours of Operation; and 16.05.100 General Regulations Concerning (c) Pets; and (e) Trees, Shrubs and Other Plants. (WT)

Mayor Rotkin opened the public hearing at 4:13 p.m.

No members of the public wished to speak.

Mayor Rotkin closed the public hearing at 4:13 p.m.

Action

Councilmember Beiers moved, seconded by Councilmember Lane, to pass Ordinance 2010-01 for final adoption. The motion carried unanimously.

REDEVELOPMENT AGENCY MEETING
 JANUARY 26, 2010
 3:00 P.M. SESSION

Public Hearings (continued)

10. Alcohol Ordinance Amendment (Environmental Determination: Categorical Exemption) (City of Santa Cruz, Applicant). (PL)

Mayor Rotkin opened the public hearing at 4:15 p.m.

Principal Planner E. Marlatt, Associate Planner N. Concepcion, and Police Lieutenant R. Martinez presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

John Huffman
 Mike Tomasi
 Morgan Macher
 Michael Pitt
 Annaliese Cube
 Deborah Elston

Mayor Rotkin closed the public hearing at 4:57 p.m.

Action

Councilmember Beiers moved, seconded by Councilmember Robinson, to introduce Ordinance No. 2010-02 for publication amending portions of Title 24 of the Santa Cruz Municipal Code (Zoning Ordinance) modifying definitions and amending other sections regarding alcohol sales and live entertainment. The motion carried unanimously.

11. Marijuana Moratorium Extension. (PL)

Mayor Rotkin opened the public hearing at 5:02 p.m.

Assistant Director of Planning and Community Development A. Khoury presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Derek Verduzco
 An unidentified man

REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

Public Hearings (continued)

12. Marijuana Moratorium Extension. (Continued)

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Stuart Kriege
Peter Wildberger
An unidentified man

Mayor Rotkin closed the public hearing at 5:16 p.m.

Action

Vice Mayor Coonerty moved, seconded by Councilmember Madrigal, to introduce for publication and pass for final adoption interim Ordinance No. 2010-03, extending the moratorium on the establishment of medical marijuana dispensaries and production houses for a period of four months and 15 days, and declaring the urgency thereof. The motion carried unanimously.

General Business

Advisory Body Appointments

Director of Public Works M. Dettle gave an oral report regarding Items 19 and 21, and responded to Council's questions.

Administrative Assistant II R. Balsley made oral remarks about the advisory body process, and responded to Council's questions.

Action

Councilmember Mathews moved, seconded by Councilmember Madrigal, to continue Items 13, and Items 15 through 23, to the meeting of February 9, 2010, and to direct staff to return with recommendations on the consolidation of the Transportation and Public Works Commissions, and the sunseting of the San Lorenzo River Committee. The motion carried unanimously.

12. Arts Commission Appointment or Reappointment (One Possible Reappointment, with a Term Expiration of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

REDEVELOPMENT AGENCY MEETING
 JANUARY 26, 2010
 3:00 P.M. SESSION

General Business (continued)

Advisory Body Appointments (continued)

13. Commission for the Prevention of Violence Against Women Appointment (One Opening, Councilmember Robinson's Nomination, with a Term Expiration of 1/1/11). (CC)

Councilmember Robinson nominated Maria L. Leon.

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to approve Councilmember Robinson's nomination to appoint Maria L. Leon to the Commission for Prevention of Violence Against Women. The motion carried unanimously.

14. Downtown Commission Appointments (Two Vacancies, One with a Term Expiration of 1/1/14, and One with a Term Expiration of 1/1/12). (CC)

This item was continued to the meeting of February 9, 2010.

15. Historic Preservation Commission (Two Vacancies, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

16. Parks and Recreation Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

17. Planning Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

18. Public Works Commission (One Vacancy, with a Term Expiration of 1/1/11). (CC)

This item was continued to the meeting of February 9, 2010.

19. San Lorenzo River Committee (Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/11). (CC)

This item was continued to the meeting of February 9, 2010.

REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

General Business (continued)

20. Santa Cruz City Transportation Commission (Two Vacancies, with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

21. Sister Cities Committee (One Possible Reappointment, with a Term Expiration of 1/1/14, and Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/12). (CC)

This item was continued to the meeting of February 9, 2010.

22. Water Commission (Two Openings, Both with Term Expirations of 1/1/14). (CC)

This item was continued to the meeting of February 9, 2010.

23. Council Meeting Calendar.

The City Clerk announced that the meeting date for discussion of the FY 2010-2011 Capital Improvement Program will be April 20, 2010, and that the budget hearings are tentatively scheduled for June 7, 2010 and June 9, 2010 (if necessary).

Note: Councilmember Beiers left the meeting at 5:45 p.m.

24. Council Memberships in City Groups and Outside Agencies.

Action Vice Mayor Coonerty moved, seconded by Councilmember Madrigal, to appoint Councilmember Mathews to the Downtown Management Agency in the place of Mayor Rotkin. The motion carried unanimously (Councilmember Beiers absent).

REDEVELOPMENT AGENCY MEETING
 JANUARY 26, 2010
 3:00 P.M. SESSION

General Business (continued)

25. City Attorney Oral Report on Closed Session.

A. Real Property (Government Code §54956.8).

1. 49A Wharf Lease Negotiations
 (Olita's Lease Extension Negotiations)
 APN: 005-661-01
 Bonnie Lipscomb—Negotiator
2. Soquel Avenue (North Bay Ford - easement)
 1900, 1912, and 1926 Soquel Avenue (Portions of each)
 (Dennis DeMontigny and Kamaljit Sokhon—Owners)
 Bonnie Lipscomb; Ceil Cirillo—City Negotiators
 Assessor's Parcel Numbers 001-051-14; 011-052-37; 001-052-17

Council received status reports and took no reportable action.

B. Conference with Legal Counsel – Liability Claims (Government Code §54956.95)

1. Claimant: Susan Jane Beach
2. Claimant: Allysha Ann Leonard
 Claims Against: City of Santa Cruz

Claims 1 and 2 were not discussed.

C. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations—
1. IAFF Firefighters
 2. Fire Management
 3. Police Officers' Association
 4. Police Management
 5. SEIU – All Units
 6. Operating Engineers-Supervisors
 7. Operating Engineers-Managers

Council received status reports and instructed the negotiator. No reportable action was taken.

D. Public Employee Performance Evaluation (Government Code §54956.7).

Council conducted the performance evaluation of the City Manager.

REDEVELOPMENT AGENCY MEETING
JANUARY 26, 2010
3:00 P.M. SESSION

General Business (continued)

26. 816 Pacific Avenue Lease Extension with Haber Brothers for Space Utilized by Community Television. (CM)

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Lloyd Ellis

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to adopt Resolution No. NS-28,162 authorizing the City Manager to execute a lease extension with Haber Brothers for the space utilized by Community Television at 816 Pacific Avenue. The motion carried unanimously (Councilmember Beiers absent).

Mayor Rotkin recessed the meeting at 5:50 p.m.

Mayor Rotkin reconvened the meeting at 6:03 p.m.

Presentation to Almost Chaos - National SchoolJAM USA Contest Finalists.

Presentation – U.S. Club Soccer.

Adjournment — At 6:24 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of January 26, 2010 to the next regularly scheduled meeting on February 9, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Approved

Mike Rotkin
Chair

Attest

Bonnie Lipscomb
Executive Director



CITY COUNCIL AGENDA REPORT

DATE: 02/01/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Economic Development

SUBJECT: 49-A Municipal Wharf - Municipal Wharf Lease Agreement with Barking Lion Corporation. (ED)

RECOMMENDATION: Motion to authorize and direct the City Manager to execute a Municipal Wharf Lease Agreement and any amendments thereto of a non-substantive nature, in a form acceptable to the City Attorney, with Barking Lion Corporation for the operation of a restaurant at 49-A Municipal Wharf.

BACKGROUND: On June 18, 1984, Martha Carniglia, Irene Robinson and Dan Robinson entered into a Wharf Lease Agreement (the “Lease”) for the premises located at 49-A Municipal Wharf, a City-owned building. The Lease provided for the operation of a restaurant, cocktail lounge, and fish market. In June 22, 1993, the Lease was assigned to Steve Carniglia who has operated the business as Carniglia’s through the present date. The Lease terminates on December 31, 2013.

DISCUSSION: Martin Drobac and Germaine Akin are negotiating as Barking Lion Corporation with Steve Carniglia for the purchase of Carniglia’s. Mr. Drobac became a quarter-share owner of the Riva Fish House on the wharf in 1981, and has been the sole owner since November 2007. Ms. Akin has owned and operated restaurants in Santa Cruz since 1976, and is currently co-owner of Red Restaurant and Bar and 515 Kitchen and Cocktails, and is sole owner of the Red Room. Upon closing the purchase of Carniglia’s, Barking Lion Corporation intends to construct substantial tenant improvements in the restaurant’s interior, install an outdoor patio dining area, and restructure the menu under their “good food at an affordable price” and “diner friendly” business concepts. The restaurant will offer a broader array of entrees and expects to serve families with children as well as individuals and couples seeking a more lively dining experience than is currently offered. The restaurant will retain the Carniglia’s name, and the purchase is contingent upon Barking Lion Corporation entering into a new Municipal Wharf Lease Agreement.

Staff and Barking Lion Corporation have negotiated key terms of the new Lease to include:

Term of Lease: Initial term of twenty years expiring in 2030

Options: Three five-year extensions

Rent: For the first five years, the greater of a minimum annual rent of \$40,000 or 3% of gross annual sales. The minimum annual rent increases to the greater of \$70,000 or 5% of gross annual sales on the sixth anniversary of the Lease. Commencing on the sixth, eleventh, and sixteenth anniversary of the Lease, rent shall be the greater of 75% of the average annual rent paid during the preceding five year period(s) or 5% of the total gross sales. The rent for the five year period commencing on the sixth anniversary of the Lease will not be less than \$70,000 and the minimum annual rent for each succeeding five year period will not be less than the minimum annual rent paid for the preceding five year period

Tenant Improvements: \$500,000 by the end of Year 2

Capital Improvements: Contributions of 1% of annual gross sales beginning in Year 6 and continuing throughout the term of the Lease

The proposed terms of the new lease are reflective of the City's recently crafted model lease template. Similar rent structuring will be applied to all expiring and new Municipal Wharf leases going forward.

FISCAL IMPACT: The revenue generated from the Lease will post to the general fund. Expected annual rental revenues are as stated above in the section describing key terms of the Lease.

Prepared by:
Norm Daly
Wharf Property Manager

Submitted by:
Bonnie Lipscomb
Director of Economic Development

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: None



CITY COUNCIL AGENDA REPORT

DATE: 02/01/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Finance

SUBJECT: Living Wage Rate Annual Prescription for 2010. (FN)

RECOMMENDATION: Resolution upwardly indexing the prescribed minimum living wage rate by 0.2%, the amount which corresponds to San Francisco-Oakland-San Jose Area Consumer Price Index (CPI), for the period ending October 31, 2009 to become effective July 1, 2010.

BACKGROUND: On October 24, 2000, City Council adopted Ordinance No. 2000-25 pertaining to the payment of a living wage. This ordinance applies to City service contracts of \$10,000 or more. Section 5.10.040 of the ordinance requires that the City Council adopt a recommendation regarding adjustments to minimum wage rates and benefits in February of each year to be effective on July 1 of the same year. The resolution is to prescribe the minimum wage rates and benefits. This section of the ordinance further requires that, at a minimum, the living wage rates shall be upwardly indexed each year by an amount which corresponds to the San Francisco-Oakland-San Jose area CPI for urban wage earners and clerical workers for the twelve-month period ending on October 31, of the previous year.

DISCUSSION: This CPI report for the period ending October 31, 2009, reflects an increase of 0.2%. Staff recommends that this percentage be used to upwardly index the current living wage rate, effective July 1, 2010. Using this percentage to calculate the new minimum living wage rates will result in the following:

1. The minimum living wage to be paid to employees when said employees receive the minimum leave and health insurance benefits prescribed in this resolution shall be increased by \$0.03 to \$13.60 per hour.
2. The minimum living wage to be provided to employees where the employees do not receive the minimum leave and health insurance benefits prescribed in this resolution shall be increased by \$0.03 to \$14.83 per hour.
3. The minimum sick leave, vacation leave and health insurance benefits which must be provided to employees in order to qualify for the \$13.60 per hour wage rate shall be as follows:
 - A. Compensated sick leave/vacation leave: a combined 12 days annually for full-time employees and prorated for employees working less than full time.

B. Uncompensated sick leave/vacation leave: a combined 10 days annually for full-time employees and prorated for employees working less than full time.

C. Health insurance benefits: the payment of at least \$1.23 per hour towards the payment for a health insurance policy for the employee. The CPI-based increase for this amount is less than one penny, so there is no change in this figure.

FISCAL IMPACT: This raise in the minimum living wage may increase contract pricing for some service contracts; however, it is not possible to determine any fiscal impact at this time.

Prepared by:
Laura Nolan
Purchasing Manager

Submitted by:
Jack Dilles
Finance Director

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Resolution

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA CRUZ ESTABLISHING MINIMUM LIVING WAGE RATES
EFFECTIVE JULY 1, 2010 THROUGH JUNE 30, 2011

WHEREAS, the City Council adopted Ordinance No. 2000-25 on October 24, 2000; and

WHEREAS, the living wage ordinance, at Municipal Code Section 5.10.030 requires the payment of a living wage to all “employees” as that term is defined in the ordinance; and

WHEREAS, Section 5.10.040 requires the City Council on an annual basis to consider a recommendation in February of each year, and to prescribe by resolution to become effective no later than July 1 of each year, the minimum living wage rates to be paid to employees pursuant to the requirements of the ordinance.

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

1. The minimum living wage to be paid to employees when said employees receive the minimum vacation leave, sick leave, and health insurance benefits prescribed in this resolution shall be \$13.60 per hour.
2. The minimum living wage to be provided to employees where the employees do not receive the minimum vacation leave, sick leave, and health insurance benefits prescribed in this resolution shall be \$14.83 per hour.
3. The minimum vacation leave, sick leave, and health insurance benefits which must be provided to employees in order to qualify for the \$13.60 per hour minimum living wage prescribed in this resolution shall be as follows:
 - A. Compensated sick leave/vacation leave: a combined 12 days annually for full-time employees and prorated for employees working less than full time.
 - B. Uncompensated sick leave/vacation leave: a combined 10 days annually for full-time employees and prorated for employees working less than full time.
 - C. Health insurance benefits: the payment of at least \$1.23 per hour towards the payment for a health insurance policy for the employee.

PASSED AND ADOPTED this 9th day of February, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 02/01/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Human Resources

SUBJECT: Liability Claims Filed Against City of Santa Cruz. (HR)

RECOMMENDATION: Motion to reject liability claims: a) Wallace Woodworth Berry; and b) Paulino Mendosa Sanchez, based upon staff investigation.

BACKGROUND:

- a. Claimant: Wallace Woodworth Berry
Date of occurrence: 10/30/09
Date of claim: 12/09/09
Amount of claim: \$3,783.01

Claimant alleges faulty road design caused his one-car accident.

Represented by himself.

- b. Claimant: Paulino Mendosa Sanchez
Date of occurrence: 06/05/09
Date of claim: 11/30/09
Amount of claim: \$3,623.04

Claimant seeks reimbursement for cost of a vehicle tow and damages for loss of work, a hospital bill and other damages.

Represented by himself.

DISCUSSION: None

FISCAL IMPACT: None

Prepared by:
Kris Kamandulis
Risk & Safety Manager

Submitted by:
Lisa Martinez Sullivan
Director of Human Resources

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: None



CITY COUNCIL AGENDA REPORT

DATE: 02/01/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Human Resources

SUBJECT: City's Classification and Compensation Plans and the FY 2010 Budget
Personnel Complement - Water Department. (HR)

RECOMMENDATION: Resolution amending the Classification and Compensation Plans and the FY 2010 Budget Personnel Complement by adding one full time Utility Service Representative (USR) position to the Water Department.

BACKGROUND: The Eden Utility Billing database implementation has been a big transition for the Customer Service division of the Water Department. The new online bill pay function, requiring additional file and customer management, and immediate response to customer e-mails as they have problems with their accounts, have been added to the division. There are online enrollments of approximately over 3,000 customers, more than 10% of the customer base.

The Customer Service division of the Water department assists customers both in-person and on the phone, generates work orders to solve problems, reads meters, creates bills for service, and receives payments. One USR has been removed from the front counter to focus on data entry for work orders and billing. Eden requires significant data entry to produce work orders for water, sewer and sanitation. In FY 2008, prior to Eden, the customer service office produced over 32,000 work orders for sewer, refuse, water and customer changes in the database. Some of this process and the billing was automatically generated by the replaced HP computer system. With Eden, there is no automatic generation so the customer service office enters all of the data and produces the billings. A temporary employee has partially replaced the USR reassigned from the front counter to data entry.

In addition to increased data entry duties, field service duties—such as delivery of turnoff notices—have increased due to a combination of economic factors and changes to the billing process. As a result, staff is unable to keep up with the work. There have been several weeks when there were in excess of 900 tags to be hung. Our ability to hang these tags directly affects the division's ability to collect payments.

DISCUSSION: In order to maintain an efficient customer service division responsible for generating bills and late payment notices and collecting revenues, it is recommended that a regular full time Utility Service Representative (USR) position be added to the classification and compensation plans.

FISCAL IMPACT: The cost impact to the Water Fund for the FY 2010 budget will be approximately \$18,475. This cost will be completely offset by salary savings from unfilled positions. The annual cost to the Water Fund is approximately \$65,367 and will be paid out of the Water revenues. Cost estimates for both fiscal years assume the furlough - or its equivalent cost saving measure - is in place.

Prepared by:
Cathy Bonino
Principal HR Analyst

Submitted by:
Lisa Martinez Sullivan
Director of Human Resources

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AMENDING THE CLASSIFICATION AND COMPENSATION PLANS AND THE
FY 2010 BUDGET PERSONNEL COMPLEMENT - WATER DEPARTMENT
BY ADDING ONE (1) 1.0 FTE UTILITY SERVICE REPRESENTATIVE POSITION

WHEREAS, staff has recommended certain modifications to the Classification and Compensation Plans.

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

That, effective February 20, 2010, the City of Santa Cruz Classification and Compensation Plans be modified to:

	<u>Class No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u>
Add	199	7103	Utility Service Representative (1.0FTE)	\$2,746- \$4,056/mo.

PASSED AND ADOPTED this 9th day of February, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 02/03/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Public Works

SUBJECT: City Storm Water Management Plan – Plan Changes Regarding
Developing Hydromodification Control Criteria. (PW)

RECOMMENDATION: Motion directing staff to join the Regional Joint Effort for Developing Hydromodification Control Criteria and making the required related revisions to the City's Storm Water Management Plan in compliance with the City's State Storm Water Permit.

BACKGROUND: In April 2009, the City of Santa Cruz (City) received coverage under the State's Municipal General Permit for Storm Water Discharges (Storm Water Permit) and approval of its Storm Water Management Plan (SWMP) from the Central Coast Regional Water Quality Control Board (Regional Board). The Storm Water Permit required the City to develop and implement interim hydromodification control criteria for development projects within one year and to develop and implement long term hydromodification control criteria within five years.

Hydromodification control criteria are conditions the City must impose on new developments and redevelopment projects so that the property maximizes the infiltration of clean storm water into the ground and minimizes runoff volumes and rates. The Regional Board added these new requirements to the Storm Water Permit in order to prevent erosion of downstream waterways from increased flows (due to development projects causing increased impermeable surfaces) and to ensure long term watershed protection.

DISCUSSION: Due to concerns from municipalities in the Central Coast region about developing interim hydromodification controls for development projects within one year per the Storm Water Permit requirements, the Regional Board developed and organized a regional Joint Effort (Joint Effort) to develop long term hydromodification control criteria. The Regional Board secured \$600,000 in funds from the State Water Board's Cleanup and Abatement Account to fully fund the first phase of this Joint Effort.

In late October 2009, the Regional Board offered the City and other municipalities in the region the option to join this Joint Effort in lieu of the current Storm Water Permit hydromodification control requirements. The City had until November 30, 2009 to respond to the Regional Board and declare its commitment to the Joint Effort. By the due date, City staff did indicate to the Regional Board our intent to join this Joint Effort on the condition of approval by the City Council.

The Joint Effort is estimated to be a two year process. By joining this regional effort, the City will no longer be required to develop interim hydromodification controls by April 2010 and long term hydromodification controls by April 2014. Instead, the City will be required to have hydromodification control requirements in place by summer 2011. Thus, although this Joint Effort approach is preferable because it eliminates the requirement to develop interim controls and focuses on developing the long term control criteria--an approach which City staff has advocated since the beginning--the Joint Effort does substantially shorten the timeline that the City originally had to develop the long term controls.

As previously mentioned, the Regional Board has secured \$600,000 in funding for the Joint Effort, which is anticipated to fund the first year of the program. During this first year, the methodology to develop watershed-specific hydromodification controls will be developed. Although this should result in a cost savings to the City and the other participating agencies, at this time funding for the second year (during which time the methodology must be used to develop the actual controls for a developer to use) has not been secured and may not be available. Thus, each agency could be responsible for funding the second year's work in its own respective locale.

If the City does choose to join the Joint Effort, staff is required to make revisions to the City's Storm Water Management Plan as directed by the Regional Board in order to indicate our commitment to the Joint Effort and to make the appropriate timeline changes. These revisions were required to be made by January 29, 2010. The Regional Board was notified by staff that joining the Joint Effort and related storm water revisions would not be presented to Council for approval until February 9, 2010 and the submittal was tentative pursuant to Council approval. Subsequently there will be a review period by the Regional Board. Perhaps the most notable change is that the City will now have two years to develop the long term hydromodification controls rather than four more years as specified in our current SWMP.

In summary, staff recommends that the City join the regional Joint Effort because it was created by the Regional Board with the intent of providing assistance to local municipalities, both technically and financially, with the development of hydromodification control criteria for new and redevelopment projects. The benefits to participating in the Joint Effort including the following:

- 1) Program oversight and Year 1 funding by the Regional Board;
- 2) All participants will share information and receive technical assistance;
- 3) Participants will be on the same implementation schedule and any significant project delays will result in an adjusted implementation schedule by the Regional Board;
- 4) Elimination of the requirement to develop interim control criteria by April 2010;
- 5) Likelihood that the result will be a sensible methodology for developing hydromodification control criteria that will be strongly supported by the Regional Board.

FISCAL IMPACT: Although the fiscal impacts are difficult to estimate at this time, participation in the regional Joint Effort for developing hydromodification control criteria should not result in higher costs than if the City chooses to develop hydromodification control criteria on its own.

Last year, staff estimated that the development of hydromodification control criteria could cost at least \$40,000-\$50,000. As previously mentioned, if the City joins the Joint Effort, we will most likely need to pay for the work required in Year 2 which includes hiring a consultant to develop and tailor the hydromodification controls for our local conditions using the methodology determined by the Joint Effort. However, staff hopes to keep these costs to within or less than our original estimate of \$40,000-\$50,000. This may be possible due to potential collaboration with the Cities of Watsonville and Scotts Valley (and possibly also the City of Capitola and the County of Santa Cruz), which the City has already commenced.

Prior to this Joint Effort opportunity, staff had already jointly hired a consultant with the Cities of Watsonville and Scotts Valley to develop interim hydromodification controls in the most cost-effective way possible by cost-sharing the common work between the three entities. We therefore anticipate that all three cities will continue to work cooperatively through this process in order to keep costs down while fulfilling our storm water permit's hydromodification control requirements. Staff also hopes by working together with neighboring municipalities that the local hydromodification control criteria will be more consistent, wherever practical, and thus less confusing for local developers and property owners.

Prepared by:
Suzanne Healy
Environmental Projects Analyst

Submitted by:
Mark R. Dettle
Director of Public Works

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: None



CITY COUNCIL AGENDA REPORT

DATE: 02/01/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Public Works

SUBJECT: Award Biosolids End-Use Services Contract for Wastewater Treatment Facility. (PW)

RECOMMENDATION: Motion to accept the bid of Terra Renewal Services, Garden Grove, CA, in the amount of \$31.65/ton for Biosolids End-Use Services for the Wastewater Treatment Facility and authorize the City Manager to execute the agreement.

BACKGROUND: Biosolids are generated as a beneficial by-product of treating wastewater for the City and County of Santa Cruz at the regional facility. Biosolids are treated to destroy harmful pathogens, reduce odors and are carefully regulated under strict Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) guidelines. Land application of biosolids is a cost effective, sustainable alternative to applying chemical fertilizers and improves and/or maintains productive soils by returning valuable nutrients to the earth.

DISCUSSION: Requests for Proposals for Biosolids End-Use Services were sent out to 3 companies that attended a mandatory site tour on September 10, 2009. These contractors were: Synagro-WWT, Inc., Terra Renewal Services, and Liberty Composting, Inc. Responses from all 3 contractors were received by the due date of 2:00 p.m., November 18, 2009. The proposals were evaluated by City staff, along with a professional consultant, for the following criteria: Cost, Experience of Program Operator Firm & Program Manager, Technology Viability, Environmental Impact, and Long Term Viability/Sustainability.

The rankings are as follows (maximum points possible = 100):

Terra Renewal Services	82.4 points
Synagro-WWT, Inc.	76.0 points
Liberty Composting, Inc.	71.8 points

FISCAL IMPACT: The contract will be in effect March 1, 2010 through February 28, 2015. The cost last year for these services was \$45.25/ton, with a total annual cost of approximately \$400,000. Based on the new price of \$31.65/ton, we anticipate an annual savings in the program of approximately \$120,000. This program is funded in the 2010 fiscal year Wastewater operating budget. There is no impact to the General Fund.

Prepared by:
Dan Seidel
Wastewater Treatment
Facility Superintendent

Submitted by:
Mark R. Dettle
Director of Public Works

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Agreement

THIS AGREEMENT made and entered into this 1st day of March, 2010 by and between the CITY OF SANTA CRUZ, a Municipal Corporation, hereinafter called "City" and TERRA RENEWAL SERVICES, hereinafter called "Vendor";

IT IS AGREED:

That for, and in consideration of, the covenants and agreements herein contained, and the payments at the prices stated in the bid proposal, exhibits and addendum attached hereto, and by this reference made a part hereof, Vendor hereby covenants and agrees to furnish any and all required services as set forth in the attached "Specifications for Biosolids End-Use Services" dated October, 2009. Vendor will bear any and all other expense necessary or incidental to the performance of the work specified herein, and will furnish Biosolids End-Use Services at the prices and discounts stated in the attached proposal/bid dated November 18, 2009, and will do everything required by this Agreement for the furnishing of Biosolids End-Use Services.

Term of this contract will start March 1, 2010 and will end February 28, 2015, with the option to renew the agreement for an additional five (5) year term upon successful completion of original contract.

Annually, on the contract anniversary date, the City may consider Vendor requested price adjustments. Increases may not exceed the previous 12 month change in the San Francisco-Oakland-San Jose Consumer Price Index (all items, not seasonally adjusted, for all urban consumers) or percentage increases in firm's published prices, which ever is lower. In all cases, the City may cancel the contract if a requested price increase is not acceptable.

City shall have the right to terminate this contract at any time upon giving 30 days written notice to vendor. If the City terminates the contract, all finished or unfinished work prepared by vendor under this contract may, at the option of the City, become the City's property and vendor may be entitled to receive just and equitable compensation for any satisfactory work.

Termination of this contract pursuant to this paragraph may not relieve the vendor of any liability to City for damages sustained by City because of any breach of contract by vendor, and City may withhold any payments to vendor for the purpose of set-off until such time as the exact amount of damages due City from vendor is determined.

Fuel surcharges, if applicable, are paid as a courtesy when the price of crude oil is inflated; however when the price of crude oil decreases fuel surcharges not set forth in this agreement will not be paid.

TERRA RENEWAL SERVICES

By _____

Date _____, 2010

CITY OF SANTA CRUZ,
a Municipal Corporation

By _____

Date _____, 2010

APPROVED AS TO FORM:

By  _____
CITY ATTORNEY

Date: 1-22, 2010



CITY COUNCIL AGENDA REPORT

DATE: 02/03/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Public Works

SUBJECT: Highway 1 Bike/Pedestrian Underpass Project (c400826) – Budget Adjustment. (PW)

RECOMMENDATION: Resolution transferring funds and amending the FY 2010 budget in the amount of \$200,000 from the Traffic Impact Fee Fund for alternative transportation to fund the Highway 1 Bike/Pedestrian Underpass Project (c400826).

BACKGROUND: In Fiscal Year 2007, the Redevelopment Agency appropriated funds for the design and engineering studies required to construct a bike/pedestrian pathway underneath Highway 1. It was always anticipated that additional funds would need to be allocated to this project to fully fund the project once bids were opened. In addition to this anticipated amount, funds need to be allocated to cover unexpectedly high costs associated with the involvement of the California Department of Transportation (Caltrans).

On February 10, 2009, the City Council authorized the Public Works Department to solicit bids on the Highway 1 Bike/Pedestrian Underpass Project. Bids were received on June 16, 2009 and the lowest qualifying bid for the project was \$661,769 from Robert A. Bothman, Construction.

Caltrans has taken an unusually high interest in this project, and the city has had to provide additional documentation and inspection to comply with the State's requests.

DISCUSSION: Now that project is under construction, it is necessary to complete the budgeting for the project as outlined below:

To complete funding for the Highway 1 Bike/Pedestrian Underpass Project it is proposed that \$200,000 in Traffic Impact Fees for alternative transportation be budgeted for the project. To accomplish this transfer a budget adjustment has been prepared.

The recommended action before the Council will fully fund construction support and staff time for the Highway 1 Bike/Pedestrian Underpass Project. Construction is anticipated to be completed in March of this year. The original completion date of January has not been met due to the late issuance of the project permits and now adverse weather.

FISCAL IMPACT: The project funds are being budgeted from a Riverways grant, the Redevelopment Agency and now Traffic Impact fees for alternative transportation. The City will be receiving approximately \$404,000 from the River Parkways Grant Program (Propositions 40 & 50), \$373,000 from the Redevelopment Agency and \$200,000 in City Traffic Impact Fees for alternative transportation. There is no impact to the General Fund.

Prepared by:
Joshua Spangrud
Associate Civil Engineer

Prepared by:
Ray Galindo
Accountant II

Submitted by:
Mark R. Dettle
Director of Public Works

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Budget Adjustment

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

<input checked="" type="radio"/> Council Approval	Resolution No. _____
<input type="radio"/> RDA Approval	Resolution No. _____
<input type="radio"/> Administrative Approval	

<input checked="" type="radio"/> Current Fiscal Year
<input type="radio"/> Prior Fiscal Year

Date: _____

<u>ACCOUNT</u>	REVENUE EDEN ACCOUNT TITLE	
221-00-00-0000-49124	c400826-925-1167-0 Traffic from Traffic Impact Fund - Increase	\$200,000.00
TOTAL REVENUE		\$200,000.00

<u>ACCOUNT</u>	EXPENDITURE EDEN ACCOUNT TITLE	
226-00-00-0000-59107	Transfer to Gas Tax Fund - Increase	\$200,000.00
TOTAL EXPENDITURE		\$200,000.00

NET: \$ _____ **0.00**

Purpose: To transfer dollars for SLR Highway 1 Bridge Underpass project: c400826

PREPARED BY	DEPARTMENT HEAD APPROVAL	ACCOUNTING APPROVAL	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
ray galindo <small>Digitally signed by ray galindo DN: cn=ray galindo, o=City of Santa Cruz, ou=Santa Cruz, email=rgalindo@cityofscruz.ca.us, c=US Date: 2010.01.21 08:47:33 -0800</small> 1/21/10	Mark R. Dettle <small>Digitally signed by Mark R. Dettle DN: cn=Mark R. Dettle, o=City of Santa Cruz, ou=Public Works, email=mark.dettle@cityofscruz.ca.us, c=US Date: 2010.01.21 10:27:34 -0800</small>	Patty Haymond <small>Digitally signed by Patty Haymond DN: cn=Patty Haymond, o=Finance Department, ou=City of Santa Cruz, email=p.haymond@cityofscruz.ca.us, c=US Date: 2010.01.27 08:45:54 -0800</small>	Jack Dilles <small>Digitally signed by Jack Dilles DN: cn=Jack Dilles, o=Finance, email=jadilles@cityofscruz.ca.us, c=US Date: 2010.01.27 08:51:09 -0800</small>	

Revised December 2009



CITY COUNCIL AGENDA REPORT

DATE: 02/01/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Water

SUBJECT: Miscellaneous Water Service Fees. (WT)

RECOMMENDATION: Resolution amending miscellaneous water service fees, and rescinding Resolution No. NS-28,144.

BACKGROUND: In November, 2009, the City Council adopted revised miscellaneous water service fees based on updated estimates of costs of such services, including staff time and materials. These miscellaneous fees are charged by the Water Department for special water services such as engineering plan reviews, inspection services, and after-hours service calls.

DISCUSSION: Subsequent to the adoption of the revised Miscellaneous Service Fee Schedule, Water Department staff found some minor changes that were inadvertently excluded from the November resolution. These changes are:

1. Water Service Plan Review Fees:

Delete: 6" Meter and larger - \$500 plus \$50 each hour over 10.

Insert: 6" Meter and larger - \$515 plus \$50 each hour over 10.

2. Monitoring Well Permit Inspection Fee:

Delete: \$50 per well plus \$60 each hour over 1.

Insert: \$50 per well plus \$50 each hour over 1.

3. Restoration of Service After Shut-Down:

Delete: After Regular Working Hours - \$120 per call

Insert: After Regular Working Hours - \$130 per call.

4. All Other Non-Emergency After Hours Calls:

Delete: \$120 per call plus \$60 each hour over 2

Insert: \$130 per call plus \$65 each hour over 2.

5. Add new fee:

Records Research - \$40 per hour

These changes have been made in the attached resolution.

FISCAL IMPACT: The Miscellaneous Service Fee Schedule is designed to offset the costs of providing special water services that are not included in water rates. While these new fees will result in a small revenue increase, there will also be corresponding increases in material and labor costs, resulting in no net fiscal impact.

Approved by:
Bill Kocher
Water Director

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
REVISING MISCELLANEOUS WATER SERVICE FEES AND
RESCINDING RESOLUTION NO. NS-28,144

WHEREAS, Title 16 of the Santa Cruz Municipal Code provides the rules and requirements governing the administration and operation of the City's Water System, including identification of the various sources of authority to establish and amend miscellaneous service fees; and

WHEREAS, the Water Department has submitted recommended updates to the miscellaneous service fees to adjust to increases and decreases in costs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Santa Cruz miscellaneous water service fees will be charged as follows:

Section 1. MISCELLANEOUS SERVICE FEES

Installation Fees

1. Installation of Water Services, Private Fire Services, and Public Fire Hydrants

Installation of water services will only be performed by City staff when engineering conditions warrant, otherwise the applicant shall obtain a permit from the City, pay an inspection fee and select a contractor from the list of approved contractors that will be provided upon request. If City staff does install the water service, the customer will be billed for time, overhead, and materials.

2. Meter Installation Fees

5/8" Disk Meter	\$ 260
3/4" Multi-Jet Meter	\$ 285
1" Disk Meter	\$ 310
1-1/2" C2 Omni Meter	\$1,465
2" C2 Omni Meter	\$1,650
3" C2 Omni Meter	\$2,070
4" C2 Omni Meter	\$3,370
6" C2 Omni Meter	\$5,610

Meters larger than 6" will be charged at time, overhead and materials.

Any miscellaneous work performed by City staff will be charged at time, overhead and materials.

RESOLUTION NO. NS-

Plan Review Fees

Charges for review of construction and development plans or drawings by the Engineering Division to ensure conformance with water codes and design standards. Plan review fees are in addition to any other fees and charges that may be required as a condition of approval.

3. Water Service Plan Review Fees

Residential w/ separate Meter \$50 per unit including fire service

Non-Residential or Residential on a Master Meter

¾" x 5/8" Meter \$50 plus \$50 each hour over 1

1" Meter \$100 plus \$50 each hour over 2

1 ½" Meter \$155 plus \$50 each hour over 3

2" Meter \$255 plus \$50 each hour over 5

3" Meter \$360 plus \$50 each hour over 7

4" Meter \$460 plus \$50 each hour over 9

6" Meter and larger \$515 plus \$50 each hour over 10

4. Monitoring Well Permit Plan Review Fee \$50 per parcel plus \$50 each hour over 1

5. Production Well Permit Plan Review Fee \$155 per parcel plus \$50 each hour over 1

6. Commercial Fire Service Plan Review Fee \$50 each plus \$50 each hour over 1

7. Fire Hydrant Plan Review \$100 each plus \$50 each hour over 2

8. Water Main Extension Plan Review Fee \$310 each plus \$60 each hour over 5.5

9. Water Main Replacement Plan Review Fee \$620 each plus \$60 each hour over 11

10. Backflow Plan Review Fee \$100 per project plus \$50 each hour over 2; may be waved at City's discretion for City-required (non-customer-initiated) fire service retrofit larger than 2"

11. Facility Plan Review Fee \$200 per facility plus \$50 each hour over 4
(Pressure Regulating Station, Booster Pump Station, Tanks, etc.)

RESOLUTION NO. NS-

Inspection Fees

Charges for inspection of applicant-installed water service lines, line extensions and devices.

- | | |
|--|--|
| 12. Water Service Inspection Fee | \$155 per tap plus \$50 each hour over 3 |
| 13. Fire Hydrant Inspection Fee | \$155 each plus \$50 each hour over 3 |
| 14. Backflow Device Inspection Fee | \$100 per device plus \$50 each hour over 2.
May be waived at City's discretion for
City required (non customer-initiated) fire service
retrofit larger than 2" |
| 15. Water Service/Fire Hydrant
Adjustment Fee (without Street Opening Inspection) | \$50 each plus \$50 ea hour over 1 |
| 16. Water Main Extension/Replacement Inspection Fee | |
| Number of Lineal Feet | \$60 per 100 lf plus .60/lf over 100 lf |
| Plus: Taps | \$120 per tap |
| Plus: Tie-Ins (Water Mains) | \$685 per tie-in plus \$60 for ea hr over 11 |
| Plus: Hydrants | \$60 per hydrant |
| Plus: Thrust Blocks | \$60 per thrust block |
| Plus: Disinfection &
Pressure Testing | \$915 each plus \$60 for each hour over 12 |
| Plus: Additional Facilities such as
Pressure Regulating Station, etc. | \$175 each plus \$60 for each hour over 3 |
| 17. Water Main Extension Mapping Fee | \$235 per project plus \$60 ea hour over 4 |
| 18. Monitoring Well Permit Inspection Fee | \$50 per well plus \$50 each hour over 1 |
| 19. Production Well Permit Inspection Fee | \$100 per well plus \$50 each hour over 2 |

Conservation Fees

- | | |
|--|----------------------------------|
| 20. Landscape/Irrigation Plan Review | |
| Charges for Review of Landscaped Portion of Applicant's Site Plan | |
| Up to 5,000 sq ft landscape area | \$85 plus \$40 each hour over 2 |
| 5,000 – 50,000 sq ft area | \$170 plus \$40 each hour over 4 |
| 50,001 & above | \$340 plus \$40 each hour over 8 |
| 21. Appeal to Recordation of Notices | \$100 per appeal |
| of violation in connection with enforcement of plumbing fixture retrofit regulations | |

RESOLUTION NO. NS-

Customer Service Fees

Charges for miscellaneous services and activities provided to water customers.

22. Application for Water Service \$20 per application
23. Restoration of Service After Shut-Down
During Regular Working Hours \$40 per call
After Regular Working Hours \$130 per call
24. All Other Non-Emergency \$130 per call plus \$65 each hour over 2
After Hours Calls
25. By-Request Meter Testing
Charges for meter testing upon customer request will only be applied if meter registers less than 2% fast.
- 5/8" and 3/4" meters \$60
1" meter \$75
1 1/2", 2", & 3" meters \$150
4", 6", & 8" meters \$300
26. Repairs - Charges to Repair Damage to City-Owned Customer Water Service Facilities
- Locks & Brackets \$50
Other Time, Overhead, and Materials
27. Set or Remove Meters \$75
Charge for removing or installing replacement meters.
28. Bulk Water - Charges for use of water for construction or other temporary purpose through the bulk water station, a temporary service, or a temporary fire hydrant. If temporary service is to be abandoned upon completion of the construction project, connection fees will be refunded or credited to the project.

Bulk Water Station

Deposit	Based on estimated use, \$100 minimum
Annual Permit	\$30 per truck
Service Charge	Based on actual use, \$30/mo minimum
Failure to Report Use	\$60 per month minimum
Quantity Rate	Current Quantity Rate

Temporary Service

Deposit	Based on estimated use, \$100 minimum
Installation & Inspection	Fees as indicated in this Resolution
Service Application	\$20
Readiness to Serve	Current Readiness-to-Serve Rate
Quantity Charge	Current Quantity Rate
System Development Charge	Current System Development Charge

RESOLUTION NO. NS-

Hydrant Meter (limited availability)

Deposit	\$2,000 for hydrant meter with backflow
Service Application	\$30
Daily Use Fee	\$5 per day
Quantity Charge	Current Quantity Rate

29. Records Research \$40 per hour

30. Routine Service Calls During Regular Working Hours

Start or Stop Service	No Charge
Check Meter Reading	No Charge
Check Pressure	No Charge
Check for leak	No Charge

31. Unauthorized Connection Fee \$95
(for disconnecting illegal water connection)

32. Special Customer Service Call \$40 per hour

33. Fee for Insufficient Notification \$335 per incident
(of cancellation, postponement or rescheduling of contractor-requested assistance)

Section 2. EFFECTIVE DATE

This Resolution shall be effective on February 23, 2010.

PASSED AND ADOPTED this 23rd day of February, 2010 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 02/01/2010

AGENDA OF: 2/9/2010

DEPARTMENT: Water

SUBJECT: Water Supply Project – CEQA/NEPA Services – Award of Contract. (WT)

RECOMMENDATION: Motion to authorize the City Manager to execute an agreement with URS Corporation Americas (Oakland, CA) in the amount of \$1,421,948 for the preparation of the Environment Impact Report (EIR) for the proposed Seawater Desalination Facility.

BACKGROUND: The City of Santa Cruz is studying desalination as its water supply augmentation component of the Integrated Water Plan. In November 2005, Council certified the Integrated Water Plan Final Program Environmental Impact Report (IWPPeIR) and adopted the Integrated Water Plan which calls for water conservation, water curtailment and 2.5 million gallons per day desalination to address water shortages during drought.

The desalination program is comprised of a series of investigations relevant to a Seawater Desalination Facility.

- In November 2005, the City contracted with Camp Dresser & McKee, Inc. (CDM) to design, build and operate a pilot plant to evaluate optimization of the treatment process to determine best performance in terms of cost, system reliability and water quality. The pilot testing is complete and the final report is scheduled for completion in spring 2010.
- In March 2007, the City contracted with Archibald Consulting to perform a Watershed Sanitary Survey as required by the California Department of Public Health. The study and final report are scheduled for completion in spring 2010.
- In October 2008, the City contracted with Tenera Environmental and EcoSystems Management Associates, Inc. to evaluate various alternatives to bringing water from the Monterey Bay to a water treatment facility. Work is well underway, with both studies scheduled for completion in spring 2010.
- In April 2009, the City contracted with CH2MHill to develop an Energy Minimization and Greenhouse Gas Reduction Plan for a Seawater Desalination Facility. This study is expected to be completed in summer 2010.

Contracts for design of the Seawater Desalination Facility and for design of the water intake and related infrastructure are anticipated to be brought to Council in spring or summer of 2010.

DISCUSSION: In June 2009, the City issued a request for proposals for CEQA/NEPA Services for the proposed Seawater Desalination Facility. Five proposals were received. Proposing firms were Dudek, EDAW, RBF Consulting, ESA and URS.

The selection committee consisted of three members of the City of Santa Cruz Water Department, one member of the City of Santa Cruz Planning Department, two members of Soquel Creek Water District, the Programs' Public Outreach Consultant, and Strelow Consulting. The committee shortlisted three of the firms for interviews and interviews were held on November 3 and 4, 2009. The committee ranked URS as the top firm.

Given the importance of this component of the program, staff conducted a second interview with URS team members. Following review of its proposal, reference-checks, and interviews, staff recommends hiring URS to conduct the environmental review of the Seawater Desalination Facility and prepare the EIR.

Staff has negotiated a contract with URS Corporation Americas in the amount of \$1,421,948. Staff has reviewed the scope, schedule, and budget for the contract and found it to be fair and reasonable.

FISCAL IMPACT: Funds for this contract are available in the Water Department's FY 2010 Capital Improvement Program as follows: \$995,364 in c700305, Water Supply Project and \$426,584 in c700016, Water Supply Project – SDC for a total of \$1,421,948. According to the Memorandum of Agreement, Soquel Creek Water District will reimburse the City 50% of the cost of this contract.

Submitted by:
Bill Kocher
Water Director

Approved by:
Richard C. Wilson
City Manager

ATTACHMENTS: Agreement

**PROFESSIONAL SERVICES AGREEMENT FOR
CEQA/NEPA SERVICES – Water Supply Study**

THIS AGREEMENT is entered into on _____, by and between the City of Santa Cruz, a Municipal Corporation, hereinafter called "City" and **URS Corporation Americas**, hereinafter called "Consultant".

WHEREAS, City, on behalf of the **scwd²** Task Force formed by the City and Soquel Creek Water District, desires certain services described in Appendix One, Scope of Work and Consultant is capable of providing and desires to provide these services;

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

**SECTION 1
Scope of Services**

The services to be performed under this Agreement are set forth in Appendix One, Scope of Work.

**SECTION 2
Duties of Consultant**

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

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

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

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

**SECTION 3
Duties of the City**

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

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

SECTION 4 Fees and Payments

For the services performed, the City will pay the Consultant on a time-charge plus expense basis, as charges accrue. Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule detailed in Appendix Two, Fees and Payments and in accordance with any terms set forth therein. Payment for the Consultant's services in carrying out the entire Scope of Work shall be made within the budget limit, or limits shown in Appendix Two, Fees and Payments. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. Where conflicts may occur, the provisions of this section apply.

Salary expenses include the actual pay of personnel assigned to the project plus payroll taxes, insurance, sick leave, holidays, vacation, other fringe benefits, overhead costs, and fees. Chargeable time does not include time for meals or other personal time. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization. Consultant may request its hourly rates to be increased by a percentage amount not to exceed actual percentage raise given to employees annually. Such request must be made at least 30 days prior to requested new rate effective date and not more often than once a year beginning with the second year of service.

Non-salary expenses include travel, meals and lodging while traveling, materials (other than normal office supplies), shipping and reproduction costs, equipment rental, services of subconsultants and subcontractors, and other direct, identifiable project related expenses.

The use of vehicles for travel, including rental vehicles, shall be paid at the current standard business mileage rate as established by the U.S. Internal Revenue Service. Commercial airline travel shall be reimbursed at coach class rates. Lodging, meals, and incidental expenses shall be reimbursed at the current per diem rates established by the U.S. General Services Administration for Santa Cruz County. Receipts must be provided for any single authorized expense incurred costing over \$75. Consultants shall be entitled to 75% of the prescribed meals and incidental expenses for the first and last day of travel and for one day travel if it is longer than 12 hours. It is expected that all expenses associated with travel incurred by the Consultant, while conducting activities on behalf of the City, will be at reasonable rates and that the Consultant will exercise prudence in incurring such expenses.

Budget estimates of the cost of each phase of the project are shown in Appendix Two, Fees and Payments. Variations from the budget for each task are allowed with City approval when such variations are justified by statements indicating personnel time expended and submittal of a revised budget; however, in no event shall the total fee charged for the Scope of Work set forth in Appendix One exceed the budget limit, or limits shown in Appendix Two, Fees and Payments without advance written City authorization in the form of a contract amendment or change order.

Unless otherwise specified in the fee schedule detailed in Appendix Two, Fees and Payments, Consultant's fees shall be payable on monthly invoices. Invoices shall detail the time worked by each class of employee on each task and the expenses incurred for which billing is made. Invoices shall indicate the percent completion of each work task as identified in Appendix One, Scope of Work and the overall percent completion of the total required services. The monthly invoices shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of URS Corporation Americas, that the charge of (Insert invoice amount) as summarized above and shown in detail on the attachments, is fair and reasonable, is in accordance with the terms of Agreement dated (Insert Agreement Date), and has not been previously paid."

SECTION 5 Changes in Work

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

SECTION 6 Time of Beginning and Schedule for Completion

Consultant shall begin work upon its receipt of a written Notice to Proceed from Director. The Notice to Proceed shall not be issued until after this Agreement has been approved and authorized by the City Council, or an officer of the City whom the City Council has empowered to approve and authorize such agreements.

The schedule for completion of the work shall be as shown in Appendix Three, Work Schedule. In the event that major changes are ordered, the schedule for completion as stated in Appendix Three, Work Schedule will be adjusted by City so as to allow Consultant a reasonable period of time within which to complete any additional work which may be required as a result of the ordered changes.

In the event Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion as described in Appendix Three, Work Schedule provided that to do so would not frustrate the City's objective for entering into this Agreement. All claims for adjustments in the schedule of completion must be submitted to City by Consultant within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

Consultant acknowledges that it is necessary for Consultant to complete its work on or before the completion date set forth in Appendix Three, Work Schedule in order to allow the City to achieve its objectives for entering into this Agreement. The parties therefore agree that time is of the essence in the performance of this Agreement.

**SECTION 7
Termination**

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

**SECTION 8
Insurance**

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Consultant, his agents, representatives, employees or subcontractors. With respect to General Liability and Errors & Omissions, coverage should be maintained for a minimum of five (5) years after contract completion.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001 or Claims Made Form CG 0002); or equivalent.
2. Insurance Services Office Form No. CA 0001, covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California.
4. Errors & Omissions Liability insurance appropriate to the consultant's profession.

Minimum Limits of Insurance

Contractor shall maintain limits no less than:

1. General Liability: (including operations, products and completed operations, and Blanket Contractual Liability) \$1,000,000 per occurrence for bodily injury, personal injury and property damage; \$2,000,000 policy aggregate.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Errors and Omissions: \$1,000,000 each claim; \$2,000,000 policy aggregate.

Deductible and Self Insured Retentions

Any and all deductibles and self insured retentions shall be the sole responsibility of Contractor, and declared to and approved by City.

Other Insurance Provisions

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

1. The City of Santa Cruz, its officers, officials, employees and volunteers are to be covered as additional insureds with respects to liability arising out of work or operations performed by or on behalf of the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant.

2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

Consultant will provide professional liability insurance coverage for five (5) years after the completion of this Agreement. If necessary, Consultant will provide such insurance coverage by providing professional liability coverage in a "tail" policy.

Acceptability of Insurers

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

Verification of Coverage

Contractor shall furnish the City with a certificate of insurance as evidence of the above coverages and conditions prior to the commencement of work. The certificate is to be signed by a person authorized by that Insurer to bind coverage on its behalf. The certificate holder shall be the City of Santa Cruz, Risk & Safety Management, 809 Center St Room 7, Santa Cruz, CA 95060. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

Subconsultants

Consultant shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

SECTION 9 Indemnification

Consultant agrees to indemnify, defend, and hold harmless the City, its officers, agents and employees, from and against any and all claims, demands, actions, damages, or judgments, including associated costs of investigation and defense arising in any manner from consultant's negligence, recklessness, or willful misconduct in the performance of this agreement.

SECTION 10 Civil Rights Compliance/Equal Opportunity Assurance

Every supplier of materials and services and all consultants doing business with the City of Santa Cruz shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry,

disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. In addition, the City of Santa Cruz, as defined in Resolution NS-20,137 and Ordinance 92-11, further prohibits discrimination on the basis of sexual orientation, height, weight and physical characteristics. Consultants agree to abide by all of the foregoing statutes, regulations, ordinances and resolutions.

SECTION 11

Legal Action/Attorneys' Fees

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which he or she may be entitled. Either the Santa Cruz County Superior or Municipal Court shall have jurisdiction over any such action, and that Court shall be authorized to determine which party is the prevailing party and what amount constitutes reasonable attorneys' fees to be awarded to the prevailing party.

SECTION 12

Assignment

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

SECTION 13

Amendments

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

SECTION 14

Miscellaneous Provisions

1. **Project Manager.** Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. **Consultant Services Only.** Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. **Licensure.** Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. **Other Agreements.** This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter, and no other agreement, statement or

promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.

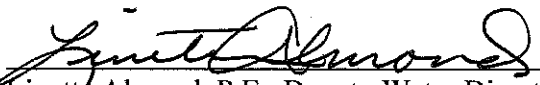
5. City Property. Upon payment for the work performed, or any portion, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement, or any other work product of Consultant, are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.
6. Consultant's Records. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. Independent Contractor. In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
8. Conflicts of Interest. Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
9. MacBride Principles/Peace Charter. The City Council of the City of Santa Cruz approved Resolution No. NS-19,378 on the 24th day of July 1990, endorsing the MacBride Principles and the Peace Charter and encourages all companies doing business in Northern Ireland to abide by the MacBride Principles and the Peace Charter.
10. Notices. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

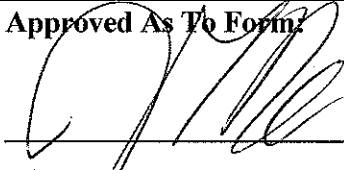
CITY _____

Bill Kocher, Water Director
City of Santa Cruz Water Department
212 Locust Street, Suite C
Santa Cruz, CA 95060

CONSULTANT _____

Louis Armstrong, Senior Vice President
URS Corporation Americas
1333 Broadway, Suite 800
Oakland, CA 94612

Technical Review by:

Date: 4/25/10
Linette Almond, P.E., Deputy Water Director/Engineering Manager

Approved As To Form:

Date: 1-26-10
John G. Barisone, City Attorney

Department Approval by:

Date: _____
Bill Kocher, Water Director

CONSULTANT
By _____ Date: _____
Louis Armstrong, URS Senior Vice President

CITY
By _____ Date _____
Richard C. Wilson, City Manager

APPENDIX ONE

SCOPE OF SERVICES

Task 1 – Initial Project Planning

This task will include all necessary tasks associated with launching the CEQA (and potentially NEPA) compliance and permitting efforts related to this project, as described below.

Task 1.1 - Work Plan and Schedule - Upon award of the contract for this project, a kick-off meeting will be held to review and discuss the scope of work, schedule, key milestones, and deliverables. At this meeting we will confirm what is known about the proposed scwd² project and project planning, confirm the technical studies needed for the EIR, review the procedural steps in the environmental review process, review existing and planned public outreach, obtain copies of relevant documents, and discuss involvement of the scwd² staff and consultant team. We will also identify planned or prospective federal funding, assess the use of federally owned or managed lands or submerged lands (if any), and review the context and extent of anticipated federal approvals. These discussions should facilitate the preparation of a work plan and schedule that meets the needs of the scwd². It is assumed that the Work Plan will provide for the following: (1) communications plan; (2) project description and alternatives development plan; (3) CEQA approach, scope, and EIR outline; (4) approach for determining the need for NEPA compliance; (5) approach for preparing and finalizing permitting plan; (6) administrative review and QA/QC plan; (7) detailed schedule/critical path; and (8) list of data needs. In particular, URS will prepare a list of specific inputs required for the development of the project description and alternatives. This list is expected to include location, siting, design criteria and/or specifications, and available mapping for each aspect of the project (e.g., intake, plant, pipelines, etc.). It is expected that this information will be provided by SCWD, SqCWD, and/or their design consultants.

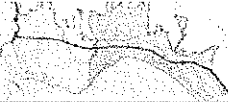
Deliverables:

- ✓ Draft Work Plan
- ✓ Final Work Plan

Assumptions:

- ✓ One round of comments on the Draft Work Plan
- ✓ Work Plan and budget will be revised, if necessary, after formal CEQA scoping

Task 1.2 - Project Description - One of the most important tasks in the preparation of an EIR is to establish a solid, stable, and finite project description as early as possible in the environmental review process, as the project description forms the basis for the environmental analysis. URS will develop the project description and alternatives for the EIR as early as possible to allow for the CEQA process to be launched while project design proceeds. URS will base the project description on the location, siting, design criteria and/or specifications, and available mapping noted above in Task 1.1. URS will prepare a draft project description for review and approval by the SCWD and SqCWD, as the basis for the EIR environmental analysis. Preliminary design information provided by others will be used to refine the project description prior to release of the Draft EIR. Under CEQA Guidelines Section 15124, an adequate project description should contain: a statement of project objectives, the location of the project, a general description of the project's characteristics, and a statement of the intended uses of the EIR.



Deliverables:

- ✓ Draft project description
- ✓ Final project description

Assumptions:

- ✓ One round of comments on the draft project description
- ✓ If the project description changes substantively after approval by SCWD and SqCWD, a budget amendment may be required to account for the necessary changes in the EIR
- ✓ The EIR environmental analysis will not be launched until the EIR project description is approved

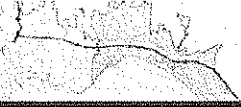
Task 1.3 - Approach to Complying with NEPA - URS will implement the following approach to attain effective and efficient NEPA compliance for the scwd² Desalination Project, if such compliance is required.

Identify the Major Federal Action. A variety of projects and activities constitute a “federal action” that can trigger NEPA. In California, local or State projects that utilize federal funds, or require the approval of a federal agency, must comply with both NEPA and CEQA. These typically are federally funded or project-specific federal loans or grants, actions carried out on federally owned or managed lands, or projects requiring federal approvals or authorizations. Based on the kick-off meeting, URS will consult with affected federal agencies to confirm the context of their involvement and examine whether a major federal action will occur and what agency is required to initiate NEPA. See Task 1.4, Lead Agency Determination for additional information about how to determine the lead federal agency.

Determine Appropriate NEPA Document and Whether to Prepare Joint Document. Based on NEPA and the federal lead agency’s NEPA implementation policy, URS will coordinate with the federal lead agency to determine if an Environmental Assessment (EA) is appropriate or whether an Environmental Impact Statement (EIS) is required. At this stage, the advantages and desirability of preparing a joint EA/EIR or EIS/EIR will also be determined. Initiation of NEPA or a CEQA/NEPA document will depend on if and when a federal lead agency is identified for the proposed action. Since opportunities for direct federal funding may be limited, it is more likely that federal permitting would be the trigger to initiating NEPA. In either case, if a federal lead agency is established early in the process, preparation of a joint CEQA/NEPA document is feasible and may be the most beneficial to both the federal lead agency and scwd².

URS has found that the joint preparation process is most successful when there is: (1) clarity of roles and assignments among lead agencies, particularly via use of a Memorandum of Agreement; (2) established agency points of contact and regular communication between participating agencies and the environmental consultant; (3) coordination and agreement on the scope of analysis, definition of alternatives, baseline used for existing conditions, and application of significance criteria; and (4) a “translation” chapter to describe differences in procedures, terms, significance criteria, and findings. URS will ensure these elements are in place and will continue to be in-place during the course of CEQA/NEPA document preparation, if a joint document is pursued.

CEQA Plus and California SWRCB Funding. Should the scwd² desalination project receive partial funding under the California State Revolving Fund Loan Program administered by the California State Water Resources Control Board (SWRCB) Division of Financial Assistance, an



approach referred to as “CEQA Plus” would apply. The State Revolving Fund is authorized and partially funded by the U.S. Environmental Protection Agency (EPA) under the federal Clean Water Act. Under CEQA Plus, the proposed project must be in compliance with Section 7 of the Federal Endangered Species Act (FESA), must undergo a Clean Air Act conformity analysis, and must be in compliance with Section 106 of the National Historic Preservation Act.

Deliverable:

- ✓ Draft NEPA compliance approach memo
- ✓ Final NEPA compliance approach memo

Assumptions:

- ✓ Project description and alternatives must be adequately defined for the purpose of reviewing and discussing the project with potentially involved Federal agencies
- ✓ Potentially involved Federal agencies are reasonably responsive and provide clear input on NEPA compliance responsibilities
- ✓ If a NEPA document is required by a Federal agency, URS can prepare scope and budget amendment, in conjunction with the SCWD, SqCWD, and the Federal Lead Agency involved. There is currently not enough information about the possible NEPA compliance effort (e.g., Federal Lead Agency involvement, document type, and scope requirements) to provide a scope and cost estimate at this time.
- ✓ NEPA compliance approach memo to be developed during the initial efforts based on our current understanding of the project description

Task 1.4 - Lead Agency Determination - Based on the July 15, 2009 Task Force Meeting the scwd² desalination program has decided to go forward with a co-lead agency approach to implementing CEQA. URS will provide advice on how best to implement this co-lead approach.

When initiating the NEPA process, whether as a joint CEQA/NEPA or stand-alone NEPA document, a lead federal agency must be identified and agreed upon by project proponents and the federal agency. Should one or more federal agencies be directly involved or require a major permit, without which the action could not go forward, there may be uncertainty as to which agency will assume a lead agency role. If necessary and in consultation with scwd², URS will coordinate among all affected federal agencies to determine which federal agency is most directly involved or has greatest relevant expertise or jurisdictional authority over affected federally managed resources to serve as the NEPA lead agency. In the case of joint CEQA/NEPA documentation, federal and local agencies act as joint lead agencies.

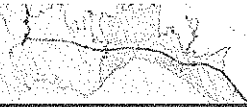
Deliverable:

- ✓ See deliverable under Task 1.3

Assumptions:

- ✓ See assumptions under Task 1.3

Task 1.5 – scwd² Technical Study Review – Under this task, URS will review various draft technical studies being prepared for the project by others. The intent of this task will be to provide focused reviews of draft studies to ensure that the final technical reports provide the information necessary to support the EIR. It is expected that the following reports will be reviewed by the URS Project Manager and/or by applicable technical staff: the Pilot Study, the Watershed Sanitary Survey, the Offshore Geophysical Study, the Brine Dilution Modeling



Study, the Energy Minimization and GHG Reduction Study, and the Preliminary Intake Design Study.

Deliverable:

- ✓ Written comments on the draft technical studies listed above

Assumptions:

- ✓ Document review will include one draft of each report
- ✓ Document review will not constitute peer review of report analyses, findings, and conclusions
- ✓ Revised text or analyses will not be provided

Task 2 – Public Outreach

It will be critical to conduct a thorough and defensible CEQA outreach program. URS, in conjunction with CirclePoint, will oversee and implement all tasks associated with conducting public meetings to meet all CEQA requirements. This task describes the types of outreach activities and deliverables that will be provided. Task 11, Project Meetings, further describes the types and number of project meetings, including public meetings.

With input from SCWD and SqCWD, as well as using any contact lists created to date, we will develop a project contact list for distribution of notices and information. This list will include at least mailing addresses for residents, property owners, and all interested or potentially interested stakeholders – and will include e-mail addresses when possible. The contact list will be used for notification purposes and will meet all CEQA guidelines. Tasks associated with conducting the meetings and public hearings include the following and will involve close coordination with scwd²'s existing public outreach team.

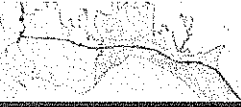
Notification – Develop and place display/legal advertisements in the paper of general circulation, distribute mailers and e-mail notifications; coordinate with other SCWD/SqCWD-distributed information such as newsletters and SCWD/SqCWD and project Websites to notice the meetings and public hearings, as well as announce the availability of draft and final environmental documents. Work closely with the agencies to utilize bill inserts and other cost-effective tools for notifying the public of all meetings. To reach all audiences within the project area, develop advertisements and meeting materials in Spanish and other languages as appropriate.

Logistics – Secure meeting venues, court reporters, room arrangements, audio/visual equipment; coordinate any vendor arrangements necessary for hosting meetings and hearings.

Materials – Develop meeting handouts, visuals, exhibits, presentations, sign-in sheets, name tags, comment cards, and speaker cards. All materials will be provided in PDF format for public review after the public meetings. Exhibits will be provided in PDF format as well as the native format they were generated with.

Attendance and facilitation – Attend and facilitate scoping meetings and public hearings, including set-up and breakdown of all meeting materials, exhibits, and signage.

Documentation – Prepare a summary of comments received at the scoping meetings and public hearings. This summary would include, but not be limited to, an introduction, description of noticing, meeting format, materials provided, and an overview of key and common comments



heard. A formal transcript of comments will also be provided for formal CEQA scoping and public review meetings. The documentation will meet all CEQA guidelines and serve as the primary tool for organizing input received at the meetings. A Citizen's Guide to the Draft EIR will also be prepared. This document will serve as an easily accessible description of the project, alternatives, potential impacts and mitigation measures. The guide will translate the highly technical document into layman's terms and provide appropriate graphics and visuals to convey difficult concepts.

Deliverables:

- ✓ Notifications (display ad, press release, mailer and email notice)
- ✓ Meeting handouts (sign-in sheets, comment cards, speaker cards, nametags, agenda/program)
- ✓ Exhibits (up to 8 per meeting)
- ✓ Web files (electronic copies of printed materials for posting)
- ✓ Scoping Public Comment Summary Report
- ✓ Transcripts of the formal public scoping and public review meetings
- ✓ Citizen's Guide to the Draft EIR

Assumptions:

- ✓ Assumes one public meeting will be held in each service area (SCWD and SqCWD) for each type of public meeting (see Task 11) for a total of eight public meetings
- ✓ One summary report document will cover each set of public meetings
- ✓ Assumes notification distribution lists will utilize existing mailing lists from SCWD and SqCWD, and mailing list for which CirclePoint is responsible for printing and postage to include no more than 2,500 entries
- ✓ Assumes up to 8 general information and technical exhibits will be prepared for each set of meetings
- ✓ Technical exhibits will be prepared based on information provided by scwd²
- ✓ Exhibits will be posters clipped to foam core boards to conserve resources
- ✓ Assumes Spanish translation of notifications and meeting materials as well as meeting translators will be provided as needed

Task 3 – CEQA Significance Criteria and Thresholds

URS, in consultation with scwd² staff, will develop CEQA significance criteria for impacts of the project on environmental resources. These standards will be based on: (1) CEQA Guidelines; (2) applicable thresholds from regulatory agencies (e.g., air thresholds from the Monterey Bay Unified Air Pollution Control District); (3) local standards from plans, policies, and/or codes (e.g., noise compatibility standards from the City General Plan); and (4) professional practice. URS will draft the criteria, taking into consideration any initial input from scwd² and then will make any revisions necessary after review from scwd².

Deliverables:

- ✓ Draft significance criteria and thresholds
- ✓ Final significance criteria and thresholds

Assumptions:

- ✓ One round of comments on the draft significance criteria and thresholds



Task 4 – Alternatives Analysis

In accordance with CEQA, the reasonable range of alternatives to be evaluated in the EIR will focus on avoiding or reducing any significant impacts that may be identified for the proposed project, while feasibly attaining most of the project objectives. At this point there are three potential desalination plant sites; two potential intake systems; and several potential pipeline routes. Since this project is likely to receive a high level of public scrutiny and will be subject to a rigorous permitting process, and the project will likely be subject to NEPA compliance, we recommend that the desalination alternatives selected for analysis in the environmental document be analyzed in an equal level of detail. The impacts of each desalination alternative can be weighed against each other and the least environmentally damaging alternative will emerge from this analysis.

The discussion of non-desalination alternatives (e.g., conservation, curtailment, and other water supply alternatives) in the EIR will be based on the SCWD Integrated Water Plan (IWP) EIR and the SqCWD Integrated Resources Plan (IRP) discussion of alternatives and any updated information from SCWD /SqCWD about the status of these alternatives. At this point, it is our understanding that these alternatives are not viable and/or feasible alternatives to the proposed project, and therefore, they will not be evaluated in detail in the project EIR.

In order to specifically define the pipeline routes and/or route alternatives URS can conduct a pipeline route analysis. There are a number of pipelines for this project that need consideration in the EIR: the seawater intake pipeline, the brine discharge pipeline, the product water delivery pipeline, the sanitary sewer line, the new distribution line between SCWD and SqCWD, and new zone interties in the SqCWD service area. Initial route zones for some of these pipelines have been identified in the SCWD IWP EIR, but a more thorough route analysis may be necessary to determine specific routes for some of these pipelines, especially if this information will not be provided early on by the facility design contractor. A route analysis will confirm important engineering and environmental conditions that will help pinpoint the best pipeline routes with the least impact to the neighborhoods and the natural environment. After conducting this analysis a reasonable number of pipeline routes could be selected for analysis in the EIR. We have included a cost estimate for conducting the pipeline route analysis as an optional task.

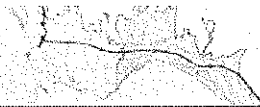
URS will prepare a memo describing the alternatives to be evaluated in the EIR for review by SCWD, SqCWD, and their consultant teams. The purpose of this process is to review the likely alternatives to ensure that the EIR will provide a reasonable range of alternatives and that those alternatives will likely address the potentially significant impacts of the project.

Deliverables:

- ✓ Reasonable range of alternatives memo
- ✓ Route Analysis (Optional Task)

Assumptions:

- ✓ Desalination alternatives will be evaluated at an equal level of detail
- ✓ Desalination alternatives will include up to 2 plant sites, 3 intake design options, and if necessary, 2 pipeline alignments for each type of pipe
- ✓ Non-desalination alternatives will be evaluated based on the IWP EIR and the IRP and any updated information from SCWD and SqCWD
- ✓ Non-desalination alternatives will not be evaluated in detail as they have been evaluated in SCWD IWP/SqCWD IRP



Tasks 5 and 6 – EIR Setting, Impact Assessment, and Mitigation Measures

URS will utilize the City of Santa Cruz Integrated Water Plan EIR and tier off this document as a basis for the description of the environmental setting and assessment of impacts, to the extent applicable to the proposed project. Tiering refers to using the analysis of general matters contained in a program-level EIR in subsequent EIRs or Negative Declarations on narrower projects. URS team members are very knowledgeable about both program and tiered project-specific environmental review documents and how to structure the tiered relationship between the two in the project-specific document. Some information from the SCWD IWP EIR will need to be updated (e.g., species lists, etc.) and additional data may also need to be provided to adequately assess project-specific impacts for the currently proposed project and alternatives. URS will address the full range of construction and operational impacts associated with the proposed desalination plant and associated facilities. The EIR impact analysis will include the direct, indirect, and cumulative impacts, as relevant, for each desalination alternative that will be evaluated in detail in the EIR. These impacts will be evaluated on a topic-by-topic basis (see below). Growth-inducement and other mandatory CEQA topics will also be evaluated. A preliminary detailed scope of work for the full range of technical topics likely to be addressed in the EIR is provided below. This scope of work and associated budget will be re-evaluated at the completion of the formal CEQA scoping process to ensure that it covers any environmental issues and/or analytical requirements, as necessary and warranted under CEQA resulting from the scoping process.

Deliverables:

- ✓ See deliverables under Task 9.2.

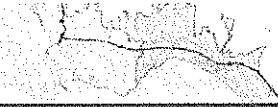
Assumptions:

- ✓ Desalination alternatives will be evaluated per Task 4 at an equal level of detail and on a topic-by-topic basis per the scope below
- ✓ Analytical assumptions for each technical topic are included below

Direct, Indirect, and Cumulative Impacts -

Hydrology and Water Quality. The setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to hydrology and water quality. The hydrology and water quality section of the project specific EIR will need to describe: (1) existing water quality, drainage, and groundwater conditions at the project site; (2) the applicable regulatory requirements; (3) potential changes in hydrologic and water quality conditions due to the proposed project and alternatives; (4) an assessment of the significance of potential project impacts; and (5) recommendations for mitigation measures, as necessary, to reduce these impacts to the extent feasible. The topics to be addressed in this section of the EIR, and associated analytical approach, are identified below.

Product Water Quality. URS will evaluate the ability of the desalination process to meet preliminary water quality objectives for the desalination product water that have been developed by scwd² for compliance with California Department of Public Health standards. This analysis will be based on monitoring data collected as part of the Pilot Program and Watershed Sanitary Survey which includes a complete suite of water quality parameters. This data includes source water quality data collected at the proposed intake located approximately 2,000 feet out from Mitchell's Cove and at the Pilot Study intake located at the UCSC Long Marine Laboratory. The

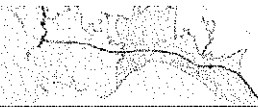


analysis will include a discussion and comparison of the ability for reverse osmosis desalination processes to produce water that meets all applicable drinking water standards.

Marine Water Quality. A major component of the marine water quality analysis will be review of the Brine Dilution Modeling Study to assess whether the concentrated residual brine will impact receiving waters at the deep ocean outfall, approximately 2.5 miles southwest of Mitchell's Cove, when blended with treated effluent from the City of Santa Cruz wastewater treatment facility (WWTF). With an expected salinity of approximately 64,000 parts per million (ppm), the brine would be about twice as saline as the ocean source/receiving water and may also contain contaminants present in the ocean source water but at potentially higher concentrations. The impact of source water quality on the brine discharge quality will be evaluated through development of a relationship between source and brine water quality using data collected as part of the Pilot Study. The relationship will be used to model different brine quality based on the expected range of source water quality. Mixing with treated wastewater effluent will dilute the brine and the Brine Dilution Modeling Study is being conducted to determine whether the WWTF can continue to meet its discharge permit requirements with a blended brine and effluent discharge. URS will evaluate the Brine Dilution Modeling Study, proposed mixing ratios, and expected discharge concentrations for CEQA significance. In addition, the proposed composition of the intake structure screen, as well as the maintenance procedures for the intake, will be evaluated to determine if it will release metals (e.g., copper) into Monterey Bay or source waters. Water quality objectives for ocean waters will be reviewed and described as per the most recently approved Ocean Plan update.

Surface Hydrology and Water Quality. Potential effects to surface hydrology and water quality at and near the proposed site of the desalination facility and pipeline alignments will be assessed. Potential impacts to drainage patterns and water quality resulting from construction, operation, and maintenance of the desalination plant and pipelines will be described and mitigation measures will be recommended to reduce any identified significant impacts. With regards to storm drainage issues, URS will identify applicable detention requirements and any existing capacity constraints in the downstream conveyance system that might modify the requirements. We will review the project storm drain plan (if available) and any other conceptual and design plans for compliance with detention requirements (e.g., new regulations pertaining to the control of stormwater runoff quantity and rate such as hydromodification controls developed by the Regional Water Quality Control Board). Where necessary, we will recommend additional mitigation measures that could be installed or implemented to mitigate potential construction-period and post-construction impacts on peak flows and we will identify guidelines on sizing and design criteria.

Stormwater runoff from the desalination facility and other project structures that is not retained on site, if any, will likely be discharged into existing storm drain systems which eventually drain into Monterey Bay. The CCRWQCB has established numerous beneficial uses for enclosed bays and estuaries and inland waters, some of which have been designated as 'impaired' by the State Water Resources Control Board through inclusion on the CWA 303(d) list. The beneficial uses identified in the SCWD IWP EIR will be updated and augmented as necessary to address the currently proposed project and alternatives. To comply with the NPDES permit for municipal stormwater discharges, the project will need to treat runoff from the desalination facility using stormwater BMPs. If the facility meets certain size requirements, BMPs for stormwater



treatment, such as bioswales, media filters, or pervious pavement, must be sized and designed to meet the hydraulic design criteria set forth in the June 2009 revision of the City of Santa Cruz Post Construction Stormwater Management Program. We will characterize the pollutants of potential concern in runoff during construction (e.g., sediment) and after the project has been built (e.g., metals, nutrients, bacteria, sediment, pesticides) based on typical values for similar industrial facilities. We will also assess the impact to water quality from construction of the pipeline conveyance system and source water intake structure. Appropriate mitigation measures will be developed based on local and regional regulations related to stormwater quality management.

Flooding. FEMA flood maps will be evaluated to determine whether the proposed sites are within the FEMA 100-year floodplain and mitigation measures will be recommended if necessary. Recent estimates of sea-level rise published by the Pacific Institute in March 2009 suggest a rise on the order of 0.5 meters (20 inches) by 2050 and 1.4 meters (55 inches) by 2100 in Monterey Bay. We will assess how 100-year flood elevations and inundation areas would likely change due to predicted sea-level rise and recommend conceptual design modifications as necessary.

A preliminary review of the County of Santa Cruz Tsunami Inundation maps indicates that most of the facilities proposed for the project are outside of the areas that could be potentially inundated by a tsunami. After all the project facilities locations have been selected we will confirm this finding and recommend mitigation if necessary.

Groundwater. The desalination facility may increase impervious surface coverage (roofs, roads and other pavement), likely limiting existing infiltration. Under this task we will assess the magnitude and importance of existing recharge and evaluate how recharge will likely change with the proposed project. We will identify potential impacts and recommend mitigation measures suitable for maintaining drainage and designing water quality treatment measures, based on the opportunities and constraints of the local hydrogeologic setting. Further, the beneficial effects of the project on reducing groundwater overdraft in the Purisma Formation and Aromas Red Sands Aquifer will also be described.

Marine Biological Resources. The setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to marine biological resources. For example, the list of threatened and endangered species will be updated as needed. In addition we will obtain and review other applicable marine biological baseline data to describe the environmental setting. These sources may include more recent technical reports prepared by local, state and federal agencies, and information available from UC Santa Cruz. The environmental setting will be described in terms of habitat types present and communities and species present, including plankton, benthos, fish, birds and marine mammals. The existing environment will be characterized qualitatively and quantitatively when possible. Species distribution maps may be prepared for key species or communities as needed to illustrate proximity to project components.

The principal marine biological impacts related to desalination plants are entrainment and impingement effects if an open water intake is used, use of biofouling control measures, and discharge of the brine. Construction impacts are also an important consideration that URS will address. URS will tier from the SCWD IWP EIR, as well as use our existing knowledge and



experience from conducting the impact analysis for the recent MMWD Desalination Plant EIR and other similar efforts. URS will utilize the results of several site specific studies underway, including the Brine Dilution Modeling Study, the Intake Entrainment and Assessment Study, the Offshore Geophysical Study, and the Preliminary Intake Design Study to assess potential impacts.

In the environmental document, it will be important to convey the results of the entrainment study in a manner that the public and agencies can readily understand. In particular, the URS team will provide for a clear characterization of the effects of the open water intake on the overall adult fish population, based on the larval entrainment projections from the Intake Entrainment and Assessment Study. URS has included Tenera Environmental on its team to assist as needed with analysis and interpretation of the current entrainment study they are conducting for scwd². Tenera conducted the pilot plant entrainment study for URS for the MMWD desalination project and Tenera and URS have had a long and successful working relationship on other similar projects.

The feasibility of a sub-seafloor intake option is currently being evaluated in the Offshore Geophysical Study, an intake alternative not considered in the SCWD IWP EIR. This type of intake system, while reducing impingement and entrainment impacts, could affect benthic resources, particularly during construction. Further, if an infiltration gallery is pursued there may also be operational impacts on the benthic community. If subsurface intake options will be pursued as an alternative in the EIR, URS will characterize the benthic community at the proposed subsurface intake location as the basis for characterizing the potential effects of construction and operation. We will utilize existing data (e.g., data collected by UCSC and the USGS in the Santa Cruz area) to the extent possible. However, as an optional task, URS has included Tenera Environmental on its team to collect a limited number of benthic samples in the vicinity of the proposed intake and conduct taxonomic identification, in the event that sufficient existing benthic characterization data are not available.

We understand that many of the involved regulatory agencies have been sitting on technical advisory groups for the Intake Entrainment and Assessment Study and the Offshore Geophysical Study. During the impact analysis, these and other appropriate resource management agencies will also be contacted to further discuss potential occurrences of sensitive biological resources and associated project impacts. These agencies include the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), the Monterey Bay National Marine Sanctuary, the California Coastal Commission, and other agencies. These discussions will also help develop recommended actions to avoid sensitive areas, focus the impact analysis, and develop mitigation measures, if necessary.

Optional Benthic Sampling– If sufficient existing benthic community data are not available to characterize the proposed sub seafloor intake area, URS will use Tenera Environmental to collect site-specific data. The sampling area will be approximately 100 m by 50 m and will be surveyed by diver-biologists at five predetermined sampling stations. This number of stations should be sufficient to characterize a relatively homogenous benthic environment that is expected to occur at the site. The divers will collect one sediment core sample and two biological (benthic) core samples at each station. The samples will be sieved through a 1mm mesh screen. Organisms remaining on the screen will be identified to the lowest taxonomic level practical. The



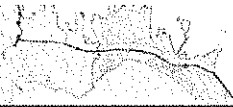
invertebrate data will be summarized to provide a description of the abundance and diversity of benthic organisms for use in the EIR.

Land Use and Planning. The setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to land use and planning for the currently proposed project and alternatives. The land use analysis will include a description of existing land uses at and adjacent to each of the sites under consideration for the proposed project and alternatives. The analysis will include identification of sensitive land uses, if any. The land use analysis in the EIR will incorporate land use and zoning maps for the project area, and discuss the project's relationship with existing plans and policies such as the City of Santa Cruz General Plan and Local Coastal Plan (LCP), the County of Santa Cruz General Plan and LCP, and the City of Capitola General Plan and LCP. Further, the relationship of project elements to the California Coastal Zone will also be identified and mapped. All applicable adopted land use plans, policies and regulations that relate to the proposed project will be identified and described, including those land use plans identified above, the California Coastal Act, and the Monterey Bay National Marine Sanctuary Management Plan.

The intent of the analysis will be to determine whether any of the project elements may affect existing and/or planned land uses in or around the project vicinity. Any conflicts with existing or planned land uses or with any adopted plans in the area will be identified and discussed. While the analysis will focus on adopted plans, it is acknowledged that the City of Santa Cruz is in the process of updating its General Plan and LCP. Any proposed changes in land use designations for the various project sites, especially the potential plant sites, will be acknowledged and potential implications identified. Our scope of work for this and other sections of the EIR assumes that the plant site(s) to be evaluated include SCWD IWP EIR sites A and/or B. It is assumed that SCWD IWP EIR plant site C (the UCSC Marine Science Campus) will not be assessed in the project EIR. Given that, it is assumed that conformance with the UCSC Marine Science Campus Coastal Long Range Development Plan will not be required for the proposed project.

Terrestrial Biological Resources. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to terrestrial biological resources. This effort will include updated queries of the CDFG Natural Diversity Database for the project area and USFWS will be consulted to obtain an updated project specific list of species. URS will assist with the definition and mapping of the biological survey area, based on the definition of currently proposed project and alternatives. Special status species present in or adjacent to the survey area will be identified through field surveys and may include California red-legged frog, western pond turtle, tri-colored blackbird and San Francisco dusky-footed woodrat, among other potential species. Facility locations, including the plant site, pump station(s), and potential pipeline corridors will be evaluated in the field. Field studies will determine if and where habitat for these species is present in or adjacent to the survey area and whether these species could be directly or indirectly affected. Agency protocol-level surveys, such as for California red-legged frog, are not included in the current scope and budget. If this or other species are potentially present, presence will be assumed and appropriate mitigation can be recommended to minimize or avoid impacts to special-status species.

Protocol rare plant surveys would include up to three floristic-level field surveys during the proper period of identification for target plant species, including all plant species considered rare



or of concern by local, state and federal agencies and groups. A delineation of jurisdictional waters will also be conducted if and where potential waters exist in the defined survey area (e.g., Moore Creek, Arroyo Seco Canyon drainage, Schaffer Road/Antonelli's Pond, etc.). A Coastal Commission wetland delineation will also be performed at the same time if a plant site with potential wetlands is selected that is within the Coastal Zone (e.g., Site B). If such delineation is needed, it is assumed that a standard 1-parameter Coastal delineation will suffice for purposes of the EIR. If a site-specific protocol must be developed and implemented, such as was required by the Coastal Commission for the UCSC Marine Science Campus, a revised scope and cost estimate will be required. The EIR scope for wetlands delineations assumes that wetland mapping sufficient to support the EIR will be prepared, but that the detailed wetlands delineation report(s) and associated agency verification will not be prepared and conducted. This report and agency verification is more appropriately performed as part of the Section 404 wetlands permitting and/or Coastal permitting process to be conducted after a preferred alternative is selected.

URS will prepare the Terrestrial Biological Resources section of the EIR, based on the above studies. The section will evaluate the potential terrestrial biological impacts based on the defined standards of significance. Feasible and effective mitigation measures will be identified to specifically address the impact(s) identified.

Air Quality/Climate Change. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to air quality and climate change. The existing air quality environment for the project area will be described, including current meteorological and air pollutant data. The applicable federal, state, and local regulatory background governing air quality will also be updated and elaborated on, including the latest air quality planning efforts by the Monterey Bay Unified Air Pollution Control District (MBUAPCD). As the SCWD IWP EIR did not address climate change, a discussion of California climate change legislation and related activities will also be included.

If available, the methodology and assumptions used to calculate construction and operational criteria air pollutant emissions in the SCWD IWP EIR will be reviewed to determine whether they can be used for the currently proposed project. However, our scope assumes that new emissions estimates for criteria pollutants will be required to accurately characterize the impact of the currently proposed project and/or to ensure that appropriate MBUAPCD recommended methodologies are used, as referred to below.

Air quality impacts from construction and operation of the currently proposed project will be quantified, summarized, and compared to applicable CEQA significance thresholds, according to guidance provided in the MBUAPCD CEQA Guidelines. Construction emissions will be calculated using California Air Resources Board (CARB) and U.S. EPA emission factors, along with projected construction equipment usage. Our scope of work also includes dispersion modeling and a health risk assessment of construction impacts (diesel particulate matter), as the MBUAPCD recommends this for construction lasting longer than one year.

Direct and indirect criteria pollutant impacts from project operation would mainly occur from the testing of emergency diesel generators, delivery truck trips, employee vehicle trips, and energy use. These emissions will be quantified using CARB and U.S. EPA factors and compared to thresholds as noted above. Direct greenhouse gas emissions (HFCs/CFCs used for HVAC and



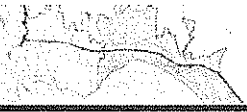
fugitive emissions of carbon dioxide commercially supplied and added to the product water) and indirect greenhouse gas emissions will be provided for the desalination plant power requirements, based on the results of the pending Energy Minimization and Greenhouse Gas Reduction Study. Any increase in GHG emissions that would result from the project would not be expected to individually have a significant impact on global climate change. The EIR will address the primary CEQA concerns about whether project implementation would conflict with the State's goals for reducing GHG emissions, as set forth by AB 32, and whether the project would have a cumulatively considerable impact on global climate change.

Noise. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to noise for the currently proposed project and alternatives. Ambient noise levels will be documented at representative locations of sensitive uses adjoining the desalination project sites, pump station, seawater intake, and pipeline alignments. Five long-term noise measurements and ten short-term noise measurements will be made to adequately characterize ambient noise conditions of sensitive receivers that may be affected by construction or operational noise associated with the project.

Noise generated by construction and operation of each project alternative will be calculated. We will rely on construction equipment lists, usage estimates, timelines, etc., provided by others to calculate noise generated by project construction activities. Noise levels will be estimated for the various construction activities, projected out to representative distances or specific sensitive receiver locations, and assessed with respect to the significance thresholds. Changes in operational noise levels at receivers near desalination facility sites or pump station will be estimated based on proposed equipment design plans and specifications. Manufacturers' noise data will be necessary to estimate noise generated by proposed mechanical equipment. If these data are not available, generic data will be used or noise performance standards will be established.

Mitigation measures will be recommended to reduce noise levels to acceptable levels if necessary. These measures may include physical controls such as noise barriers, sound attenuators, noise control baffles, or operational controls such as limiting allowable hours of construction.

Geology, Soils, and Seismicity. Both the probability of potential effects of geological hazards on the physical integrity of project facilities as well as the potential impact of the proposed project on its geological environment will be examined in the EIR. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting for geology and soils. Existing data and studies applicable to the physical environment will be collected and evaluated. Background research will include a review of existing air photos, published geologic maps, soil maps, landslide and active fault maps, and other relevant data published by the U.S. Geological Survey and by the California Geological Survey. Additional, more detailed seismicity data will also be reviewed to assist in the evaluation of seismic shaking – induced hazards. A URS engineer/geologist team will conduct a site reconnaissance field visit to verify or modify conditions expressed in existing data sources. These observations will be used to supplement the data reviewed for the EIR. The specific hazard impact assessment could also be based in part on a geotechnical study to be prepared for the project, if available from the design consultant(s).



The Geology and Soils section of the EIR will evaluate the geological and soils risks associated with seismic shaking from events along proximate faults, seismic-related ground failure, liquefaction, etc. Other potential impacts related to expansive or corrosive soils, slope stability, etc., will also be evaluated for each of the alternatives. The potential for coastal erosion effects on proposed facilities will be evaluated based upon available data.

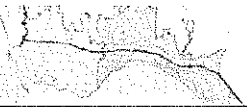
Cultural and Paleontological Resources. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to cultural resources. Additionally, paleontological resources will also be included, as this topic was not addressed in the SCWD IWP EIR.

Cultural Resources. Cultural resources include prehistoric and historic archaeological sites, historic architectural and engineering remains, historic landscapes, and sites of significance to traditional Native American or other ethnic groups. For those cultural resources determined significant under CEQA and/or NHPA eligibility criteria, and which may be affected by the project, mitigation measures must be developed.

The City of Santa Cruz, in its 1990-2005 General Plan, identified several potentially archaeologically sensitive areas in locations currently being considered for the project. These generally correspond to less developed portions of the City near waterways such as Antonelli's Pond and Neary Lagoon. It is possible that prehistoric cultural resources and/or sites of Native American concern may still be present in these areas. In addition, features of the historic built environment could be affected by the project. For example, the historic Highway 1 route is located within some of the pipeline corridors considered in the SCWD IWP EIR. Direct effects to built environment resources, as well as indirect visual effects of any proposed above ground facilities, will be considered.

The project sites will be characterized with regard to known and potential cultural resources through an updated literature search followed by an intensive pedestrian reconnaissance of those undeveloped areas that hold the potential to contain cultural resources. Cultural resource sensitivity mapping of the City of Santa Cruz and County of Santa Cruz will also be reviewed. In addition, existing soils and geomorphology data will be reviewed, if not otherwise encompassed in the aforementioned mapping, to assess the potential for buried archaeological sites within the project area. An assessment of project impacts on buried archaeological resources is an increasingly common requirement by the California Office of Historic Preservation (OHP) during Section 106 project review. An assessment of the potential for buried archaeological sites ("geoarchaeology") also directly benefits a project by identifying those alternatives that are least likely to encounter buried sites, thus avoiding costly delays due to the discovery of unanticipated archaeological resources during construction, and helps in identifying the least environmentally damaging alternative.

A technical report will be prepared that describes the results of the background research and field surveys, and will comply with Archaeological Resource Management Report (ARMR) guidelines as a Section 106 compliant document. This report will serve as the basis for the EIR and will support the multiple federal permits that will require consultation with SHPO in accordance with Section 106. If significant impacts are identified that can't be avoided, then appropriate mitigation measures will be developed. Recommended mitigation measures could include construction monitoring, project facility design or location modification to avoid or



protect the resource, and/or data recovery through archaeological excavation or other methods. If sites of Native American concern are present, local Native American input to the mitigation measures will be sought.

Paleontological Resources. URS will provide an evaluation of paleontological resources in the EIR, as required by CEQA. URS will summarize what is stated in CEQA, the CEQA Guidelines, and the CEQA Checklist regarding criteria for a significant impact to paleontological resources. In addition, State law explicitly considers vertebrate paleontological sites and fossil footprints and provides for their recordation (Archaeological, Paleontological and Historic Sites Statute at PRC 5097 *et seq.*).

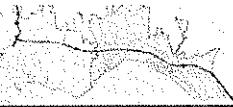
A one-mile radius around the footprint of the project and all alternatives will be used for the paleontological records search. Only records for vertebrate fossils will be requested from the University of California Museum of Paleontology, the Santa Cruz City Museum of Natural History, and the University of California Santa Cruz. URS will also obtain pertinent geological maps and literature on the geology and paleontology of the area. URS will establish what rock units are present near and within the search area. Preliminary information indicates that all rock units within the footprints of the project area are sedimentary. In order of decreasing age they are: Santa Margarita Formation, Santa Cruz Mudstone, Purisima Formation, and Pleistocene Terrace deposits. Known fossils in some of these formations include shark bones and teeth, and marine mammal bones and teeth, fish, and birds.

URS paleontologists will look for natural or artificial exposures of sediments within and immediately adjacent to the project and alternative boundaries. The types of invertebrate and vertebrate fossils will be noted and the localities will be recorded with a GPS device. Photographs may also be made of select fossils and localities. However, it is expected that large areas within the project area will not be subject to survey because of the built environment.

URS will identify the paleontological potential of each rock unit based on the most widely accepted methodology for categorizing such potential. Disturbance of previously undisturbed sediments of at least some of the above noted formations may result in significant impacts under CEQA, requiring mitigation. URS will develop appropriate mitigation measures for any such impacts.

Public Services and Utilities. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to public services and utilities, including law enforcement, fire protection, emergency medical services, wastewater services, water, solid waste, electricity and natural gas, schools, and parks and recreation. Existing levels of community services will be described for those services potentially demanded by the project facilities and during construction. The primary construction issue relates to damage to or interference with services and infrastructure, especially related to construction of conveyance pipelines. The generation of solid waste during construction (e.g., excavated material) and operation (e.g., desalination residual solids) will be evaluated, the latter based on the outcome of the Pilot Study, which is analyzing these solids to determine disposal options. Any potential effects on wastewater services and water supplies will also be described.

Visual Resources. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing visual setting for the currently



proposed project. The impact analysis will also be used to the extent applicable. Our approach to providing for a project-specific analysis for this type of facility is to assess the aesthetic impacts in part by using photo simulations. The URS project team includes William Kanemoto & Associates, a visual resource assessment firm with substantial experience preparing photo-simulations and providing visual impact assessments for CEQA/NEPA projects.

The URS team will visit the site(s) to assess the existing visual environment and generate photos of existing conditions from viewpoints to be simulated. Viewpoints will be selected in consultation with scwd² staff. The resulting scaled photo-simulations will provide accurate and highly realistic visual depictions using state-of-the-art software. These simulations will better enable reviewing agencies and the public to understand the visual effects of the proposed project and will be used in the environmental document to aid in the evaluation of impacts. Three simulations are assumed, which could include the plant site, pump sites, or other above ground features. As was done in the SCWD IWP EIR, the visual analysis will focus on the visual significance criteria found in CEQA at Appendix G, but consistency with relevant visual impact criteria of the City of Santa Cruz General Plan and Local Coastal Program and the California Coastal Act will also be assessed. Mitigation measures will be developed as needed, and represented in the simulations. Potential effects of planned landscaping or adjacent future development can be included to assess progressive view blockage or other anticipated changes. URS will also produce two large-scale exhibit boards of the simulations to support public outreach activities, if desired and appropriate. Our scope assumes that scwd² will supply photo-real or scaled mock images of a prospective desalination plant facility and pump station(s).

Hazards and Hazardous Materials. The setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to hazards and hazardous materials. For example, current Environmental Data Resources (EDR) database searches will likely need to be conducted to update the prior searches completed for the plant sites and to provide for complete information for the conveyance facilities. URS assumes that up to three EDR radius map reports, and three EDR corridor map reports, will be required. Other potential hazards (e.g., fire hazards) will also need to be characterized in the setting, as they were not evaluated in the SCWD IWP EIR.

An evaluation of potential impacts related to hazards and hazardous materials will be performed. This analysis will include potential hazards related to plant chemical use, storage, and transport; exposure to existing contamination during construction of the facilities; exposure to or release of hazardous materials during construction, and potential hazards associated with fire. Additionally, we understand that residual solids generated at the Pilot Plant are being analyzed to determine disposal options. URS will discuss results of this testing and describe disposal options. As there are no airports within a distance that will require additional analysis, no analysis of the potential impacts due to airport-related hazards is assumed.

Traffic and Transportation. The setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to traffic and transportation. This will include updating the descriptions of the local roadway network in the City of Santa Cruz, unincorporated Santa Cruz County, and the City of Capitola, as relevant to the currently proposed project and alternatives. Existing daily traffic volumes on these roadways will also be updated based on existing available information. The objectives of the transportation and traffic analysis will be to assess the effects of construction and operation



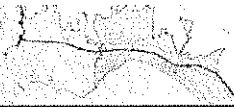
related project traffic on existing transportation and traffic. Given the amount of traffic expected from both of these phases of the project, no traffic counts or modeling will be conducted. Issues to be addresses in the analysis include: potential traffic impacts to the local roadway system caused by construction-related project traffic, potential traffic impacts to the local roadway system caused by operation-related project traffic, and potential effects to local transportation systems caused by disruption of the roadway network caused by construction of ancillary facilities such as pipelines.

Construction and operational trip generation will be estimated in conjunction with scwd² and design consultants. Estimates of increased roadway traffic volumes generated by construction-phase traffic will be compared to existing traffic volumes and the effect of the percent increase on traffic flow will be evaluated by URS traffic engineers. Given that construction-phase traffic effects will be the focus of the analysis, additional detailed information about the construction phase of the project will be obtained from the design consultants (e.g., location and characteristics of pipeline construction, lane closures, etc.). If significant transportation or traffic impacts are identified then mitigation measures will be recommended to reduce those impacts. These are likely to relate to short-term construction effects and could include the need for special construction or peak-hour restrictions during conveyance facility construction, the need for implementation of a traffic control plan, and other measures. Our scope does not include the preparation of such a traffic control plan.

Energy. Setting information provided in the SCWD IWP EIR will be updated and supplemented as necessary to adequately describe the existing setting related to energy. Energy-related implications associated with the implementation of the scwd² Desalination Program will be evaluated in the EIR process with respect to: energy demand during the construction process, project ongoing operational and Life Cycle energy use, potential effects of the project on local and regional energy supplies and infrastructure, and the effect of the project on peak and base period energy demand. URS will use the Energy Minimization and GHG Reduction Study being conducted for the proposed facility to support this analysis. It is expected that the study will provide detailed and thorough analyses of projected energy demand of facility operation, as well as options to reduce demand by various amounts through the implementation of a range of different measures (e.g., energy conserving plant equipment, green building design, alternative energy power generation, etc.). The Energy section in the EIR will follow the guidance provide in Appendix F of the CEQA Guidelines.

Growth-Inducing Impacts -

The potential for the proposed desalination facility project to induce growth or cause secondary effects related to growth is a primary issue of concern within the Santa Cruz community. The evaluation of growth-inducing impacts in the SCWD IWP EIR will be updated and augmented as necessary to provide for an appropriate project-specific analysis for the currently proposed project. Growth and development in the SCWD's and SqCWD's service areas are regulated by the City of Santa Cruz General Plan and LCP, the County of Santa Cruz General Plan and LCP, and the City of Capitola General Plan and LCP. However, the City of Santa Cruz is in the process of updating it's General Plan and LCP. Additionally, both the City and the County are in the process of updating their respective Housing Elements. It does not appear as though the City of Capitola is updating their plans, but this will be confirmed. URS will consult with the City and the County about the likely timing of the adoption of these newly updated plans. If adoption



will occur during the EIR preparation process, the EIR will report on the growth and development that would be allowed by these newly updated and adopted plans. Otherwise, existing adopted plans would be the basis for the analysis. Any updated AMBAG projections will also be reported on.

URS will evaluate the growth inducing aspects of the currently proposed project and alternatives, if any, based on the updated information. The likelihood of potential expansion of the facility capacity to 4.5 mgd will also be considered in the growth analysis, although it is acknowledged that separate CEQA analysis and regulatory permitting would be required to pursue such an option.

Task 7 – Preparation of a Permit Plan

URS will develop a permit plan for the desalination project that identifies the full range of federal, state, regional, and local permits that may potentially be required for the project. This will be prepared at the outset of the project and refined as more becomes known about the full range of resource issues at hand for the project. The plan will identify each agency, permit, and permit process information (e.g., early scoping approach, timing requirements, supporting documentation requirements, etc.). A preliminary permit plan has been developed for this project as part of the proposal and will be used as the basis for the permitting plan for this project.

Deliverables:

- ✓ Draft permit plan
- ✓ Final permit plan

Assumptions:

- ✓ The project description and range of desalination alternatives are well defined and will not change substantially between the draft and final permit plan
- ✓ Agency coordination will be conducted in order to develop the permit plan and includes telephone, email and secure folder exchanges with affected agencies, but does not include in-person meetings
- ✓ Potentially involved regulatory agencies are reasonably responsive and provide clear input on permitting requirements
- ✓ Task does not include the preparation of permit applications, special resource studies and technical analysis to support permit applications, or agency coordination/negotiations necessary to identify and develop likely permit-specific conditions

Task 8 – Acquisition of Permit/Approvals (Optional)

Most permit approvals or reviewing agencies will require that key special resource studies or technical analysis be prepared to support a permit application (e.g., wetland delineation in support of a Clean Water Act Section 404 permit). Some of these studies and/or analyses will be completed as part of the EIR, while others are not needed until the permitting stage of the project. URS will help determine at what stage of the process such studies should be initiated. In addition to the preparation of permit applications, our services under this task will include the preparation of all supporting technical documentation. URS will also provide agency

coordination prior and throughout the technical study and application process, as necessary to obtain approved permits.

Optional Deliverables:

- ✓ Special resource studies and/or technical analysis to support permit applications
- ✓ Completed permit applications
- ✓ Approved agency permits

Assumptions:

- ✓ Assumptions to be developed if task is authorized

Tasks 9 and 10 – Document Preparation and Production

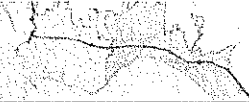
URS will prepare “Administrative Draft,” “Draft,” and “Final” versions of all CEQA documents based on the work described above, information provided by other consultants, and information provided by scwd². As applicable, each version will be accompanied by appendices and a stand-alone Executive Summary as well as all documents cited or referenced in the original document. Each draft will also be provided electronically as a PDF with tables and exhibits, as a MS Word copy, and with their original software format (MS Excel, GIS, etc.). The URS team will be responsible for all aspects of document production. This task will include the production of appropriate graphics, tables, covers, etc. Each document will receive technical editing, formatting, and be run through our QA/QC process to ensure adequacy and consistency. Our cost estimate assumes the number of hard and electronic copies as identified by task below. The various CEQA-related documents are further described below.

Task 9.1 – Initial Study/Notice of Preparation - In coordination with scwd², URS will formally launch the CEQA process by preparing and issuing the Notice of Preparation (NOP) in accordance with CEQA Guidelines Section 15082, which starts the 30-day scoping period. We recommend that the Initial Study (IS) be prepared and attached to the NOP. While an IS is not required under CEQA, one can be prepared as the basis for describing the probable environmental effects of the project, which is a required element of the NOP under Guidelines Section 15082(a)(1)(c). The IS can also be useful in focusing the EIR on the effects determined to be significant, per CEQA Guidelines Section 15063(c)(3)(A). It is expected that this process may potentially eliminate certain topics from detailed evaluation in the EIR (e.g., Agricultural Resources, Mineral Resources), which will provide for a more cost efficient and effective EIR process.

URS will prepare an Administrative Draft IS and Notice of Preparation (NOP) for review by scwd². Following receipt of internal comments, the NOP and IS will be revised as necessary. A final screen-check review copy of the document will be provided to scwd² before publication. The NOP will be distributed to the State Clearinghouse and as otherwise required by CEQA. The distribution list developed during Task 2 will be used to notify the public of the availability of the NOP and the timing of the public review period.

Deliverables:

- ✓ Administrative Draft NOP (plus supporting IS): 20 hard-bound copies and 1 electronic (CD) copy
- ✓ Screen-check NOP: 2 hard-bound copies and 1 electronic (CD) copy



- ✓ Final NOP for distribution: 40 hard-bound and 20 electronic (CD) copies for distribution, PDF document suitable for Web posting, and a version of NOP in original software format(s).

Assumptions:

- ✓ One round of comments on the administrative draft IS and NOP
- ✓ Comments on screen-check NOP are minor

Task 9.2 – Administrative Draft EIR - Based on the outcome of the above tasks, a complete Administrative Draft EIR will be prepared for internal review by scwd² staff. The EIR will contain all of the required elements under CEQA, including environmental setting, environmental impacts, mitigation measures, and alternatives. The EIR will provide for a detailed project-level analysis for those topics that have the potential to be significant, based on the NOP/Initial Study and the outcome of the scoping process. Technical scope for key topics is provided above under Tasks 5 and 6. Two administrative draft review cycles are expected for this task. A stand-alone Executive Summary will be included in the second administrative Draft EIR. A screen-check draft will also be provided for review prior to printing the Draft EIR.

Deliverables:

- ✓ Administrative Draft EIR #1: 20 hard-bound copies and 1 electronic (CD) copy
- ✓ Administrative Draft EIR #2 and Executive Summary: 20 hard-bound copies and 1 electronic (CD) copy
- ✓ Screen-check Draft EIR: 2 hard-bound copies and 1 electronic (CD) copy
- ✓ Administrative record, to be submitted with Administrative Draft EIR #1 and updated, as needed for subsequent submittals

Assumptions:

- ✓ Two administrative draft review cycles are assumed
- ✓ Appendices included with both administrative drafts
- ✓ Executive Summary included in second administrative draft
- ✓ Comments from scwd² will be consolidated on a single version of the document

Task 9.3 – Draft EIR - Once scwd² has approved the screen-check Draft EIR, any final changes will be made and the Draft EIR will be produced and distributed in accordance with CEQA requirements. The Notice of Completion (NOC) document will be prepared in cooperation with scwd² and sent to the State Clearinghouse and as otherwise required by CEQA, which starts the required 45-day public review period. The distribution list developed during Task 2 will be used to notify the public of the availability of the document and the timing of the public review period.

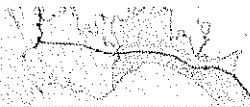
Deliverables:

- ✓ Final Draft EIR for distribution: 40 hard-bound and 20 electronic (CD) copies for distribution, PDF documents suitable for Web posting, and a version of Final Draft EIR in original software format(s)
- ✓ Draft and final NOC

Assumptions:

- ✓ Comments on screen-check Draft EIR are minor

Task 9.4 – Final EIR - Following completion of the public and agency review period, we will meet with scwd² and its legal counsel to go over the comments received. At this meeting, an



approach to the Final EIR will be developed and assignments will be made with respect to responding to comments. Depending upon the number of comments received, we may recommend a “Master Response” approach to answering multiple comments on the same issue. This would involve grouping all comments on a given issue together and providing one detailed response to each group of comments. We have used the master response approach successfully for a number of other projects. Our cost estimate assumes that the project description does not change substantially as part of the Final EIR, that a modest number of comment letters are received (i.e., approximately 50 letters, plus public transcripts), and that no new technical analyses are required to support the preparation of the Final EIR. Further, our cost estimate assumes that any changes to the Draft EIR text that result from responses to comment are contained in a separate Final EIR volume and that the Draft EIR is not revised and reprinted. We will also prepare the Mitigation Monitoring and Reporting Program (MMRP) for inclusion in the Final EIR.

Following receipt of consolidated comments from scwd² on the Administrative Draft Final EIR, the Final EIR will be revised as necessary, with final review of the screen-check versions of the Final EIR to be provided by scwd² prior to publication of the document. Per CEQA requirements, responses to comments will be provided to all commenting agencies at least 10 days in advance of the certification of the EIR.

Deliverables:

- ✓ Administrative draft Final EIR: 20 hard-bound copies and 1 electronic (CD) copy
- ✓ Screen-check draft Final EIR: 2 hard-bound copies and 1 electronic (CD) copy
- ✓ Final EIR for distribution: 40 hard-bound and 20 electronic (CD) copies for distribution, PDF documents suitable for Web posting, and a version of Final Draft EIR in original software format(s)
- ✓ Administrative record, to be submitted with Administrative Final EIR and updated, as needed for subsequent submittals

Assumptions:

- ✓ One administrative draft review cycle is assumed
- ✓ Comments from scwd² will be consolidated on a single version of the document
- ✓ Comments on screen-check version are minor
- ✓ Other assumptions about Final EIR content are included in scope above

Task 9.5 – Notice of Determination (NOD) and CEQA Findings - CEQA Findings, including a Statement of Overriding Consideration for any significant unavoidable impacts of the project, will be developed for review and input from scwd² and legal counsel. Once the City of Santa Cruz and Soquel Creek Water District certify the EIR a Notice of Determination (NOD) will be prepared and sent to the State Clearinghouse and as otherwise required by CEQA.

Deliverables:

- ✓ Draft and final CEQA Findings
- ✓ Draft and final NOD

Assumptions:

- ✓ One round of comments on the draft documents is assumed

Task 11 – Project Meetings



Appropriate URS team staff will attend the meetings identified in the RFP and provide support as needed including leading the meetings, making presentations and other support services. Tasks associated with conducting the meetings and public hearings include notification, logistics, presentation materials, handouts, and documentation as well as attendance and facilitation. As indicated in Task 2, CirclePoint will assist our Project Manager in organizing and developing materials for these meetings, as described in Task 2. The meetings assumed under this task are identified below.

PROJECT MEETINGS

Meeting Type	Public, Agency, or Staff Meeting	Number of Meetings	URS Team Members Present*
Kick-off meeting (including public outreach efforts)	Staff	1	4
Pre-scoping/informational meetings	Public	2	3-4
Pre-scoping meeting with responsible agencies	Agency	1	1-2
Scoping meetings	Public	2	3-4
Draft EIR meetings	Public	2	3-4
Public hearings	Public	2	3-4
Staff meetings to review comments on draft documents	Staff	6	1
Working group meetings with staff and other program consultants to address particular topics	Staff	6	1
Monthly project status meetings	Staff	28	1

*Includes URS and CirclePoint staff, as warranted.

Deliverables:

- ✓ Meeting materials to support discussions and decision-making at staff meetings and meeting minutes/notes
- ✓ See Task 2 for materials to be provided for public meetings

Assumptions:

- ✓ Scope and budget assumes that meetings are no more than 2 hours, on average, with the exception of the kick-off meeting which could be 4-6 hours.
- ✓ Scope and budget assumes URS team staffing at these meetings per the above table

Task 12 – Project Management and Quality Control

This task includes all general project management efforts required to organize, assign and control work, and report progress to the City. Our project management philosophy is based on regular and open communication as the foundation of a successful project. Communication will be a key



element in this project to ensure ongoing efforts are in alignment with scwd² Desalination Program interests and proceed in a step-wise, cost effective, and coordinated manner. This ensures that the final work products will be of maximum value to the program. A strong project management approach developed by URS over the years coupled with an experienced team and solid project understanding is the foundation of our project approach. We will use a milestone structure to develop a complete, detailed work plan (see Task 1.1) that incorporates all of the tasks and subtasks necessary to complete the environmental document in accordance with the requirements of CEQA and potentially NEPA. Our established system, proven over the years, for project management and coordination consists of the following activities, as described below.

Management and Administrative Controls. Management and administrative controls will be developed in accordance with the scwd² needs and include data controls, filing and record keeping systems, regular backup of project files and documents, and documentation protocols and controls. Project and task tracking are achieved by weekly updates of scheduling routines and by performance measures. Additionally, monthly project status meetings between Ms. Sansevero and the key staff will assure smooth transfer of information and ideas. These will be held more often, at key points in the process when close coordination is required.

Invoicing and Progress Reporting. URS will prepare monthly invoicing in accordance with City procedures. Brief progress reports will be generated that will coincide with our invoicing periods and will include information on work accomplished during the reporting period, work anticipated for the next reporting period, and any issues or problems and their solutions encountered during the reporting period. These monthly progress reports will be accompanied by an excel spreadsheet document that reports on budget expended during the reporting period by task with a running project total.

Performance Monitoring. Projects function more smoothly and yield better results if there is a clear goal orientation among the project staff and a concurrent visible effort to monitor progress. Objective-based performance monitoring is a highly visible activity of our projects. We routinely monitor progress toward completion of objectives and schedule milestones, with assessment of project status determined in terms of these measures.

Quality Assurance, Quality Control. QA/QC is a key element of the URS Team, our corporate culture, and standard project management processes. The quality of our professional practices is implemented through URS programs that are dedicated to Quality Assurance, training, professional development and technical memoranda and standard operating procedures (SOPs) describing guidelines and requirements of selected project activities. We will ensure that all deliverables have the QA/QC performed and documented before they are submitted to the scwd². All calculations will be checked and confirmed for accuracy, and all computer codes will be verified as acceptable for use on the project. All deliverables will be reviewed by Tom Baily, a senior CEQA/NEPA practitioner, as well as other appropriate staff to ensure the deliverable meets the scope and expectation of the scwd². Our QA/QC plan will be prepared as part of Task 1.1, Work Plan.

Communications Procedures. Communications are critical on a project of this magnitude and complexity. Ms. Sansevero will ensure the timely flow of information and shorten response times. Critical tracking of communications will be crucial to the success of the project. Our communications procedures will emphasize: open flow of information to all team members, tracking of communications either by telephone conversation records or email archives, monthly

progress reports to scwd², internal milestone project meetings with the project team particularly at the completion of a task, and immediate notification of obstacles to critical path performance and concerns about the project budget. Of course, the URS Project Manager will be in frequent communication with scwd² and should any issues arise they will be immediately brought to the attention of the City's Project Manager for expedient resolution. Our communications plan will be prepared as part of Task 1.1, Work Plan.

Deliverables:

- ✓ Monthly invoicing in accordance with City procedures
- ✓ Other deliverables per Task 1.1, Work Plan

Assumptions:

- ✓ Project management scope and budget assume a 28-month performance period

APPENDIX 2

FEES AND PAYMENTS

The cost table on the following page presents the estimated costs to complete the proposed project by task. Subconsultant, travel and all other direct costs are included in this estimate. URS proposes to conduct this project on a time and materials basis with an amount not to exceed as presented in the cost table without prior written authorization. Our cost estimate does not provide a cost for Optional Task 8 – Acquisition of Permit/Approvals since it is too speculative at this time to estimate the level of effort needed for acquiring the full range of permits that may need to be acquired for the proposed project. As more becomes known about the full range of resources issues at hand, we can provide such an estimate, if desired. Our cost estimate does provide costs for two other optional tasks; Pipeline Route Analysis and Benthic Study. Key cost assumptions are presented below.

Cost Assumptions:

- ✓ Cost estimate is based on Appendix 1, Scope of Services and the associated deliverables and assumptions
- ✓ Cost estimate is also based on Appendix 3, Schedule and the associated 28-month performance period

APPENDIX 3 WORK SCHEDULE

The proposed Project Schedule is provided on the following page. The February 1, 2010 start date is based upon the expected date of contract approval by the end of January 2010, as estimated by SCWD and SqCWD. Completion of URS tasks will depend upon the timely receipt of information from SCWD, SqCWD, and other project consultants. We understand that the initial phase of the project will be in developing the project description in conjunction with scwd² and their consulting teams. The timing for completion of the project description and subsequent tasks will need to be refined during Task 1.1, Work Plan and Schedule. However, we've made an initial estimate about the timing for completion of the project description, based on the expected or possible completion of the various scwd² studies underway or pending. Meetings have not been specifically scheduled but would occur throughout the process as indicated in Appendix 1, Scope of Services, Task 11. A detailed schedule will be developed after the kick-off meeting, as part of the development of the Work Plan (Task 1.1). Preliminary key schedule assumptions are presented below and will be refined as part of the Work Plan process.

Schedule Assumptions:

- ✓ Schedule is based on the scope of services and the associated deliverables and assumptions identified in Appendix 1
- ✓ Schedule is based on completion and availability of scwd² technical studies per the attached schedule
- ✓ Project description information for all desalination alternatives to be considered in detail, will be provided to URS no later than **July 1, 2010**
- ✓ URS will prepare a list of specific inputs required for the development of the project description and alternatives (e.g., location, siting, design criteria and/or specifications, and mapping for each aspect of the project)
- ✓ Review of major deliverables (e.g., Administrative Draft EIR) will be conducted by the SCWD and the SqCWD within a 3-week period
- ✓ Review of minor deliverables (e.g., NOP) will be conducted by the SCWD and the SqCWD within a 1-week period
- ✓ Schedule assumptions will be refined as part of the Work Plan (Task 1.1)



CITY COUNCIL AGENDA REPORT

DATE: February 2, 2010

AGENDA OF: February 9, 2010
DEPARTMENT: City Council
SUBJECT: Administrative Appeal Fee Schedule (CN)

RECOMMENDATION: Resolution establishing an administrative appeal fee schedule for administrative appeals taken pursuant to Title 4 of the Santa Cruz Municipal Code.

BACKGROUND: Title 4 of the Santa Cruz Municipal Code sets forth the various enforcement protocols available to the City for violations of the Santa Cruz Municipal Code and generally provides City enforcement officials with the option of proceeding criminally (in court), civilly (in court), or administratively when responding to violations of the Santa Cruz Municipal Code. When the City elects to proceed administratively, the court system is not used and accordingly the City is responsible for providing the person against whom enforcement action is taken a right to appeal that enforcement action to an administrative hearing officer. Section 4.20.010(3) provides that when an administrative appeal is taken under these circumstances “The appeal shall be accompanied by an appeal fee in an amount established by resolution of the City Council.”

DISCUSSION: This resolution, if adopted by the City Council, would establish an appeal fee schedule for administrative appeals taken pursuant to Title 4 of the Santa Cruz Municipal Code. Inasmuch as it is apparent that depending upon the nature and extent of the violation, an administrative appeal may or may not be overly complex and therefore may or may not entail an inordinate amount of administrative hearing officer time, the fee schedule establishes a graduated rate of fees. The appeal fee increases relative to the complexity, nature, number and extent of the violations which are the subject of the appeal.

FISCAL IMPACT: The appeal fee will assist the City in defraying the cost of retaining an administrative hearing officer when an appeal is taken. Accordingly adoption and implementation of the administrative appeal fee schedule will have a positive fiscal impact.

Prepared by:
John G. Barisone
City Attorney

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY OF SANTA CRUZ ESTABLISHING AN
APPEAL FEE SCHEDULE FOR SANTA CRUZ MUNICIPAL CODE TITLE 4
ADMINISTRATIVE APPEALS

BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

Pursuant to Santa Cruz Municipal Code Section 4.20.010(3), the City Council hereby establishes the following appeal fee schedule for administrative appeals authorized by Title 4 of the Santa Cruz Municipal Code.

1. Appeal of an administrative abatement or civil penalties notice and order: \$500 appeal fee
2. Appeal of letter of intent to record notice of violation: \$500 appeal fee
3. Appeal of administrative citation:
 - A. Total fine/penalty: \$100 or less \$50 appeal fee
 - B. Total fine/penalty: \$101-\$200 \$100 appeal fee
 - C. Total fine/penalty: \$201-\$499 \$150 appeal fee
 - D. Total fine/penalty: \$500 or more \$300 appeal fee

If on appeal, the appeal is upheld in its entirety, the appeal fee shall be reimbursed to the appellant. If on appeal, the appeal is denied in whole or in part, the appeal fee will not be reimbursed to appellant. The appeal fee is in addition to, and shall not be a credit against, any fine, penalty, administrative cost, abatement cost or other monetary amount for which the appellant is liable.

PASSED AND ADOPTED this 9th day of February, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING TITLE 24 OF THE SANTA CRUZ MUNICIPAL CODE AND TO PART 12 OF THE MUNICIPAL CODE MODIFYING ALCOHOL BEVERAGE SALES REGULATIONS

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Title 24 of the Santa Cruz Municipal Code is hereby amended as follows:

Part 12: ALCOHOLIC BEVERAGE SALES

24.12.1100 DEFINITIONS

a. As used in this chapter, the following terms shall have the meaning set forth below, unless the context clearly dictates a different meaning.

1. “Low-Risk Alcohol Outlet.” A low-risk alcohol outlet is a bona fide restaurant, wine-tasting room, brewpub (Type 75), bed and breakfast inn, conference center and similar establishments that include food service but do not include live entertainment except incidental live entertainment or food store where alcoholic beverages are sold.

2. “High-Risk Alcohol Outlet.” A high-risk alcohol is a retail outlet where alcoholic beverages are sold such as a bar, tavern, liquor store, convenience store, nightclub, banquet facility, and/or premise where live entertainment and/or dancing occurs.

3. “Eating and Drinking Establishment - Bona Fide Restaurant”. A bona fide restaurant is a retail establishment which is regularly and in a bona fide manner used and kept open for the principal purpose of serving a variety of meals or menu items to patrons for compensation, and which has (1) suitable kitchen facilities on the premises which contains conveniences for cooking an assortment of foods which may be required for ordinary meals and for which the kitchen must be kept in a sanitary condition and must be in compliance with the local department of health regulations; (2) a primary use of sit-down service to patrons; (3) adequate eating arrangements for patrons on the premises; (4) sale of alcoholic beverages as an incidental use and only when served a tables or counters and (5) does not include live entertainment except incidental live entertainment. A bona fide restaurant, which includes, but is not limited to, any facility which has obtained a Department of Alcoholic Beverage Control license such as a Type 41 or Type 47, does not include any billiard or pool hall, video arcade, game parlor, card room, gambling establishment, bowling alley, shooting gallery or adult entertainment business and (6) a minimum of 51-percent of the monthly gross receipts shall be from the sale of meals, not to include cover or admission charges, or alcoholic beverages sales, during the same period. The owner/operator may be required to submit certified records or evidence pertaining to the sales of meals and alcoholic beverages to the finance department as part of review of the use permit, upon request by city officials, for the purpose of verifying compliance.

4. “Incidental Live Entertainment.” Incidental live entertainment is live entertainment with instrumental and vocal music with small personal amplifiers provided for the listening pleasure of patrons, and which does not include karaoke or a disc jockey format or dancing and has an indoor stage/performance area not exceeding 80 square feet.

5. “Live Entertainment.” Live entertainment involves music, comedy, readings dancing, acting or other entertainment performed by one or more persons, whether or not such person or persons are compensated for such performances. This use includes dancing by patrons to live or recorded music.

6. "Nightclub. "A nightclub is a retail establishment which is regularly and in a bona fide manner used and kept open for the principal purpose of providing live entertainment, food, and beer and wine or distilled spirits; is considered a public premise which does not allow entrance to any person under twenty-one year of age; does not allow for sale of alcoholic beverages for consumption off the premises and is considered a high-risk alcohol establishment

4.12.1101 SPECIAL USE PERMIT REQUIREMENT FOR HIGH-RISK ALCOHOL OUTLETS.

1. Special Use Permit Required. In addition to the other requirements set forth in Sections 24.12.1100 through 24.12.1114 of this part, on and after the date the ordinance codified in this part becomes effective, no high-risk alcohol outlet, as that term is defined pursuant to Section 24.22.437, whether on-sale or off-sale, shall be established without first obtaining a special use permit from the city of Santa Cruz, in accordance with this part and Chapter 24.08.

2. Posting Requirement. A copy of the conditions of approval for the special use permit shall be kept on the premises of the establishment and posted in a place where it may readily be viewed by any member of the general public.

3. Findings. In approving a special use permit, it shall be determined by the hearing body that all of the following apply:

a. The proposed use complies with all of the mandatory requirements of this section and Section 24.12.1102;

b. The proposed use will not adversely affect the health, safety or welfare of area residents, or uses, or will not result in an undue concentration in the area of high-risk establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine;

c. The operational characteristics of the proposed use, such as live or amplified entertainment, will not have a negative impact upon the surrounding area;

d. The proposed use is compatible with the sizes and types of other neighboring uses in the surrounding area; and

e. The proposed use is not located in what has been determined to be a high-crime area, or where a disproportionate number of police service calls occur.

4. Conditions. The planning commission or city council on appeal, may deny any application which is inconsistent with the above-noted findings, or may impose any conditions on the applicant or proposed location reasonably related thereto, or to the health, safety or welfare of the community, in addition to the specific requirements set forth in Section 24.12.1102. (Ord. 95-03 § 1 (part), 1995).

24.12.1102 REQUIREMENTS FOR HIGH-RISK ALCOHOL OUTLETS.

1. Except as provided in Section 24.12.1102(1)(a) below, no high-risk alcohol outlet shall be located within six hundred feet of any other high-risk alcohol outlet (including legal, nonconforming low risk outlet approved with an Administrative Use Permit that would be considered a high risk outlet under the ordinance currently in effect), any public educational use zoned P-F, public park with a playground, hospital, medical clinic, alcohol or other drug abuse recovery or treatment facility, or community care residential facility providing mental health/social rehabilitation services. For the purpose of this subsection, the six-hundred-foot distance requirement shall be measured from the periphery of the property boundary of such establishments. With respect to a public park with playground, the six-hundred-foot distance shall be measured from the periphery of the playground area.

a. The planning commission, or the city council on appeal, may grant an exception to the six-hundred-foot spacing requirement between high-risk alcohol outlets, except in the case of public educational uses, only if the applicant can establish that any public benefit that could be served by the issuance of the special use permit will outweigh concerns affecting public health and safety. The burden of proof is on the applicant to show that the overall effect will be positive.

2. A wall or other appropriate buffer may be required around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any of the above-referenced sensitive uses.

3. Exterior lighting of the parking area shall be kept at a sufficient intensity so as to provide adequate lighting for patrons, while not disturbing surrounding residential or commercial areas.

4. All establishments shall be required to have a public telephone listing and to control incoming phone calls.

5. The applicant shall be required to provide evidence of the adoption and implementation of Responsible Beverage Service (RBS) policies and practices, including, but not limited to participation in a formal RBS training program. For the purposes of this subsection, "formal RBS training program" shall mean any program from a list of vendors or programs approved by the Santa Cruz Police Department.

6. Employees shall be at least twenty-one years of age to sell and serve alcohol.

7. The applicant must bear the cost of modifications or cease operations if, subsequent to the approval of a special use permit, it is determined pursuant to Section 24.12.1110 that the establishment constitutes a public nuisance.

8. Special requirements for on-sale establishments:

a. The sale of alcoholic beverages for consumption off the premises shall be prohibited; and

b. Special security measures such as security guards and burglar alarm systems may be required.

9. Special requirements for off-sale establishments:

a. The operation of video or any other electronic games shall be prohibited in conjunction with the sale of alcoholic beverages;

b. If the establishment is located in a shopping center, the sale of alcoholic beverages for consumption on the appurtenant common areas may be prohibited;

c. Exterior public telephones, limited to outgoing calls only, may be located on the premises;

d. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove litter and debris on a daily basis; and

e. Paper or plastic cups shall not be sold in quantities less than their usual and customary packaging.

10. Special Requirements for establishments with live entertainment.

a. A yearly entertainment permit from the Police Department must be obtained.

b. An acoustical study is required to insure that sound attenuation techniques have been implemented and that noise generated by the facility meets the performance standards in the zoning ordinance.

c. Security personnel shall be provided on the premises and/or around the perimeter of the property as required by the Police Department.

d. Security measures such as additional lighting and/or security cameras maybe required.

e. The maximum occupancy is limited to the number identified by the Fire Marshall and may be further limited in the Use Permit based on land use compatibility issues, parking availability and security personnel.

f. If the public right-of-way is proposed for queuing for patrons, a management plan to control crowds and litter as well as to ensure adequate pedestrian circulation must be made part of the proposal.

g. Adequate ventilation shall be provided so that openings to the outside can be closed when the facility is at full capacity.

11. Conditions. The planning commission, or the city council on appeal, may deny any application which is inconsistent with the findings in subsection (3) of Section 24.12.1100, or may approve said application with reasonable conditions related to the public health, safety or welfare, including but not limited to, those set forth in Section 24.12.1102. (Ord. 95-03 § 1 (part), 1995).

24.12.1104 ADMINISTRATIVE USE PERMIT REQUIRED FOR LOW-RISK ALCOHOL OUTLETS.

1. Administrative Use Permit Required. In addition to the other requirements set forth in this part, on and after the effective date of the ordinance codified in this chapter, no low-risk alcohol outlet shall be established without first obtaining an administrative use permit from the city of Santa Cruz, in accordance with Chapter 24.08 and this part.

2. Posting Requirement. A copy of the conditions of approval for the administrative use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by any member of the general public.

3. Findings. In approving an administrative use permit it shall be determined by the hearing body that:

a. The proposed use complies with all of the requirements of this section and Section 24.12.1106;

b. The proposed use will not adversely affect the health, safety or welfare of area residents, or uses, or will not result in a harmful concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine;

c. The operational characteristics of the proposed use, such as live or amplified entertainment, will not have a negative impact upon the surrounding area; and

d. The proposed use is consistent with the surrounding neighborhood character.

4. Conditions. The zoning administrator, or zoning board or city council on appeal, may deny any application which is inconsistent with the above-noted findings, or may approve said application with reasonable conditions related to the public health, safety or welfare, including, but not limited to, those set forth in Section 24.12.1106.

(Ord. 95-03 § 1 (part), 1995).

24.12.1106 REQUIREMENTS FOR LOW-RISK ALCOHOL OUTLETS.

1. A wall or other appropriate buffer may be required around parking areas when said area is adjacent to properties zoned or used for residential purposes or to sensitive uses, including, but not limited to, educational uses (public), public parks with playgrounds, and other similar uses.

2. Exterior lighting of parking areas shall be kept at a sufficient intensity so as to provide adequate lighting for patrons, while not disturbing the surrounding residential or commercial area.

3. The applicant may be required to provide evidence of the adoption and implementation of Responsible Beverage Service (RBS) policies and practices, including, but not limited to,

participation in a formal RBS training program. For the purposes of this subsection, “formal RBS training program” shall mean any program from a list of vendors or pro-grams approved by the Santa Cruz Police Department.

4. The applicant may be required to have employees be at least twenty-one years of age to sell and serve alcohol.

5. The zoning administrator, and the planning commission or city council on appeal, shall have the right to impose additional conditions as are necessary or advisable for the protection of the public health, safety and welfare.

6. All establishments shall be required to have a public telephone listing.

7. The applicant must bear the cost of modifications or cease operations if, subsequent to the approval of an administrative use permit, it is determined pursuant to Section 24.12.1110 that the establishment constitutes a public nuisance.

8. Special requirements for eating and drinking establishments:

a. Food must be available at all hours that the establishment is open for business; however, the full kitchen need not be open or staffed;

b. Special security measures such as security guards and burglar alarm systems may be required.

9. Special requirements for brewpubs:

a. Food must be available at all hours that the establishment is open for business; however, the full kitchen need not be open or staffed;

b. Special security measures such as security guards and burglar alarm systems may be required.

10. Special requirements for off-sale establishments:

a. The operation of video or any other electronic games may be prohibited in conjunction with the sale of alcoholic beverages;

b. If the establishment is located in a shopping center, the sale of alcoholic beverages for consumption on appurtenant common areas may be prohibited;

c. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove litter and debris on a daily basis; and

d. Paper or plastic cups shall not be sold in quantities less than their usual and customary packaging.

(Ord. 95-03 § 1 (part), 1995).

24.12.1108 MODIFICATION OF EXISTING ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.

1. Any establishment lawfully existing prior to the effective date of this section and licensed by the State of California for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a special use permit when (a) the establishment changes its type of liquor license within a license classification and/or (b) there is a substantial change in the mode or character of operation. For purposes of this Part, “substantial change in the mode or character of operation” shall include, but not be limited to, (a) a pattern of conduct in violation of other laws or regulations, (b) an increase of 20% or greater of floor area in any five-year period to accommodate retail sale of alcoholic beverages for on-site and/or off-site consumption, or (c) either (1) in the case of an establishment which operates on property being acquired by the city or redevelopment agency by eminent domain or under threat of condemnation and which is required to discontinue or otherwise cease operation because of construction activities undertaken by the city or redevelopment agency, a period of closure for at least two years or six

months after the city's or redevelopment agency's construction activities are completed so as to enable said use to resume, whichever is later, or (2) in any other case, a period of closure for at least six months; or (d) there is a request to add dancing, or there is request for a major extension of hours or changes related to type of entertainment.

2. Any establishment which becomes lawfully established on or after the effective date of this Part and licensed by the State of California for the retail sale of alcoholic beverages for on site and/or off-site consumption shall obtain a modification of use permit when (a) the establishment changes its type of liquor license within a license classification and/or (b) there is a substantial change in the mode or character of operations of the establishment.

(Ord. 2000-19 § 2, 2000: Ord. 98-13 § 2, 1998: Ord. 95-03 § 1 (part), 1995).

24.12.1110 EXISTING USES DEEMED APPROVED.

Any high- or low-risk alcohol outlet lawfully in existence at the time that the ordinance codified in this part becomes effective shall be deemed approved for such use. However, if the planning commission determines, after notice and a hearing in accordance with Sections 24.12.1112 and 24.12.1114, that the failure to adhere to any requirement imposed upon new or expanded uses pursuant to this part is creating a public nuisance, or that such use constitutes a public nuisance in accordance with any other provision of the Santa Cruz Municipal Code, the planning commission may impose additional conditions upon the operation of such use as are necessary to abate the nuisance. Such measures may include, but shall not be limited to, any of the specific requirements set forth herein for new high- or low-risk alcohol outlets, and, if necessary, revocation of the deemed approved status and discontinuance of the use.

(Ord. 95-03 § 1 (part), 1995).

24.12.1112 MODIFICATION, DISCONTINUATION OR REVOCATION.

Notwithstanding any provision of the Santa Cruz Municipal Code to the contrary, for any use permit granted in accordance with the provisions of this part or any deemed approved use subject to this part, the planning commission may require the modification, discontinuance or revocation of any such use permit or deemed approved use, in accordance with the procedures set forth in Section 24.12.1114, if the zoning board determines that the use as operated or maintained constitutes a public nuisance. Such a determination shall be made if the planning commission determines that any of the following conditions, all of which are hereby declared a public nuisance, exist:

a. Any condition which has caused or resulted in repeated activities which are harmful to the health, peace or safety of persons residing or working or visiting in the surrounding area, as well as to consumers, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations or traffic safety based upon last-drink statistics, curfew violations, lewd conduct, or police detention and arrests; or

b. Any condition which violates any provision of this part or any other city, state, or federal regulation, ordinance or statute, where the violation creates a public nuisance.

(Ord. 95-03 § 1 (part), 1995).

24.12.1114 PROCEDURES, NOTICES, HEARINGS, APPEALS.

1. The zoning administrator may give notice to the record owner and lessee of the real property affected to appear at a public hearing before the planning commission, at a time and

place fixed by the administrator, and show cause why the use should not be modified, discontinued or revoked, as the case may be. A written notice shall be sent by certified mail not less than fourteen days prior to the date of hearing to the owner and lessee of the property involved, and by regular mail or other means to the owners and residents of all property within and outside of the city that is within six hundred feet of the exterior boundaries of the properties involved.

2. After such notice and hearing, the planning commission may require the modification, discontinuance, or revocation of the subject use. As part of any such action, the planning commission may impose such conditions as the planning commission deems appropriate, including those necessary to protect the best interest of the surrounding property or neighborhood, to eliminate, lessen, or prevent any detrimental effect thereon, or to assure compliance with other applicable provisions of law.

3. Any such action shall be supported by written findings, including a finding that the action taken does not impair the constitutional rights of any person. However, the planning commission may require that a use be discontinued or revoked only if the planning commission also finds that:

(a) Prior efforts to compel the owner or lessee to eliminate the problems associated with the use have failed; and

(b) That the owner or lessee has failed to demonstrate, to the satisfaction of the zoning board, the willingness and ability to eliminate the problems associated with the use.

(Ord. 95-03 § 1 (part), 1995).

24.12.1116 ENFORCEMENT.

The city attorney is hereby authorized and directed to enforce all orders issued by the planning commission, and city council on appeal, in accordance with the procedures set forth in Chapter 1.08 of the Santa Cruz Municipal Code, in addition to any other remedies available by law.

(Ord. 95-03 § 1 (part), 1995).

PASSED FOR PUBLICATION this 26th day of January, 2010, by the following vote:

AYES: Councilmembers Lane, Mathews, Beiers, Madrigal, Robinson, Vice Mayor Coonerty; Mayor Rotkin.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 2010-02

PASSED FOR FINAL ADOPTION this ____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 2010-02 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

City Clerk



CITY COUNCIL AGENDA REPORT

DATE: January 27, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Arts Commission Appointment or Reappointment—(One Possible Reappointment, with a Term Expiration of 1/1/14) (CC)

RECOMMENDATION: Motion to appoint or reappoint an Arts Commissioner.

DISCUSSION: The following people are seeking appointment or reappointment (*) to the Arts Commission:

Allan, Abra
*Bixby, Linda**
Bowers, John C. (Jack)
Cooper, Scott
Haywood, Patrick
Holman, Brian David
McCord, Jann
Miller, Frank E.
Orr, Peter
Ortenblad, Rick
Owen, Robert
Ramos, Christian
Schulkin, Ronna
Stephenson, Lloyd
Walters, Alvin L.

**Interested in reappointment*

Prepared by:

Submitted by:

Rosemary Balsley
Administrative Assistant II

Lorrie Brewer
City Clerk

Attachments: None



CITY COUNCIL AGENDA REPORT

DATE: February 2, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Downtown Commission Appointments (Three Vacancies, One with a Term Expiration of 1/1/14, and Two with Term Expirations of 1/1/12) (CC)

RECOMMENDATION: Motion to appoint three Downtown Commissioners.

DISCUSSION:

The following people are seeking appointment to the Downtown Commission:

Cook, Peter J.
Cube, Emmanuel "Dexter"
Foy, Brad
Duckworth, Brian
Heiman, Karl
Holman, Brian David
Larzelere, Jennifer
LeVan, David
Melrose, Richard K.
Ortenblad, Rick
Nortz, Jason M.
Paulk, Alma V.
Schlenger, Alan
Verduzco, Derek

Would resign from Public Works Commission

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: January 27, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Historic Preservation Commission (Two Vacancies, Both with Term Expirations of 1/1/14) (CC)

RECOMMENDATION: Motion to appoint two Historic Preservation Commissioners.

DISCUSSION:

The following people are seeking appointment to the Historic Preservation Commission:

Blackwood, Ian
Bliss, Traci
Kleiner, Greta
Lawton, James W.
Miller, Frank E.
Smolke, Anthony
Stephenson, Lloyd

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: January 27, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Parks and Recreation Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14) (CC)

RECOMMENDATION: Motion to appoint or *reappoint* two Parks and Recreation Commissioners.

DISCUSSION:

The following people are seeking appointment or *reappointment* to the Parks and Recreation Commission:

*Baskin, David Green**

*Bertuca, Connie**

Cook, Peter J.

Duckworth, Brian

Holman, Brian David

Horvat, Christina

Kleiner, Greta

Lawton, James W.

Miller, Frank E.

Nortz, Jason M.

Ortenblad, Rick

Sylvester, Tim

**Interested in reappointment*

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: February 3, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Planning Commission (Two Possible Reappointments, Both with Term Expirations of 1/1/14) (CC)

RECOMMENDATION: Motion to appoint or *reappoint* two Planning Commissioners.

DISCUSSION:

The following people are seeking appointment or *reappointment* to the Planning Commission:

Beckmann, Peter
Cook, Peter J.
Duckworth, Brian
Holman, Brian David)
*Kasparowitz, Lawrence**
Lawton, James W.
Nortz, Jason M.
Pomerantz, Ron
*Quartararo, Rod**
Smolke, Anthony

Would resign from Public Works Commission

**Interested in reappointment*

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: January 27, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Public Works Commission (One Vacancy, with a Term Expiration of 1/1/11) (CC)

RECOMMENDATION: Motion to appoint a Public Works Commissioner.

DISCUSSION:

The following people are seeking appointment to the Public Works Commission:

Beek, Barton
Cook, Peter J.
Dibble, Donald R.
Duckworth, Brian
Holman, Brian David
Lawton, James W.
Maruska, David
Nickell III, Jesse L.
Sylvester, Tim

Would resign from the Downtown Commission

**Interested in reappointment*

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: January 27, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: San Lorenzo River Committee (Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/11) (CC)

RECOMMENDATION: Motion to appoint three San Lorenzo River Committee members.

DISCUSSION:

The following people are seeking appointment to the San Lorenzo River Committee:

Feldman, Cliff
Jaffee, Mark
Kleiner, Greta
Mio, Jane
Quealy, Billy
Schapiro, Seth

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: January 27, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Santa Cruz City Transportation Commission (Two Vacancies, with Term Expirations of 1/1/14) (CC)

RECOMMENDATION: Motion to appoint two Santa Cruz City Transportation Commissioners.

DISCUSSION:

The following people are seeking appointment to the Santa Cruz City Transportation Commission:

Baskin, Caleb Sequoia
Bergwall, John Phillip
Cook, Peter J.
Feldman, Cliff
Holman, Brian David
Lawton, James W.
Menchine, William
Searle, Reed
Sylvester, Tim

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: January 27, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Sister Cities Committee (One Possible Reappointment, with a Term Expiration of 1/1/14, and Three Vacancies, Two with Term Expirations of 1/1/14, and One with a Term Expiration of 1/1/12) (CC)

RECOMMENDATION: Motion to appoint or *reappoint* four Sister Cities Committee members.

DISCUSSION:

The following people are seeking appointment or *reappointment* to the Sister Cities Committee:

Abell, Rhonda Kathleen
*Denevan, William**
Gomez, Ofelia A.
Hall, DeLayne
Hodges, Jennifer
LeVan, David
McCabe, Dolores
Nortz, Jason M.
Paulk, Alma V.
Ramos, Christian
Roth, Tiffany

**Interested in reappointment*

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: February 2, 2010

AGENDA OF: February 9, 2010

DEPARTMENT: City Clerk

SUBJECT: Water Commission (Two Openings, Both with Term Expirations of 1/1/14)
(CC)

RECOMMENDATION: Motion to appoint two Water Commissioners.

DISCUSSION:

The following people are seeking appointment to the Water Commission:

Beek, Barton

Bentley, James

Blume, Robert

Cook, Peter J.

Duckworth, Brian

Feldman, Cliff

Hilger, Charles

Holman, Brian David

Lawton, James W.

LeVan, David

Mazurek, Robert

Meyers, Donna

Nickell III, Jesse L.

Schlenger, Alan

Would resign from Downtown Commission

Would resign from Public Works Commission

FISCAL IMPACT: None.

Prepared by:

Rosemary Balsley

Administrative Assistant II

Submitted by:

Lorrie Brewer

City Clerk

ATTACHMENTS: None.



City Council Meeting Calendar February 1, 2010

Date	Time	Location	Topic
February 23, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
March 9, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
March 23, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
April 13, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
April 20, 2010	4:00 p.m.	Council Chambers	Special City Council Meeting – Capital Improvement Program Budget Review
April 27, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
May 11, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
May 25, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
June 7, 2010 and June 9, 2010 (if necessary)	8:30 a.m. – 5:00 p.m.	Council Chambers	Special Meeting – Budget Hearings
	1:00 p.m. – 5:00 p.m.		
June 8, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions
June 22, 2010	1:30 p.m.	Courtyard Conf. Room	Regular Council/Agency Closed Session
	3:00 p.m. and 7:00 p.m.	Council Chambers	Regular Council/Redevelopment Agency Open Sessions

Council Membership in City Groups and Outside Agencies

Councilmembers will have the opportunity to present oral updates to Council and the public. Councilmembers may provide direction, request additional information or that a topic raised be agendized for future Council action. The Presiding Officer may request oral updates from Council ad hoc Committees.

The Presiding Officer will ask representatives of each entity if there is any oral update.

Name of Agency/Organization	Currently Serving
Association of Monterey Bay Area Governments (AMBAG)	L. Robinson, T. Madrigal (alternate)
City of Santa Cruz/Soquel Creek Water District (SqCWD) Desalination Project	D. Lane, M. Rotkin, R. Coonerty (Alt.)
City Schools Committee (Ad Hoc)	C. Mathews, T. Madrigal, R. Coonerty
Community Action Board	T. Madrigal, David Sweet (alternate)
Conference and Visitors' Council	C. Mathews, L. Robinson
Cultural Council Board City Representative	K. Beiers
Downtown Management Corporation	C. Mathews, L. Robinson
Economic Development Council (Mayor/Vice Mayor)	R. Coonerty, D. Lane, C. Mathews
Library Joint Powers Authority Board	K. Beiers, M. Rotkin, C. Mathews (alt.)
Library Financing Authority	M. Rotkin
Local Agency Formation Commission (LAFCO)	D. Lane
Monterey Bay Unified Air Pollution Control District	2010 City of Watsonville
Public Safety Committee	D. Lane, M. Rotkin, L. Robinson
Sanctuary Inter-Agency Task Force	K. Beiers, C. Mathews
Santa Cruz County Children's Network	D. Shoemaker, C. Scurich (alt.)
Santa Cruz Community Farmers Market, Inc.	L. Robinson
SC County Integrated Waste Management Local Task Force	M. Rotkin, Alan Schlenger (alternate) Bob Nelson, Mary Arman (alternate)
Santa Cruz Metropolitan Transit District Board	M. Rotkin, L. Robinson
SC County Regional Transportation Commission (SCCRTC)	D. Lane, L. Robinson (alternate)
Social Services Program Committee	R. Coonerty, C. Mathews, L. Robinson

Public comment on the reports given will be heard at a time to be determined by the Presiding Officer.