

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting

September 14, 2010

- 1:30 P.M. CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM
- 3:00 P.M. CONSENT, GENERAL BUSINESS, ORAL COMMUNICATION AND PUBLIC HEARINGS, COUNCIL CHAMBERS

Note: There will be no 7:00 p.m. session.

Written correspondence and telephone calls received after 5:00 p.m. on Monday preceding a Council meeting may not have time to reach Councilmembers, nor be read by them prior to consideration of an item. Please make any communication to Councilmembers regarding Council meeting items prior to 5:00 p.m. Monday.

Council meetings are cablecast on Comcast Channel 25.

Written material for every item listed in the open sessions is available for review at the Central Branch Library Reference Desk.

Time limits set by Council Policy are guidelines. Unless otherwise specified, procedures for all items, except those approved in one motion on the Consent Agenda, are:

- Oral staff report
- Public comment - 2 minutes each; maximum total time may be established by the Presiding Officer at the beginning of the item
- Council/Agency deliberation and action

**Closed Litigation Session
1:30 PM**

At 1:30 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. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations—
1. Police Officers' Association
 2. SEIU—Temporary Employees
 3. Firefighters IAFF

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

1. Community Water Coalition v. Santa Cruz County LAFCO, et al., Santa Cruz County Superior Court Case No. CV 167407.
2. Habitat and Watershed Caretakers v. City of Santa Cruz, Santa Cruz County Superior Court Case No -unknown.

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

1. Claimant: Carly LaFont
2. Claimant: Nancy Lagestee
3. Claimant: Kalila Zunes-Wolfe
4. Claimant: Catherine L. Down
5. Claimant: Utility Service Co., Inc.

Claims Against: City of Santa Cruz

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

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

1 case to be discussed.

E. Conference with Real Property Negotiator- Real Property Negotiations (Government Code §54956.8).

1425 High Street Lease Agreement (City of Santa Cruz Lessor, Verizon Wireless Lessee)
City Negotiator: Sharon Caiocca
APN: 001-011-08

An oral report will be presented in the 3:00 p.m. Session (item 31).

Joint City Council/Redevelopment Agency

3:00 PM

- * Call to Order
- * Roll Call
- * Pledge of Allegiance
- * Introduction of New Employee
- * Presentation - Census 2010: Update
- * 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 July 20, 2010 and August 3, 2010 Special and July 27, 2010 Regular City Council Meetings. (CC)
Motion to approve as submitted.
2. Minutes of the July 27, 2010 Regular Redevelopment Agency Meeting. (CC)
Motion to approve as submitted.
3. Minute Preparation and Meeting Action Follow-up for Advisory Body and City Council Committee Meetings. (CC)
Motion to revise and adopt Council Policy 5.14.

Consent Agenda (continued)4. 344 La Fonda Avenue – Temporary Construction Easement. (ED)

Resolution authorizing and directing the City Manager to execute a Temporary Construction Easement Agreement with the State of California Department of Transportation for temporary use of vacant City property located at 344 La Fonda Avenue (APN 009-332-01) and to deposit the funds in the City General Fund.

5. 605 Front Street – Lease Agreement with Wendy Gutberlet and Richard Melrose, dba Lina Floral Boutique. (ED)

Resolution authorizing and directing the City Manager to execute a lease agreement and any amendments thereto of a non substantive nature, in a form approved by the City Attorney, with Wendy Gutberlet and Richard Melrose, dba Lina Floral Boutique, for the premises located at 605 Front Street in the Soquel/Front Parking Garage.

6. Eastside Parking Lot - Cooperative Agreement and Permit Parking Fee. (ED/PW)

City Council resolution authorizing the City Manager to execute a Cooperative Agreement with the Redevelopment Agency for operation of the Eastside Parking Lot.

City Council resolution authorizing the Public Works Director to establish a permit parking program for the Eastside Parking Lot and rescinding Resolution No. NS-28,108.

Redevelopment Agency resolution authorizing the Executive Director to execute a Cooperative Agreement with the City for operation of the Eastside Parking Lot.

7. Tannery Arts Center – Digital Media Center @ the Tannery North Parking Lot – Notice of Completion. (ED)

Motion to approve the work completed by CRW Industries, Inc., and authorize the filing of the Notice of Completion for the Digital Media Center @ the Tannery North Parking Lot.

Consent Agenda (continued)8. Release of Unclaimed Checks to the City of Santa Cruz. (FN)

Resolution of the City Council authorizing the release of unclaimed checks to the City of Santa Cruz pursuant to California Government Code Sections 50050 – 50053 and City Administrative Procedure Order (APO) I-83 “City of Santa Cruz Unclaimed Check Policy.”

9. Resolution Modifying the FY 2011 Budget Personnel Authorization to Facilitate Library Restructuring. (FN) (LB)

Resolution modifying the FY 2011 Budget Personnel Authorization to reflect changes in the Library Information Technology and the Public Services Divisions.

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

Motion to reject liability claims a) Carly LaFont, b) Nancy Lagestee c) Kalila Zunes-Wolfe, d) Catherine L. Down and e) Utility Service Co. Inc., based upon staff investigation.

11. City’s Classification and Compensation Plans and the FY 2011 Budget Personnel Complement – Water Department. (HR)

Resolution amending the Classification and Compensation Plans to delete one vacant position of Water Treatment Operator IV and add one position and new classification of Water Facilities Electrical/Instrumentation Technician II/III and to delete the vacant single-position classification of Landscape Gardener and replace with one position of the classification of Utility Maintenance Technician in the Water Department.

12. Confirming Contract with AT&T for Telecommunication and Data Communication Equipment and Services. (IT)

Motion authorizing the purchase of equipment and services from AT&T Services, 2600 Camino Ramon, San Ramon, CA 94583 in the budgeted amount of \$180,000.00.

Consent Agenda (continued)

13. Grant Acceptance, Approval of Plans and Specifications and Authorization to contract with Go Native Inc. to Construct the Lower DeLaveaga Service Road Restoration Project Crossings #1 and #3. (PK)

Resolution authorizing and directing the City Manager to execute an agreement, in a form acceptable to the City Attorney, with the Santa Cruz County Resource Conservation District to accept funding from the Integrated Watershed Restoration Program (IWRP) and Proposition 50 for the implementation of the Lower DeLaveaga Service Road Restoration Project Crossing #1 & #3.

Motion approving the plans and specifications for the restoration of Lower DeLaveaga Service Road Projects Crossing # 1 and #3, and authorizing staff to contract with Go Native Inc. as a sole source vendor to complete the project according to the approved plans and specifications.

14. Stroke Center Site Assessment - DeLaveaga Park. (PK)

Motion to accept the Stroke Center informational report prepared by Building Official John Ancic.

Resolution amending the 2011 budget and appropriating \$20,000 for an environmental site assessment of the facility.

Motion to authorize the City Manager to enter into an agreement, in a form acceptable to the City Attorney, with a qualified firm to provide the assessment services.

15. Locust Garage Equipment Replacement – Sole Source Purchase. (PW)

Motion to authorize the purchase of Parking Division access and revenue control equipment for the Locust Garage from GMG Systems of San Leandro, CA, in the amount of \$225,063.

16. Pacific Gas & Electric (PG&E) Energy Efficiency Retrofit Loan Program - Streetlight Retrofit. (PW)

Motion to approve the application for a Pacific Gas and Electric (PG&E) Energy Efficiency Retrofit Loan Program for streetlight retrofit and authorizing the City Manager to execute all necessary agreements in a form acceptable to the City Attorney.

Consent Agenda (continued)

17. Encroachment Permits for Cruzio Telecommunications Network. (PW)

Resolution granting three (3) encroachment permits for installation and maintenance of Cruzio Telecommunications Network in various City streets.

18. Bay Street Emergency Repair Project - c400824 - Approval of Contract Change Order No. 1 and Notice of Completion. (PW)

Motion to accept Contract Change Order No.1 and the work completed by Graniterock Company of San Jose, CA, and authorize the filing of the Notice of Completion for the Bay Street Emergency Repair Project (C400824).

19. Summer 2009 Overlay Project - c400829 - West Cliff Drive-Federal Project Number ESPL-5025(047)-Notice of Completion. (PW)

Motion to accept the work completed by Joseph J. Albanese, Inc. of Santa Clara, CA, and authorize the filing of the Notice of Completion for the Summer 2009 Overlay Project – West Cliff Drive (c400829), Federal Project Number ESPL-5025(047).

20. Water Meter Equipment - Sole Source Purchase. (WT)

Motion to authorize continuation of the sole source purchase of water meter equipment from Sensus Metering Systems (Sensus) for the period covering August 8, 2010 through July 31, 2011.

21. Pipeline Road Repair Project – Contract Change Orders No. 3 and No. 4; and Notice of Completion. (WT)

Motion to ratify Contract Change Order No. 3 in the amount of \$8,224 and Contract Change Order No. 4 in the amount of \$3,085 with Engineered Soil Repairs, Inc. (Walnut Creek, CA) for the Pipeline Road Repair Project; and

Motion to accept the work of Engineered Soil Repairs, Inc. (Walnut Creek, CA) as complete and authorize the filing of a Notice of Completion for the Pipeline Road Repair Project.

Consent Agenda (continued)

22. Water Supply Project – Post-Pilot Facility Site Modifications - Contract Change Order No. 5 and Notice of Completion. (WT)

Motion to ratify Contract Change Order No. 5 in the amount of \$10,021 with BCI Builders, Inc., (Scotts Valley, CA) for Post-Pilot Facility Site Modifications; and

Motion to accept the work of BCI Builders, Inc., (Scotts Valley, CA) as complete per the plans and specifications, and authorizing the filing of a Notice of Completion for the Water Supply Project – Post Pilot Facility Site Modifications.

23. Proposition 23: Suspension of AB 32 – Resolution of Opposition. (CN)

Resolution opposing Proposition 23, slated for the November 2, 2010 California General Election Ballot, which would severely limit the implementation and effectiveness of AB 32, the Global Warming Solutions Act of 2006.

24. AB 32 Implementation Efforts: SB 375 and the Clean Cars Program – Resolution of Support. (CN)

Resolution supporting SB 375 and the Clean Cars Program, two significant steps toward fulfilling the goals of AB 32, the Global Warming Solutions Act of 2006, as it pertains to the transportation sector.

25. Reaffirmation of City Council Final Adoption of Citywide Rental Inspection Program Ordinance. (CN)

Motion to reaffirm the City Council's September 7, 2010 Final Adoption of Ordinance No. 2010-17 – Amendments to the Santa Cruz Municipal Code Adding Chapter 21.06 Regarding a Citywide Rental Inspection Program.

End Consent Agenda

General Business

26. Water Supply Project - Design of Seawater Reverse Osmosis (SWRO) Desalination Facility - Award of Contract. (WT)

Motion to authorize the City Manager to execute an agreement with Camp Dresser & McKee, Inc. (CDM) of Walnut Creek, California in the amount of \$4,134,464 for the preparation of the plans and specifications for the proposed SWRO Desalination Facility.

27. Single-Use Bag Reduction Ordinance. (PW)

Motion to accept the draft Single-Use Bag Reduction Ordinance in concept and to direct staff to proceed with preparation of documents for environmental review.

28. Camping Ordinance Amendment - Introduction for Publication. (CA)

Introduce for publication the attached ordinance amending Chapter 6.36 of the City's Municipal Code by requiring a dismissal of camping citations where the person cited demonstrates that, on the date of the citation, he/she was currently on the waiting list for shelter services from one of the shelter programs offered by the Homeless Services Center or the River Street Shelter in Santa Cruz.

29. Utility Users Tax Exemptions Under Proposed Ordinance. (CN)

Resolution approving utility users tax exemptions for low-income and senior citizen service users.

30. Sister Cities Committee Appointment, for a Term Expiring on 1/1/12. (CC)

Motion to appoint a Sister Cities Committee member.

31. City Attorney Oral Report on Closed Session. (See Page 2.)

32. Council Meeting Calendar

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

General Business (continued)

33. 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 September 14, 2010 to the next regularly scheduled meeting on September 28, 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 September 14, 2010, to the next regularly scheduled meeting on September 28, 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 positions are vacant. Council will make appointments at a future meeting.

Commission for the Prevention of Violence Against Women	One (1) opening
County Latino Affairs Commission	One (1) opening
Equal Employment Opportunity Committee	One (1) opening
Planning Commission	One (1) opening
Sister Cities Committee	One (1) opening
Water Commission	One (1) opening

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 – SEPTEMBER 14, 2010
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
(Copies available in the Central Branch Library at the Reference Desk)

City Clerk

Resignation of Howard Whitney from the Water Commission - 8/4/10 (CC FYI 119)

Resignation of Carmen Perez from the County Latino Affairs Commission - 8/11/10 (CC FYI 120)

Resignation of Carl Klem from the Sister Cities Committee - 8/16/10 (CC FYI 121)

Resignation of Sharon King from the Commission for the Prevention of Violence Against Women - 8/17/10 (CC FYI 122)

City Manager

Monthly Camping Incident and Homeless Shelter Attendance Reports - 7/19/10 (CM FYI 145)

2011 Amgen Tour of California Host City Proposal - 8/9/10 (CM FYI 146)

Monthly Camping Incident and Homeless Shelter Attendance Reports - 8/23/10 (CM FYI 147)

Police Chief Recruitment Process - 8/25/10 (CM FYI 148)

Monthly Camping Incident and Homeless Shelter Attendance Reports - 9/7/10 (CM FYI 149)

Economic Development Department

115-C Coral Street – Second Amendment to CFCS, Inc. Lease Agreement - 8/2/10 (ED FYI 026)

Flood Plain Management Annual Progress Report - 8/16/10 (ED FYI 028)

* Quarterly Sales Tax Reports – 2010 1st Quarter - 8/18/10 (ED FYI 029)

330 Locust Street – Extension of Lease for One Year - 8/24/10 (ED FYI 030)

Calvary Episcopal Church Parking Lot – Lease Extension - 8/31/10 (ED FYI 031)

ADDENDUM TO CITY COUNCIL AGENDA – SEPTEMBER 14, 2010
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

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

(continued)

Finance Department	Portfolio Management Report – Unpooled Cash and Investments as of June 30, 2010 - 7/20/10 (FN FYI 146)
	June 2010 Portfolio Management Report – Pooled Cash and Investments 7/20/10 (FN FYI 147)
	*Quarterly Sales Tax Reports – 2010 1 st Quarter - 8/18/10 (FN FYI 149)
	July 2010 Portfolio Management Report – Pooled Cash and Investments - 8/30/10 (FN FYI 150)
	Quarterly Grant Report - 8/30/10 (FN FYI 151)
Public Works Department	Public Alleys Access - 9/2/10 (PW FYI 0063)
Water Department	Sensus Flexnet Metering - 8/12/10 (WT FYI 036)

* Report submitted jointly by departments.

ADDENDUM TO CITY COUNCIL AGENDA – SEPTEMBER 14, 2010

MAYOR'S PROCLAMATIONS

1. Proclaiming July 27, 2010 as “Bruce Van Allen Day” and urging all citizens to join in expressing deepest appreciation for his forty-year commitment and service to make the San Lorenzo River a jewel for the City of Santa Cruz and a model for other communities in restoring and protecting their rivers.
2. Proclaiming Tuesday, July 27, 2010 as “Richard C. Wilson Day” and encouraging all citizens to join in wishing him the very best in his retirement and thanking him for his indefatigable efforts and numerous contributions over the past thirty-one years.
3. Proclaiming August 6, 2010 as “Ellen M. Primack and Tom Fredericks Day” and encouraging all citizens to join in honoring them on their 20th Anniversary with the Cabrillo Festival of Contemporary Music and expressing heartfelt appreciation for their outstanding work and dedication during their tenure.

ADDENDUM TO CITY COUNCIL AGENDA – SEPTEMBER 14, 2010

MAYOR'S PROCLAMATIONS

(continued)

4. Proclaiming August 14, 2010 as “Keep the Spirit of '45 Alive! Day” and encouraging all citizens to join in commemorating the 65th Anniversary of the end of World War II.
5. Proclaiming Thursday, August 19, 2010 as “Kenneth Black Day” and encouraging all his coworkers and citizens to join in expressing heartfelt appreciation for his twenty-five years of dedicated and exemplary service and numerous contributions to the Santa Cruz Police Department and the City of Santa Cruz and wishing him well in his retirement.
6. Proclaiming Sunday, August 22, 2010 as “Victor Miguel Day” and urging all citizens to join in celebrating his numerous contributions and accomplishments during his career in education and coaching; applauding him for the inspiration and guidance that he provided to his students, staff, family, and friends; and wishing him much success in the future.
7. Proclaiming Wednesday, September 1, 2010 as “Howard Skerry Day” and encouraging all his coworkers and citizens to join in expressing heartfelt appreciation for his thirty years of dedicated and exemplary service and numerous contributions to the Santa Cruz Police Department and the City of Santa Cruz and wishing him well in his retirement.
8. Proclaiming August 29, 2010, on the occasion of Kuumbwa’s 35th Anniversary, as “Kuumbwa Jazz Day” and encouraging all citizens to join in celebrating this notable milestone and congratulating its staff, board of directors, volunteers, and dedicated supporters past, present, and future.
9. Proclaiming the week of September 26–October 2, 2010 as “Sea Otter Awareness Week” and encouraging all citizens to join in observance of this week and to do our part to protect Sea Otters for future generations to enjoy.
10. Proclaiming Friday, September 17, 2010 as “Follies Day” and encouraging all local citizens to support the effort by attending the evening’s performance.

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

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

MINUTES OF A SPECIAL CITY COUNCIL MEETING

July 20, 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 (arrived 7:39 p.m.); Mayor Rotkin.

Absent: Councilmember Madrigal.

Staff: City Manager R. Wilson, Assistant City Manager M. Bernal, Deputy City Attorney C. Cassman, Director of Planning and Community Development J. Rebagliati, Assistant Director of Planning and Community Development A. Khoury, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Public Hearing

1. Amendment to Title 21 of the Santa Cruz Municipal Code Adding Chapter 21.06 Regarding a Citywide Rental Inspection Program. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, Applicant). (PL)

Mayor Rotkin opened the public hearing at 7:03 p.m.

Director of Planning and Community Development J. Rebagliati, and Assistant Director of Planning and Community Development A. Khoury presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT OF STAFF'S RECOMMENDATION AND/OR EXPRESSING CONCERNS:

Rick Moe
Jean Marie Scott, UC Santa Cruz
Reed Searle

SPECIAL CITY COUNCIL MEETING
JULY 20, 2010
7:00 P.M. SESSION

Public Hearing (continued)

1. Amendment to Title 21 of the Santa Cruz Municipal Code Adding Chapter 21.06 Regarding a Citywide Rental Inspection Program. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, Applicant).
(continued)

SPEAKING FROM THE FLOOR IN OPPOSITION TO STAFF'S
RECOMMENDATION AND/OR EXPRESSING CONCERNS:

Joshua Howard, California Apt. Owners Association
Michael Pierce, Past Pres., California Apt. Owners Association
Rick Thomas
Mark Primack
Eric Rodberg
Dee Murray
Rosemarie McNair
Deborah Wallace
Greg Martin
Paula Bradley
Ed Davidson
Scott Graham
Peter Cook
Trevin Baker
Lynn Renshaw
Datta Khalsa
Dave McClure
Gary Whitney
Fred Antacki
Tom Powers
David Ross
Karen Verproskis
Terry Cavanagh
William Thurlough

Mayor Rotkin closed the public hearing at 8:54 p.m.

Councilmember Lane requested that staff provide information on how the City can abate problems without losing rental units, and potential efforts to minimize tenant displacement.

Public Hearing (continued)

1. Amendment to Title 21 of the Santa Cruz Municipal Code Adding Chapter 21.06 Regarding a Citywide Rental Inspection Program. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, Applicant).
(continued)

Action

By consensus, this item was continued to August 3, 2010 at 3:00 p.m.

Adjournment — At 9:47 p.m., the City Council adjourned from the special meeting of July 20, 2010, to the next regularly scheduled City Council meeting on July 27, 2010 for a closed litigation session at 1:30 p.m. in the Courtyard Conference Room, followed by 3:00 and 7:00 p.m. open sessions in Council Chambers.

Respectfully submitted

Tom Graves
Deputy City Clerk

Approved

Lorrie Brewer
City Clerk

Approved

Michael Rotkin
Mayor

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

MINUTES OF A SPECIAL CITY COUNCIL MEETING

August 3, 2010

3:00 P.M. SESSION

Mayor Rotkin called the meeting to order at 3:03 p.m. in the Council Chambers.

Roll Call

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

Absent: Councilmembers Madrigal, Robinson.

Staff: City Manager M. Bernal, City Attorney J. Barisone, Director of Finance J. Dilles, Assistant Director of Planning and Community Development A. Khoury, Director of Public Works M. Dettle, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Presiding Officer's Announcements

Note: There was no oral communications. Members of the public may comment on the individual items.

General Business

- 1. Pension Obligation Bonds. (FN)

Director of Finance J. Dilles and City Manager M. Bernal presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

Orbit

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to adopt Resolution No. NS-28,248 authorizing the issuance of pension obligation bonds to refinance the outstanding Side Fund obligations of the City to the California Public Employees' Retirement System. The motion carried unanimously (Councilmembers Madrigal and Robinson absent).

Public Hearings

2. Amendments to Title 21 of the Santa Cruz Municipal Code Adding Chapter 21.06 Regarding a Citywide Rental Inspection Program. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, Applicant). (PL)

Mayor Rotkin opened the public hearing at 3:21 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 OPPOSITION AND/OR CONCERNS:

Pat Arnold
David Schwartz
Jeffrey Samuels
An unidentified man
Robin Belkin
Ed Davidson
Nick
Robin Samuels
Chris Bryan
Paul Stone
An unidentified man
Mike Tomasi
Leslie Abbott
Ilia Bulaich
Eric Rodberg

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Joshua Howard, California Apartment Association
Harold Griffith
Deborah Wallace
Neil Langholtz
Reed Searle

Mayor Rotkin closed the public hearing at 4:29 p.m.

SPECIAL CITY COUNCIL MEETING
 AUGUST 3, 2010
 3:00 P.M. SESSION

Public Hearings (continued)

2. Amendments to Title 21 of the Santa Cruz Municipal Code Adding Chapter 21.06 Regarding a Citywide Rental Inspection Program. (Environmental Determination: Exempt from CEQA) (City of Santa Cruz, Applicant). (Continued)

Action

Councilmember Mathews moved, seconded by Mayor Rotkin, to introduce Ordinance No. 2010-17 for publication amending Title 21 of the Santa Cruz Municipal Code adding Chapter 21.06 regarding a citywide residential rental inspection and maintenance program, adopting the following Statement of Intent to be included with the motion:

It is the intent of the City Council, and its direction to City staff, that City inspections and the self-certification process focus on the items contained in the draft self-certification checklist and ensure that inspections address: (a) unpermitted dwelling units; (b) the renting of spaces not intended for habitation; and (c) substandard, overcrowded, unsanitary and unsafe housing conditions that render a housing unit unfit or unsafe for occupancy. Unpermitted construction and construction which is not code compliant but which does not result in (a), (b) or (c) shall not be a priority, unless that construction results in neighborhood nuisances;

and to direct staff to come back, after consulting with landlords and other interested parties, with a resolution that will incorporate the checklist of items the inspection will cover, and with further direction that a report come back to the City Council within one year of program implementation. The motion carried unanimously (Councilmembers Madrigal, Robinson absent).

The Council recessed at 5:06 p.m. and reconvened at 5:14 p.m.

Public Hearings (continued)

Note: Additional written material for Item 3 **was** provided prior to the meeting.

3. Resolution Requesting the Placement of a Utility Users' Tax (UUT) Increase Ballot Measure on the November 2010 General Municipal Election Ballot and Declaring the City Council's Goals and Intent or Resolution Ordering an Election and Requesting Consolidation of Such Election. (CN)

Mayor Rotkin opened the public hearing at 5:15 p.m.

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Ron Pomerantz

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

Bob
Bill Prouty
Kevin Moon
Vic Marani

Mayor Rotkin closed the public hearing at 5:15 p.m.

SPECIAL CITY COUNCIL MEETING
 AUGUST 3, 2010
 3:00 P.M. SESSION

Public Hearings (continued)

3. Resolution Requesting the Placement of a Utility Users' Tax (UUT) Increase Ballot Measure on the November 2010 General Municipal Election Ballot and Declaring the City Council's Goals and Intent or Resolution Ordering an Election and Requesting Consolidation of Such Election. (Continued)

Action

Councilmember Mathews moved, seconded by Councilmember Lane, to adopt Resolution No. NS-28,249 requesting that the consolidated November 2010 general municipal election include a City ballot general purpose tax measure proposing that the City of Santa Cruz' currently effective utility user tax rate of seven (7) percent be increased to eight and one-half percent (8.5%) and broadened to apply to changes in technology and laws, in order to provide local funding to limit further budget reductions and to maintain public safety services, and authorizing the City Manager to revise the full text of the ballot measure, including the ballot question, subject to the approval of the City Attorney, and revising the ballot question as follows: "To preserve the safety and quality of life of the City of Santa Cruz through City services – including law enforcement, fire protection, emergency medical response, park maintenance and youth programs – and to ensure that all taxpayers are treated fairly, shall the City's existing Utility Users Tax be broadened to include changes in technology and laws, and increased by 1.5%, while including protections for low-income residents and seniors, and ensuring that all funds remain local? Yes _____ No _____", and to adopt Resolution No. NS-28,250 declaring the City Council's goals and intent regarding the use of revenues generated by the 2010 general purpose utility tax ballot measure, and amending it to insert the following after the fourth Whereas: Whereas the additional general fund revenue generated by an increase in the Utility Users Tax will not solve the City's structural budget deficit, but will make a significant difference in the City's ability to respond to immediate public safety needs, while the process for structural reform takes place. The most immediate need is to provide funding to keep the police and fire departments fully staffed, and WHEREAS funding to sustain public safety staffing is currently provided by federal stimulus grants which will expire in one year, and to direct the City Attorney to prepare an Impartial Analysis of the proposed amendment to the City Utility Users Tax Ordinance; and to direct the Finance Director to prepare the Fiscal Analysis for the proposed amendment to the City Utility Users Tax Ordinance; and to direct and authorize Councilmembers Mathews and Lane, and Vice Mayor Coonerty to identify a pool of filers and authors who will write arguments and rebuttals in support of the proposed amendment to the City Utility Users Tax Ordinance. The motion carried unanimously (Councilmembers Madrigal, Robinson absent).

At 5:59 p.m., the City Council recessed to the 7:00 p.m. Session.

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

Minutes of a Special City Council Meeting

August 3, 2010

7:00 P.M. SESSION

Mayor Rotkin called the meeting to order at 7:07 p.m. in Council Chambers.

Roll Call

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

Absent: Councilmembers Madrigal, Robinson.

Staff: City Manager M. Bernal, City Attorney J. Barisone, Principal
Planner K. Thomas, Consulting Attorney S. Teller, Consulting
Planner S. Strelow, Economic Development Coordinator P. Koht,
Director of Water B. Kocher, City Clerk L. Brewer, Deputy City
Clerk T. Graves.

Public Hearing

4. North Campus Sphere of Influence Amendment and Final Environmental Impact Report. (PL)

Mayor Rotkin opened the public hearing at 4:54 p.m.

Principal Planner K. Thomas presented an oral staff report and responded to Council's questions.

Economic Development Coordinator P. Koht presented an oral staff report and responded to Council's questions.

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

SPECIAL CITY COUNCIL MEETING
AUGUST 3, 2010
7:00 P.M. SESSION

Public Hearing (continued)

4. North Campus Sphere of Influence Amendment and Final Environmental Impact Report. (PL)

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Michael Wan
Mark Primack
Ed Davidson
Reed Searle
Caleb Baskin
Jeremy Neuner
Bill Tysseling
Doug Keller
Kurt Grebsmach
Ted Goldstein
Darrell Darling

SPEAKING FROM THE FLOOR EXPRESSING OPPOSITION AND/OR CONCERNS:

John Aird, Coalition to Limit University Expansion (CLUE)
An unidentified woman
Jenna Cavill
Gary Patton
Hal Levin
Jan Harwood
Rick Longinotti
Sabrina Cosentine
Ted Benhari
Alise Caspi
Karen Grove
Karen Lacey

Public Hearing

4. North Campus Sphere of Influence Amendment and Final Environmental Impact Report. (Continued)

Action

Vice Mayor Coonerty moved, seconded by Mayor Rotkin, to adopt Resolution No. NS-28,251 certifying the Final Environmental Impact Report; and to adopt Resolution No. NS-28,252 adopting the Findings of Fact, a Mitigation Monitoring Program and a Statement of Overriding Considerations; and to adopt Resolution No. NS-28,253 authorizing staff, pursuant to the Comprehensive Settlement Agreement between the City, UCSC, County and Community Organizations, to submit and complete a final application to amend the City of Santa Cruz Sphere of Influence (North UCSC Campus) to the Local Agency Formation Commission (LAFCO) for consideration and approval. The motion carried by the following vote:

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

Action

By consensus, a motion was adopted amending Pages 4-16 and 4-17 to strike any reference to phases of a so-called desalination facility, and to add a hard copy change to the EIR.

Adjournment — At 9:57 p.m., the City Council adjourned from the Special Meeting of August 3, 2010, to a Special Meeting on Tuesday, September 7, 2010 at 7:00 p.m., in the City Council Chambers. The next regularly scheduled meeting will be on Tuesday, September 14, 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

Lorrie Brewer
City Clerk

Approved

Mike 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**

July 27, 2010

1:30 P.M. SESSION

Mayor Rotkin opened the Closed Litigation Session at 1:37 p.m. in a public session in the Courtyard Conference Room, for the purpose of announcing the agenda and considering public testimony.

SPEAKING FROM THE FLOOR ABOUT CLAIM C(3):

Robin Kandel

Council closed the session to the public at 1:40 p.m. All Councilmembers were present except for Councilmember Beiers. (See page 1247 for a report on closed session.)

3:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 3:05 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Madrigal (arrived at 3:11 p.m.), Robinson; Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmember/Member Beiers.

Staff: City Manager R. Wilson, City Attorney J. Barisone, Director of Finance J. Dilles, Chief of Fire R. Oliver, Director of Human Resources L. Sullivan, Director of Information Technology S. Caiocca, Director of Parks and Recreation D. Shoemaker, Superintendent of Parks S. Hammack, Assistant Director of Planning and Community Development A. Khoury, Chief of Police H. Skerry, Lieutenant B. Escalante, Director of Public Works M. Dettle, City Clerk L. Brewer, Deputy City Clerk T. Graves.

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JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 3:05 p.m. in the Council Chambers.

Roll Call -

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

Absent: Councilmember Beiers.

Pledge of Allegiance

Introduction of New Employee – Assistant Director of Planning and Community Development A. Khoury introduced Deputy Building Official Mark Ellis.

Presentation - Mayor's Proclamation Presented to Bruce Van Allen.

Presentation - Small Business Development Center – Theresa Thomae

Presiding Officer's Announcements

Statements of Disqualification – None.

Additions and Deletions – None.

Joint City Council/Redevelopment Agency Oral Communications

Debbie Bulger thanked the Public Works Department for maintaining pedestrian access while work is being done on the Bay Street median.

Michael Bethke, representing the Santa Cruz County Fair, urged Councilmembers and the citizens of Santa Cruz to attend this year's fair from September 14-19, 2010.

Brian Matthias also urged citizens to attend the fair.

Jacqui Griffith urged the Council to approve safety provisions for the application of pesticides, and to oppose the proposed multi-use trail through the Pogonip.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Consent Agenda

SPEAKING FROM THE FLOOR ASKING THAT ITEMS BE REMOVED FROM THE CONSENT AGENDA:

Reed Searle commented on Item 7.

Items 16 and 17 were removed from the Consent Agenda.

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 July 13, 2010 Regular City Council Meeting. (CC)

Motion carried to approve as submitted.

2. Minutes of the July 13, 2010 Regular Redevelopment Agency Meeting. (CC)

Motion carried to approve as submitted.

3. Federal Department of Housing and Urban Development and Department of Transportation Planning Grant Programs Authorization to Submit and Accept a Grant. (ED)

Motion carried authorizing the City Manager or his designee to apply for, accept and appropriate, a grant subject to grant terms and conditions in an amount up to three million dollars from federal HUD and DOT Planning Grant Programs to help implement recommendations from the River/Front and Lower Pacific Design Guidelines and Development Incentives Study.

4. Resolution Implementing Provisions of Internal Revenue Code Section 414(h)(2) for Police Management Association Employees. (FN)

Resolution No. NS-28,238 was adopted implementing provisions of Internal Revenue Code section 414(h)(2) for Police Management Association employees.

Consent Agenda (continued)

5. Acceptance & Execution of Social Services Program Contract Agreements for Expenditure of City Funds. (FN)

Motion carried to accept the Social Services Program (SSP) contract agreements for expenditure of City funds for FY 2011.

Resolution No. NS-28,239 was adopted authorizing and directing the City Manager to execute contract agreements for expenditure of SSP funds.

6. Cultural Council of Santa Cruz County. (FN)

Motion carried to authorize and direct the City Manager to execute an agreement with the Cultural Council of Santa Cruz County for cultural arts projects, based on the amount approved in the Fiscal Year (FY) 2011 budget adoption, Resolution No. NS-28,236.

7. Santa Cruz County Conference and Visitors Council. (FN)

Motion carried to authorize and direct the City Manager to execute an agreement with the Santa Cruz County Conference and Visitors Council for visitor and tourism promotion, and marketing services, based on the amount approved in the Fiscal Year (FY) 2011 budget adoption on July 13, 2010, Resolution No. NS-28,236.

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

Motion carried to reject liability claim a) Robin Elaine Kandel, based upon staff investigation.

9. Contract Amendment with Audience View Software Corporation for Licensing of City/UCSC Shared Ticketing System. (PK)

Resolution No. NS-28,240 was adopted authorizing the City Manager to enter into any amendments of a non-substantive nature to the agreement with Audience View Software Corporation for the licensing and support of ticketing system software shared with UCSC, in a form acceptable to the City Attorney.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

10. Amendment to the Agreement with the International Alliance of Theatrical Stage Technicians Local 611 for events at the Santa Cruz Civic Auditorium. (PK)

Resolution No. NS-28,241 was adopted authorizing and directing the City Manager to enter into an amendment to the agreement, and any other future amendments of non-substantive nature, with the International Alliance of Theatrical Stage Technicians Local 611 for events at the Santa Cruz Civic Auditorium.

11. Soquel/Park Way Intersection Improvements - Public Easements APN 009-392-22 (2001 Soquel Avenue) Kamaljit S. Sekhon APN 011-051-14 (2000 Soquel Avenue) Dennis DeMontigny APN 011-052-17, -30, -31 (1906-1918 Soquel Avenue) Futura Investments. (PW & ED)

Motion carried to authorize the City Manager to execute Agreements to Grant Temporary and Permanent Easements with: 1) Dennis DeMontigny located at 2001 Soquel Avenue, Santa Cruz, APN 011-051-14, in the amount of \$11,507.00; 2) Kamaljit S. Sekhon located at 2000 Soquel Avenue, Santa Cruz, APN 009-392-22, in the amount of \$13,351.00; 3) with Futura Investments, a Partnership, located at 1906-1918 Soquel Avenue, Santa Cruz, APN 011-052-17,-30-31, the consideration of which is in an amount of a transfer of fee ownership of 351 sq. ft. of land owned by Futura to the City together with a temporary construction easement of 1757 sq. ft. and a transfer of a permanent public easement area of 1848 sq. ft. encumbered by the City of Santa Cruz to Futura and determined between the parties to be of equal value, contingent on a partial alley abandonment; and 4) execute non-substantive changes to the agreements.

12. San Lorenzo River Environmental Restoration and Flood Control Project Request – Amendment to Corps/City Project Cooperation Agreement. (PW)

Resolution No. NS-28,242 was adopted authorizing the City Manager to sign an amendment to the U.S. Army Corps of Engineers/City of Santa Cruz Project Cooperation Agreement pertaining to granting of financial credit to the City of Santa Cruz for previous work in the construction of the Soquel Avenue Bridge.

Consent Agenda (continued)

13. Soquel Avenue/Hagemann Avenue Intersection Improvement Project (c400803) – Contract Change Order No.1 and Notice of Completion. (PW)

Motion carried to ratify Contract Change Order No. 1 and accept the work completed by Don Chapin Company, Inc., Salinas, CA, as completed per the plans and specifications and authorize the filing of the Notice of Completion for the Soquel Avenue/Hagemann Avenue Intersection Improvement Project (c400803).

14. Lower Pacific Avenue Street Light Installation Project (c401010) – Notice of Completion. (PW)

Motion carried to accept the work of San Jose Signal Electric, Inc. of San Jose, CA, as completed per the plans and specifications, and authorize the filing of the Notice of Completion for the Lower Pacific Avenue Street Light Installation Project (c401010).

15. Water Transmission Main Replacement Project on Riverside, Broadway, Barson, Clinton and Cayuga - Approval of Plans and Specifications and Authorization to Advertise for Bids and Award Contract. (WT)

Motion carried to approve the plans and specifications for the Water Transmission Main Replacement Project on Riverside, Broadway, Barson, Clinton and Cayuga, and authorize staff to advertise for bids. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-27,563.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

16. San Lorenzo Park Temporary No Smoking Exemption. (CN)

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

Valerie Corral
Jackie Russell
Gail Bowen

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to adopt Resolution No. NS-28,243 establishing a five-hour exemption to the smoking prohibition in San Lorenzo Park on Saturday, September 25, 2010 from the hours of 12 p.m. to 5 p.m., with correction to the last paragraph to read, "BE IT FURTHER RESOLVED that the City Council ~~strongly encourages and~~ requires the organizers of the Wo/Men's Alliance for Medical Marijuana event to provide a designated and enclosed area for the purpose of medicating..." The motion carried unanimously (Councilmember Beiers absent).

17. 1st Annual Cactus Festival, "Festival del Nopal," in Santa Cruz – City Co-sponsorship. (CN)

Note: This item was considered in the evening session.

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

Anita Robles
Aleander Nadim
Jose Rosa Cruz
Mr. Silva
Mike Tomasi

Action

Councilmember Mathews moved, seconded by Mayor Rotkin, to cosponsor the November 21, 2010 Cactus Festival, "Festival del Nopal," in name only, expressing support without any financial commitment whatsoever, and extending staff support as normally extended to organizers of such events. The motion carried unanimously (Councilmember Beiers absent).

End Consent Agenda

General Business

18. Safety Provisions for Bulk Application of Pesticides. (CN)

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

Ed Porter
An unidentified woman

Action

Councilmember Lane moved, seconded by Councilmember Madrigal, to adopt Resolution No. NS-28,245 adopting safety provisions for bulk application of pesticides, with the correction throughout the resolution changing the words chemicals to pesticides, and changing the following: "...WHEREAS, pre-school owners were advised to wash play equipment each morning after spraying which indicated that CDFA acknowledged the danger to children...", and ~~the San Lorenzo River ran thick with yellow gunk immediately after the spraying;~~ and, "WHEREAS, invasive species will continue to arrive, most of which by the CDFA's own admission, do little or no crop damage and present no danger to crops or to humans, and to which the native environment adjusts without harm..." The motion carried unanimously (Councilmember Beiers absent).

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

19. Proposed Pogonip Multi-Use Trail Connection (Golf Club Drive to U-Con Trail). (PK)

Director of Parks and Recreation D. Shoemaker, Superintendent of Parks S. Hammack, Police Lt. B. Escalante, and Chief of Fire R. Oliver presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

J. C. Dill
Brian Mohr
Fredo Arpsland
David Baskin
Lisa Valenzuela
Daniel Abernathy
Mark Davidson
Will Menchine
John Coletti
Meredith Marine
John Swift
Ted Park
Kem Akol
Annalicia Cube
Monica Martinez
Clarkie
Jeffrey Koopman
Robin Musitelli
Drew Perkins
Claudia Goodman
Jim Spring
Dwight Follier
Michael Becker
Daryl Granger
Joseph Gravey
Michael Zeiben

General Business (continued)

19. Proposed Pogonip Multi-Use Trail Connection (Golf Club Drive to U-Con Trail). (continued)

SPEAKING FROM THE FLOOR IN OPPOSITION AND/OR
EXPRESSING CONCERNS:

Bruce Engelhardt
Aldo Giacchino
Richard Smalley
Micah Posner
Kay Archer Bowden
Debbie Bulger
Gillian Greensite
Reed Searle

Action

Councilmember Robinson moved, seconded by Vice Mayor Coonerty, to direct staff to prepare a detailed design and proposed amendment to the Pogonip Master Plan for the multi-use trail concept as identified in attachment A, and to complete the environmental review under CEQA for the trail design and Master Plan Amendment, including the issues related to parking, and to request information regarding police response times to the Pogonip area. The motion carried unanimously (Councilmember Beiers absent).

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

20. Report on Items Related to Long-Term City Finances, Including Pension Reform, Economic Development, Restructuring of City Services, State Proposition 22, and the Potential for a November 2010 Revenue Ballot Measure. (CN)

Note: Written material for Item 20 was provided prior to the meeting. This item was considered in the evening session.

SPEAKING FROM THE FLOOR IN OPPOSITION AND/OR EXPRESSING CONCERNS:

Louis Meyers, SEIU Local 521
Mike Tomasi

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to direct staff to come back with a City strategic planning process that will identify the City's highest priorities and develop action plans to address the City's structural budget deficit. The motion carried unanimously (Councilmember Beiers absent).

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to adopt the City Council principles on budget challenges related to pension costs. The motion carried by the following vote:

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

General Business (continued)

20. Report on Items Related to Long-Term City Finances, Including Pension Reform, Economic Development, Restructuring of City Services, State Proposition 22, and the Potential for a November 2010 Revenue Ballot Measure. (continued)

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to accept the open letter, to include minor modifications by the City Council Ad Hoc Revenue Ballot Measure Task Force, to business leaders and the Santa Cruz community on fiscal management and business and economic development environment. The motion carried by the following vote:

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

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to restate the City Council's support for State Proposition 22 (Protect Local Services and Stop State Raids Initiative). The motion carried unanimously (Councilmember Beiers absent).

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to accept the report of the City Council Ad Hoc Revenue Ballot Measure Task Force, to direct staff to bring back a potential utility tax measure raising utility taxes either 1% or 1.5%; and including a non-binding resolution of intent on how the Council intends to spend the resulting revenue. The motion carried unanimously (Councilmember Beiers absent).

Action

By consensus, Council directed the City Council Ad Hoc Revenue Ballot Measure Task Force to meet before the Council meeting of August 3, 2010.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Public Hearing

21. Ordinance No. 2010-15 - Medical Marijuana Dispensary Ordinance Amendment and Smoking Lounge Ordinance Correction, A10-0004, City-wide, to Allow Dispensaries to Sell Medical Marijuana Seven Days Per Week, and to Reinsert Language Pertaining to Smoking Lounges that was Inadvertently Removed from the Code. (PL)

Mayor Rotkin opened the public hearing at 6:07 p.m.

No members of the public wished to speak.

Mayor Rotkin closed the public hearing at 6:07 p.m.

Action

Councilmember Madrigal moved, seconded by Councilmember Mathews, to pass Ordinance No. 2010-15 for final adoption. The motion carried by the following vote:

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

22. Ordinance No. 2010-16 - Hotel/Motel Registration Regulations – Amendment Requiring Verification of Identity Upon Check-In. (CN)

Mayor Rotkin opened the public hearing at 6:08 p.m.

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

An unidentified man
Mary Crowen

Mayor Rotkin closed the public hearing at 6:12 p.m.

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to pass Ordinance No. 2010-16 for final adoption.

Action

By consensus, staff was directed to bring back a policy statement on how the Police Department will conduct hotel register inspections.

General Business

23. Arts Commission Appointment. (CC)

Councilmember Lane nominated Abra Allan.

Councilmember Mathews nominated Patrick Haywood.

Voting for Abra Allan: Councilmembers Lane, Madrigal; Vice Mayor Coonerty; Mayor Rotkin.

Voting for Patrick Haywood: Councilmembers Mathews, Robinson.

Action

Abra Allan was appointed to a term expiring 1/1/2012.

24. Sister Cities Committee Appointment. (CC)

Councilmember Madrigal nominated Ofelia A. Gomez.

Councilmember Robinson nominated Deborah Luhrman.

Voting for Ofelia A. Gomez: Councilmember Madrigal.

Voting for Deborah Luhrman: Councilmembers Lane, Mathews, Robinson; Vice Mayor Coonerty; Mayor Rotkin.

Action

Deborah Luhrman was appointed to a term ending 1/1/2014.

25. Resolution Ordering an Election for Three Council Seats on the November 2, 2010 Gubernatorial General Election Ballot. (CC)

This item was continued to August 3, 2010 at 3:00 p.m.

Note: Items 26, 27 and 28 were considered in the evening session.

26. Council Meeting Calendar

The City Council reviewed the meeting calendar attached to the agenda and revised as necessary.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

27. City Attorney Oral Report on Closed Session. (See Page 2.)

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator
Employee Organizations—

1. Police Officers' Association
2. SEIU—All Units
3. Firefighters IAFF

Council received status reports, instructed the negotiator, and took no reportable action.

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

1. Community Water Coalition v. Santa Cruz County LAFCO, et al., Santa Cruz County Superior Court Case No. CV 167407.
2. Northern California Carpenters v. City of Santa Cruz Santa Cruz County Superior Court Case No. CV 167961.

Council received status reports and instructed the City Attorney on Item 1. Item 2 was not discussed.

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

1. Claimant: Jan E. Derecho
2. Claimant: Zelma Fennell
3. Claimant: Robin Elaine Kandel
Claims Against: City of Santa Cruz

Claims 1 and 2 were authorized for settlement. Claim 3 was not discussed.

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JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

28. Council Memberships in City Groups and Outside Agencies.

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

At 6:18 p.m., the City Council and Redevelopment Agency recessed to the 7:00 p.m. Session.

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

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

July 27, 2010

7:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 7:15 p.m. in Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Madrigal, Robinson (arrived 7:18 p.m.); Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmember/Member Beiers.

Staff: City Manager R. Wilson, Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Finance J. Dilles, Director of Human Resources L. Sullivan, Director of Public Works M. Dettle, Transportation Manager J. Burr, Principal Planner M. Marlatt, Sr. Planner D. Lauritson, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Joint City Council/Redevelopment Agency Oral Communications

James Franks spoke about the proposed left-hand turn lane at Soquel Avenue and Park Avenue, and told Council not enough neighborhood input has been sought in the process.

Bob spoke about the sleeping ban, and urged Councilmembers to rescind it.

Steve Argue spoke about the sleeping ban, and asked Councilmembers to rescind it.

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JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2009
7:00 P.M. SESSION

**Joint City Council/Redevelopment Agency Oral Communications
(continued)**

Marilyn Garrett spoke about PG&E Smart Meters, and asked Council to ban them.

Steve Pleich spoke in support of Peace Camp 2010.

Ed Frey said that he initiated the sleep-in at the County courthouse.

Orbit spoke in opposition to the sleeping ban.

Mike Tomasi spoke in opposition to the sleeping ban.

Colin Campbell Clyde spoke with concerns about trash on the Main Beach.

Dave Keenan spoke about Loch Lomond watershed access, and urged the Council to work with local residents.

Sarah Keenan spoke about Loch Lomond watershed access, and urged the Council to work with local residents.

Pete Tasso spoke about Loch Lomond watershed access, and urged the Council to work with local residents.

JOINT CITY COUNCIL/
 REDEVELOPMENT AGENCY MEETING
 JULY 27, 2009
 7:00 P.M. SESSION

Public Hearing

29. Partial Abandonment (Vacation) of Public Easement Over Alley between Park Way South and Mentel Avenue (CP 10-0108). (PL)

Mayor Rotkin opened the public hearing at 7:42 p.m.

Sr. Planner D. Lauritson presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR IN OPPOSITION AND/OR EXPRESSING CONCERNS:

Dwayne Calver
 Steve Holser
 Kyle Wade
 Mike Tomasi

Mayor Rotkin closed the public hearing at 8:00 p.m.

Action

Councilmember Mathews moved, seconded by Mayor Rotkin, to adopt Resolution No. NS-28,247 approving the abandonment of a 6-foot portion of the public easement over the alley south of 1900-1926 Soquel Avenue between Park Way South and Mentel Avenue, based on the Findings, including direction that the City will take responsibility for appropriate trimming and maintenance of the trees. The motion carried unanimously (Councilmember Beiers absent).

Adjournment — At 10:15 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of July 27, 2010 to the next regularly scheduled meeting on September 14, 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.

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JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
JULY 27, 2009
7:00 P.M. SESSION

Adjournment — At 10:15 p.m., the City Council adjourned from the regularly scheduled meeting of July 27, 2010, to a Special City Council Meeting on Tuesday, August 3, 2010 at the hour of 3:00 p.m., followed by at 7:00 p.m. session in the City Council Chambers. The Council will also have a Special City Council Workshop on the Climate Action Plan on Tuesday, September 7, 2010 at the hour of 7:00 p.m. in the City Council Chambers. The next regularly scheduled meeting is on September 14, 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

July 27, 2010

3:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 3:05 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Madrigal (arrived at 3:11 p.m.), Robinson; Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmember/Member Beiers.

Staff: City Manager R. Wilson, City Attorney J. Barisone, Director of Finance J. Dilles, Chief of Fire R. Oliver, Director of Human Resources L. Sullivan, Director of Information Technology S. Caiocca, Director of Parks and Recreation D. Shoemaker, Superintendent of Parks S. Hammack, Assistant Director of Planning and Community Development A. Khoury, Chief of Police H. Skerry, Lieutenant B. Escalante, Director of Public Works M. Dettle, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Mayor/Chair Rotkin called the meeting to order at 3:05 p.m. in the Council Chambers.

Roll Call -

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

Absent: Councilmember Beiers.

Pledge of Allegiance

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Introduction of New Employee – Assistant Director of Planning and Community Development A. Khoury introduced Deputy Building Official Mark Ellis.

Presentation - Mayor's Proclamation Presented to Bruce Van Allen.

Presentation - Small Business Development Center – Theresa Thomae

Presiding Officer's Announcements

Statements of Disqualification – None.

Additions and Deletions – None.

Joint City Council/Redevelopment Agency Oral Communications

Debbie Bulger thanked the Public Works Department for maintaining pedestrian access while work is being done on the Bay Street median.

Michael Bethke, representing the Santa Cruz County Fair, urged Councilmembers and the citizens of Santa Cruz to attend this year's fair from September 14-19, 2010.

Brian Matthias also urged citizens to attend the fair.

Jacqui Griffith urged the Council to approve safety provisions for the application of pesticides, and to oppose the proposed multi-use trail through the Pogonip.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Consent Agenda

SPEAKING FROM THE FLOOR ASKING THAT ITEMS BE REMOVED FROM THE CONSENT AGENDA:

Reed Searle commented on Item 7.

Items 16 and 17 were removed from the Consent Agenda.

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 July 13, 2010 Regular City Council Meeting. (CC)

Motion carried to approve as submitted.

2. Minutes of the July 13, 2010 Regular Redevelopment Agency Meeting. (CC)

Motion carried to approve as submitted.

3. Federal Department of Housing and Urban Development and Department of Transportation Planning Grant Programs Authorization to Submit and Accept a Grant. (ED)

Motion carried authorizing the City Manager or his designee to apply for, accept and appropriate, a grant subject to grant terms and conditions in an amount up to three million dollars from federal HUD and DOT Planning Grant Programs to help implement recommendations from the River/Front and Lower Pacific Design Guidelines and Development Incentives Study.

4. Resolution Implementing Provisions of Internal Revenue Code Section 414(h)(2) for Police Management Association Employees. (FN)

Resolution No. NS-28,238 was adopted implementing provisions of Internal Revenue Code section 414(h)(2) for Police Management Association employees.

REDEVELOPMENT AGENCY MEETING
 JULY 27, 2010
 3:00 P.M. SESSION

Consent Agenda (continued)

5. Acceptance & Execution of Social Services Program Contract Agreements for Expenditure of City Funds. (FN)

Motion carried to accept the Social Services Program (SSP) contract agreements for expenditure of City funds for FY 2011.

Resolution No. NS-28,239 was adopted authorizing and directing the City Manager to execute contract agreements for expenditure of SSP funds.

6. Cultural Council of Santa Cruz County. (FN)

Motion carried to authorize and direct the City Manager to execute an agreement with the Cultural Council of Santa Cruz County for cultural arts projects, based on the amount approved in the Fiscal Year (FY) 2011 budget adoption, Resolution No. NS-28,236.

7. Santa Cruz County Conference and Visitors Council. (FN)

Motion carried to authorize and direct the City Manager to execute an agreement with the Santa Cruz County Conference and Visitors Council for visitor and tourism promotion, and marketing services, based on the amount approved in the Fiscal Year (FY) 2011 budget adoption on July 13, 2010, Resolution No. NS-28,236.

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

Motion carried to reject liability claim a) Robin Elaine Kandel, based upon staff investigation.

9. Contract Amendment with Audience View Software Corporation for Licensing of City/UCSC Shared Ticketing System. (PK)

Resolution No. NS-28,240 was adopted authorizing the City Manager to enter into any amendments of a non-substantive nature to the agreement with Audience View Software Corporation for the licensing and support of ticketing system software shared with UCSC, in a form acceptable to the City Attorney.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

10. Amendment to the Agreement with the International Alliance of Theatrical Stage Technicians Local 611 for events at the Santa Cruz Civic Auditorium. (PK)

Resolution No. NS-28,241 was adopted authorizing and directing the City Manager to enter into an amendment to the agreement, and any other future amendments of non-substantive nature, with the International Alliance of Theatrical Stage Technicians Local 611 for events at the Santa Cruz Civic Auditorium.

11. Soquel/Park Way Intersection Improvements - Public Easements APN 009-392-22 (2001 Soquel Avenue) Kamaljit S. Sekhon APN 011-051-14 (2000 Soquel Avenue) Dennis DeMontigny APN 011-052-17, -30, -31 (1906-1918 Soquel Avenue) Futura Investments. (PW & ED)

Motion carried to authorize the City Manager to execute Agreements to Grant Temporary and Permanent Easements with: 1) Dennis DeMontigny located at 2001 Soquel Avenue, Santa Cruz, APN 011-051-14, in the amount of \$11,507.00; 2) Kamaljit S. Sekhon located at 2000 Soquel Avenue, Santa Cruz, APN 009-392-22, in the amount of \$13,351.00; 3) with Futura Investments, a Partnership, located at 1906-1918 Soquel Avenue, Santa Cruz, APN 011-052-17,-30-31, the consideration of which is in an amount of a transfer of fee ownership of 351 sq. ft. of land owned by Futura to the City together with a temporary construction easement of 1757 sq. ft. and a transfer of a permanent public easement area of 1848 sq. ft. encumbered by the City of Santa Cruz to Futura and determined between the parties to be of equal value, contingent on a partial alley abandonment; and 4) execute non-substantive changes to the agreements.

12. San Lorenzo River Environmental Restoration and Flood Control Project Request – Amendment to Corps/City Project Cooperation Agreement. (PW)

Resolution No. NS-28,242 was adopted authorizing the City Manager to sign an amendment to the U.S. Army Corps of Engineers/City of Santa Cruz Project Cooperation Agreement pertaining to granting of financial credit to the City of Santa Cruz for previous work in the construction of the Soquel Avenue Bridge.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

13. Soquel Avenue/Hagemann Avenue Intersection Improvement Project (c400803) – Contract Change Order No.1 and Notice of Completion. (PW)

Motion carried to ratify Contract Change Order No. 1 and accept the work completed by Don Chapin Company, Inc., Salinas, CA, as completed per the plans and specifications and authorize the filing of the Notice of Completion for the Soquel Avenue/Hagemann Avenue Intersection Improvement Project (c400803).

14. Lower Pacific Avenue Street Light Installation Project (c401010) – Notice of Completion. (PW)

Motion carried to accept the work of San Jose Signal Electric, Inc. of San Jose, CA, as completed per the plans and specifications, and authorize the filing of the Notice of Completion for the Lower Pacific Avenue Street Light Installation Project (c401010).

15. Water Transmission Main Replacement Project on Riverside, Broadway, Barson, Clinton and Cayuga - Approval of Plans and Specifications and Authorization to Advertise for Bids and Award Contract. (WT)

Motion carried to approve the plans and specifications for the Water Transmission Main Replacement Project on Riverside, Broadway, Barson, Clinton and Cayuga, and authorize staff to advertise for bids. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-27,563.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

16. San Lorenzo Park Temporary No Smoking Exemption. (CN)

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

Valerie Corral
Jackie Russell
Gail Bowen

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to adopt Resolution No. NS-28,243 establishing a five-hour exemption to the smoking prohibition in San Lorenzo Park on Saturday, September 25, 2010 from the hours of 12 p.m. to 5 p.m., with correction to the last paragraph to read, "BE IT FURTHER RESOLVED that the City Council ~~strongly encourages and~~ requires the organizers of the Wo/Men's Alliance for Medical Marijuana event to provide a designated and enclosed area for the purpose of medicating..." The motion carried unanimously (Councilmember Beiers absent).

17. 1st Annual Cactus Festival, "Festival del Nopal," in Santa Cruz – City Co-sponsorship. (CN)

Note: This item was considered in the evening session.

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

Anita Robles
Aleander Nadim
Jose Rosa Cruz
Mr. Silva
Mike Tomasi

Action

Councilmember Mathews moved, seconded by Mayor Rotkin, to cosponsor the November 21, 2010 Cactus Festival, "Festival del Nopal," in name only, expressing support without any financial commitment whatsoever, and extending staff support as normally extended to organizers of such events. The motion carried unanimously (Councilmember Beiers absent).

End Consent Agenda

REDEVELOPMENT AGENCY MEETING
 JULY 27, 2010
 3:00 P.M. SESSION

General Business

18. Safety Provisions for Bulk Application of Pesticides. (CN)

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

Ed Porter
 An unidentified woman

Action

Councilmember Lane moved, seconded by Councilmember Madrigal, to adopt Resolution No. NS-28,245 adopting safety provisions for bulk application of pesticides, with the correction throughout the resolution changing the words chemicals to pesticides, and changing the following: "...WHEREAS, pre-school owners were advised to wash play equipment each morning after spraying which indicated that CDFA acknowledged the danger to children...", and ~~the San Lorenzo River ran thick with yellow gunk immediately after the spraying;~~ and, "WHEREAS, invasive species will continue to arrive, most of which by the CDFA's own admission, do little or no crop damage and present no danger to crops or to humans, and to which the native environment adjusts without harm..." The motion carried unanimously (Councilmember Beiers absent).

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

19. Proposed Pogonip Multi-Use Trail Connection (Golf Club Drive to U-Con Trail). (PK)

Director of Parks and Recreation D. Shoemaker, Superintendent of Parks S. Hammack, Police Lt. B. Escalante, and Chief of Fire R. Oliver presented oral reports and responded to Council's questions.

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

J. C. Dill
Brian Mohr
Fredo Arpsland
David Baskin
Lisa Valenzuela
Daniel Abernathy
Mark Davidson
Will Menchine
John Coletti
Meredith Marine
John Swift
Ted Park
Kem Akol
Annalicia Cube
Monica Martinez
Clarkie
Jeffrey Koopman
Robin Musitelli
Drew Perkins
Claudia Goodman
Jim Spring
Dwight Follier
Michael Becker
Daryl Granger
Joseph Gravey
Michael Zeiben

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

19. Proposed Pogonip Multi-Use Trail Connection (Golf Club Drive to U-Con Trail). (continued)

SPEAKING FROM THE FLOOR IN OPPOSITION AND/OR
EXPRESSING CONCERNS:

Bruce Engelhardt
Aldo Giacchino
Richard Smalley
Micah Posner
Kay Archer Bowden
Debbie Bulger
Gillian Greensite
Reed Searle

Action

Councilmember Robinson moved, seconded by Vice Mayor Coonerty, to direct staff to prepare a detailed design and proposed amendment to the Pogonip Master Plan for the multi-use trail concept as identified in attachment A, and to complete the environmental review under CEQA for the trail design and Master Plan Amendment, including the issues related to parking, and to request information regarding police response times to the Pogonip area. The motion carried unanimously (Councilmember Beiers absent).

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

20. Report on Items Related to Long-Term City Finances, Including Pension Reform, Economic Development, Restructuring of City Services, State Proposition 22, and the Potential for a November 2010 Revenue Ballot Measure. (CN)

Note: Written material for Item 20 was provided prior to the meeting. This item was considered in the evening session.

SPEAKING FROM THE FLOOR IN OPPOSITION AND/OR EXPRESSING CONCERNS:

Louis Meyers, SEIU Local 521
Mike Tomasi

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to direct staff to come back with a City strategic planning process that will identify the City's highest priorities and develop action plans to address the City's structural budget deficit. The motion carried unanimously (Councilmember Beiers absent).

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to adopt the City Council principles on budget challenges related to pension costs. The motion carried by the following vote:

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

REDEVELOPMENT AGENCY MEETING
 JULY 27, 2010
 3:00 P.M. SESSION

General Business (continued)

20. Report on Items Related to Long-Term City Finances, Including Pension Reform, Economic Development, Restructuring of City Services, State Proposition 22, and the Potential for a November 2010 Revenue Ballot Measure. (continued)

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to accept the open letter, to include minor modifications by the City Council Ad Hoc Revenue Ballot Measure Task Force, to business leaders and the Santa Cruz community on fiscal management and business and economic development environment. The motion carried by the following vote:

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

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to restate the City Council's support for State Proposition 22 (Protect Local Services and Stop State Raids Initiative). The motion carried unanimously (Councilmember Beiers absent).

Action

Councilmember Lane moved, seconded by Vice Mayor Coonerty, to accept the report of the City Council Ad Hoc Revenue Ballot Measure Task Force, to direct staff to bring back a potential utility tax measure raising utility taxes either 1% or 1.5%; and including a non-binding resolution of intent on how the Council intends to spend the resulting revenue. The motion carried unanimously (Councilmember Beiers absent).

Action

By consensus, Council directed the City Council Ad Hoc Revenue Ballot Measure Task Force to meet before the Council meeting of August 3, 2010.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

Public Hearing

21. Ordinance No. 2010-15 - Medical Marijuana Dispensary Ordinance Amendment and Smoking Lounge Ordinance Correction, A10-0004, City-wide, to Allow Dispensaries to Sell Medical Marijuana Seven Days Per Week, and to Reinsert Language Pertaining to Smoking Lounges that was Inadvertently Removed from the Code. (PL)

Mayor Rotkin opened the public hearing at 6:07 p.m.

No members of the public wished to speak.

Mayor Rotkin closed the public hearing at 6:07 p.m.

Action

Councilmember Madrigal moved, seconded by Councilmember Mathews, to pass Ordinance No. 2010-15 for final adoption. The motion carried by the following vote:

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

22. Ordinance No. 2010-16 - Hotel/Motel Registration Regulations – Amendment Requiring Verification of Identity Upon Check-In. (CN)

Mayor Rotkin opened the public hearing at 6:08 p.m.

SPEAKING FROM THE FLOOR IN SUPPORT AND/OR EXPRESSING CONCERNS:

An unidentified man
Mary Crowen

Mayor Rotkin closed the public hearing at 6:12 p.m.

Action

Councilmember Mathews moved, seconded by Councilmember Robinson, to pass Ordinance No. 2010-16 for final adoption.

Action

By consensus, staff was directed to bring back a policy statement on how the Police Department will conduct hotel register inspections.

REDEVELOPMENT AGENCY MEETING
 JULY 27, 2010
 3:00 P.M. SESSION

General Business

23. Arts Commission Appointment. (CC)

Councilmember Lane nominated Abra Allan.

Councilmember Mathews nominated Patrick Haywood.

Voting for Abra Allan: Councilmembers Lane, Madrigal; Vice Mayor Coonerty; Mayor Rotkin.

Voting for Patrick Haywood: Councilmembers Mathews, Robinson.

Action

Abra Allan was appointed to a term expiring 1/1/2012.

24. Sister Cities Committee Appointment. (CC)

Councilmember Madrigal nominated Ofelia A. Gomez.

Councilmember Robinson nominated Deborah Luhrman.

Voting for Ofelia A. Gomez: Councilmember Madrigal.

Voting for Deborah Luhrman: Councilmembers Lane, Mathews, Robinson; Vice Mayor Coonerty; Mayor Rotkin.

Action

Deborah Luhrman was appointed to a term ending 1/1/2014.

25. Resolution Ordering an Election for Three Council Seats on the November 2, 2010 Gubernatorial General Election Ballot. (CC)

This item was continued to August 3, 2010 at 3:00 p.m.

Note: Items 26, 27 and 28 were considered in the evening session.

26. Council Meeting Calendar

The City Council reviewed the meeting calendar attached to the agenda and revised as necessary.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

27. City Attorney Oral Report on Closed Session. (See Page 2.)

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator
Employee Organizations—

1. Police Officers' Association
2. SEIU—All Units
3. Firefighters IAFF

Council received status reports, instructed the negotiator, and took no reportable action.

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

1. Community Water Coalition v. Santa Cruz County LAFCO, et al., Santa Cruz County Superior Court Case No. CV 167407.
2. Northern California Carpenters v. City of Santa Cruz Santa Cruz County Superior Court Case No. CV 167961.

Council received status reports and instructed the City Attorney on Item 1. Item 2 was not discussed.

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

1. Claimant: Jan E. Derecho
2. Claimant: Zelma Fennell
3. Claimant: Robin Elaine Kandel
Claims Against: City of Santa Cruz

Claims 1 and 2 were authorized for settlement. Claim 3 was not discussed.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
3:00 P.M. SESSION

General Business (continued)

28. Council Memberships in City Groups and Outside Agencies.

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

At 6:18 p.m., the City Council and Redevelopment Agency recessed to the 7:00 p.m. Session.

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

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

July 27, 2010

7:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 7:15 p.m. in Council Chambers.

Roll Call

Present: Councilmembers/Members Lane, Mathews, Madrigal, Robinson (arrived 7:18 p.m.); Vice Mayor/Vice Chair Coonerty; Mayor/Chair Rotkin.

Absent: Councilmember/Member Beiers.

Staff: City Manager R. Wilson, Assistant City Manager M. Bernal, City Attorney J. Barisone, Director of Finance J. Dilles, Director of Human Resources L. Sullivan, Director of Public Works M. Dettle, Transportation Manager J. Burr, Principal Planner M. Marlatt, Sr. Planner D. Lauritson, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Joint City Council/Redevelopment Agency Oral Communications

James Franks spoke about the proposed left-hand turn lane at Soquel Avenue and Park Avenue, and told Council not enough neighborhood input has been sought in the process.

Bob spoke about the sleeping ban, and urged Councilmembers to rescind it.

Steve Argue spoke about the sleeping ban, and asked Councilmembers to rescind it.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
7:00 P.M. SESSION

**Joint City Council/Redevelopment Agency Oral Communications
(continued)**

Marilyn Garrett spoke about PG&E Smart Meters, and asked Council to ban them.

Steve Pleich spoke in support of Peace Camp 2010.

Ed Frey said that he initiated the sleep-in at the County courthouse.

Orbit spoke in opposition to the sleeping ban.

Mike Tomasi spoke in opposition to the sleeping ban.

Colin Campbell Clyde spoke with concerns about trash on the Main Beach.

Dave Keenan spoke about Loch Lomond watershed access, and urged the Council to work with local residents.

Sarah Keenan spoke about Loch Lomond watershed access, and urged the Council to work with local residents.

Pete Tasso spoke about Loch Lomond watershed access, and urged the Council to work with local residents.

REDEVELOPMENT AGENCY MEETING
JULY 27, 2010
7:00 P.M. SESSION

Public Hearing

29. Partial Abandonment (Vacation) of Public Easement Over Alley between Park Way South and Mentel Avenue (CP 10-0108). (PL)

Mayor Rotkin opened the public hearing at 7:42 p.m.

Sr. Planner D. Lauritson presented an oral report and responded to Council's questions.

SPEAKING FROM THE FLOOR IN OPPOSITION AND/OR EXPRESSING CONCERNS:

Dwayne Calver
Steve Holser
Kyle Wade
Mike Tomasi

Mayor Rotkin closed the public hearing at 8:00 p.m.

Action

Councilmember Mathews moved, seconded by Mayor Rotkin, to adopt Resolution No. NS-28,247 approving the abandonment of a 6-foot portion of the public easement over the alley south of 1900-1926 Soquel Avenue between Park Way South and Mentel Avenue, based on the Findings, including direction that the City will take responsibility for appropriate trimming and maintenance of the trees. The motion carried unanimously (Councilmember Beiers absent).

Adjournment — At 10:15 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of July 27, 2010 to the next regularly scheduled meeting on September 14, 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: September 7, 2010

AGENDA OF: 9/14/2010

DEPARTMENT: City Council

SUBJECT: Minute Preparation and Meeting Action Follow-up for Advisory Body and City Council Committee Meetings. (CC)

RECOMMENDATION: Motion revising and adopting Council Policy 5.14.

BACKGROUND: On November 17, 1998 Council adopted Policy 5.14, which provides that action-only minutes will be provided for all Advisory Body meetings as well as City Council meetings. The Policy was revised insubstantially on March 27, 2001 and again on September 9, 2003.

DISCUSSION: This is an update engendered by new technology and equipment to ensure that all City advisory bodies, as well as the City Council, record their meetings in a digital audio format.

FISCAL IMPACT: There is no fiscal impact.

Submitted by:

Approved by:

Approved by:

Tom Graves
Deputy City Clerk

Lorrie Brewer
City Clerk

Martin Bernal
City Manager

Attachments: Council Policy 5.14

POLICY TITLE MINUTE PREPARATION AND MEETING ACTION FOLLOW-UP
FOR ADVISORY BODY AND CITY COUNCIL COMMITTEE
MEETINGS

POLICY STATEMENT:

1. For all advisory bodies, action only minutes shall be provided.
2. Action only minutes will be produced for all advisory body meetings in the same format as those used for City Council meetings.
3. Proceedings for all advisory body meetings shall be digitally recorded. The digital audio recordings shall be retained for one year in the office of record. In addition, digital audio recordings of the Planning Commission shall be available for public review at the Central Branch Library Reference Desk for a period of six months, and in the Planning Department for three years.
4. All resolutions and recommendations adopted by advisory bodies and addressed to the City Council shall be delivered to the Mayor via the City Clerk as soon as possible, and at least by the next Mayor's Department Head agenda review meeting. If the item requires City Council action, the item will be placed on a future City Council agenda, or a reply will be sent back to the advisory body with an appropriate response at the discretion of the Mayor, with a copy to the Councilmembers.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998
Revised March 27, 2001
Revised September 9, 2003
Revised May 11, 2010
Revised September 14, 2010

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CITY COUNCIL AGENDA REPORT

DATE: 9/8/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Economic Development

SUBJECT: 344 La Fonda Avenue – Temporary Construction Easement. (ED)

RECOMMENDATION: Resolution authorizing and directing the City Manager to execute a Temporary Construction Easement Agreement with the State of California Department of Transportation for temporary use of vacant City property located at 344 La Fonda Avenue (APN 009-332-01) and to deposit the funds in the City General Fund.

BACKGROUND: The State of California Department of Transportation (Caltrans) is preparing for construction of the Highway 1 Soquel/Morrissey Auxiliary Lanes Project. The project will add 12-foot wide auxiliary lanes northbound and southbound between Soquel Avenue and Morrissey Boulevard. As part of this project, the La Fonda Avenue overcrossing must be replaced to accommodate the auxiliary lanes under the bridge.

DISCUSSION: Caltrans has requested a temporary construction easement for vacant City property located at 344 La Fonda Avenue for the purpose of facilitating access to the construction of the La Fonda Bridge replacement and possibly the temporary La Fonda Pedestrian Bridge during construction of northbound and southbound auxiliary lanes. The easement will be for a period of 24 months from the date the contractor starts construction.

An eight inch Coast Live Oak tree must be removed for construction access. The tree is not considered a heritage tree and is not protected by the Heritage Tree Ordinance. The City does not protect individual trees of that diameter.

Caltrans proposes to pay the City \$12,500 for the temporary construction easement and for removing the Coast Live Oak tree.

FISCAL IMPACT: The City General Fund will increase by \$12,500.

Prepared by:

Submitted by:

Approved by:

Julie Hendee
Redevelopment Manager

Bonnie Lipscomb
Director of Economic Development

Martin Bernal
City Manager

ATTACHMENTS:
Resolution
Plat Map

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR CITY PROPERTY LOCATED AT 344 LA FONDA AVENUE (APN 009-332-01) AND DIRECTING THE REVENUE RECEIVED FROM GRANTING THE TEMPORARY CONSTRUCTION EASEMENT TO BE DEPOSITED IN THE CITY GENERAL FUND

WHEREAS, The State of California Department of Transportation (Caltrans) is preparing for construction of the Highway 1 Soquel/Morrissey Auxiliary Lanes Project; and

WHEREAS, The project includes replacing the La Fonda Avenue overcrossing to accommodate the auxiliary lanes under the bridge; and

WHEREAS, The City owns a vacant parcel near the La Fonda Avenue overcrossing at 344 La Fonda Avenue (APN 009-332-01); and

WHEREAS, Caltrans has requested a temporary construction easement for the City property for the purpose of facilitating access to the construction of the La Fonda Bridge replacement and possibly a temporary La Fonda Pedestrian Bridge; and

WHEREAS, Caltrans agrees to pay \$12,500 for the temporary construction easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that the City Manager is hereby authorized and directed to execute a temporary construction easement agreement with Caltrans and directing that revenue from granting the temporary construction agreement be deposited into the City General Fund.

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

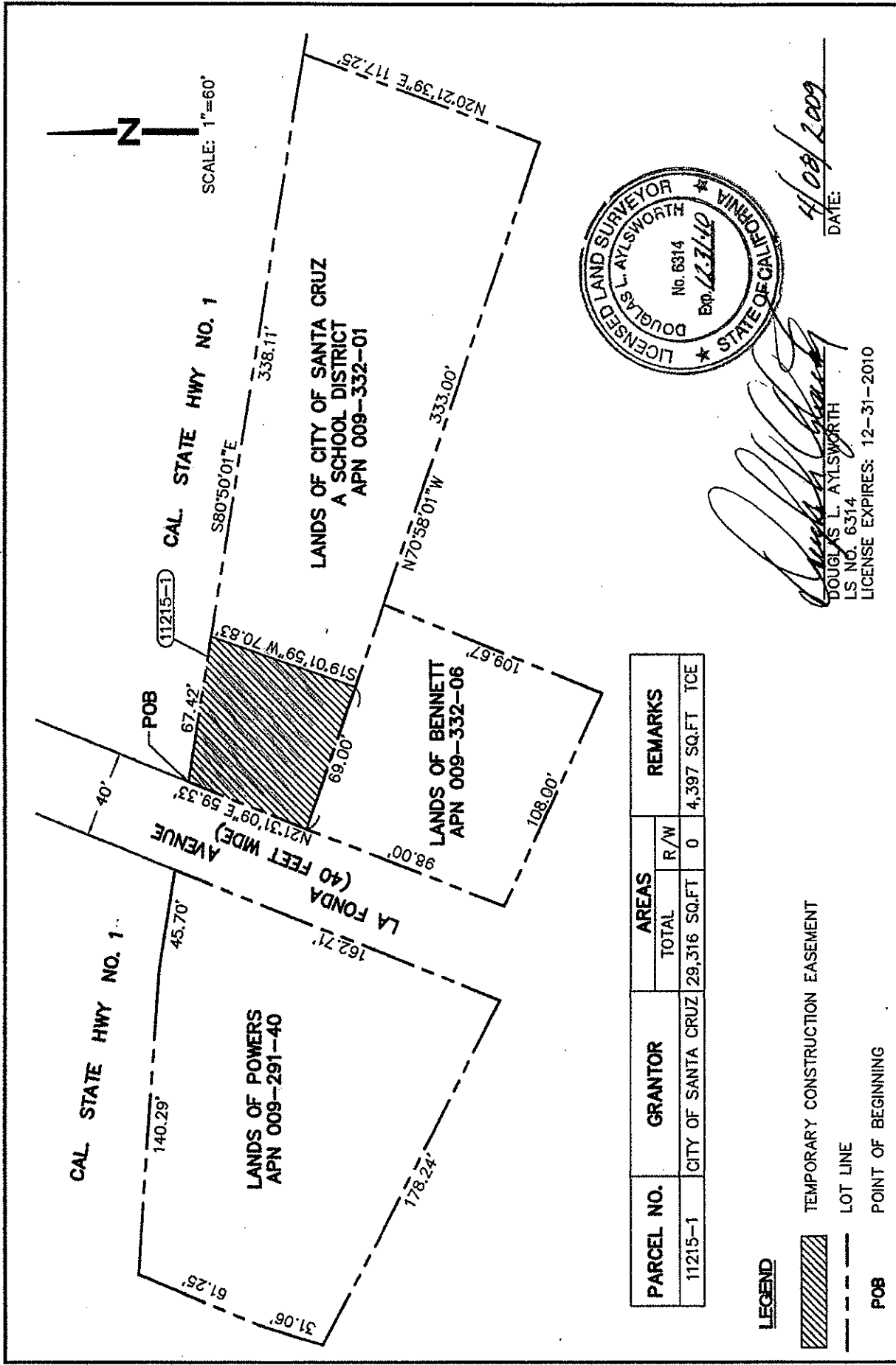
NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



SCALE: 1"=60'
 N
 CAL STATE HWY NO. 1
 11215-1
 CAL STATE HWY NO. 1
 338.11'
 S80°50'01"E
 519°01'59"W 70.83'
 67.42'
 POB
 LA FONDA (40 FEET WIDE) AVENUE
 40'
 45.70'
 140.29'
 31.06'
 178.24'
 LANDS OF POWERS
 APN 009-291-40
 162.71'
 LANDS OF CITY OF SANTA CRUZ
 A SCHOOL DISTRICT
 APN 009-332-01
 N20°21'39"E 117.25'
 333.00'
 N70°58'01"W
 109.67'
 LANDS OF BENNETT
 APN 009-332-06
 98.00'
 108.00'
 109.67'

LICENSED LAND SURVEYOR
 DOUGLAS L. AYLSWORTH
 No. 6314
 Exp. 12/31/10
 STATE OF CALIFORNIA
 DATE: 4/08/2009
 DOUGLAS L. AYLSWORTH
 LS NO. 6314
 LICENSE EXPIRES: 12-31-2010

PARCEL NO.	GRANTOR	AREAS		REMARKS
		TOTAL	R/W	
11215-1	CITY OF SANTA CRUZ	29,316 SQ.FT	0	4,397 SQ.FT TCE

LEGEND
 TEMPORARY CONSTRUCTION EASEMENT
 LOT LINE
 POINT OF BEGINNING

NOTICE
 BEYOND ENGINEERING
 370 NORTH FIRST STREET, SUITE A, SAN JOSE, CA 95131
 408.262.7500 TEL 408.262.0701 FAX
 WWW.BEYONDENGINEERING.COM

DATE: _____ TIME: _____
 NETWORK: _____
 PATH: _____
 DWG NAME: _____
 PLOT VIEW: _____
 DESIGNER: _____ MGR: _____

SHEET NUMBER 1 OF 1 SHEETS
 JOB NUMBER SJ088003
 PREPARED FOR: COUNTY OF SANTA CRUZ DATE SUBMITTED: 02/17/09

TEMPORARY CONSTRUCTION EASEMENT
STATE PARCEL NO. 11215-1



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Economic Development

SUBJECT: 605 Front Street – Lease Agreement with Wendy Gutberlet and Richard Melrose, dba Lina Floral Boutique. (ED)

RECOMMENDATION: Resolution authorizing and directing the City Manager to execute a lease agreement and any amendments thereto of a non substantive nature, in a form approved by the City Attorney, with Wendy Gutberlet and Richard Melrose, dba Lina Floral Boutique, for the premises located at 605 Front Street in the Soquel/Front Parking Garage.

BACKGROUND: The commercial space located at 605 Front Street in the Soquel/Front Parking Garage has been occupied by the Project for Innovation and Entrepreneurship (PIE) since January 2009. As part of the City's collaborative partnership with the University for the program, it was determined that an office membership at Nextspace was the ideal next step for the program advancement as many of the program elements of PIE are currently coordinated in conjunction with Nextspace. Since the end of the most recent term in June, the newly vacant space has been advertised for lease and the city received several inquiries, one of which resulted in a viable application by Lina Floral Boutique.

DISCUSSION: Wendy Gutberlet and Richard Melrose have submitted an application to lease 605 Front Street for the operation of Lina Floral Boutique, which has been located in the Farmers Exchange complex at 415 River Street for the past four years. The sublease at their current location has expired and the business owners wish to relocate to the downtown area.

Staff has determined that a retail floral business is an appropriate and acceptable use for the premises, that the use will be compatible with the neighboring businesses, and that the business owners have financial creditworthiness.

In order to facilitate the floral operations, a water line and drain line must be added to the space. The estimated cost for the plumbing is \$4,000. The business owners intend to hire a plumbing contractor but have asked the City to provide some financial assistance with these capital improvements. Staff suggests waiving the rent for the first three months, which equates to \$1,950, as a contribution towards the capital improvement costs.

Staff recommends approval of the lease, with the key terms of the lease as follows:

Term: Three-year initial term with a three-year option to extend.

Rent: \$650 per month with an annual adjustment to reflect changes in the Consumer Price Index.

Tenant Improvements: Installation of water and drain lines, to be installed by the tenant with a partial contribution by the City in the form of three months initial free rent.

FISCAL IMPACT: Approval of the lease will result in annual revenues to the Parking District in the amount of \$7,800.

Prepared by:

Submitted by:

Approved by:

Julie Hendee
Redevelopment Manager

Bonnie Lipscomb
Director of Economic Development

Martin Bernal
City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A LEASE
AGREEMENT AND ANY AMENDMENTS THERETO OF A NON-SUBSTANTIVE
NATURE WITH WENDY GUTBERLET AND RICHARD MELROSE DBA LINA FLORAL
BOUTIQUE LOCATED AT 605 FRONT STREET

WHEREAS, the City of Santa Cruz is the owner of commercial space located at 605 Front Street in the Soquel/Front Parking Garage; and

WHEREAS, 605 Front Street is currently vacant; and

WHEREAS, Wendy Gutberlet and Richard Melrose dba Lina Floral Boutique propose to lease 605 Front Street; and

WHEREAS, A retail flower business is an acceptable use; and

WHEREAS, The business owners have financial creditworthiness; and

WHEREAS, Authorization to execute the Lease Agreement requires approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that the City Manager is authorized and directed to execute the Lease Agreement and any amendments thereto of a non-substantive nature, subject to the approval of the City Attorney, with Wendy Gutberlet and Richard Melrose dba Lina Floral Boutique located at 605 Front Street.

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Economic Development Public Works

SUBJECT: Eastside Parking Lot - Cooperative Agreement and Permit Parking Fee.
(ED/PW)

RECOMMENDATION: City Council resolution authorizing the City Manager to execute a Cooperative Agreement with the Redevelopment Agency for operation of the Eastside Parking Lot.

City Council resolution authorizing the Public Works Director to establish a permit parking program for the Eastside Parking Lot and rescinding Resolution No. NS-28,108.

Redevelopment Agency resolution authorizing the Executive Director to execute a Cooperative Agreement with the City for operation of the Eastside Parking Lot.

BACKGROUND: The Redevelopment Agency (Agency) has owned and maintained the Eastside Parking Lot since 1994. Although the three-hour parking time limit was posted in the parking lot, it was never enforced because there was sufficient parking and few problems. However, after receiving reports of abandoned vehicles, stored commercial vehicles, overnight camping, and drug dealing in the parking lot, it became apparent that parking enforcement officers were needed to patrol the parking lot in order to track vehicles and to monitor problems. A letter announcing the enforcement was sent to each business in the area and warnings rather than tickets were issued for the first two weeks of enforcement. The Public Works parking enforcement officers began enforcement of the three-hour parking time limit on July 26, 2010.

DISCUSSION: Following the notification of enforcement, the Agency received several requests for permit parking from business owners located in the vicinity of the Eastside Parking Lot. Business owners indicated that there is limited parking availability in the surrounding area and that having three-hour parking time limit creates a hardship for them and their employees.

Parking enforcement officers have observed available parking spaces at the times they patrol the parking lot. Many of the vehicles parked during the day belong to people working in Soquel Avenue businesses between Cayuga Street and Seabright Avenue. After contacting all business owners in this area, staff has determined that there is sufficient demand for permit parking for business owners and their employees and that the permit parking would mitigate the impact of the three-hour time limit. Based on business outreach and feedback, staff recommends issuing fifteen parking permits for the Eastside Parking Lot. There will be thirty-eight free parking spaces available for visitors.

Under the Redevelopment Plan for the Eastside Project Area, the City may aid and cooperate with the Agency in carrying out the Redevelopment Plan and take actions necessary to ensure the fulfillment of the purposes of the Redevelopment Plan. Public Works has been assisting the Agency by providing parking enforcement services and if approved, will administer the issuing of parking permits. The Agency and the City desire to enter into a cooperative agreement pursuant to which the City will provide services for the operation and maintenance of the Eastside Parking Lot and, consequently, the City will receive any revenue generated from the operation of the lot.

FISCAL IMPACT: The total annual revenue generated from fifteen permits would be approximately \$4,500. This revenue would go to the General Fund to offset the expense of operating and maintaining the Eastside Parking Lot. Additionally, any revenue generated by enforcement of the parking lot would also go to the General Fund.

Prepared by:

Submitted by:

Submitted by:

Julie Hendee
Redevelopment Manager
Approved by:

Bonnie Lipscomb
Director of Economic Development

Mark R. Dettle
Director of Public Works

Martin Bernal
City Manager

ATTACHMENTS:
Resolutions
Cooperative Agreement

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATION AGREEMENT BETWEEN THE CITY OF SANTA CRUZ AND THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CRUZ RELATING TO THE OPERATION OF THE EASTSIDE PARKING LOT

WHEREAS, by Ordinance No. 90-37, adopted on October 9, 1990, the Council approved and adopted the Redevelopment Plan (the "Eastside Redevelopment Plan") for the Eastside Business Improvement Project (the "Eastside Project"); and

WHEREAS, on December 8, 2009, the Agency adopted a Five-Year Implementation Plan pursuant to Section 33490 of the California Redevelopment Law wherein specific projects and programs were set forth, including actions and expenditures to be made within the term of the Implementation Plan and further described how these projects and programs would alleviate blight; and

WHEREAS, Pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et. seq.), the Agency is carrying out the Redevelopment Plan in the redevelopment project area (the "Project Area"); and

WHEREAS, The City has adopted the Eastside Business Improvement Redevelopment Plan which sets forth as one of its goals to provide adequate land and facilities for parking in the Eastside Project Area; and

WHEREAS, Under the Redevelopment Plan, the City may aid and cooperate with the Agency in carrying out the Redevelopment Plan and take actions necessary to ensure the fulfillment of the purposes of the Redevelopment Plan and to prevent the recurrence or spread in the Project Area of conditions causing blight; and

WHEREAS, The Redevelopment Agency owns and maintains the Eastside Parking Lot to serve existing and future commercial development; and

WHEREAS, the Agency requires services for the operation and maintenance in the Eastside Parking Lot and the City can provide said services; and

WHEREAS, the City shall receive any revenue generated from the operation of the Eastside Parking Lot; and

WHEREAS, The Redevelopment Agency and City desire to enter into an agreement pursuant to which the City will provide services for the operation and maintenance of the Eastside Parking Lot; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz hereby authorizes the City Manager to execute a cooperation agreement with the Redevelopment Agency, as presented herewith, through which the City will operate and maintain the Eastside Parking Lot.

RESOLUTION NO. NS-

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
ESTABLISHING PARKING RATES, OPERATING HOURS AND PERMIT FEES FOR CITY
PARKING LOTS AND RESCINDING RESOLUTION NO. NS-28,108

WHEREAS, On September 8, 2009, Council a adopted Resolution No. NS-28,108 establishing parking rates, operating hours and permit fees for city parking lots; and

WHEREAS, On July 26, 2010; enforcement of the three hour time limit in the Eastside Parking Lot began; and

WHEREAS, People working in proximity of the Eastside Parking Lot reported that the enforcement created a hardship for them and requested a parking permits; and

WHEREAS, There is sufficient parking to issue 15 permits in the lot; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that a new monthly permit fee of \$25 for the Eastside Parking Lot and rescinding Resolution No. NS-28,108.

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Mayor

ATTEST: _____

City Clerk

PARKING LOT OPERATING HOURS AND PARKING RATES

Lot No. / Level	Location	Type of Parking / Permits Available	Days/ Operating Hours	Parking Rates
2	Walnut Tree	3 Hour Time Limit None	Monday – Saturday 8 AM – 6 PM	Free
3	Cedar/Church Garage	Pay Parking None	Everyday 8 AM – 8 PM	\$.50 per Hour \$5 Max
4	Cedar/Cathcart	Pay Parking None	Everyday 8 AM – 8 PM	\$.50 per Hour \$5 Max
5	Calvary Church	Pay Parking Individual \$25 per Month	Everyday 8 AM – 8 PM	\$.50 per Hour \$5 Max
6	Civic Auditorium	Metered Parking None	Monday – Saturday 9 AM – 8 PM	(Set by Ordinance)
7	Front/Cathcart	3 Hour Time Limit None	Monday – Saturday 8 AM – 6 PM	Free
8	Pearl Alley	3 Hour Time Limit None	Monday – Saturday 8 AM – 6 PM	Free
9	Elm/Cedar	3 Hour Time Limit None	Monday – Saturday 8 AM – 6 PM	Free
10 / 1	River/Front Garage	3 Hour Time Limit None	Monday – Saturday 8 AM – 6 PM	Free
10 / 2	River/Front Garage	Permit Parking Individual/Carpool/Visitor \$48 per Quarter	Monday – Saturday 8 AM – 6 PM	Permit Parking Only
10 / 3	River/Front Garage	Permit Parking Individual/Carpool/Visitor \$48 per Quarter	Monday – Saturday 8 AM – 6 PM	Permit Parking Only
11	Front Street South	3 Hour Time Limit None	Monday – Saturday 8 AM – 6 PM	Free
12	South Pacific	3 Hour Time Limit None	Monday – Saturday 8 AM – 6 PM	Free

13	City Hall	3 Hour Time Limit Carpool – Santa Cruz City Employees Only Free	Monday – Saturday 8 AM – 6 PM	Free
14	Library	3 Hour Time Limit Santa Cruz City Library Employees Only Free	Monday – Saturday 8 AM – 6 PM	Free
16	Center/Walnut	Permit Parking Individual \$75 per Quarter	Everyday 8 AM – 6 PM	Permit Parking Only
17	Laurel Street Extension	Permit Parking Individual \$75 per Quarter	Everyday 8 AM – 6 PM	Permit Parking Only
18	Beach Hill	Metered Parking None	Everyday 10 AM – 8 PM	(Set by Ordinance)
19	Fun Spot	Pay Parking None	Everyday 10 AM – 8 PM	\$10 All Day
20	Birch Lane	Permit Parking Individual \$75 per Quarter	Everyday 8 AM – 6 PM	Permit Parking Only
21	Third/Raymond	Metered Parking None	Everyday 10 AM – 8 PM	(Set by Ordinance)
22	NIAC Lot Front Street	3 Hour Time Limit None	Monday - Friday 5PM – 8 PM Saturday 8 AM – 6 PM	Free
23	Front/Laurel	3 Hour Time Limit Individual \$75 per Quarter	Monday – Saturday 8 AM – 6 PM	Free
24	Depot Park North	Pay Parking Park and Ride \$75 per Quarter UCSC Student \$125 per Quarter Summer Wharf Employee \$1 per Day	Everyday 8 AM – 8 PM	\$.50 per Hour \$5 Max
25	Depot park South	Pay Parking Parks & Rec Class \$10 per Session	Everyday 8 AM – 8 PM	\$.50 per Hour \$5 Max
26	Police Dept.	3 Hour Time Limit LNCC Visitors	Monday – Saturday 8 PM – 6 PM	Free
27	Laurel/Front	3 Hour Time Limit Individual \$75 per Quarter	Monday – Saturday 8 AM – 6 PM	Free

	East Side Lot Soquel/Bonito	3 Hour Time Limit Permit Parking \$25 per Month	Monday – Saturday 8 AM – 6 PM	Free
	Locust Garage	Pay Parking Individual \$31 per Month	Sunday-Thursday 10 AM – 8 PM Friday - Saturday 10 AM – 11 PM (Oct 1 – April 30)	1 st 2 Hours - \$1.00 3 Hours - \$1.50 4 Hours - \$2.25 5 Hours - \$3.00 6 Hours - \$4.00 7+ Hours - \$5.00 Special Event – All Day \$5.00
	Locust Garage	Pay Parking Individual \$31 per Month	Sunday-Thursday 10 AM – 10 PM Friday - Saturday 10 AM – 12 AM (Oct 1 – April 30)	1 st 2 Hours - \$1.00 3 Hours - \$1.50 4 Hours - \$2.25 5 Hours - \$3.00 6 Hours - \$4.00 7+ Hours - \$5.00 Special Event – All Day \$5.00
	Soquel/Front Garage	Pay Parking Individual \$31 per Month	Sunday-Thursday 10 AM – 10 PM Friday - Saturday 10 AM – 12 AM (Oct 1 – April 30)	1 st 2 Hours - \$1.00 3 Hours - \$1.50 4 Hours - \$2.25 5 Hours - \$3.00 6 Hours - \$4.00 7+ Hours - \$5.00 Special Event – All Day \$5.00
	Soquel/Front Garage	Pay Parking Individual \$31 per Month	Sunday-Thursday 10 AM – 8 PM Friday - Saturday 10 AM – 11 PM (Oct 1 – April 30)	1 st 2 Hours - \$1.00 3 Hours - \$1.50 4 Hours - \$2.25 5 Hours - \$3.00 6 Hours - \$4.00 7+ Hours - \$5.00 Special Event – All Day \$5.00

RESOLUTION NO.

RESOLUTION OF THE RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CRUZ AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A COOPERATION AGREEMENT BETWEEN THE CITY OF SANTA CRUZ AND THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CRUZ RELATING TO THE OPERATION OF THE EASTSIDE PARKING LOT

WHEREAS, by Ordinance No. 90-37, adopted on October 9, 1990, the Council approved and adopted the Redevelopment Plan (the "Eastside Redevelopment Plan") for the Eastside Business Improvement Project (the "Eastside Project"); and

WHEREAS, on December 8, 2009, the Agency adopted a Five-Year Implementation Plan pursuant to Section 33490 of the California Redevelopment Law wherein specific projects and programs were set forth, including actions and expenditures to be made within the term of the Implementation Plan and further described how these projects and programs would alleviate blight; and

WHEREAS, Pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et. seq.), the Agency is carrying out the Redevelopment Plan in the redevelopment project area (the "Project Area"); and

WHEREAS, The City has adopted the Eastside Business Improvement Redevelopment Plan which sets forth as one of its goals to provide adequate land and facilities for parking in the Eastside Project Area; and

WHEREAS, Under the Redevelopment Plan, the City may aid and cooperate with the Agency in carrying out the Redevelopment Plan and take actions necessary to ensure the fulfillment of the purposes of the Redevelopment Plan and to prevent the recurrence or spread in the Project Area of conditions causing blight; and

WHEREAS, The Redevelopment Agency owns and maintains the Eastside Parking Lot to serve existing and future commercial development; and

WHEREAS, the Agency requires services for the operation and maintenance in the Eastside Parking Lot and the City can provide said services; and

WHEREAS, the City shall receive any revenue generated from the operation of the Eastside Parking Lot; and

WHEREAS, The Redevelopment Agency and City desire to enter into an agreement pursuant to which the City will provide services for the operation and maintenance of the Eastside Parking Lot; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz hereby authorizes the City Manager to execute a cooperation agreement with the Redevelopment Agency, as presented herewith, through which the City will operate and maintain the Eastside Parking Lot.

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Chair

ATTEST: _____

Executive Director

COOPERATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE
CITY OF SANTA CRUZ AND THE CITY OF SANTA CRUZ
RELATING TO THE OPERATION EASTSIDE PARKING LOT

THIS AGREEMENT (the "Agreement") is entered into this ____ day of _____, 2010, by and between the REDEVELOPMENT AGENCY OF THE CITY OF SANTA CRUZ, a public body, corporate and politic (the "Agency"), and the CITY OF SANTA CRUZ, a municipal corporation (the "City").

RECITALS

A. By Ordinance No. 90-37, adopted on October 9, 1990, the Council approved and adopted the Redevelopment Plan (the "Eastside Redevelopment Plan") for the Eastside Business Improvement Project (the "Eastside Project").

B. Pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et. seq.), the Agency is carrying out the Redevelopment Plan in the redevelopment project area (the "Project Area").

C. The City has adopted the Eastside Business Improvement Redevelopment Plan which sets forth as one of its goals to provide adequate land and facilities for parking in the Eastside Project Area.

D. By Resolution 1474 adopted on December 8, 2009, the Redevelopment Agency adopted a Five-Year Implementation Plan for the Eastside Project.

E. Under the Redevelopment Plan, the City may aid and cooperate with the Agency in carrying out the Redevelopment Plan and take actions necessary to ensure the fulfillment of the purposes of the Redevelopment Plan and to prevent the recurrence or spread in the Project Area of conditions causing blight.

F. The Agency owns and maintains the Eastside Parking Lot to serve existing and future commercial development.

G. The Agency and the City desire to enter into an agreement pursuant to which the City will provide services for the operation and maintenance of the Eastside Parking Lot.

NOW, THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Agency agree as follows:

1. The purpose of this Agreement is for the City to assist the Redevelopment Agency with the operation of the Eastside Parking Lot pursuant to Health and Safety Code Section 33220.

2. The City shall be responsible for all expenses associated the operation and maintenance of the Eastside Parking Lot.

3. The City shall receive any revenue that may be generated from the Eastside Parking Lot to offset operation and maintenance expenses.

4. This agreement shall remain in effect until such time that the Agency and City mutually agree to terminate the agreement.

5. Pursuant to Section 895.4 of the Government Code, the Agency and the City agree that each will assume the full liability imposed upon it or any of its officers, agents or employees for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, and each party agrees to indemnify and hold harmless the other party for any loss, cost or expense that may be imposed upon such other party by virtue of Sections 895.2 and 895.6 of the Government Code.

IN WITNESS WHEREOF, the Agency and the City have executed this Agreement as of the date first above written.

REDEVELOPMENT AGENCY OF THE
CITY OF SANTA CRUZ

By _____
Bonnie Lipscomb, Executive Director


Date _____

CITY OF SANTA CRUZ

By _____
Martin Bernal, City Manager

Date _____

APPROVED AS TO FORM:



Office of the City Attorney

Date 8-1-10



REDEVELOPMENT AGENCY AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Economic Development

SUBJECT: Tannery Arts Center – Digital Media Center @ the Tannery North Parking Lot – Notice of Completion. (ED)

RECOMMENDATION: Motion to approve the work completed by CRW Industries, Inc., and authorize the filing of the Notice of Completion for the Digital Media Center @ the Tannery North Parking Lot.

BACKGROUND: On September 8, 2009 the City Council authorized the Executive Director to accept a grant from the Economic Development Administration of the U.S. Department of Commerce for the construction of the Digital Media Center @ the Tannery and to award the contract for the project to the lowest qualified bidder. The Agency entered into a contract to construct the North Parking Lot portion of the project with CRW Industries, Inc., the lowest qualified bidder, and issued the Notice to Proceed on January 13, 2010.

DISCUSSION: The North Parking Lot, including landscaping and irrigation, has been inspected by the Construction Manager and the Owner's Representative and is found to be completed in accordance with plans and specifications.

FISCAL IMPACT: None.

Prepared by:
Katherine Donovan

Redevelopment Manager

Submitted by:

Bonnie Lipscomb
Agency Executive Director

Approved by:

Martin Bernal
City Manager

ATTACHMENTS: Notice of Completion

RECORDED AT THE REQUEST OF

WHEN RECORDED MAIL TO:

ECONOMIC DEVELOPMENT/
REDEVELOPMENT
337 LOCUST STREET
SANTA CRUZ, CA 95060

Space Above this line for Recorder's Use Only

This Instrument is being recorded for the benefit of the City of Santa Cruz. No recording fee is required pursuant to Government Code §27383

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the California Civil Code, of the completion on September 15, 2010 of the North Parking Lot at the Digital Media Center @ the Tannery located at 1050-1060 River Street, Santa Cruz, California described as follows:

The City of Santa Cruz Redevelopment Agency is the property owner of the property described above.

Said North Parking Lot was undertaken on said property pursuant to a contract with CRW Industries, Inc., 399 Encinal Street, Suite 104, Santa Cruz, CA 95060. Said North Parking Lot consisted of the construction of a parking lot on the north end of the property located at 1050-1060 River Street.

DATED _____

Bonnie Lipscomb, Executive Director
City of Santa Cruz Redevelopment Agency

STATE OF CALIFORNIA)ss
COUNTY OF SANTA CRUZ)

I am the Executive Director of the City of Santa Cruz Redevelopment Agency. I have read the foregoing Notice of Completion and know the contents thereof, and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____, at Santa Cruz, California.

Bonnie Lipscomb, Executive Director
City of Santa Cruz Redevelopment Agency

Filing of this Notice of Completion was authorized by Santa Cruz City Council Minute Order of September 14, 2010



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Finance

SUBJECT: Release of Unclaimed Checks to the City of Santa Cruz. (FN)

RECOMMENDATION: Resolution of the City Council authorizing the release of unclaimed checks to the City of Santa Cruz pursuant to California Government Code Sections 50050 – 50053 and City Administrative Procedure Order (APO) I-83 “City of Santa Cruz Unclaimed Check Policy.”

BACKGROUND: APO I-83 established an unclaimed check policy for the City of Santa Cruz and provides the proper mechanism and authority to escheat unclaimed checks in accordance with California Government Code Sections 50050 -50053.

California Government Code Sections 50050 - 50053 outlines the notification, claim, and escheatment process for unclaimed checks. Based on Administrative Procedure Order - I 83, unclaimed checks that are held for more than three (3) years will become the property of the City of Santa Cruz, forty five (45) days after a public announcement of such intent has been published in a newspaper of general circulation. This announcement must be published once a week for two successive weeks.

DISCUSSION: A listing of unclaimed checks held for more than three (3) years was published in the Good Times newspaper by the City on June 3, 2010 and June 9, 2010 to meet California Code Section 50050-50053 requirements. The attached exhibit contains a listing of all checks published on the above dates for which no claim was received as of the July 25, 2010 deadline.

The Finance Department has reviewed all unclaimed checks on the attached list and has determined that the checks meet all of the criteria required by California State Codes and Regulations to become property of the City of Santa Cruz.

FISCAL IMPACT: The fiscal impact to the General Fund is an increase in non operating revenues of \$11,423.41 for Fiscal Year 2011. The fiscal impact to the Library Fund is an increase in non operating revenue of \$751.45 for FY 2011.

Prepared by:

Submitted by:

Approved by:

Ralph Reader
Accountant II

Jack Dilles
Finance Director

Martin Bernal
City Manager

ATTACHMENTS:

Resolution

List of Unclaimed Checks

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE RELEASE OF UNCLAIMED CHECKS TO THE CITY OF SANTA CRUZ PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 50050-50053 AND CITY ADMINISTRATIVE PROCEDURE ORDER – I 83 “CITY OF SANTA CRUZ UNCLAIMED CHECK POLICY”

WHEREAS, California Code Section 50053 allows for unclaimed checks held for more than three (3) years to become the property of the local agency no less than forty five (45) days after public announcement of intent has been published in a newspaper of general circulation once a week for two successive weeks; and

WHEREAS, all unclaimed checks on the attached list have been determined to meet all the criteria required by California State Codes and City of Santa Cruz internal policies and procedures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, to hereby transfer the unclaimed checks on the attached list in the total amount of \$11,423.41 to the City of Santa Cruz General Fund and \$751.45 to the Library Fund in accordance with Sections 50050-50053 of the California Government Code.

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

**List of Unclaimed Checks Subject to Escheatment
July 25, 2010**

General Fund	
Payee	Check Total
Aaron Feldman	36.52
Amariah Hernandez	149.79
Ample Annie	50.00
Amy Paul	29.02
Arielle Ferber	127.59
Blade Underwood	24.00
Blossom Valley Construction	164.20
California Student Public	377.07
Calla Properties	66.31
Cape Accounting	35.00
Carl Berg	117.49
Carol Schmidt	55.00
Caroline Reich	50.79
Cecily Cahill	36.57
Cody Walz	84.00
Comedy Concept Inc	790.41
Community Consulting	75.00
Dana White Goodenough	85.70
Daniel Brownwood	16.39
David W Elliott	49.58
Dev M Bradley	163.00
Douglas Hickey	48.67
Duane Wildenradt	75.00
Emily Grant	108.26
Emma Saso	15.00
Environmental Equipment Services	841.02
Erika Elizabeth Hoffman	36.91
Faith Festival Santa Cruz	145.50
Gary Allison	123.02
Greg Steiger	75.00
Hazel Lopez	70.00
Integrand Design	20.00
James R Burgess	19.39
Jerold Smestad	58.75
Jimmie Skinner	63.12
Joan Tomaro	24.50
John Dayton	900.00
John Feci	19.32
John Perry	165.18
Jose Fuentes	36.00
Jose Garcia	150.00
Joseph Garen Fechter	38.78
Julie Shelton	36.00
Karen Hall	62.50
Kyra Marie Gabelman	61.72
Laura Mostow	19.50
Laura Young	56.25
Lauren Dunn	40.00
Mark Allen	100.00
Martha Bennett	41.54
Matt Taylor	221.49
Melinda L Boyle	36.07
Mildred E Perriatt	16.75
Mitchell Murdock	471.64
Molly's Revenge	15.15
Monterey Bay Water Works Assn	105.00
Monterey Peninsula College	91.00
Nancy Marez	100.00
Nayana Stokers	150.00
Opal Phariss	75.00
Oscar Arroyo	45.00
Pat Milo	49.13
Paul J Zuhorskiand	92.73
Paul Johnson	100.00
Peter Lumsdaine	50.00
Peter Pethoe	89.00
Rachel J Hardwood	250.00
Randal Kurtz	75.00

Randie Cash	26.33
Rick Hochler	19.65
Robert A Alves	36.55
Robert Squires	29.39
Sage Woodmansee	36.00
San Francisco Department Of The Environment	140.00
Santa Cruz Little League	75.00
Senior Citizen's Legal Service	19.75
Solid Waste Association of North America	253.00
Star Bene	59.00
State Water Resources	500.00
Susan Coale	25.40
Teresa Andersen	113.00
Tom Bryan	198.28
Ty Molina	344.66
UC Regents	50.00
UCSC Academic Info Systems	21.69
UCSC Sluggers Baseball	364.00
Villa Hotel	699.00
Virginia Fisher	225.00
Virginia M Hirsch	15.44
Weston Walker- Knoblich	17.95
William Posey	57.00
James Illingworth	30.00

Total General Fund **11,423.41**

Library Fund

Payee	Check Total
Aiyana Turpen-Scott	20.00
Alisha Favorite	45.00
Cathy Ebnetter	40.00
Daniel Burnett	15.00
Derek Bernard	80.00
Fred Mindlin	37.50
Gina Hernan	25.00
Harmony Levy	25.00
Irie Moran	30.00
Jaqueline Jensen	30.00
Jessica Manke	15.00
Jorge Gonzalez	20.00
Juan Barandiarn	15.00
Judith Montgomery	15.95
Laurel Bard	15.00
Margaret Larsen	15.00
Margaret Larsen	30.00
Margaret Larsen	40.00
Margaret Weiser	15.00
Martin Carlson	15.00
Michael Conroy	25.00
Miguel Pacheco	15.00
Paul Graham	15.00
Sadie Smith	15.00
Sandy Boewer	15.00
Sarah Cadman	15.00
Sarah Henry	20.00
Siko Bouterse	15.00
Summer Vanslager	23.00
Taylor Henry	30.00
Tess Dunn	20.00

Total Library Fund **751.45**

Grand Total **12,174.86**



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Finance

SUBJECT: Resolution Modifying the FY 2011 Budget Personnel Authorization to Facilitate Library Restructuring. (FN) (LB)

RECOMMENDATION: Resolution modifying the FY 2011 Budget Personnel Authorization to reflect changes in the Library Information Technology and the Public Services Divisions.

BACKGROUND: In an effort to create a more efficient and effective structure, the Library will be moving two positions. These positions, along with their funding, need to be transferred to reflect the organizational changes.

DISCUSSION: All affected Library positions are included in the City's FY 2011 Budget Personnel Authorization. These positions are funded in the General Fund, and are reimbursed with corresponding revenues from the Library. To reflect the Library's organizational changes, the FY 2011 Budget Personnel Authorization needs to be adjusted to reflect the new structure. The effective date of the restructure is September 4, 2010.

FISCAL IMPACT: There is no fiscal impact to the General Fund. A transfer of funds will be made administratively within the Library activities.

Prepared by:

Submitted by:

Approved by:

Tori Hannah
Finance Manager

Jack Dilles
Finance Director

Martin Bernal
City Manager

ATTACHMENTS: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
MODIFYING FY 2011 BUDGET PERSONNEL AUTHORIZATION
TO FACILITATE LIBRARY RESTRUCTURING

WHEREAS, the Library has moved positions between the Library Information Technology and Public Services divisions; and

WHEREAS, modifying the FY11 Budget Personnel Authorization will reflect the positions changes.

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

That, effective September 4, 2010 the following changes will be incorporated into the FY 2011 budget:

<u>Position Title</u>	<u>Position Number</u>	<u>Move From Activity</u>	<u>Move To Activity</u>
Senior Library Assistant	185-014	3416	3412
Librarian II	149-002	3412	3416

PASSED AND ADOPTED this 14th day of September 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 9/1/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Human Resources

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

RECOMMENDATION: Motion to reject liability claim a) Carly LaFont, b) Nancy Lagestee c) Kalila Zunes-Wolfe, d) Catherine L. Down and e) Utility Service Co. Inc., based upon staff investigation.

BACKGROUND:

- a. Claimant: Carly LaFont
Date of occurrence: 05/22/10
Date of claim : 07/20/10
Amount of claim: \$5,000.00

Claimant was injured when she fell off her bicycle at Beach and Cliff Streets when her bike tire was caught in the railroad track.

Represented by herself.

- b. Claimant: Nancy Lagestee
Date of occurrence: 04/13/2010
Date of claim: 05/12/2010
Amount of claim: \$1,093.00

Fire Department responded to an endangerment call that required Fire personnel to cooperate with Police personnel to force the door of the downstairs unit owned by Ms. Lagestee. Public safety personnel acting in scope and duties of first responders. Claimant should seek repair reimbursement from property owner/tenants of unit above.

Represented by herself.

- c. Claimant: Kalila Zunes-Wolfe
Date of occurrence: 07/15/2010
Date of claim: 08/05/2010
Amount of claim: \$270.00

Represented by herself.

Claimant alleges car was towed while parked legally on Locust Street while she went to work. Police Report shows that car was illegally parked in front of a resident's house, blocking the driveway, and was towed at the request of the resident.

- d. Claimant: Catherine L. Down
Date of occurrence: 06/26/2010
Date of claim: 08/05/2010
Amount of claim: \$1,483.58

Represented by herself.

Claimant stepped in hole in sidewalk and lost balance. Investigation revealed that the sidewalk outside the property at 407 Pacific Avenue was in disrepair and was the property owner's responsibility to maintain. Claimant should seek repair reimbursement from property owner.

- e. Claimant: Utility Service Co. Inc.
Date of occurrence: 08/27/2009
Date of claim: 08/16/2010
Amount of claim: \$533,359 + damages

Represented by Sheppard, Mullin, Richter & Hampton, LLC

Claimant alleges breach of agreement with regard to maintenance and repair of five water tanks.

DISCUSSION: None.

FISCAL IMPACT: None.

Prepared by:
Kris Kamandulis
Risk & Safety Manager

Submitted by:
Tina Shull
Assistant City Manager

Approved by:
Martin Bernal
City Manager

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: 9/8/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Human Resources

SUBJECT: City's Classification and Compensation Plans and the FY 2011 Budget
Personnel Complement – Water Department. (HR)

RECOMMENDATION: Resolution amending the Classification and Compensation Plans to delete one vacant position of Water Treatment Operator IV and add one position and new classification of Water Facilities Electrical/Instrumentation Technician II/III and to delete the vacant single-position classification of Landscape Gardener and replace with one position of the classification of Utility Maintenance Technician in the Water Department.

BACKGROUND: City Council, at its 11/10/2009 meeting, approved a series of changes to the organizational structures of the Water and Public Works Departments, some to be implemented at that time and others to be implemented in a phased manner, as needed.

In the 11/10/2009 agenda report, HR recommended adding a Utility Maintenance Technician and a Water Facilities Electrical/Instrumentation classifications when requested by the Water Department. The impetus for this request was the effected section's evolving staffing needs due to retirements and the initiation and/or completion of capital improvement projects. Please see the attached chart as a quick overview to see how similar classifications are used in the Water and Wastewater functions to create and facilitate career ladders and employee development. The titles of the classifications addressed in this report are in bold italics.

DISCUSSION: The Water Department has a number of capital improvement projects (CIP) that either have been completed or will be completed this summer. Most significant of the CIPs are the Graham Hill Water Treatment Plant Electrical Upgrade, major software conversion, and ongoing security improvements. While these projects were essential and improved operating efficiency, they also resulted in an anticipated increase in the number, variety, and complexity of the electronic components in the system. Accordingly, Water has requested, and HR concurs, that the time has come to add one Utility Maintenance Technician and one Water Facilities Electrical/Instrumentation II/III position. At present, two vacancies exist in Water Production, one Plant Operator IV and one Landscape Gardener which will be deleted to fund these changes.

Water Facilities Electrical/Instrumentation II/III: A similar classification was created and implemented in Wastewater at the 11/10/2009 City Council meeting as part of the Water/Wastewater Organizational Development Study. Because of a difference in structure and number of employees, Water and Wastewater require separate classifications.

HR recommends creating a Water specific alternately staffed classification to be titled Water Facilities Electrical/Instrumentation Technician II/III. The alternately staffed classification includes requiring an incumbent to gain certification from the California Water Environment Association (CWEA), which is recognized as setting an industry standard for plant electrical and mechanical maintenance positions in water and wastewater plants. This will be a single 1.0 FTE position classification. The top steps in the salary ranges for this alternately staffed classification should be set at \$5,814/mo and \$6,104/mo, respectively. These salary ranges are at parity with the salary ranges for the equivalent Wastewater positions of Wastewater Facility Electrical/Instrumentation Technician II and Wastewater Facility Lead Electrical/Instrumentation Technician.

The cost for adding this position will be paid for by the deletion of a vacant Water Treatment Operator IV position. Since the new Treatment Operator series was implemented by CC in November 2009, several employees have obtained higher level certification that allows them to perform stand-alone duties. This, in turn, has allowed Water to staff the facilities at an appropriate level with the current staff without filling the Operator vacancy. Therefore, Water is willing to delete the vacant position of Water Treatment Operator IV (\$6653/mo) in order to offset the cost of adding one position of Water Facilities Electrical/Instrumentation Technician II/III (\$6104/month). The additional savings resulting from the deletion of the higher compensated position can also be applied to partially fund the recommendation to implement one position of Utility Maintenance Technician (discussed below).

Utility Maintenance Technician: This entry-level classification was also created and implemented at the 11/10/2009 City Council meeting. As a reminder, the classification was intended to be a shared, entry-level classification between the two functions (Water and Wastewater). It is currently in use in Wastewater Mains.

HR recommends adding one 1.0 FTE entry-level position in the Utility Maintenance Technician classification to the Water Production Section of the Water Department to provide apprentice level support to both the electrical and mechanical series. This position requires an employee to obtain a CWEA Plant Maintenance Technologist Grade 1 certification within 18 months of date of hire. With this certification and experience gained in either Wastewater Mains or Water, the Utility Maintenance Technician may apply to promote when a vacancy occurs in either the mechanical series or the electrical/instrumentation series in either Department, depending on employee choice and experience as well as staffing needs.

The cost for adding this position is offset by the recommendation to delete a recently vacated single-position Landscape Gardner and a portion of the savings generated by deleting a Water Treatment Operator IV (addressed in the previous section). Water does not intend to staff the position of Landscape Gardner in the future. HR and the Water Department will continue to study and determine to which classification the Landscape Gardner's duties should be assigned. For example, Service Maintenance Workers will pick up some basic duties similar to what they currently perform within the Department; however, some of the more specialized duties of landscaping and pesticide application may initially be contracted out. As HR moves into the next phase of the Organizational Development Study, these duties will be evaluated to determine the most efficient and cost effective assignment of these duties.

The Service Employees' Union representatives (SEIU Local 521) have reviewed these recommendations.

FISCAL IMPACT: The deletion of one Water Treatment Operator IV and one Landscape gardener and the addition of one position to the Water Facilities Electrical/Instrumentation Technician II/III classification and one position to the Utility Maintenance Technician classification will result in an annual salary savings of \$101.

Prepared by:

Submitted by:

Approved by:

Rebecca Dzamov
Human Resources Analyst

Lisa Martinez Sullivan
Director of Human Resources

Martin Bernal
City Manager

ATTACHMENTS:

Resolution

Position Specifications

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AMENDING THE CLASSIFICATION AND COMPENSATION PLANS AND THE FY 2011
BUDGET PERSONNEL COMPLEMENT – WATER DEPARTMENT
BY DELETING ONE POSITION OF WATER TREATMENT OPERATOR IV AND
REPLACING WITH ONE POSITION OF WATER FACILITIES ELECTRICAL/
INSTRUMENTATION TECHNICIAN II/III; AND BY DELETING LANDSCAPE GARDNER
AND ADDING ONE POSITION OF UTILITY MAINTENANCE TECHNICIAN

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 September 18, 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>
<u>Delete</u>	242-009	7106	Water Treatment Operator IV (1.0 FTE)	\$4504/mo-\$6653/mo
	147	7106	Landscape Gardner (1.0 FTE)	\$2990/mo-\$4418/mo
<u>Add</u>	266	7106	Water Facilities Electrical/ Instrumentation Technician II/III (1.0 FTE)	\$3934/mo-\$5814/mo \$4130/mo-\$6104/mo
	260	7106	Utility Maintenance Technician (1.0 FTE)	\$3358/mo-\$4960/mo

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Mayor

ATTEST: _____
City Clerk



**CITY OF SANTA CRUZ
WATER FACILITIES ELECTRICAL/
INSTRUMENTATION TECHNICIAN II/III**

Reports to: Water Production Field Supervisor
Supervises: Provides lead duties to Utility Maintenance Technician and temporary workers
Bargaining Unit: Service

BASIC FUNCTION

Under general supervision, performs a variety of journey or advanced journey-level electrical maintenance work on the City's water treatment plant and remote pumping facilities.

DISTINGUISHING CHARACTERISTICS

The Water Facilities Electrical/Instrumentation Technician series is alternately staffed with the II and III classifications. The Water Electrical/Instrumentation Technician II is required to obtain the California Water Environment Association (CWEA) PM Electrical/Instrumentation Technologist Grade 2 certification and either a California Department of Public Health (CDPH) D1 or T1 certification within 24 months of date of appointment. The Water Department does not require further certification to remain in the Department; however, an incumbent who would like to advance to the III level may pursue a CWEA Grade 3 and either a CDPH D2 or T2 certification in order to qualify for promotion to the III level.

The Water Facilities Electrical/Instrumentation Technician II is the journey level classification of the Electrical/Instrumentation series. This classification is distinguished from the next lower classification of Utility Maintenance Technician in that the latter is the entry and training classification in the Water Facilities Section.

The Water Facilities Electrical/Instrumentation Technician III is the advanced journey level classification in the series and provides lead direction to Water Electrical/Instrumentation Technician IIs, Utility Maintenance Technicians, and temporary workers. This classification is distinguished from the Water Production Field Supervisor in that the latter is a supervisory level classification and is responsible for performing the most complex assignments for the Water Production Field Division.

TYPICAL DUTIES *(May include, but are not limited to, those duties listed below.)*

- Installs, tests, calibrates, and maintains all electrical systems and equipment such as electrical motors; high, medium, and low voltage manual and automatic motor control centers; panel boards and switch gears; automatic safety controls; pneumatic-electric controls for valve operations; liquid level control indicators, recorders, and alarms; electronic and impulse telemetering transmitters, transmission lines, rectifiers, receivers, indicators, and recorders for pump control, liquid level control and remote meter recording.
- Troubleshoots, maintains, and repairs high, medium, and low voltage electrical equipment and systems and hydro generator, solar, and emergency power systems.
- Performs emergency repairs to a variety of equipment as necessary.

City of Santa Cruz

Water Facilities Electrical/Instrumentation Technician II/III

- Prepares reports and maintains records, such as preventive maintenance tests and repairs.
- Operates a variety of test equipment and uses small hand tools in the maintenance and repair of electronic and related equipment and systems.
- Troubleshoots and repairs Remote Terminal Units (RTU'S).
- Programs and installs Programmable Logic Controllers (PLC'S).
- Uses portable computers to troubleshoot and repair instrumentation/equipment.
- Participates in and provides lead work direction to small crews of maintenance workers in maintenance work assignments; may train new personnel as required.
- Participates and leads in skills and safety training programs; learns and implements safety rules, regulations, and emergency procedures.
- May order and maintain inventory control of parts and materials.
- May wire or re-wire new or existing facilities, structures, or equipment for service as required.
- May design electronic and electrical system components.
- Performs related duties as assigned.

Water Facilities Electrical/Instrumentation Technician III

- Organizes and maintains a computerized preventative maintenance program.
- Assigned to special projects, such as serving as liaison with Water Department engineers and other division employees, contractors, inspectors, etc. on operational and maintenance projects, treatment improvements, equipment upgrades, etc.
- May be required to troubleshoot, repair, and operate remote filtration facilities which includes but not limited to the Beltz Water Treatment Plant, the Loch Lomond Memcor Treatment System, and the future desalinization plant.
- Reviews works orders and inspects locations where work is to be performed, noting special equipment needs and difficulties which may be encountered; performs inspections and confirmations on various electrical system repairs and installations; orders necessary equipment and materials; requisitions materials, supplies, and equipment for electrical maintenance.

WORKING CONDITIONS

Position requires prolonged sitting, standing, walking on level and slippery surfaces, reaching, twisting, turning, kneeling, bending, stooping, squatting, crouching, grasping and making repetitive hand movement in the performance of daily duties. The position also requires both near and far vision when inspecting work and operating assigned equipment. The need to lift, carry and push tools, equipment and supplies weighing up to 100 pounds while wearing respiratory protection equipment is also required. Additionally, the incumbent in this outdoor position works in all weather conditions, including wet, heat, and cold. May use chemicals and cleaning products which may expose the employee to fumes, dust and air contaminants. The nature of the work may also require the incumbent to climb ladders, use power tools and noise producing tools and equipment, drive motorized vehicles and heavy equipment, work in heavy vehicle traffic conditions and enter confined spaces. Some positions require the incumbent to work both in and around oceanic surf to perform assigned duties. The incumbent will be

**City of Santa Cruz
Water Facilities Electrical/Instrumentation Technician II/III**

required to respond to after hours emergency call outs and to wear a uniform. Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations. Performs assigned duties while wearing respiratory protection equipment and/or Arc Flash safety equipment.

MINIMUM QUALIFICATIONS

Knowledge:

- Theory and practice of electrical design, installation, repair, overhaul, maintenance, testing and troubleshooting of high, medium, and low voltage systems and equipment and electrical motors.
- Theory and practice of troubleshooting and repairing hydro generator and emergency generator systems.
- Pneumatic, hydraulic, electronic, and electro-mechanical systems.

Skills:

- General computer skills.

Abilities:

- Troubleshoot, maintains, and repair high, medium, and low voltage electrical equipment and systems, co-generation systems, and emergency power systems.
- Follow written and verbal directions.
- Read blueprints, schematics, and construction design drawings.
- Perform duties involving frequent bending, pulling, pushing, lifting, and carrying of weights of approximately 100 lbs while wearing respiratory protection equipment.
- Establish and maintain effective working relationships with others;
- Complete and maintain accurate records.
- Use software applications related to PLC programming and electrical schematics.
- Troubleshoot and repair Remote Terminal Units (RTU'S).
- Program and install PLC's.
- Use portable computers to troubleshoot and repair instrumentation/equipment.
- Recognize unusual or dangerous operating conditions and make sound judgments within established guidelines.
- Perform mathematical calculations.
- Communicate effectively orally and in writing.
- Work effectively as a member of a crew.
- Lead a small crew of employees.
- Act in a courteous and tactful manner with members of the public.
- Observe safety principles and work in a safe manner.
- Safely handle hazardous materials.

City of Santa Cruz
Water Facilities Electrical/Instrumentation Technician II/III

OTHER REQUIREMENTS

- Willingness to perform call-back or emergency work as required.
- Willingness to wear a uniform.
- Must reside within a thirty (30) minute response time by the end of probationary period.
- Successful completion of training as a forklift operator within one year of appointment.

EDUCATION AND EXPERIENCE

Any combination of education and experience that provides the knowledge, skills, and abilities combined with any required licenses is qualifying. A typical way to obtain the required qualifications is to possess the equivalent of the following:

Water Facilities Electrical/Instrumentation Technician II:

- High school degree or equivalent; and
- 2 years of electrical installation and repair experience, with at least one year experience equivalent to that of the City's Utility Maintenance Technician

Water Facilities Electrical/Instrumentation Technician III:

- High school degree or equivalent; and
- 4 years of electrical installation and repair experience, with at least two years experience equivalent to that of the City's Water Facilities Electrical/Instrumentation Technician II

LICENSES/CERTIFICATES

- Possession at time of hire and continued maintenance of a California Class C driver's license and a good driving record.

Water Facilities Electrical/Instrumentation Technician II:

- Must obtain and maintain within 2 years of date of appointment:
 - CWEA certification for Electrical/Instrumentation Technologist Grade 2; and
 - Either a CDPH D1 or T1 certification.

Water Facilities Electrical/Instrumentation Technician III:

- Must possess at time of appointment and continue to maintain the following:
 - CWEA certification for Electrical/Instrumentation Technologist Grade 3 and either a CDPH D2 or T2 certification, or
 - State electrical license.¹

¹ Must obtain CDPH D2 or T2 within 24 months of date of appointment.

City of Santa Cruz
Water Facilities Electrical/Instrumentation Technician II/III

DESIREABLE QUALIFICATIONS

- CWEA Electrical/Instrumentation or state electrical certification.
- Basic understanding of MS Productivity software, such as WORD, EXCEL, and Outlook.

Classification No.: 265/266
Date of Issue: 9/10 (NEW)

Career Ladder

- Water Facilities Field Supervisor
- *Water Facilities Electrical/Instrumentation Technician III* or Wastewater Facilities Lead Electrical/Instrumentation Technician
- *Water Facilities Electrical/Instrumentation Technician II* or Wastewater Facilities Electrical/Instrumentation Technician II
- Utility Maintenance Technician or Wastewater Facilities Electrical/Instrumentation Technician I



CITY OF SANTA CRUZ UTILITY MAINTENANCE TECHNICIAN

Reports to Water Facilities Field Supervisor or Wastewater Mains Field Crew Leader
Supervises Non-Supervisory
Bargaining Unit Service

BASIC FUNCTION

Under direct supervision, assists in performing a variety of electrical and mechanical maintenance work in either the Public Works Wastewater Systems division or the Water Department on the City's wastewater treatment plant, wastewater collections system, or water treatment plant and remote facilities.

DISTINGUISHING CHARACTERISTICS

The *Utility Maintenance Technician* is the entry and training level of the Mechanical and Electrical/Instrumentation Maintenance series. Incumbents assist in performing routine preventive and minor repair maintenance under general supervision and assist journey-level Mechanical Technicians and Electrical/Instrumentation Technicians or other plant personnel in a variety of more complex maintenance work in Water or Wastewater. Incumbents are required to obtain a California Water Environment Association (CWEA) Plant Maintenance Technologist Grade 1 certification within 18 months of date of hire.

The Utility Maintenance Technician classification is distinguished from the next higher levels of Wastewater Mains Mechanical Technician II, Water Facilities Mechanical Technician II, Water Facilities Electrical/Instrumentation Technician II, or Wastewater Facilities Electrical/Instrumentation Technician II in that the latter positions are the journey-level classifications responsible for performing the more complex, specialized assignments requiring a higher degree of experience, knowledge, and certification.

TYPICAL DUTIES *(May include, but are not limited to, those duties listed below.)*

- Performs regular preventive maintenance on plant equipment such as greasing valves, motors or other drive parts, changing oil and making minor engine adjustments.
- Helps install, test, calibrate, and maintain electrical systems and equipment.
- Continually inspects plant equipment and related facilities.
- Assists in installing, servicing, and maintaining a variety of water treatment and distribution or wastewater treatment and collection equipment such as internal combustion engines, motors, pumps, pipelines, valves, etc.
- Performs minor electrical maintenance such as troubleshooting and disconnecting motors and replacing fuses; may assist other mechanics in more complex electrical repairs.
- Operates a variety of test equipment and use small hand tools in the maintenance and repair of electronic and related equipment and systems.
- Maintains work logs, inventory and equipment control records, and preventive maintenance records and activities, such as making sure oil and grease schedules are maintained.
- Inspects plant equipment and remote facility equipment.

**City of Santa Cruz
Utility Maintenance Technician**

- Performs services and repairs on tools and power equipment.
- May occasionally assist treatment plant operators or perform general maintenance work as required.
- May use a computerized maintenance management system (CMMS) or other computerized monitoring and operating systems.
- Performs other related duties as assigned.

WORKING CONDITIONS

Position requires prolonged sitting, standing, walking on level and slippery surfaces, reaching, twisting, turning, kneeling, bending, stooping, squatting, crouching, grasping and making repetitive hand movement in the performance of daily duties. The position also requires both near and far vision when inspecting work and operating assigned equipment. The need to lift, carry and push tools, equipment and supplies weighing up to 100 pounds is also required. Additionally, the incumbent in this outdoor position works in all weather conditions, including wet, heat and cold. May use chemicals and cleaning products which may expose the employee to fumes, dust and air contaminants. The nature of the work may also require the incumbent to climb ladders, use power tools and noise producing tools and equipment, drive motorized vehicles and heavy equipment, work in heavy vehicle traffic conditions and enter confined spaces. Some positions require the incumbent to work both in and around oceanic surf to perform assigned duties. Depending on assignment, the incumbent may be required to respond to after hours emergency call outs and to wear a uniform. An incumbent may perform assigned duties while wearing respiratory protection equipment and/or Arc Flash safety equipment. Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

MINIMUM QUALIFICATIONS

Knowledge:

- Major parts of standard drive equipment such as motors and pumps.
- Routine equipment maintenance tasks including greasing, changing oil, replacing parts.
- Basic safety procedures used in manual labor.
- Basic electrical knowledge with an emphasis on electrical safety.

Abilities:

- Identify and appropriately use common hand tools.
- Take and record readings accurately.
- Learn to perform technical procedures and skilled tasks.
- Make sound decisions within established guidelines.
- Follow oral and written instructions.
- Communicate effectively orally and in writing.
- Basic computer skills for data entry
- Complete and maintain accurate records.
- Establish and maintain effective working relationships with others.
- Work effectively as a member of a crew.
- Act in a courteous and tactful manner with members of the public.
- Observe safety principles and work in a safe manner.

**City of Santa Cruz
Utility Maintenance Technician**

- Safely handle hazardous materials
- Perform assigned duties while wearing respiratory protection equipment.

OTHER REQUIREMENTS

- Must successfully complete the city's respirator fit testing protocols; may be required to be clean shaven.
- Willingness to work flexible hours, including holidays, evenings, weekends, and overtime as assigned.
- Willingness to perform call back work and standby duty as required; must remain available to be contacted by phone or pager and be able to report to work within a thirty (30) minute period when standing duty.
- Willingness to wear a uniform.
- Successful completion of training as a forklift operator within one year of appointment.

EDUCATION AND EXPERIENCE

Any combination of education and experience that provides the required knowledge, skills and abilities may be qualifying. A typical way to obtain the required qualifications is to possess the equivalent of the following:

- High school diploma or G.E.D.
- 1 year of mechanical or electrical experience that includes the routine maintenance of standard drive equipment such as motors and pumps.

LICENSES/CERTIFICATES

- Possession of and continued maintenance of a valid California Class C driver's license and a safe driving record.
- CWEA Plant Maintenance Technologist Grade 1 certification within 18 months of date of hire.

Public Works Wastewater Systems Division

- Possession and continued maintenance of First Aid and CPR certification within one year.
- Must obtain California Class B driver's license with proper endorsements before end of probationary period.

DESIRABLE QUALIFICATIONS

- Possession of CWEA Plant Maintenance Technologist Grade 1 certification.

Water Department

- Possession of a Grade T1 Water Treatment Plant Operator certificate or a Grade D1 Water Distribution Operator certificate issued by the State of California Department of Health Services.
- Possession and continued maintenance of First Aid and CPR certification.

Classification No.: 260
Date of Issue: 11/09
Supersedes: New
Update: 9/10 (minor update)

Career Path

<u>Level</u>	<i>Public Works Department</i>			<i>Water Department</i>	
	<u>Wastewater Mains</u>	<u>Wastewater Treatment</u>		<u>Water Production</u>	
<i>Advanced Journey or Lead Advanced Journey</i>		<ul style="list-style-type: none"> ● Wastewater Facilities Lead Mechanical Technician 	<ul style="list-style-type: none"> ● Wastewater Facilities Lead Electrical/Instrumentation Technician 	<ul style="list-style-type: none"> ● Water Facilities Mechanical Technician III 	<ul style="list-style-type: none"> ● Water Facilities Electrical/Instrumentation Technician III
<i>Journey</i>	<ul style="list-style-type: none"> ● Wastewater Mains Mechanical Technician II 	<ul style="list-style-type: none"> ● Wastewater Facilities Mechanical Technician II 	<ul style="list-style-type: none"> ● Wastewater Facilities Electrical/Instrumentation Technician II 	<ul style="list-style-type: none"> ● Water Facilities Mechanical Technician II 	<ul style="list-style-type: none"> ● Water Facilities Electrical/Instrumentation Technician II
<i>Entry</i>	<ul style="list-style-type: none"> ● <i>Utility Maintenance Technician</i> 	<ul style="list-style-type: none"> ● Wastewater Facilities Mechanical Technician I 	<ul style="list-style-type: none"> ● Wastewater Facilities Electrical/Instrumentation Technician I 	<ul style="list-style-type: none"> ● <i>Utility Maintenance Technician</i> 	



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: City Clerk

SUBJECT: Confirming Contract with AT&T for Telecommunication and Data
Communication Equipment and Services. (IT)

RECOMMENDATION: Motion authorizing the purchase of equipment and services from AT&T Services, 2600 Camino Ramon, San Ramon, CA 94583 in the budgeted amount of \$180,000.00.

BACKGROUND: The City of Santa Cruz, along with 1,710 non-State agencies throughout the State of California, obtains services from AT&T through a competitively bid contract with the State of California, currently named CalNet 2. The State of California periodically conducts a competitive bid for equipment and services and allows non-State agencies authorization to procure equipment and services under this contract.

Since 1995, these types of State-wide contracts have not been approved by Council because staff's practice has been to treat utilities, like AT&T, as being exempt from Council approval and to approve such utility agreements at the staff level. The logic here has been that, historically, the City had no choice in choosing which utility to buy services from, so there was no decision for the Council to make. However, this practice does not fit with City Council requirements. The Finance Department requested that we bring these contracts to Council for your approval because all purchases over \$100,000 are required to be approved by the Council under Council Policy No. 29.1 and because the existing purchasing ordinance provides no specific applicable exemption from this requirement for utilities. Staff is currently reviewing these requirements and may be proposing some language changes to the existing ordinance and/or Council Policy in the near future.

DISCUSSION: Section 3.08.170 of the Municipal Code allows the City to use cooperative purchasing agreements whenever feasible. The Information Technology Department has consulted with the Purchasing Division of the Finance Department and we have obtained agreement that the CalNet 2 contract is an acceptable agreement that meets the requirements outlined in the ordinance.

On September 18, 2006, the State of California began a formal bid process for telecommunication and data communication equipment and services. There were four Master Service Agreements (MSA) that were put out to bid which made up the overall contract. On January 3, 2007, the State of California awarded two of the MSAs (voice, long distance, dsl, etc.) contracts to AT&T Services and two of the MSAs (wireless and hosted VoIP) contracts to

Verizon who submitted the lowest bid in their particular focus areas. The contract includes an agreement to extend the same pricing, terms, and conditions to non-State agencies including the City of Santa Cruz. The contract is a five year contract with two one-year extension options, which could potentially extend the life of the contract to January, 2014. However, non-State agencies are only required to commit to a two year contract, not the five years required of the State. We signed our contract on June 9, 2008, which is the timeframe that AT&T set forth so that they could migrate all of our equipment and services over to the new contract. Therefore, our contractual commitment expired in July, 2010. However, we are continuing under the CalNet 2 contract on a month-to-month basis for the time being. The CalNet 2 contract is similar to an a la carte dining menu in that each agency can pick and choose which services they want covered under the Master Service Agreement, and which services they do not. Each agency that signed the CalNet 2 contract agreed to exclusively use AT&T for the telecommunication and data communication equipment and services they chose on the contract during the contract period.

Currently the City of Santa Cruz uses AT&T Centrex lines to support our incoming calls and T1 communication lines connecting the majority of our remote sites to City Hall. These are covered under the CalNet 2 contract at a reduced rate. In addition, AT&T is currently the City's Internet Service Provider. However, the Information Technology Department continually looks for competitive pricing on all of the services provided to the City, and we will continue to do so in these areas as well.

FISCAL IMPACT: There are adequate funds in the FY 2010-2011 operating budget for this purchase.

Prepared by:

Submitted by:

Approved by:

Toni Vitale
Telecommunications Manager

Sharon Caiocca
Information Technology Director

Martín Bernal
City Manager

ATTACHMENTS: Agreements

BCS: Submit with all contracts EBS: Submit with all S & B contracts

See page 2 for contract submission address & other information

20080715-0067

* Required Information - Contract can not be processed if required fields are not filled out. MSA 1

Customer Required Information			
* Customer's Legal Name	City of Santa Cruz		
* Customer's Billing or Service Address	809 Center Street		
* Customer's Billing or Service City, State, ZIP Code	City: Santa Cruz	State: CA	* ZIP Code: 95060
Contract Required Information			
* Master BTN (with customer code)	831 - 420 - 6000 - 244	* eCRM Opportunity ID None	
* Customer Signature Name	Sharon Caiocca	Title: Director of IT	Soda ID (MW only) Customer Signature Date: 06/09/2008
* Contract Product/Products Sold	CalNet II, MSA 1	Promotion Code/Promotion Name	
* Contract Revenue Commitment (enter monthly or annual and term)	\$ /monthly \$ 0/annually	Term Length: 24 (in months)	
* Type of Sale	<input type="checkbox"/> New <input checked="" type="checkbox"/> Retention <input type="checkbox"/> Winback <input type="checkbox"/> Save <input type="checkbox"/> Renewal <input type="checkbox"/> Replace <input type="checkbox"/> Upgrade		
Additional Information			
Sales Channel Required Information			
* Contact/Originator:	David Sonderagger	Title: Acct. Mgr. II ATTUID: ds1367	
* Telephone Number	831 - 649 - 2293	SSM Unique ID:	
Mail Original Contract Back To This AT&T Employee: (include name and complete address)	Name: David Sonderegger Address: 401 W. Franklin Street, Room 203 City, State, ZIP: Monterey, CA 93940		
Non-AT&T Email Address for Notification (external agent)		Fax Approved Contract to: (fax number required) (831) 855-0242	
* Sales Person Name	Name: David Sonderegger Title: Acct. Mgr. II ATTUID: ds1367	* SCVP: John Regan * Sales Manager: Carol Quam	
* Additional Sales Team Name (for informational purposes only)	Name: Donna Schoenecker Title: TSC II ATTUID: ds8823	If custom contract * BDM:	
* EBS Contract Specialist Info (copy on all ECATS notifications)	CS ATTUID:	CS Name:	
Solution Provider Sale? Yes No X	SP Firm Name:	If SP sale, please indicate whether BCS or EBS and segment	
* EBS Sales Channel Segment	<input type="checkbox"/> Select Silver (SR) <input type="checkbox"/> Select Gold (GD) <input type="checkbox"/> Government (FD) <input type="checkbox"/> Premier Client Group (PG) <input type="checkbox"/> Signature Client Group (AS)		
* BCS Sales Channel Segment PID (SW only)	<input type="checkbox"/> Majors (BM) <input checked="" type="checkbox"/> GEM (GE) <input type="checkbox"/> VALUED (VA) <input type="checkbox"/> OOR (OO)		
* BCS Sales Channel Region	<input type="checkbox"/> Midwest <input type="checkbox"/> Southwest <input checked="" type="checkbox"/> West <input type="checkbox"/> East <input type="checkbox"/> Southeast	Sales Channel Other than BCS/EBS <input type="checkbox"/> Wholesale <input type="checkbox"/> Other	

EXHIBIT A-2**AUTHORIZATION TO ORDER UNDER STATE CONTRACT**

SBC Global Services, Inc., dba AT&T Global Services on behalf of Pacific Bell Telephone Company, dba AT&T California ("AT&T" or "Contractor") and the State of California ("State") have entered into a Contract for California Integrated Information Network (CALNET) 2 ("CALNET 2") MSA 1 Services dated January 30, 2007 ("Contract"), for a term of five (5) years. The State may, at its sole option, elect to extend the Contract term for up to two (2) additional periods of one (1) year each. Pursuant to the Contract, which is incorporated herein by reference, any public agency, as defined in Government Code section 11541, is allowed to order services and products ("Services") solely as set forth in the Contract.

A non-State public agency (herein "Non-State Agency") shall also be required to complete and submit this Authorization to Order Under State Contract (ATO) prior to ordering Services. A description of the Service(s), applicable rates and charges and the specific terms and conditions under which the Service(s) will be provided to a Non-State Agency are fully set forth in the Contract. Access to the Contract is available at www.stnd.dts.ca.gov.

City of Santa Cruz ("Non-State Agency") desires to order Service(s), and Contractor agrees to provide such Service(s), as identified in the State of California, Telecommunications Service Request (STD. 20), pursuant to the terms and conditions and rate tables contained in the Contract.

1. This ATO shall become effective upon execution by Non-State Agency, Contractor, and the Department of Technology Services, Statewide Telecommunications and Network Division (DTS/STND) ("Effective Date"). No Service(s) shall be ordered by Non-State Agency or provided by Contractor until this ATO has been executed by both parties and approved by DTS/STND.
2. With respect to Services ordered under this ATO, as authorized on Attachment 1, Non-State Agency hereby agrees to obtain such Services exclusively through the Contract and this ATO for a two (2) year commitment period, starting with the Effective Date of the ATO, provided that such commitment does not extend beyond the Term of the Contract, including any extension periods. Any new Services added to an existing ATO shall not extend the two (2) year commitment period previously agreed upon on the ATO.
3. Upon expiration of the two (2) year commitment period, this ATO shall continue in effect through the remainder of the Term of the Contract, unless terminated by Non-State Agency. The Non-State Agency will automatically continue to receive Services at Contract terms and conditions when the two year commitment period ends, and may add, delete or change Services without penalty or additional commitment periods (unless a specific Service requires a term per the Contract).
4. Non-State Agency may terminate this ATO, for specific Service(s) or in total, prior to termination of the Contract, by providing the Contractor with thirty (30) calendar days' written notice of cancellation.

If Non-State Agency elects to terminate Service prior to completion of the two (2) year commitment period, a termination charge may apply. The termination charge may not exceed sixty-five percent (65%) of the Non-State Agency's average monthly bill for the disconnected Service(s), multiplied by the number of full months remaining in the two (2) year commitment period. If

Service(s) are terminated after the two (2) year commitment period, no termination liability shall apply.

5. No termination charge will be assessed when Non-State Agency transfers Service(s) to a like Service offered under this Contract, or from one CALNET 2 MSA to another, if the Contractor is the same for both MSAs, or is affiliated with the Contractor for the other MSA.
6. By executing this ATO, Non-State Agency agrees to subscribe to, and Contractor agrees to provide Service(s), in accordance with the terms and conditions of this ATO and the Contract. Upon execution of this ATO by Non-State Agency and Contractor, Contractor shall deliver this ATO to DTS/STND for review and approval.
7. The DTS/STND will provide Contract management and oversight, and upon request by the Non-State Agency or Contractor, will advocate to resolve any Contract service issues. The ATO, and any resulting STD. 20, is a Contract between the Non-State Agency and the Contractor. The State will not represent the Non-State Agency in resolution of litigated disputes between the parties.
8. Non-State Agency, upon execution of this ATO, certifies that Non-State Agency understands that Contractor and the State may, from time to time and without Non-State Agency's consent, amend the terms and conditions of the Contract thereby affecting the terms of service Non-State Agency receives from Contractor.
9. Non-State Agency, upon execution of this ATO, certifies that it has reviewed the terms and conditions, including the rates and charges, of the Contract.
10. Non-State Agency, upon execution of this ATO, certifies the Non-State Agency understands that billing invoices for Service(s) subscribed to under the Contract are subject to review and/or audit by the State, pursuant to provisions of the Contract.
11. All Service(s) ordered under this ATO will be submitted using the STD. 20, signed by the Non-State Agency's authorized signatory. Any additions or deletions to Service(s) shall likewise be accomplished by submission of a STD. 20, noting changes.
12. Non-State Agency may, by placing Service orders issued by its duly authorized representative with Contractor, order any of the Service(s) listed in the Contract. Contractor shall bill Non-State Agency, and Non-State Agency shall pay Contractor according to the terms and conditions and rate tables set forth in the Contract for such Service(s).
13. If, for any fiscal year during the term of this ATO, funds are not appropriated to enable the Non-State Agency to continue paying for services, or universal service discounts are not received, the Non-State Agency may terminate impacted Service(s) without penalty.
14. Whenever any notice or demand is given under this Contract to Contractor or Non-State Agency, the notice shall be in writing and addressed to the following:

Non-State Agency:

Contractor:

City of Santa Cruz

AT&T

809 Center Street

610 Sequoia Pacific Blvd.

Santa Cruz, CA 95060



Sacramento, CA 95814

Attn: Sharon Caiocca, Dir. of Information Technology


Attn: Contract Program Manager

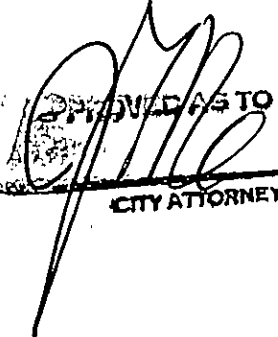
Notices delivered by overnight courier service shall be deemed delivered on the day following mailing. Notices mailed by U.S. Mail, postage prepaid, registered or certified with return receipt requested, shall be deemed delivered five (5) State business days after mailing. Notices delivered by any other method shall be deemed given upon receipt.

IN WITNESS WHEREOF, the parties hereto have caused this ATO to be executed on the date shown below by their respective duly authorized representatives:

CONTRACTOR	NON-STATE AGENCY
By: Authorized Signature 	By: Authorized Signature 
Printed Name and Title of Person Signing ALICE OLIVER HARVEY Contract Management	Printed Name and Title of Person Signing Sharon Caiocca, IT Director
Date Signed: 7/14/08	Date Signed: 6/9/2008

Approved By:
Department of Technology Services,
Statewide Telecommunications and Network Division

By: Authorized Signature 
Printed Name and Title of Person Signing Patricia Adams ACPA
Date Signed: 7-17-08


APPROVED AS TO FORM
9-8-10
CITY ATTORNEY

City of Santa Cruz

MSA 1 ATTACHMENT 1

Selected Services	Voice Services - Core Services Products	Customer Initials
<input checked="" type="checkbox"/>	Bus Access Lines	<i>ghe</i>
<input checked="" type="checkbox"/>	Central Office Exchange Basic Services (Centrex)	<i>ghe</i>
<input checked="" type="checkbox"/>	Central Office Trunk Services (SuperTrunk/PBX/DID)	<i>ghe</i>
<input type="checkbox"/>	Locally Based Automatic Call Distribution (ACD) (Available Option w/C2 Centrex)	
<input type="checkbox"/>	Interactive Voice Response (IVR)	
<input type="checkbox"/>	Specialized Call Routing (Call Router)	
<input type="checkbox"/>	Computer Telephone Integration (CTI) (Compucall)	
<input type="checkbox"/>	Voice Mail Services (Available Option w/C2 Exchange Svcs)	
Selected Services	Data Services - Core Services Products	Customer Initials
<input checked="" type="checkbox"/>	Data Transmission Services (Analog Service, Carrier DS0 (ADN), Carrier DS1 (Hicap/T1), Carrier DS3)	<i>ghe</i>
Custom ATO Required	Gigabit Ethernet Metropolitan Area Network (MAN) (GigaMAN, MON, OPT-E-MAN, CSME, EPLS-WAN, ESS-MAN)	Custom ATO Required
<input type="checkbox"/>	Multi Protocol Label Switching (MPLS) (AVPN, Network Based Firewall, ANIRA)	
Custom ATO Required	Synchronous Optical Network (SONET) (Point-Point SONET, Ethernet-over SONET, SONET Ring ICB)	Custom ATO Required
<input checked="" type="checkbox"/>	ISDN (BRI)	<i>ghe</i>
<input checked="" type="checkbox"/>	ISDN (PRI) (PBX/DID)	<i>ghe</i>
<input type="checkbox"/>	Switched 56/Switched Digital Services (SDS)	
<input checked="" type="checkbox"/>	Frame Relay & ATM (Managed or Non Managed)	<i>ghe</i>
<input checked="" type="checkbox"/>	Internet	<i>ghe</i>
<input type="checkbox"/>	DSL Agency Hosted (DSL)	
<input type="checkbox"/>	DSL DSL Virtual Private Network (AVPN, Network Based Firewall, ANIRA)	
<input type="checkbox"/>	Enhanced Centrex VDNA	
Included Services	Other Services - Core Services Products	Automatic Coverage
	IntraLata Calling (Local Usage Zone 1 - 3) (Included on C2 Exchange Services)	
	Bldg. Wiring Services (Automatic Service Coverage on C2 Svcs) Jacks/Wiring Inside Wire Repair Plan(Voice)(If subscribed to) Inside Wire Repair Plan(Data)(If subscribed to)	

BCS: Submit with all contracts EBS: Submit with all S & B contracts

20080715-0078

See page 2 for contract submission address & other information

* Required Information - Contract can not be processed if required fields are not filled out. MSA 2

Customer Required Information			
*Customer's Legal Name	City of Santa Cruz		
* Customer's Billing or Service Address	809 Center Street		
* Customer's Billing or Service City, State, ZIP Code	City : Santa Cruz	State: CA	*ZIP Code: 95060
Contract Required Information			
* Master BTN (with customer code)	831 - 420 - 6000 - 244		*eCRM Opportunity ID None Soda ID (MW only)
* Customer Signature Name	Sharon Calocca	Title: Director of IT	Customer Signature Date: 06/09/2008
* Contract Product/Products Sold	CalNet II, MSA 2		Promotion Code/Promotion Name
* Contract Revenue Commitment (enter monthly or annual and term)	\$ /monthly \$ 0/annually Term Length: 24 (in months)		
* Type of Sale	<input type="checkbox"/> New <input checked="" type="checkbox"/> Retention <input type="checkbox"/> Winback <input type="checkbox"/> Save <input type="checkbox"/> Renewal <input type="checkbox"/> Replace <input type="checkbox"/> Upgrade		
Additional Information			
Sales Channel Required Information			
* Contact/Originator:	David Sonderegger		Title:Acct. Mgr. II ATTUID: ds1367
* Telephone Number	831 - 649 - 2293		SSM Unique ID:
Mail Original Contract Back To This AT&T Employee: (Include name and complete address)	Name: David Sonderegger Address: 401 W. Franklin Street, Room 203 City, State, ZIP: Monterey, CA 93940		
Non-AT&T Email Address for Notification (external agent)	Fax Approved Contract to: (fax number required) (831) 855-0242		
* Sales Person Name	Name: David Sonderegger Title: Acct. Mgr. II ATTUID: ds1367		* SCVP: John Regan * Sales Manager: Carol Quam
* Additional Sales Team Name (for informational purposes only)	Name: Donna Schoenecker Title: TSC II ATTUID: ds8823		If custom contract * BDM:
* EBS Contract Specialist Info (copy on all ECATS notifications)	CS ATTUID:		CS Name:
Solution Provider Sale? Yes No X	SP Firm Name:		If SP sale, please indicate whether BCS or EBS and segment
* EBS Sales Channel Segment	<input type="checkbox"/> Select Silver (SR) <input type="checkbox"/> Select Gold (GD) <input type="checkbox"/> Government (FD) <input type="checkbox"/> Premier Client Group (PG) <input type="checkbox"/> Signature Client Group (AS)		
* BCS Sales Channel Segment PID (SW only)	<input type="checkbox"/> Majors (BM) <input checked="" type="checkbox"/> GEM (GE) <input type="checkbox"/> VALUED (VA) <input type="checkbox"/> OOR (OO)		
* BCS Sales Channel Region	<input type="checkbox"/> Midwest <input type="checkbox"/> Southwest <input checked="" type="checkbox"/> West <input type="checkbox"/> East <input type="checkbox"/> Southeast		Sales Channel Other than BCS/EBS <input type="checkbox"/> Wholesale <input type="checkbox"/> Other

EXHIBIT A-2**AUTHORIZATION TO ORDER UNDER STATE CONTRACT**

SBC Global Services, Inc., dba AT&T Global Services on behalf of Pacific Bell Telephone Company, dba AT&T California ("AT&T" or "Contractor") and the State of California ("State") have entered into a Contract for California Integrated Information Network (CALNET) 2 ("CALNET 2") MSA 2 Services dated January 30, 2007 ("Contract"), for a term of five (5) years. The State may, at its sole option, elect to extend the Contract term for up to two (2) additional periods of one (1) year each. Pursuant to the Contract, which is incorporated herein by reference, any public agency, as defined in Government Code section 11541, is allowed to order services and products ("Services") solely as set forth in the Contract.

A non-State public agency (herein "Non-State Agency") shall also be required to complete and submit this Authorization to Order Under State Contract (ATO) prior to ordering Services. A description of the Service(s), applicable rates and charges and the specific terms and conditions under which the Service(s) will be provided to a Non-State Agency, are fully set forth in the Contract. Access to the Contract is available at www.stnd.dts.ca.gov.

City of Santa Cruz ("Non-State Agency") desires to order Service(s), and Contractor agrees to provide such Service(s), as identified in the State of California, Telecommunications Service Request (STD. 20), pursuant to the terms and conditions and rate tables contained in the Contract.

1. This ATO shall become effective upon execution by Non-State Agency, Contractor, and the Department of Technology Services, Statewide Telecommunications and Network Division (DTS/STND) ("Effective Date"). No Service(s) shall be ordered by Non-State Agency or provided by Contractor until this ATO has been executed by both parties and approved by DTS/STND.
2. With respect to Services ordered under this ATO, as authorized on Attachment 1, Non-State Agency hereby agrees to obtain such Services exclusively through the Contract and this ATO for a two (2) year commitment period, starting with the Effective Date of the ATO, provided that such commitment does not extend beyond the Term of the Contract, including any extension periods. Any new Services added to an existing ATO shall not extend the two (2) year commitment period previously agreed upon on the ATO.
3. Upon expiration of the two (2) year commitment period, this ATO shall continue in effect through the remainder of the Term of the Contract, unless terminated by Non-State Agency. The Non-State Agency will automatically continue to receive Services at Contract terms and conditions when the two year commitment period ends, and may add, delete or change Services without penalty or additional commitment periods (unless a specific Service requires a term per the Contract).
4. Non-State Agency may terminate this ATO, for specific Service(s) or in total, prior to termination of the Contract, by providing the Contractor with thirty (30) calendar days' written notice of cancellation.

If Non-State Agency elects to terminate Service prior to completion of the two (2) year commitment period, a termination charge may apply. The termination charge may not exceed sixty-five percent (65%) of the Non-State Agency's average monthly bill for the disconnected Service(s),

multiplied by the number of full months remaining in the two (2) year commitment period. If Service(s) are terminated after the two (2) year commitment period, no termination liability shall apply.

5. No termination charge will be assessed when Non-State Agency transfers Service(s) to a like Service offered under this Contract, or from one CALNET 2 MSA to another, if the Contractor is the same for both MSAs, or is affiliated with the Contractor for the other MSA.
6. By executing this ATO, Non-State Agency agrees to subscribe to, and Contractor agrees to provide Service(s), in accordance with the terms and conditions of this ATO and the Contract. Upon execution of this ATO by Non-State Agency and Contractor, Contractor shall deliver this ATO to DTS/STND for review and approval.
7. The DTS/STND will provide Contract management and oversight, and upon request by the Non-State Agency or Contractor, will advocate to resolve any Contract service issues. The ATO, and any resulting STD. 20, is a Contract between the Non-State Agency and the Contractor. The State will not represent the Non-State Agency in resolution of litigated disputes between the parties.
8. Non-State Agency, upon execution of this ATO, certifies that Non-State Agency understands that Contractor and the State may, from time to time and without Non-State Agency's consent, amend the terms and conditions of the Contract thereby affecting the terms of service Non-State Agency receives from Contractor.
9. Non-State Agency, upon execution of this ATO, certifies that it has reviewed the terms and conditions, including the rates and charges, of the Contract.
10. Non-State Agency, upon execution of this ATO, certifies the Non-State Agency understands that billing invoices for Service(s) subscribed to under the Contract are subject to review and/or audit by the State, pursuant to provisions of the Contract.
11. All Service(s) ordered under this ATO will be submitted using the STD. 20, signed by the Non-State Agency's authorized signatory. Any additions or deletions to Service(s) shall likewise be accomplished by submission of a STD. 20, noting changes.
12. Non-State Agency may, by placing Service orders issued by its duly authorized representative with Contractor, order any of the Service(s) listed in the Contract. Contractor shall bill Non-State Agency, and Non-State Agency shall pay Contractor according to the terms and conditions and rate tables set forth in the Contract for such Service(s).
13. If, for any fiscal year during the term of this ATO, funds are not appropriated to enable the Non-State Agency to continue paying for services, or universal service discounts are not received, the Non-State Agency may terminate impacted Service(s) without penalty.
14. Whenever any notice or demand is given under this Contract to Contractor or Non-State Agency, the notice shall be in writing and addressed to the following:

Non-State Agency:

Contractor:

City of Santa Cruz

AT&T

809 Center Street

610 Sequoia Pacific Blvd.

Santa Cruz, CA 95060

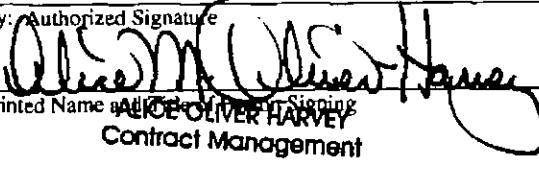

Sacramento, CA 95814

Attn: Sharon Calocca, Dir. Of Information Technology

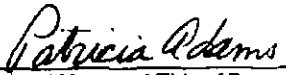
Attn: Contract Program Manager

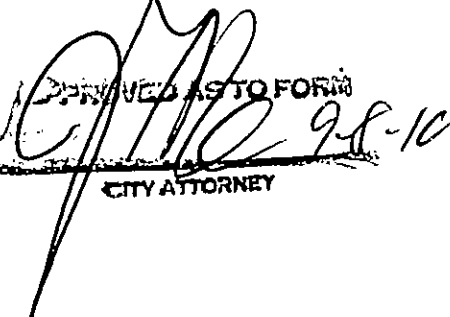
Notices delivered by overnight courier service shall be deemed delivered on the day following mailing. Notices mailed by U.S. Mail, postage prepaid, registered or certified with return receipt requested, shall be deemed delivered five (5) State business days after mailing. Notices delivered by any other method shall be deemed given upon receipt.

IN WITNESS WHEREOF, the parties hereto have caused this ATO to be executed on the date shown below by their respective duly authorized representatives:

CONTRACTOR	NON-STATE AGENCY
By: Authorized Signature 	By: Authorized Signature 
Printed Name and Title of Person Signing ALICE OLIVER HARVEY Contract Management	Printed Name and Title of Person Signing Sharon Calocca, IT Director
Date Signed: 7/14/08	Date Signed: 6/9/2008

Approved By:
Department of Technology Services,
Statewide Telecommunications and Network Division

By: Authorized Signature 
Printed Name and Title of Person Signing Patricia Adams A&PA
Date Signed: 7-17-08


 APPROVED AS TO FORM
 9-8-10
 CITY ATTORNEY

City of Santa Cruz

MSA 2 ATTACHMENT 1

Selected Services	Long Distance - Voice Services	Customer Initials
<input checked="" type="checkbox"/>	Long Distance Calling Services (Includes Intralata Toll)	<i>sh</i>
<input type="checkbox"/>	900 Services	
<input type="checkbox"/>	Automatic Call Distributor (ACD) Services	
<input type="checkbox"/>	Network Based Interactive Voice Response (IVR) Services	
<input type="checkbox"/>	Computer Telephone Integration (CTI) for Network Based ACD	
<input type="checkbox"/>	Toll Free Services	
<input type="checkbox"/>	International Toll Free Services	
<input type="checkbox"/>	Calling Card Services	
<input type="checkbox"/>	Pre-Paid Calling Services	
<input type="checkbox"/>	Network Audio Conferencing Service	
<input type="checkbox"/>	Network Conferencing (Web Conferencing)	
Included Services	Other Services - Long Distance Voice Services	Automatic Coverage
	Bldg. Wiring Services (Automatic Service Coverage on C2 Svcs) Jacks/Wiring	



CITY COUNCIL AGENDA REPORT

DATE: September 7, 2010

AGENDA OF: September 14, 2010

DEPARTMENT: Parks and Recreation

SUBJECT: Grant Acceptance, Approval of Plans and Specifications and Authorization to contract with Go Native Inc. to construct the Lower Delaveaga Service Road Restoration Project Crossings #1 and #3. (PK)

RECOMMENDATION: Resolution authorizing and directing the City Manager to execute an agreement, in a form acceptable to the City Attorney, with the Santa Cruz County Resource Conservation District to accept funding from the Integrated Watershed Restoration Program (IWRP) and Proposition 50 for the implementation of the Lower Delaveaga Service Road Restoration Project Crossing #1 & #3.

Motion approving the plans and specifications for the restoration of Lower Delaveaga Service Road Projects Crossing # 1 and #3, and authorizing staff to contract with Go Native Inc. as a sole source vendor to complete the project according to the approved plans and specifications.

BACKGROUND: The Integrated Watershed Restoration Program (IWRP) is a county-wide program aiming to improve local watershed restoration efforts. Last year, as part of the IWRP funding, the City of Santa Cruz was provided a grant award to implement repair of crossing #2 on the Lower Delaveaga Service Road. The plans and specifications were completed for the work through a separate contract managed by the Resource Conservation District. Restoration work was successfully completed last year with the contractor Go Native.

Two additional crossings #1& #3 have been identified to receive grant funding through the Integrated Watershed Restoration Program (IWRP) Phase II program. Grant funds are available through IWRP from the American Recovery and Reinvestment Act of 2009 and the Clean Water State Revolving Fund through the State Water Recourse Control Board (SWRCB). Proposition 50, Roads Program grant funds can also be utilized for the above two restoration projects.

DISCUSSION: Staff was recently notified that the remaining two Lower Delaveaga Service Road Restoration Projects Crossing #1 & #3 have been identified to receive funding for implementation under (IWRP) Phase II and proposition 50 grant funds administered through the Santa Cruz County Resource Conservation District.

The grant amount is \$168,311.00. The engineers estimate for the project is \$168,311.00. Due to the sensitive nature of these riparian restoration projects, need for contractor expertise and familiarity, detailed permit requirements, and a critical timeline (work must be completed by October 15, 2010); it is recommended that Go Native Inc. is contracted to complete this work.

This vendor has extensive local work experience and background including, last years successful completion of restoration work on Crossing #2 on the Lower Delaveaga Service Road, a recently completed restoration project in Bay Creek adjacent to Neary Lagoon, and riparian repairs in the Pogonip Open Space. Staff has identified this contractor as uniquely qualified to complete the sensitive required scope of work for successful completion these riparian restoration projects.

The Parks and Recreation Department must complete the project prior to October 30, 2010 to adhere to State Fish and Game permitting requirements. The contract with Go Native will need to be ratified as soon as possible to start the project immediately, ensuring the critical timeline is met.

FISCAL IMPACT: Funding for this project is included in the approved 2011 FY Capital Improvement Budget. All costs will be offset by funding from the RCD. No additional city funds are needed to complete the project.

Submitted by:

Approved by:

Dannettee Shoemaker
Director of Parks and Recreation

Martin Bernal City Manager

Attachments: Resolution

In the Parks and Recreation Office for Review: Plans and Specifications and Vicinity Map
--

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING AND DIRECTING THE CITY MANAGER TO 1) EXECUTE AN AGREEMENT WITH THE SANTA CRUZ COUNTY RESOURCE CONSERVATION DISTRICT TO ACCEPT GRANT FUNDS FOR THE LOWER DELAVEAGA SERVICE ROAD CROSSINGS #1 & #3 RESTORATION FROM AVAILABLE GRANT FUNDS, 2) APPROVING PLANS AND SPECIFICATIONS FOR THE PROJECT AND 3) EXECUTE A SOLE SOURCE AGREEMENT BETWEEN THE CITY OF SANTA CRUZ AND GO NATIVE INC. FOR THE SAME PROJECT

WHEREAS, Funding is available through the proposition 50, the American Recovery and Reinvestment Act, the Clean Water State Revolving Fund, and the State Water Resources Control Board, for Northern Santa Cruz County projects including a grant to the City of Santa Cruz for the Lower Delaveaga Service Road Crossing #2 Restoration Project;

WHEREAS, the grantee will enter into an agreement with the Resource Conservation District of Santa Cruz County, who administers the grant

WHEREAS, pursuant to the City of Santa Cruz Sole Source Vendor Justification authorization for the City Manager to execute a contract with Go Native Inc. in accordance with plans and specifications for \$168,000 to complete the project.

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

1. The City Council approves the acceptance of the grant funding for the Lower Delaveaga Service Road Crossings #1 and #3 Restoration; and
2. The City Council authorizes and directs the City Manager to conduct all negotiations, execute and submit all documents including, but not limited to agreements, payment requests and so on, in a form acceptable to the City Attorney, which may be necessary for the completion of the project.
3. The City Council authorize a Sole Source agreement with Go Native, Inc.

RESOLUTION NO. NS-

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 9/8/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Parks and Recreation

SUBJECT: Stroke Center Site Assessment - Delaveaga Park. (PK)

RECOMMENDATION: Motion to accept the Stroke Center informational report prepared by Building Official John Ancic.

Resolution amending the 2011 budget and appropriating \$20,000 for an environmental site assessment of the facility.

Motion to authorize the City Manager to enter into an agreement, in a form acceptable to the City Attorney, with a qualified firm to provide the assessment services.

BACKGROUND: Very limited historical records state that the United States Navy erected the buildings currently referred to as the Stroke Center shortly after or during World War II. The Navy used the buildings until 1974 when they notified the City they no longer needed the Center. After successful negotiations with Cabrillo College, the Stroke Center began hosting classes in 1976 and operated programs through summer session 2010.

After the 2010 summer session and approximately 35 years in Delaveaga Park, Cabrillo College staff moved the programs and belongings to their new facility on the Cabrillo Aptos campus in preparation for the beginning of the new school year. Cabrillo College Stroke Center's long term lease with the City of Santa Cruz was terminated September 1, 2010.

DISCUSSION: Even though numerous repairs and “upgrades” over the years enabled the programs to continue to operate, City staff felt it was necessary to have the buildings inspected to determine what, if any, types of occupancy might be appropriate for the now vacant facility. Over the years, several organizations expressed interest in using the facility once the Stroke Center moved out.

The Building Official’s report (Attachment A) identifies the building’s many deficiencies: structural, electrical, plumbing, and mechanical as well as various accessibility and building code issues. The bottom line, according to the City’s Building Official, is that “the building has outlived its useful and intended purpose.” Cost of rehabilitation was estimated to exceed the costs of demolition and re-building a similar facility. Due to the age of the building and the type of construction, there is concern about potentially hazardous materials on the premises; at a minimum asbestos and lead paint. Staff is recommending an environmental site assessment by a

qualified firm in order to identify as much information as possible which will help develop the scope of services associated with the demolition before proposals are solicited.

Given the isolated location of the facility and previous security issues with the facility, staff feels it is imperative that we begin the process as soon as possible before it becomes an attractive nuisance. Staff requests that City Council: 1) accept the Stroke Center report proposed by Building Official John Ancic; 2) amend the 2011 budget and appropriate \$20,000 for an environmental site assessment of the facility; and 3) authorize the City Manager to enter into an agreement in a form acceptable to the City Attorney with a qualified firm to provide the assessment services.

FISCAL IMPACT: It is anticipated that approximately \$20,000 is needed to fund the environmental site assessment. Staff recommends that funds be transferred from the City's Trust Fund for this project. Actual demolition may qualify for funding from the Redevelopment Agency's Brownfield Revolving Grant Fund. The agency currently has available funding to carry out clean up activities at Brownfield sites. Once an environmental site assessment is completed, staff can develop a budget and timeline for demolition and clean up, and determine if the project is eligible for Redevelopment Agency grant funds. Staff will return to City Council with further recommendations once the assessment is completed.

Submitted by:

Approved by:

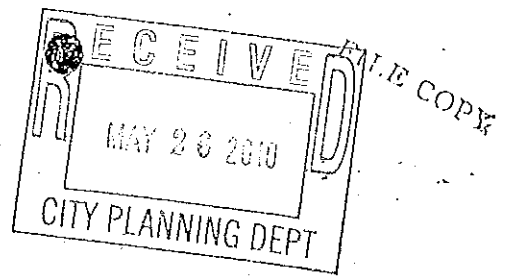
Dannettee Shoemaker
Director of Parks and Recreation

Martin Bernal
City Manager

ATTACHMENTS:

Attachment A -Building Official's informational Report
May 5, 1980 City Council Report
Budget Adjustment

CITY OF SANTA CRUZ
CALIFORNIA



Date May 5, 1980

TO Mayor and Members of the City Council
FROM Office of the City Manager
SUBJECT DE LAVEAGA CENTER: STROKE ACTIVITY CENTER

Recommendation: That the City Council (1) authorize a fund transfer of \$43,000 from account 20-59290 (Sycamore Grove) to account 20-59090 (DeLaveaga Center) in order to rehabilitate the Center, and (2) forego the normal bidding process by declaring the existence of an emergency.

Discussion

In 1974 the U.S. Navy indicated its intention to vacate the Navy Reserve Center in DeLaveaga Park. In 1975, upon Council's direction, the Parks and Recreation Commission established a subcommittee and charged it with the task of identifying possible uses for this facility. The subcommittee conducted numerous public hearings and reviewed various suggestions regarding its use. Among the many uses considered by the subcommittee was a proposal submitted by the Stroke Activity Center.

In 1975 the Parks and Recreation Commission approved the subcommittee's recommendation that the Stroke Center be permitted to use the facility. This recommendation was subsequently forwarded to, and approved by, the City Council in early 1976. At that time, the Council instructed staff to prepare cost figures for the development, refurbishing and operational cost for this facility. Based on available estimates, the Council appropriated some \$29,000 to partially refurbish the facility and to pay the first year's operating costs. The Council also authorized the Stroke Center's use of the building.

As the Council is aware, the Stroke Center provides a valuable service to the community. The purpose of the Center is to teach people who have suffered a stroke or other neurological illness to attain the maximum level of independence. The Center also offers education and counseling for both stroke victims and their families. The Center is supported financially and otherwise by a variety of agencies and community groups.

Due to the phenomenal success of its program, the Center has increased its clientele and concomitantly its need for space. From 30 clients per day in 1976, the Center is now serving some 70 persons daily. The need for floor space has also grown, from about one quarter of the building in 1976 to practically the entire facility in 1980.

Luring deliberations for the Capital Improvement Program budget for Fiscal Year 1979-80, the Council considered a funding request by the Parks and Recreation Department to improve the DeLaveaga Center. The funds, totaling \$51,000, were to be used to remodel the exterior including painting; to repair the heating system by installing a back-up boiler; and to reinstall a restroom in the front section of the building.

Recently, in the course of inspecting the building to undertake these improvements, staff learned of certain deficiencies in the structure which could pose a fire hazard to participants and staff. The hazard may be attributed largely to the building material utilized in constructing portions of the structure.

Once the seriousness of the situation became evident, the Center's Director was notified immediately. Additionally, a special City Task Force was established to address this problem. The Task Force consisted of the Fire Chief, Chief Building Official and Risk Manager. The Task Force identified three major options:

1. Evict the tenants.
2. Implement mitigating measures to permit continued use of the structure.
3. Find a replacement facility and relocate the tenants.

Given the absence of available facilities which can accommodate the needs of the Stroke Center, as well as a desire to not lose this important and valuable community service, the only option viable in the short term appeared to be to identify and effectuate mitigating measures. After consulting with the Center's staff, the following procedures were implemented:

1. Use of the structure was restricted to the eastern portion of the building.
2. Remaining areas were closed and clearly marked with rope, signs, etc.
3. A standby fire fighter was assigned to the facility during hours of operation, normally Monday through Thursday, 10:00 a.m. to 2:00 p.m.
4. Smoking was prohibited in the building.

Once these interim measures were put into effect, City staff began to search for new quarters; to assess the structure's deficiencies; and to prepare detailed cost estimates of the repairs necessary to have a safe, satisfactory and usable facility.

The U.S. Army was contacted regarding possible use of the Army Reserve Building on Swift Street, which is presently vacant. While the Army indicated this inquiry would be given due consideration, it is not prepared to make a commitment at this time. Moreover, the Army stated it may begin utilizing this facility once again.

This office believes that even if the Army responds affirmatively, it is doubtful whether the structure will remain available on a long term basis. Consequently, it was determined to ascertain precisely what repairs are necessary at the Center, and identify resultant costs. What follows is an itemization of these findings:

- | | |
|--|-----------|
| 1. Install automatic sprinkling system | \$ 60,000 |
| 2. Install steam boiler | 1 30,000 |
| 3. Repair corridors, walls, ceilings and doors | 22,125 |
| 4. Repair electrical system | 4,240 |
| Total estimated cost | \$116,365 |

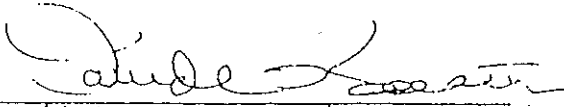
In discussing these estimates with the Stroke Center's staff, it was learned that Cabrillo College is prepared to make available \$25,000 as an advanced payment on lease fees. In addition, the Parks Department has not expended about \$49,000 of the \$51,000 originally appropriated for DeLaveaga Center in the present CIP budget. This leaves a shortfall of about \$43,000. It should be pointed out that Mr. Chuck Carter, Dean of Special Services at Cabrillo, has indicated the \$25,000 must be encumbered by May 15, so it is important that the Council indicate at its May 13 meeting whether it wishes to support refurbishing the Center.

In conclusion, this office believes there are essentially two alternatives for the resolution of this matter: Either refurbish DeLaveaga Center or continue to explore the use of the Army Reserve building. Because of the uncertainty associated with the second, this office recommends the City should proceed to improve DeLaveaga Center. This option allows the Stroke Center to remain in operation at this site. In our view, the Stroke Center provides a valuable service, results in numerous benefits, and possesses widespread community support.

To effect these improvements, a fund transfer of \$43,000 from account 20-59280 (Sycamore Grove) to account 20-59080 (DeLaveaga Center) is requested. In order to undertake and complete the improvements in an expeditious manner, it is further requested that Council authorize staff to forego the normal bidding process.

The Charter states that the bidding procedures must be followed unless the Council declares, by resolution, that an emergency exists which poses an imminent threat to life, health or property. Such resolution must state the facts constituting the emergency and must be passed by an affirmative vote of at least five councilmembers.

It is our opinion that the present circumstances meet this requirement.


David C. Koester, City Manager

Visual Assessment of Existing Facility

We visited the existing facility and performed a walk through evaluation. No as-built plans or other documents were available for review. No material testing of the existing construction was completed, and no calculations were performed to verify the adequacy of the existing structure.

Description

The existing facility is of unknown age, but reportedly over 50 years old. This one story structure consists of 4 rectangular shaped buildings joined together in the shape of an E. Three of the buildings are pre-engineered metal warehouse buildings which are lined up and separated by 10 feet. These buildings were apparently moved to this location from another facility at least 50 years ago. The fourth building is a wood frame structure that connects all buildings together on one end. All of the buildings appear to be supported on shallow spread footings. Each of the metal buildings is approximately 40 feet by 100 feet in plan and the wood building is 23 feet by 164 feet. The metal buildings are connected with a hallway at about 30 feet from the front of the building.

Structural Review

All of these buildings are light weight, simple structure. The metal buildings resist lateral loads with rod bracing in the roof and walls in the long direction and gable frames across the width in the short direction. The long wood frame structure most likely has plywood or diagonal sheathing on the roof and walls to resist lateral loads. The low building mass and simple construction indicate that these structures would not pose a life-safety hazard for the maximum design earthquake. However these structures would not meet the structural requirements of the current building code. Items that would need to be addressed in the buildings include:

Metal Buildings

- Strengthen rod bracing system in the roof and walls
- Strengthen the gable frames
- Strengthen the connection between buildings or provide a seismic separation

Wood Frame End Building

- Strengthen the roof diaphragm
- Strengthen the exterior walls
- Add interior plywood shear walls in at least 2 locations
- Provide deepened foundation along south end and provide adequate crawl space and under floor ventilation.

It is anticipated that these required improvements in conjunction with any architectural, electrical and mechanical upgrades that would be required would exceed the value of the existing structure.

PROJECT: Stroke Center
 501 Upper Park Road, Santa Cruz
 TASK: Structural Up-Grade/New Building Rough Budgets
 DATE: May 20, 2010
 REVISED:
 AREA: 16128

Item	Rough Budget To Up-Grade		New Similar Building Rough Budget	
	Value	\$/S.F.	Value	\$/S.F.
1 General Conditions	155,021.00	9.61	127,646.00	7.91
2 Demolition	88,704.00	5.50	71,400.00	4.43
3 Hazmat Removal Allowance	82,500.00	5.12	82,500.00	5.12
4 New Fire Line Allowance	110,000.00	6.82	110,000.00	6.82
5 Grading/Paving Patch	55,000.00	3.41	78,750.00	4.88
6 Underground Drainage Allowance	66,000.00	4.09	66,000.00	4.09
7 Landscape & Irrigation	27,500.00	1.71	27,500.00	1.71
8 Site Lighting	NIC	0.00	NIC	0.00
9 Site Concrete	33,000.00	2.05	33,000.00	2.05
10 Concrete Work	105,270.00	6.53	254,016.00	15.75
11 Masonry/Brick Work	32,472.00	2.01	27,122.00	1.68
12 Metal Building Work	82,500.00	5.12	284,130.00	17.62
13 Structural & Misc. Steel	81,180.00	5.03	16,078.00	1.00
14 Rough Carpentry	281,094.00	17.43	191,373.00	11.87
15 Wood Deck	58,080.00	3.60	55,440.00	3.44
15 Finish Carpentry	20,295.00	1.26	16,934.40	1.05
16 Cabinetry & Casework	37,950.00	2.35	36,225.00	2.25
17 Insulation	39,917.00	2.48	29,636.00	1.84
18 Roof Patch & Repair	57,213.00	3.55	83,826.00	5.20
19 Flashings & Downspouts	29,464.00	1.83	14,459.00	0.90
19 Waterproofing	8,640.00	0.54	8,247.00	0.51
20 Caulking & Sealants	4,950.00	0.31	4,725.00	0.29
21 Doors/Frames/Hardware	31,350.00	1.94	34,650.00	2.15
22 Glass & Glazing	58,080.00	3.60	80,640.00	5.00
23 Skylites	NIC	0.00	NIC	0.00
24 Metal Studs & Drywall	133,056.00	8.25	93,140.00	5.78
25 Lath & Plaster	76,508.00	4.74	60,858.00	3.77
26 Ceramic Tile	27,500.00	1.71	42,000.00	2.60
27 Acoustical Ceiling Tile	16,844.00	1.04	38,103.00	2.36
28 Floorcovering & Base	65,050.00	4.03	62,093.00	3.85
29 Painting	31,047.00	1.93	29,636.00	1.84
30 Bath & Misc. Accessories/Partitions	24,200.00	1.50	23,100.00	1.43
31 Plumbing	195,149.00	12.10	152,410.00	9.45
32 Fire Protection	75,399.00	4.68	67,738.00	4.20
33 HVAC	319,335.00	19.80	254,016.00	15.75
34 Electrical	266,112.00	16.50	220,148.00	13.65
35 Fire Life Safety	35,482.00	2.20	25,402.00	1.58
Subtotal	2,811,862.00	174.35	2,802,941.40	173.79
O.H. & Profit	112,475.00	6.97	112,118.22	6.95
Design & Engineering Fees	250,000.00	15.50	200,000.00	12.40
Special Inspection & Testing	25,000.00	1.55	25,000.00	1.55
Total Rough Budget	3,199,337.00	198.37	3,140,059.62	194.70

Budget Clarifications:

1. Up-Grade Rough Budget includes costs to seismically up-grade the building as well as provide provide ADA Compliance, up-date M/E/P Systems. It is not advisable to re-occupy the building until such work is complete.
2. The existing Wood Framed Structure Addition at the rear portion of the building will be removed and built back so that drainage, foundation and crawl space access issues can be addressed properly.
3. Both Budgets assume that the existing parking lot will remain unchanged.
4. The New Building Budget is a Rough Budget to Demo. the existing building completely, and providing a "like" building in its place.

Budget Exclusions:

1. City or Utility Company Connection or Disconnection Fees.
2. Plan Check and Permit Fees.
3. Removal of unforeseen underground obstructions.
4. Cost Solls Report and cost Impacts resulting from a Solls Report.



INFORMATION REPORT

DATE: September 1, 2010

TO: City Manager
DEPARTMENT: Planning and Community Development
SUBJECT: Stroke Center – 501 Upper Park Road.

APPROVED: DATE:

BACKGROUND

After approximately 35 years of use by Cabrillo College as a stroke rehabilitation facility, a City-owned building known as the Stroke Center, located at 501 Upper Park Road, is going to be returned to the City of Santa Cruz when the lease expires in August of 2010.

At the request of the City Manager, an inspection of the referenced building was performed by representatives of City Building Inspection staff and Devcon Construction. The intent of the inspection was to evaluate the building for consideration of future use.

This report covers the building components that were readily accessible and visible at the time of inspections and defines conditions observed. It excludes any testing or exploratory demolition. If a more detailed inspection is required, it is recommended that a private specialty inspection company or an investigative engineering firm be retained for that purpose.

This report contains the following:

1. Recommendations and findings of the Building Official based on inspections and applicable codes.
2. Aerial photo of site.
3. Two reports by the representatives of Devcon Construction.
 - Visual Assessment by Kevin Menninger, Structural Engineer.
 - Cost Analysis by Doug Maher, Architect.
4. Report by City Manager David C. Koester, dated May 5, 1980.

BUILDING DESCRIPTION

The building is comprised of four separate structures: three metal-framed, metal-sided buildings and an attached wood frame structure that is joined together by courtyards and connecting hallways. The entire structure has a footprint of approximately 18,300 square feet (see attached photo and Kevin Menninger's Report I).

There are no plans or construction records available for the buildings. The City acquired the building in 1976. The three metal buildings are reportedly military surplus buildings that were erected by the US Navy along with the wood-frame portion of the building shortly after or during World War II. Observations of the materials and methods of construction bear this out. The building was not particularly well-built or intended for continuous occupancy, as evidenced by the life-safety upgrades performed by the City in 1980 (reference attached report May 5, 1980, by City Manager David C. Koester), but then was upgraded to accommodate the Stroke Center in 1980. The building is not designated a historic structure nor does it have any apparent historic significance.

CODE CLASSIFICATION AND BUILDING USE

The building is classified as B Occupancy Type VB with fire sprinklers. The use of the building is for physical therapy services with offices and instructional rooms.

DEFICIENCIES OBSERVED

Structural

The wood-frame portion of the building shows signs of severe moisture damage caused by standing water under the building and compromised rainwater management systems including downspouts, gutters and courtyard drains.

This damage includes building settlement as evidenced by stress cracking at exterior windows and stucco siding, damaged underpinnings and floor joists, buckled and warped floors, and water damaged ceiling due to roof leaks. There is also evidence of settlement in the steel building in the form of cracks and fissures in the walls. At the time of inspection, a musty odor, possibly caused by the roof leaks and standing water under the building, was prevalent throughout the building; this odor can be indicative of the presence of mold or mildew and poses a health risk of unknown consequence.

Electrical

Electrical Systems are antiquated and pose the potential for shock or fire hazard. At the time of inspection, the Stroke Center staff reported that the electrical systems required continuous monitoring due to problems with power interruptions at outlets and tripping circuit breakers.

Plumbing

The sanitary plumbing systems are antiquated and pose the potential for health hazards. The Stroke Center staff reported numerous past and continued stoppages of the toilets and waste

plumbing. Leaking deteriorated sanitary piping may be contributing to the standing water under the building.

Mechanical/Heating

Approximately ten years ago, the boiler hot water heating system failed and was replaced with a forced air heating system. This heating system is comprised of several residential type forced air furnaces and related ducting. This installation was a stop gap measure and was done without inspections, permits or the required energy analysis. Considering the lack of insulation in the building, and the high conductivity of the metal cladding of the building resulting in heat loss, it can be presumed the mechanical systems are not in compliance with energy codes and operate contrary to City energy management practices and polices.

Accessibility

Over time, the building has been modified and features such as access ramps, grab bars and automatic doors have been added to help facilitate treatment of stroke patients. However, these upgrades are inconsistent and non-compliant in part or total and fall far short of current accessibility standards as they exist, contrary to the Federal Accessibility Guidelines (ADA) and the accessibility upgrades done to all other City facilities in the mid-1990's.

Hazardous Materials and Substance

Asbestos was a material commonly used in various building components such as floor coverings, wall boards, ceiling finishes and heating pipe insulation, at the time the building was constructed. Evidently, asbestos insulation was abated from the piping that supplied the heating system at locations where it was exposed. However, asbestos pipe insulation may remain in concealed spaces, as well as in other building components such as floor coverings, wall boards and ceiling finishes. Lead paint, now recognized as a hazardous material, was in common use at the time the building was constructed and is no doubt applied throughout the building.

Building Code Issues and Considerations

The building codes state that if a building's use or occupancy is changed, the building must be brought up to current codes in its entirety. In other words, it must be treated as if it is a new building. Therefore, if the building is to be considered for another use, prior to occupancy it would have to be brought up to current codes in its entirety, including all structural components, electrical, mechanical, plumbing and fire suppression systems. It would also have to meet all current accessibility and energy requirements. Furthermore, the building cannot be occupied, under any circumstances, until all the substandard conditions and deficiencies listed above have been corrected and all conditions that would pose any health risk to any occupants have been mitigated. Additionally all policies and programs that have been adopted by the City, such as energy efficiency and access compliance measures, would also have to be met prior to occupancy.

Summary and Recommendations

Although structurally the building does not pose an imminent life safety hazard, it is substantially deficient at all levels and does not meet code minimums. The electrical system is antiquated and potentially hazardous. The mechanical/heating and plumbing systems are antiquated and/or inefficient. The building contains potentially hazardous materials and substances. The costs and efforts involved in rehabilitating the building for re-occupancy or reuse outweigh any benefit gained in that the costs for rehabilitation are estimated to be higher than the cost of demolition and the construction of a new, similar building meeting current codes (Kevin Menninger Report I and Doug Maher Report II).

The building has outlived its useful and intended purpose. The building should be vacated and secured from unauthorized entry. The electrical system, except for selected circuits that can be safely used for security lighting and building maintenance, should be disconnected or shut down. Even if the building is secured, there is the potential of it becoming an attractive nuisance. To avoid the cost and efforts involved in security and maintenance, consideration should be given to demolishing the building, using best recycling and waste management practices, as soon as conveniently possible.

Submitted by:

John Ancic,
Building Official

Attachments:

- Aerial photo of the Stroke Center
- Report by City Manager David C. Koester dated May 5, 1980;
- Visual Assessment of Existing Facility by Nishkian Menninger, Consulting and Structural Engineers;
- Cost Analysis by Doug Maher, Architect, dated May 20, 2010.

Photos on file with Building Official and City Manager.



CITY COUNCIL AGENDA REPORT

DATE: 8/31/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Public Works

SUBJECT: Locust Garage Equipment Replacement – Sole Source Purchase (PW)

RECOMMENDATION: Motion to authorize the purchase of Parking Division access and revenue control equipment for the Locust Garage from GMG Systems of San Leandro, CA, in the amount of \$225,063.

BACKGROUND: In 2006 the Public Works Department went out to bid to replace aging Wharf Gate equipment. In 2008 bids were solicited to replace the Soquel/Front Garage equipment that was no longer serviceable. GMG Systems of San Leandro, CA was the low bidder on both occasions and performed the equipment replacement. Staff has been very pleased with the equipment, the service and response from GMG Systems. The replacement equipment has allowed staff to manage both the Soquel/Front Garage and the Wharf Gate locations from a centralized office and reduce maintenance, training and inventory costs. Because of this, GMG Systems equipment has become the standard for parking access and revenue control equipment for the City of Santa Cruz.

DISCUSSION: The Locust Garage parking access and revenue control equipment is over 15 years old and is now failing and in need of replacement. Staff has received a quote from GMG Systems to replace the equipment for \$225,063. This new equipment is state of the art for parking access and revenue control. It incorporates the use of credit cards and the City ParkCard as well as cash and coin. It also includes a hands free intercom system that will provide the maintenance staff with the ability to open an exit gate remotely, in case of emergencies.

This new equipment will convert the Locust Garage from a pay-on-exit operation to a pay-on-foot/central cashiering operation, similar to the Soquel/Front Garage. Converting to this type of operation will reduce the amount of staff used to collect parking fees on exit.

Section 3.08.150 of the Municipal Code allows for purchases without competition when there is only one source for the required item. The Purchasing Manager has reviewed the proposed purchase and has determined this is the only company able to sell this equipment to the City and that the pricing is competitive.

FISCAL IMPACT: Funds for this purchase are included in the 2011 Parking Fund Capital Improvement Program. The total amount budgeted for this project is \$350,000. The new parking access and revenue control equipment will cost \$225,063. The project has adequate funds for this purchase. Additionally staff costs will be reduced by approximately \$45,000 per year.

Prepared by:

Submitted by:

Approved by:

Marlin Granlund
Parking Program Manager

Mark R. Dettle
Director of Public Works

Martin Bernal
City Manager

ATTACHMENTS: None



CITY COUNCIL AGENDA REPORT

DATE: 8/31/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Public Works

SUBJECT: Pacific Gas & Electric (PG&E) Energy Efficiency Retrofit Loan Program -
Streetlight Retrofit. (PW)

RECOMMENDATION: Motion to approve the application for a Pacific Gas and Electric (PG&E) Energy Efficiency Retrofit Loan Program for streetlight retrofit and authorizing the City Manager to execute all necessary agreements in a form acceptable to the City Attorney.

BACKGROUND: The Association of Monterey Bay Area Governments (AMBAG) has been given the opportunity to put forward one project from our region for up to \$250,000 in interest-free, no-fees financing through PG&E's new pilot program of off-bill financing.

The Energy Efficiency Retrofit Loan Program is funded by California utility customers and administered by PG&E under the auspices of the California Public Utilities Commission. The program provides customers with a means to finance energy efficient retrofit projects. The loans issued under the program are interest-free, unsecured loans to fully or partially reimburse qualified PG&E customers for the costs incurred in connection with a qualified retrofit project.

DISCUSSION: Due to application submittal deadlines, staff has already applied for the loan and is requesting Council approval retroactively.

The \$250,000 would be used to retrofit approximately 250 streetlights with LED cobra head lights. The loan would be paid back over 10 years from the energy savings realized from the project and has no interest or fees associated with it.

PG&E will request an engineering review, perform an inspection of the project, calculate loan terms and prepare the loan documents. PG&E will provide staff with a copy of the inspection report, loan agreement, application, the applicable On-Bill Financing, Electric Rate Schedule, and Loan Calculation Summary Sheet. Staff will report back to Council for loan acceptance should the application be successful.

FISCAL IMPACT: There are no fiscal impacts as a result of this application. Should the grant be approved there will be a savings to the Gas Tax Fund once the loan is repaid.

Prepared by:

Submitted by:

Approved by:

Keith Van Der Maaten
Operations Manager

Mark R. Dettle
Director of Public Works

Martin Bernal
City Manager

ATTACHMENTS: None



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Public Works

SUBJECT: Encroachment Permits for Cruzio Telecommunications Network. (PW)

RECOMMENDATION: Resolution granting three (3) encroachment permits for installation and maintenance of Cruzio Telecommunications Network in various City streets.

BACKGROUND: Sunesys has applied for three (3) encroachment permits to install and maintain underground conduits, vaults and fiber optic cable for Cruzio Telecommunications Network in various City Streets.

DISCUSSION: Staff has reviewed the proposed underground conduit and vault locations as listed below:

1. River Street at North Pacific Avenue.
2. Center Street between Locust and Church and Church Street between Center and Cedar.

Staff also reviewed the Sunesys proposal for installing underground fiber optic cable between River Street and Church Street and connecting to its existing telecommunication line on River Street and North Pacific Avenue. A rental agreement between Sunesys and AT&T has been established for that portion of the cable which will run through existing AT&T conduits and manholes between River Street and Center Street.

This telecommunications network will deliver high-speed data services for use by Cruzio. Sunesys is the regulated utility owning and operating the network. Sunesys is currently a member of the USA Dig Alert in Northern California.

The proposed encroachments are consistent with the public interest and will not interfere with the City's right of way.

FISCAL IMPACT: Fees in the amount of \$10,048.80 will be charged for the encroachment permits to cover staff costs, plan review, and on site inspection of the work. This is a positive fiscal impact to the General Fund.

Prepared by:

Submitted by:

Approved by:

Tony Lau
Assistant Engineer

Mark R. Dettle
Director of Public Works

Martin Bernal
City Manager

ATTACHMENTS:

Resolution

Vicinity Map

Encroachment permits (3)

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
GRANTING THREE (3) ENCROACHMENT PERMITS FOR INSTALLATION AND
MAINTENANCE OF UNDERGROUND CONDUIT, VAULTS AND FIBER OPTIC CABLE
FOR CRUZIO TELECOMMUNICATIONS NETWORK.

WHEREAS, an application has been filed with the Public Works Department of the City of Santa Cruz to install and maintain underground conduit, vaults and fiber optic cable for Cruzio telecommunications network in various City streets; and

WHEREAS, the City Council has determined that approving the application is consistent with the public interest and will not interfere with the City's right of way;

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

1. Three (3) encroachment permits are hereby granted to Sunesys and to its successors in interest to the property located in Santa Cruz, CA to install and maintain underground conduit, vaults and fiber optic cable for Cruzio telecommunications network at various City streets.
2. These permits are subject to the terms and conditions specified in the encroachment permit as presented to Council this date.

BE IT FURTHER RESOLVED by the City Council of the City of Santa Cruz that the City Manager, be and is hereby authorized and directed to execute said encroachment permits on behalf of the City.

PASSED AND ADOPTED this 14th day of September, 2010 by the following vote:

AYES:

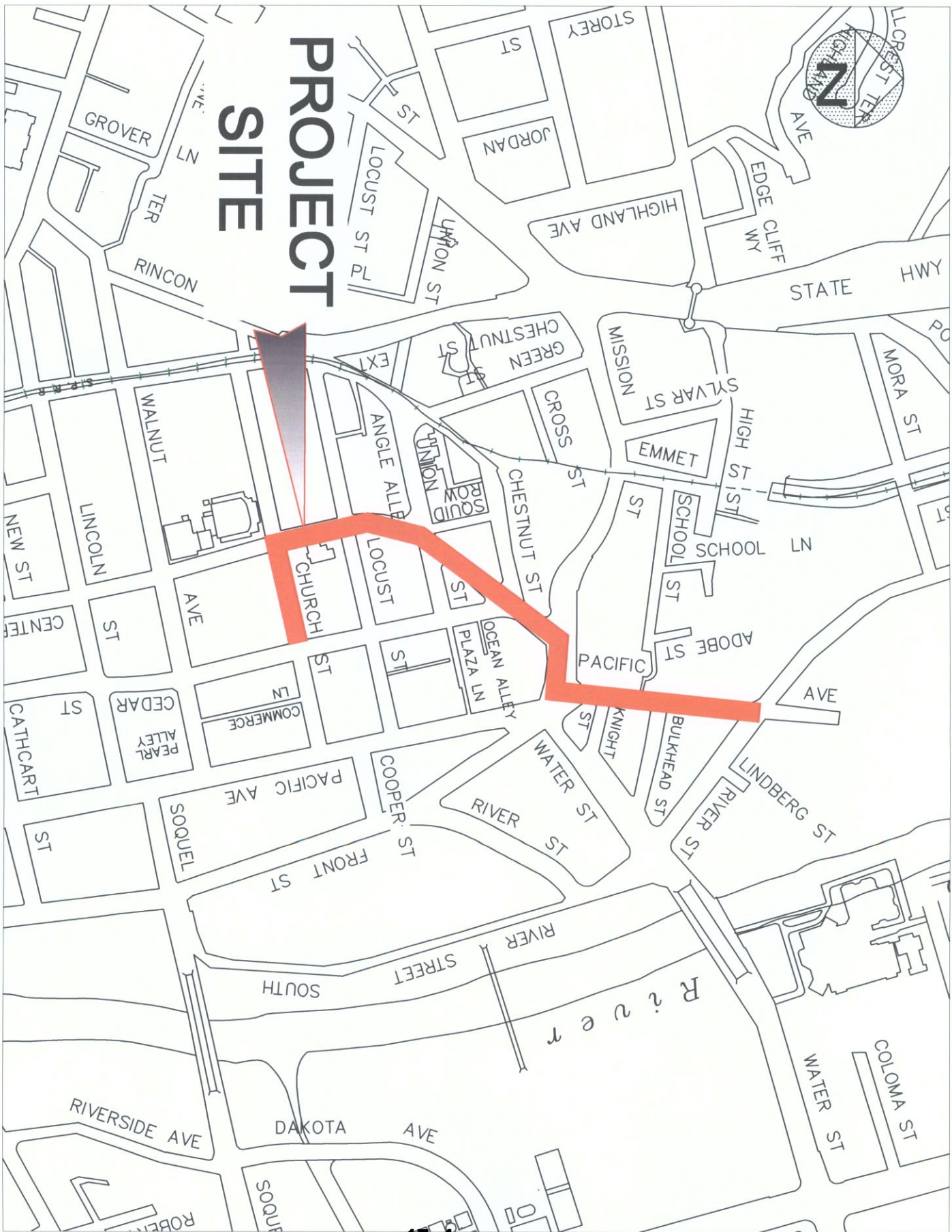
NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



PROJECT SITE

ENCROACHMENT PERMITS FOR CRUZIO TELECOMMUNICATIONS NETWORK
EXHIBIT MAP

ENCROACHMENT PERMIT

The City of Santa Cruz (City) grants to Sunesys an encroachment permit on and along that section of the public right-of-way known as **Center and Church Street** shown in Figure 1, incorporated herein by reference. Said improvement shall serve assessor's parcel number N/A.

Permittee shall **install and maintain underground conduits and vaults for Cruzio** in a manner satisfactory to the Director of Public Works of City, and shall maintain such in good repair, and in a clean, safe and sightly condition at Permittee's sole expense, all to the satisfaction of the Director of Public Works of the City.

Permittee shall defend, indemnify and hold the City harmless from any and all loss, cost, liability, or expense and from any judgments or damages to any person or property arising out of, either directly or indirectly, or in connection with, the maintenance or presence of **the underground conduits and vaults for Cruzio** installed by the Permittee or the use of **the underground conduits and vaults for Cruzio** by the Permittee or any other third party.

Permittee shall further defend, indemnify, save, and hold the City harmless from and against any claim of loss, damages, or liability to Permittee or any other person arising out of or in connection with City's revocation of said permit.

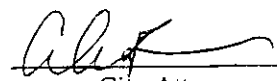
Permittee shall obtain and maintain throughout the term hereof, public liability and property damage insurance in a minimum amount of \$1,000,000 combined single limit per occurrence for bodily and personal injury and property damage liability. Such insurance shall name City and its officers, agents, and employees as additional insured's, and shall not be cancelable or subject to modification without at least thirty (30) days written notice to the City.

Permittee shall present a certificate of insurance or other acceptable written evidence of such insurance and shall, on an annual basis, provide acceptable evidence of renewal of coverage.

This permit shall be revocable by City at any time and without further notice. Within thirty (30) days after receiving notice from City of revocation of this permit, Permittee shall, upon demand from City, at his/her sole cost and expense, remove all improvements installed by Permittee pursuant to this permit, and shall restore the premises as nearly as practicable to its condition prior to such installation.

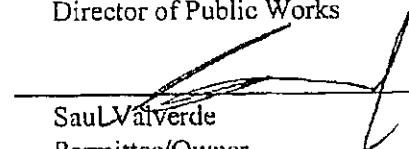
DATE: _____

APPROVED AS TO FORM:



City Attorney

CITY OF SANTA CRUZ

BY: _____
Director of Public Works


Saul Valverde
Permittee/Owner

ENCROACHMENT PERMIT

The City of Santa Cruz (City) grants to Sunesys an encroachment permit on and along that section of the public right-of-way known as **Various City Streets** shown in Figure 1, incorporated herein by reference. Said improvement shall serve assessor's parcel number N/A.

Permittee shall **install and maintain underground fiber optic cable for Cruzio** in a manner satisfactory to the Director of Public Works of City, and shall maintain such in good repair, and in a clean, safe and sightly condition at Permittee's sole expense, all to the satisfaction of the Director of Public Works of the City.

Permittee shall defend, indemnify and hold the City harmless from any and all loss, cost, liability, or expense and from any judgments or damages to any person or property arising out of, either directly or indirectly, or in connection with, the maintenance or presence of **the underground fiber optic cable for Cruzio** installed by the Permittee or the use of **the underground fiber optic cable for Cruzio** by the Permittee or any other third party.

Permittee shall further defend, indemnify, save, and hold the City harmless from and against any claim of loss, damages, or liability to Permittee or any other person arising out of or in connection with City's revocation of said permit.

Permittee shall obtain and maintain throughout the term hereof, public liability and property damage insurance in a minimum amount of \$1,000,000 combined single limit per occurrence for bodily and personal injury and property damage liability. Such insurance shall name City and its officers, agents, and employees as additional insured's, and shall not be cancelable or subject to modification without at least thirty (30) days written notice to the City.

Permittee shall present a certificate of insurance or other acceptable written evidence of such insurance and shall, on an annual basis, provide acceptable evidence of renewal of coverage.

This permit shall be revocable by City at any time and without further notice. Within thirty (30) days after receiving notice from City of revocation of this permit, Permittee shall, upon demand from City, at his/her sole cost and expense, remove all improvements installed by Permittee pursuant to this permit, and shall restore the premises as nearly as practicable to its condition prior to such installation.


DATE: _____

APPROVED AS TO FORM:



City Attorney

CITY OF SANTA CRUZ

BY: _____
Director of Public Works


Saul Valverde
Permittee/Owner

ENCROACHMENT PERMIT

The City of Santa Cruz (City) grants to **Sunesys** an encroachment permit on and along that section of the public right-of-way known as **River Street** shown in Figure 1, incorporated herein by reference. Said improvement shall serve assessor's parcel number N/A.

Permittee shall **install and maintain underground conduits and vaults for Cruszio** in a manner satisfactory to the Director of Public Works of City, and shall maintain such in good repair, and in a clean, safe and sightly condition at Permittee's sole expense, all to the satisfaction of the Director of Public Works of the City.

Permittee shall defend, indemnify and hold the City harmless from any and all loss, cost, liability, or expense and from any judgments or damages to any person or property arising out of, either directly or indirectly, or in connection with, the maintenance or presence of **the underground conduits and vaults for Cruzio** installed by the Permittee or the use of **the underground conduits and vaults for Cruzio** by the Permittee or any other third party.

Permittee shall further defend, indemnify, save, and hold the City harmless from and against any claim of loss, damages, or liability to Permittee or any other person arising out of or in connection with City's revocation of said permit.


Permittee shall obtain and maintain throughout the term hereof, public liability and property damage insurance in a minimum amount of \$1,000,000 combined single limit per occurrence for bodily and personal injury and property damage liability. Such insurance shall name City and its officers, agents, and employees as additional insured's, and shall not be cancelable or subject to modification without at least thirty (30) days written notice to the City.

Permittee shall present a certificate of insurance or other acceptable written evidence of such insurance and shall, on an annual basis, provide acceptable evidence of renewal of coverage.

This permit shall be revocable by City at any time and without further notice. Within thirty (30) days after receiving notice from City of revocation of this permit, Permittee shall, upon demand from City, at his/her sole cost and expense, remove all improvements installed by Permittee pursuant to this permit, and shall restore the premises as nearly as practicable to its condition prior to such installation.

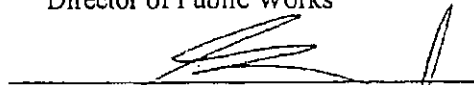
DATE: _____

APPROVED AS TO FORM:



City Attorney

CITY OF SANTA CRUZ

BY: _____
Director of Public Works


Saul Valverde
Permittee/Owner



CITY COUNCIL AGENDA REPORT

DATE: 8/31/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Public Works

SUBJECT: Bay Street Emergency Repair Project-c400824-Approval of Contract
Change Order No. 1 and Notice of Completion. (PW)

RECOMMENDATION: Motion to accept Contract Change Order No.1 and the work completed by Graniterock Company of San Jose, CA, and authorize the filing of the Notice of Completion for the Bay Street Emergency Repair Project (C400824).

BACKGROUND: At its July 22, 2008 meeting, the City Council approved plans and specifications for the Bay Street Emergency Repair Project and authorized the City Manager to execute the contract once bids were received. The project was bid in April, 2010 and Graniterock Company was awarded the contract in May, 2010. Work began in mid July, 2010 with the construction of three (3) gabion retaining walls and a 36" diameter pipe to realign the existing drainage channel. The work also included the installation of curb and gutter with two (2) catch basins along the south bound lane of Bay Street.

DISCUSSION: The work for this project is now completed. A number of unforeseen work items were determined to be necessary after the project began. They included extra work to install a temporary pedestrian pathway, additional concrete grout on the inlet surface and spill way of the gabion wall and extending replacement of the existing deteriorated tree root damaged pedestrian pathway. Costs for these additional changes totaled \$27,706.49.

The project was inspected by staff and the work was completed in accordance with the plans and specifications for the project.

FISCAL IMPACT: This project is partially reimbursable through emergency grant funding from the Federal Highway Administration, at a reimbursement ratio of 88.53%. The City's share is funded by the gas tax fund. The total cost of construction was \$163,732.49. There is no impact to the General Fund.

Prepared by:
Tony Lau
Assistant Engineer

Submitted by:
Mark R. Dettle
Director of Public Works

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:
Change Order
Notice of Completion

**CONTRACT CHANGE ORDER NO. 1
BAY STREET EMERGENCY REPAIR PROJECT**

TO: Graniterock Company

You are directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications of this contract. All new work herein described shall be done in accordance with the applicable provisions of the plans and specifications except as specifically modified by this contract change order.

NOTE: This change order is not effective until approved by the City of Santa Cruz, or until an authorized field order is executed.

CHANGE INITIATED BY CITY

DESCRIPTION OF CHANGE:

1. Extra work to install and remove a temporary by-pass pedestrian pathway 100' north of the existing path for detour purposes. Payment shall be in accordance with the extra work report dated August 3, 2010 for an additional \$1,106.15.
2. Extra work to install concrete grout on the inlet wall face and spill way of gabion wall No. 1 to prevent the creek water seeps through the gabion baskets. Payment shall be in accordance with the extra work report dated August 23, 2010 for an additional \$1,342.61.
3. Extra work to fill and compact the existing tree root damaged pathway. Payment shall be in accordance with the extra work report dated August 23, 2010 for an additional \$257.73.
4. Extra work to extent 200 lineal feet of rehabilitation of the existing deteriorated pathway. Payment shall be in accordance with the cost proposal dated August 10, 2010 for an additional \$25,000.00.

ADJUSTMENT IN CONTRACT AMOUNT: Add \$27,706.49.

Original Contract Base Amount (without contingency)	\$136,026.00
Previous Contract Change Orders	\$0.00
Current Contract	\$136,026.00
This Change Order	\$27,706.49
New Contract Amount	\$163,732.49

ADJUSTMENT IN CONTRACT COMPLETION:

By reason of this order the time of completion will be adjusted as follows: No Change

Original Contract	40 days
Original Completion Date	September 9, 2010
Previous Extensions, Weather Days and R.O.W. Delays	-0-
Current Completion	September 9, 2010
This Extension	-0-
New Duration	40 days
New Completion Date	September 9, 2010

This change order constitutes full and complete compensation for all labor, equipment, materials, overhead, and profit required to perform the described change.

ACCEPTED BY:

Graniterock Company

DATE: _____

APPROVED BY:

Christophe J. Schneider, Assistant Director
Department of Public Works

DATE: _____

If the Contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest within the time therein specified.

RECORDED AT THE REQUEST OF
Tony Lau

WHEN RECORDED MAIL TO:

CITY CLERK'S DEPARTMENT
809 CENTER STREET, ROOM 9
SANTA CRUZ, CA 95060

Space above this line for Recorder's Use Only

This instrument is being recorded for the benefit of the City of Santa Cruz.
No recording fee is required pursuant to Government Code §27383

Notice of Completion

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the California Civil Code, of the completion on September 14, 2010, of the Bay Street Emergency Repair Project on the premise located at Bay Street described as follows:

That the City of Santa Cruz owns the said property as described above: City Right-Of-Way. Said modifications undertaken on said property pursuant to a contract with Graniterock Company, DBA Pavex Construction Division, 120 Granite Rock Way, San Jose, CA 95136..

DATED _____

Mark R. Dettle
Director of Public Works
City of Santa Cruz

STATE OF CALIFORNIA)ss
COUNTY OF SANTA CRUZ)

I am the Director of the Public Works Department, City of Santa Cruz. I have read the foregoing Notice of Completion and know the contents thereof, and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on September 14, 2010 at Santa Cruz, California.

Mark R. Dettle
Director of Public Works
City of Santa Cruz

Filing of this Notice of Completion was authorized by Santa Cruz City Council Minute Order of _____.



CITY COUNCIL AGENDA REPORT

DATE: 8/31/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Public Works

SUBJECT: Summer 2009 Overlay Project -c400829- West Cliff Drive-Federal Project
Number ESPL-5025(047)-Notice of Completion. (PW)

RECOMMENDATION: Motion to accept the work completed by Joseph J. Albanese, Inc. of Santa Clara, CA, and authorize the filing of the Notice of Completion for the Summer 2009 Overlay Project – West Cliff Drive (c400829), Federal Project Number ESPL-5025(047).

BACKGROUND: On February 10, 2009, City Council approved the advertisement for bid of this project and authorized the City Manager to execute the contract once bids were received. The intent was to take advantage of funding which became available through the American Reinvestment and Recovery Act of 2009 (ARRA). Joseph J. Albanese, Inc., Santa Clara, CA was the lowest responsive and responsible bidder and was duly awarded the contract. Construction began in August of 2009 and included grind out and repair of base failures in the roadway and paving of an overlay of hot-mix asphalt. This project also included striping.

DISCUSSION: The work for this project is now complete. The project has been inspected by the Public Works Department and found to be constructed in accordance with the plans and specifications.

FISCAL IMPACT: As a result of changes during construction the final amount of work completed was \$692,820. Approximately 99% of the construction costs associated with this project were paid by ARRA funds. There is no impact to the General Fund.

Prepared by:

Submitted by:

Approved by:

Joshua Spangrud
Associate Civil Engineer

Mark R. Dettle
Director of Public Works

Martin Bernal
City Manager

ATTACHMENTS: Notice of Completion

RECORDED AT THE REQUEST OF
Joshua Spangrud

WHEN RECORDED MAIL TO:

CITY CLERK'S DEPARTMENT
809 CENTER STREET, ROOM 9
SANTA CRUZ, CA 95060

Space above this line for Recorder's Use Only

This instrument is being recorded for the benefit of the City of Santa Cruz.
No recording fee is required pursuant to Government Code §27383

Notice of Completion

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the California Civil Code, of the completion on September 14, 2010, of the Summer 2009 Overlay Project – West Cliff Drive.

That the City of Santa Cruz owns the said property as described above: City Right-Of-Way.

Said Summer 2009 Overlay Project – West Cliff Drive was undertaken on said property pursuant to a contract with Joseph J. Albanese, Inc., Santa Clara, CA. Said Summer 2009 Overlay Project – West Cliff Drive consisted of installation of ADA compliant curb ramps, repairs to areas of base failure, placing a leveling course of hot mix asphalt, placing a pavement reinforcing fabric and paving an overlay of hot-mix asphalt.

DATED _____

Mark R. Dettle
Director of Public Works
City of Santa Cruz

STATE OF CALIFORNIA)ss
COUNTY OF SANTA CRUZ)

I am the Director of the Public Works Department, City of Santa Cruz. I have read the foregoing Notice of Completion and know the contents thereof, and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____, at Santa Cruz, California.

Mark R. Dettle
Director of Public Works
City of Santa Cruz

Filing of this Notice of Completion was authorized by Santa Cruz City Council Minute Order of _____.



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Water

SUBJECT: Water Meter Equipment - Sole Source Purchase. (WT)

RECOMMENDATION: Motion to authorize continuation of the sole source purchase of water meter equipment from Sensus Metering Systems (Sensus) for the period covering August 8, 2010 through July 31, 2011.

BACKGROUND: In 1995, the City entered into an agreement with Sensus for a period of one year to furnish automatic water meter reading (AMR) devices as a more effective way of reading a large territory with only two meter readers. Sensus was initially chosen because nearly all of the meters then in the system were manufactured by Sensus and its subsidiaries and it was vastly more economical to stay with that manufacturer for uniformity in the meters and all the inventory of repair parts. The agreement with Sensus was renewed in subsequent years through the Capital Improvement Program budget with Council approval as the installations proved to be very successful. The route installations were completed in 2009, with over 24,000 meters installed, most of them by Water Department staff. Installation efficiencies saved more than \$500,000 by using one meter for up to eight radio read hookups with separate registers instead of one-to-one installation, and over \$440,000 by changing the meter register only instead of the entire meter.

DISCUSSION: Radio read technology is now the common method for reading water meters. Manually, reading 3,000 meters used to require 44 hours; now they can be read in a period of 2 1/2 hours by one person driving through the area. With the capability of monthly meter reading, the Water Department moved to monthly billing in January 2005 for customers inside the city who are billed for water, sewer and refuse. All irrigation accounts are now billed on a monthly basis regardless of their location. Our system is used as a showpiece example in the industry of how an efficient installation should be done and should operate.

Sensus now makes a no-lead meter, which we purchase in accordance with Proposition 65 requirements. They have also developed a new Omni meter that captures both high and low flows in a more efficient way than compound meters, and the Water Department will be installing a number of those this year. No other vendor makes this type of meter.

It would be economically disadvantageous for the City to integrate other AMR brands into this system, requiring meter technicians to carry different brands of reading equipment and maintain a stock of parts for each system. Council has previously approved sole source vendor authorizations for Sensus meters and authorization is requested for the period August 8, 2010 –

July 31, 2011, in accordance with the attached price quotation received from Sensus Metering Systems for that time period.

FISCAL IMPACT: Funds are available in the Water Department's FY 2011 Operating Budget, Customer Service Maintenance Projects account 54302 for Meter Retrofit Program m701107.

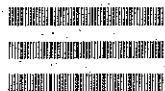
Submitted by:

Approved by:

Bill Kocher
Water Director

Martín Bernal
City Manager

ATTACHMENTS: Quote



1501 Ardmore Blvd
Sixth Floor
Pittsburgh, PA 15221 USA

1-800-MeterIt
www.sensus.com

SENSUS

The Measure of the Future

QUOTATION

Your Quote Number: 20004

Reference: ANNUAL

Bill to Customer: 721091

Ship to Customer: 1

ATTENTION: KEVIN SMITH
SANTA CRUZ CITY OF
WATER METER SHOP
1214 RIVER ST
SANTA CRUZ CA 95060-1713

SANTA CRUZ CITY OF
1214 RIVER ST

USA

SANTA CRUZ CA 95060

Salesman: HOOVER FORD G
Terms: NET 30 DAYS

Effective Date: 8/08/10
Expiration Date: 7/31/11

Line	Description	Quantity	U/M	US Dollar Unit Price
1	Part#: 6755696030056 METER-LL 5/8X3/4" SRII DR CUFT BRONZE BOTTOM, BRONZE BONNET BRONZE CAPSCREWS, R/DP	1	EA	50.470
2	Part#: 6755696470992A METER-LL 5/8X3/4" SRII TRPL 100 CUFT, 4 WHEEL 5A BRONZE BOTTOM, BRONZE BONNET BRONZE CAPSCREWS, R/DP W/20' WIRE & SENSOR, L/HOUSING	1	EA	116.290
3	Part#: 6765696470903A METER-LL 5/8X3/4" PMM TRPL 100 CUFT, 4 WHEEL 5A BRONZE BOTTOM, PLASTIC BONNET W/6' WIRE & SENSOR, L/HOUSING	1	EA	116.290
4	Part#: 6756596030052 MTR-LL 3/4" SHORT SRII CUFT BRONZE BOTTOM, BRONZE BONNET BRONZE CAPSCREWS, R/DP 7-1/2" LL	1	EA	80.130
5	Part#: 6756596470955A METER-LL 3/4" SHORT SRII TRPL 100 CUFT, 4 WHEEL 5A BRONZE BOTTOM, BRONZE BONNET BRONZE CAPSCREWS, R/DP W/20' WIRE & SENSOR, L/HOUSING 7-1/2" LL	1	EA	144.760

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and downloading at <http://www.sensus.com>. Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a printed copy of the Terms of Sale.



1501 Ardmore Blvd
Sixth Floor
Pittsburgh, PA 15221 USA

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Your Quote Number: 20004

SENSUS

US Dollar

The Measure of the Future

Line	Description	Quantity	U/M	Unit Price
6	Part#: 6750896030054 METER-LL 1" SRII CUFT BRONZE BOTTOM BRONZE BONNET/LID BRONZE CAPSCREWS R/DP	1	EA	112.000
7	Part#: 6750896470976A METER-LL 1" SRII TRPL 100 CU FT, 4 WHEEL 5A, R/DP BRONZE BOTTOM, BRONZE BONNET BRONZE CAPSCREWS W/20' WIRE, SENSOR, L/HOUSING	1	EA	173.620
8	Part#: 6081090030026 METER-LL 1-1/2" SR CUFT ROCKSYN CHAMBER, FLANGED ENDS BRONZE CAPSCREWS	1	EA	298.110
9	Part#: 6081090470926B METER-LL 1-1/2" SR TRPL 100 CUFT, 4 WHEEL 5B, ROCKSYN CHAMBER, FLANGED ENDS BRONZE CAPSCREWS W/20' WIRE, SENSOR & HOUSING	1	EA	352.450
10	Part#: 6081290030026 METER-LL 2" SR CUFT ROCKSYN CHAMBER, FLANGED ENDS BRONZE CAPSCREWS	1	EA	388.800
11	Part#: 6081290470926B METER-LL 2" SR TRPL 100 CUFT, 4 WHEEL 5B ROCKSYN CHAMBER, FLANGED ENDS BRONZE CAPSCREWS	1	EA	421.410
12	Part#: 002 SR & SRII TR/PL CONVERSION KIT	1	EA	65.000

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1501 Ardmore Blvd
Sixth Floor
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www.sensus.com

Your Quote Number: 20004

SENSUS

US Dollar

The Measure of the Future

Line	Description	Quantity	U/M	Unit Price
13	Part#: 031 SR/SRII TR/PL CONVERSION KIT REGISTER ONLY, L/HOUSING	1	EA	65.000
14	Part#: 5191496130014 METER 3" 125W FIRE HYDRANT, DR CUBIC FEET, W/BRONZE COUPLINGS L/SCREEN	1	EA	813.510
15	Part#: 5390773755502 TRADE IN PROGRAM AR5502 TOUCHREAD/RADIOREAD/ COMMAND LINK ABILITY 910-0011262	1	EA	4,791.000
16	Part#: 5390773750501 TRADE IN PROGRAM AR5005 MASTER COMMUNICATION/CHARGING STAND 910-0009096	1	EA	.000
17	Part#: 5390753749001C 4090C AUTO GUN COLOR DARK GRAY 910-0010136	1	EA	908.820
18	Part#: 5390733749001 AUTOGUN PITPROBE EXTENSION FOR AR4090 ONLY 910-0009448 WHEN PURCHASED WITH AUTOGUN	1	EA	.000
19	Part#: 5395490036001 VEHICLE TRANSCIEVER UNIT (VXU) W/COMPUTER AND VXU OPERATING SOFTWARE IN CARRYING CASE MODEL 3600 910-0008631	1	EA	27,500.000

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and downloading at <http://www.sensus.com/tc> Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a printed copy of the Terms of Sale.



1501 Ardmore Blvd
Sixth Floor
Pittsburgh, PA 15221 USA

1-800-Meterit
www.sensus.com

Your Quote Number: 20004

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Line	Description	Quantity	U/M	Unit Price
20	Part#: 5390753755501 AR5501 HAND HELD DEVICE TOUCHREAD UNIT COMMAND LINK ABILITY 910-0011261	1	EA	4,131.000
21	Part#: 5390753755502 AR5502 HAND HELD DEVICE TOUCHREAD/RADIOREAD/ COMMAND LINK ABILITY 910-0011262	1	EA	7,353.180
22	Part#: 5390753750501 AR5005 COMMUNICATION MASTER CHARGING STAND W/POWER AND COMMUNICATION CABLE 910-0009096	1	EA	500.000
23	Part#: 5395454700013 AUTOREAD WINDOWS UPGRADE FROM DOS HANDHELD, RADIOREAD AND VEHICLE SYSTEM MODULES OS	1	EA	3,750.000
24	Part#: 5390753780001 MULTIREAD MODULE 8 CHANNEL 910-0008561	1	EA	80.970
25	Part#: 5395483700005 SENSUS SYSTEM SUPPORT PROGRAM YEARLY RENEWAL WINDOWS VERSION	1	EA	1,320.000
26	Part#: 5396153752001T MXU 520R TRANSC UNIT SINGLE PORT, TOUCHCOUPLER PIT VERSION, 956 FREQUENCY	1	EA	145.800
27	Part#: 5396153752003T MXU 520R TRANSC UNIT DUAL PORT TOUCHCOUPLER PIT VERSION, 956 FREQUENCY	1	EA	145.800

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Line	Description	Quantity	U/M	Unit Price
28	Part#: T1 METER 1-1/2" OMNI T2 TURBO	1	EA	711.710
29	Part#: T2 METER 2" OMNI T2 TURBO	1	EA	844.220
30	Part#: T3 METER 3" OMNI T2 TURBO	1	EA	1,051.990
31	Part#: T4 METER 4" OMNI T2 TURBO	1	EA	2,048.070
32	Part#: T6 METER 6" OMNI T2 TURBO	1	EA	3,687.200
33	Part#: C1 METER 1-1/2" OMNI C2 COMPOUND	1	EA	1,040.000
34	Part#: C2 METER 2" OMNI C2 COMPOUND	1	EA	1,200.000
35	Part#: C3 METER 3" OMNI C2 COMPOUND	1	EA	1,520.000
36	Part#: C4 METER 4" OMNI C2 COMPOUND	1	EA	2,640.000
37	Part#: C6 METER 6" OMNI C2 COMPOUND	1	EA	4,560.000
38	Part#: 5261890091001 METER 6" MODEL 101 PROPELLER DR GALLON 300:1 FLANGED END TUBE 150 PSI	1	EA	1,995.160
39	Part#: 5261990091001 METER 8" MODEL 101 PROPELLER DR GALLON FLANGED END TUBE	1	EA	2,314.390

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Line	Description	Quantity	U/M	Unit Price
40	Part#: 5262090091001 METER 10" PROPELLER MODEL 101 DR GALLON, 30:1	1	EA	2,823.180
41	Part#: 900193000600300 MTR 8 FL W3500 DR 100CF STRNR/UL BYP W160-FE DR 10CF 6WW.5W1B W/TST-RSR	1	EA	13,842.660
42	Part#: 910203000400300 MTR 10 CFL W5500 DR 100CF STRNR/ULFM BYP W160-FE DR 10CF 6WW.5W1B W/TST-RSR	1	EA	19,525.190
43	Part#: 900193000600300 MTR 8 FL W3500 DR 100CF STRNR/UL BYP W160-FE DR 10CF 6WW.5W1B W/TST-RSR	1	EA	13,326.070
44	Part#: 900203000800300 METER 10" W5500 FIRELINE, CUFT W/UL STRAINER, BYPASS METER 2" W160 TURBO FLANGE, CUFT W/TEST RISER	1	EA	17,923.750
45	Part#: 502 TURBO & COMPOUND TR/PL CONVERSION KIT	1	EA	165.000
46	Part#: 510 TURBO/SRH/PROPELLER HIGH SPEED PICK UP ADD ON TO METER PRICE	1	EA	247.710
47	Part#: 518 TURBO/COMPOUND HSPU CONVERSION KIT	1	EA	388.870
48	Part#: 5081041046002 MEASURING CHAMBER COMPLETE ROCKSYN ILL 9A FOR 1-1/2" SR METER	1	EA	183.900

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The Measure of the Future

Line	Description	Quantity	U/M	Unit Price
49	Part#: RTN-58PD TRADE ALLOWANCE 5/8" METER	1	EA	1.000
50	Part#: RTN-34PD TRADE ALLOWANCE 3/4" METER	1	EA	2.000
51	Part#: RTN-1PD TRADE ALLOWANCE 1" METER	1	EA	3.000
52	Part#: RTN-15PD TRADE ALLOWANCE 1-1/2" METER	1	EA	5.000
53	Part#: RTN-2PD TRADE ALLOWANCE 2" METER	1	EA	7.000
54	Part#: RTN-3CMP TRADE ALLOWANCE 3" SRH COMPOUND METER	1	EA	15.000
55	Part#: RTN-4CMP TRADE ALLOWANCE 4" SRH COMPOUND METER	1	EA	20.000
56	Part#: RTN-6CMP TRADE ALLOWANCE 6" SRH COMPOUND METER	1	EA	30.000

FULL FREIGHT ALLOWED ALL METERS AND PARTS
FOB SHIPPING POINT
FAX 831-420-6093

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and downloading at <http://www.sensus.com/te> Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a printed copy of the Terms of Sale.



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Sixth Floor
Pittsburgh, PA 15221 USA

1-800-MeterIt
www.sensus.com

Your Quote Number: 20004

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The Measure of the Future

Line	Description	Quantity	U/M	Unit Price
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IF MODIFICATIONS IN METER MATERIALS OR PROCESSING ARE REQUIRED TO MEET
NEW REGULATIONS, THE PRICING SUBMITTED IS SUBJECT TO IMMEDIATE CHANGE
Thank you for your interest in quality products by Sensus.

Current as of: 8/09/10

Correspondence:

SENSUS
19598 QUINN CIRCLE NW
ELK RIVER, MN 55330

Purchase Orders:

SENSUS
PO BOX 487
UNIONTOWN, PA 15401

PHONE: 800-METER-IT
800-638-3748

JIM GRILLO

Regional Sales Manager

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and
downloading at <http://www.sensus.com/te> Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a
printed copy of the Terms of Sale.



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Water

SUBJECT: Pipeline Road Repair Project – Contract Change Orders No. 3 and No. 4;
and Notice of Completion. (WT)

RECOMMENDATION: Motion to ratify Contract Change Order No. 3 in the amount of \$8,224 and Contract Change Order No. 4 in the amount of \$3,085 with Engineered Soil Repairs, Inc. (Walnut Creek, CA) for the Pipeline Road Repair Project; and

Motion to accept the work of Engineered Soil Repairs, Inc. (Walnut Creek, CA) as complete and authorize the filing of a Notice of Completion for the Pipeline Road Repair Project.

BACKGROUND: At its July 29, 2009 meeting, Council authorized the City Manager to approve the plans and specification and execute the contract as authorized by Resolution No. NS-27,563. The Water Department received bids and awarded the project to Engineered Soil Repairs, Inc. on April 27, 2010. Work for the project included constructing a pier retaining wall, replacing an existing failed culvert, installing an energy dissipation basin, and repairing and reconstructing a failed portion of the existing access road. On May 19, 2010 the City entered into an agreement with Engineered Soil Repairs, Inc. to complete the work for \$199,233 (including a City-added 10% contingency).

DISCUSSION: All services required under the contract have now been completed, inspected by Water Department staff, and found to be constructed in accordance with the approved plans and specifications.

The project required additional costs due to unforeseen site conditions. Change Order No. 1 for \$15,572 and Change Order No. 2 for \$750 were within the contracted 10% contingency. Both of these Change Orders dealt with extra work required to determine the extent and filling of a large void discovered during drilling and grading operations. Change Order No. 3 was required to drill the piers deeper than expected due to unforeseen and differing site conditions. Change Order No. 4 deals with a design change requiring the use of re-bar locks not previously shown on the plans. Change Order No. 3 for \$8,224 and Change Order No. 4 for \$3,085 bring the total to \$27,631, which is \$9,519 over the contingency.

Engineered Soil Repairs met the requirements of the City's Local Hire Ordinance by making a good faith effort to employ local residents through its use of local concrete truck drivers and its attempt to use a local paving subcontractor. However, they were unable to reach the City's local hiring goal of 50% of its overall labor due to the project's short term duration and specialized

nature. The contractor did not hire an apprentice on the project and did not provide documentation demonstrating that they had made an attempt to hire one; only 3 laborers were employed on the project. The contractor did provide documentation showing the required payment to the appropriate apprenticeship program.

FISCAL IMPACT: The original contract was awarded in the amount of \$199,233 which included a 10% City-added contingency. The total additional funds needed to complete this project are \$9,519, the amount exceeding the 10% contingency, bringing the total contract amount to \$208,752. Funds are available in the Water Department's FY 2011 Operating Budget, in Engineering Maintenance Projects account 54302.

Submitted by:

Approved by:

Bill Kocher
Water Director

Martín Bernal
City Manager

ATTACHMENTS:

Contract Change Orders No. 1, 2, 3, and 4
Notice of Completion



CONTRACT CHANGE ORDER
1
(EFFECTIVE ONLY WHEN SIGNED BY THE CITY)

WATER DEPARTMENT
212 Locust St., Suite C
Santa Cruz, CA 95060
Ph: 831-420-5200
Fax: 831-420-5201

Project: Pipeline Road Repair Project		Subject: Installation of 60 tons of 1-ton rock riprap to fill void	
Contract date:	5/19/10	P.O. #:	91-10036
		CWO#:	08-006
		C.O. Date:	7/13/10
		C.O. #:	1

Changes:

a) Extra work due to a large void uncovered during site grading. Work required to fill the void will consist of the following:

- 1) Excavation and off hauling soil to create riprap key on the slope.
- 2) Installation of Mirafi 140 N fabric over the slope.
- 3) Delivery of 60 tons of 1-ton rock to the entrance of the park.
- 4) Placement of 1-ton rock into 5 C.Y. bobtail trucks and transporting rock from park entrance to the repair site.
- 5) Utilization of flagmen at park entrance to direct traffic.
- 6) Placement of 60 tons of 1-ton rock to fill the void.

Payment:

a) Total compensation, including all labor, materials, tools, equipment and incidentals, to Contractor for extra work costs associated with filling the void shall be a **lump sum of \$15,572.00.**

Time:

a) A time extension of 3 additional working days will be added to the original contract to complete the extra work.

	Price:	Time:	
Base Contract Bid:	\$181,121.00	30 d	
Contract to Date:	\$72,697.00	n/a	Recommended by: <i>[Signature]</i> 7/21/10 RYAN ERNST SIGNING FOR - Isidro Rivera, P.E. Date
Contract Contingency:	\$18,112.00	n/a	
Contingency Allocated:	\$0.00	0 d	Reviewed by: <i>[Signature]</i> 7/21/10 DOUG VALBY SIGNING FOR - Lynette Almond, P.E. Deputy Director, Water Date
Contingency Available:	\$18,112.00	n/a	
C.O. Increase:	\$15,572.00	+3 d	Approved by: (N/A) Bill Kocher, Water Director Date
C.O. Decrease:	\$0.00	n/a	
Net Change:	\$15,572.00	+3 d	Emergency Authorization: (N/A) Richard C. Wilson, City Manager Date
Contingency Remaining:	\$2,540.00	n/a	

The contractor is hereby directed to make the above described changes or to perform the above described work not included in the contract.

Contractor: *[Signature]* Signature Printed Name, Title *Superintendent* Date

For valuable consideration set forth herein, the contractor hereby releases the City of Santa Cruz from any and all claims for direct, indirect, and impact expenses and additional time impact now existing or which may hereafter arise out or result from the work or change described herein.



CONTRACT CHANGE ORDER
2
 (EFFECTIVE ONLY WHEN SIGNED BY THE CITY)

WATER DEPARTMENT
 212 Locust St., Suite C
 Santa Cruz, CA 95060
 Ph: 831-420-5200
 Fax: 831-420-5201

Project: Pipeline Road Repair Project	Subject: Potholing of roadway to determine extent of void
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Contract date: 5/19/10	P.O. #: 91-10036	CWO#: 08-006	C.O. Date: 7/26/10	C.O. #: 2
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Changes:
 a) Extra work required to pothole roadway and to fill bore holes with neat cement grout. Extra work was used to determine the extent of the void previously uncovered during drilling and grading operations.

Payment:
 a) Compensation, including all labor, materials, tools, equipment and incidentals, to Contractor from SCWD for extra work costs authorized by SCWD and complying with force account rules and Caltrans Labor rate and equipment rental surcharges totaling \$750.34.

Time:
 a) No time extension granted or requested.

	Price:	Time:	
Base Contract Bid:	\$181,121.00	30 d	
Contract to Date:	\$129,188.00	n/a	Recommended by: <div style="text-align: right;"><i>Isidro Rivera</i> 7/26/10 Isidro Rivera, P.E. <i>RYN ERNST</i> Date</div>
Contract Contingency:	\$18,112.00	n/a	
Contingency Allocated:	\$15,572.00	0 d	Reviewed by: <div style="text-align: right;"><i>Lynette Almond</i> 7/27/10 Lynette Almond, P.E. Deputy Director, Water Date</div>
Contingency Available:	\$2,540.00	n/a	
C.O. Increase:	\$750.34	0 d	Approved by: (N/A) <div style="text-align: right;">Bill Kocher, Water Director Date</div>
C.O. Decrease:	\$0.00	n/a	
Net Change:	\$750.34	0 d	Emergency Authorization: (N/A) <div style="text-align: right;">Richard C. Wilson, City Manager Date</div>
Contingency Remaining:	\$1,789.66	n/a	

The contractor is hereby directed to make the above described changes or to perform the above described work not included in the contract.

Contractor:

Troy Felt
Signature

S. Santolucito
Printed Name, Title

7/29/10
Date

For valuable consideration set forth herein, the contractor hereby releases the City of Santa Cruz from any and all claims for direct, indirect, and impact expenses and additional time impact now existing or which may hereafter arise out or result from the work or change described herein.



CONTRACT CHANGE ORDER
3
 (EFFECTIVE ONLY WHEN SIGNED BY THE CITY)

WATER DEPARTMENT
 212 Locust St., Suite C
 Santa Cruz, CA 95060
 Ph: 831-420-5200
 Fax: 831-420-5201

Project: Pipeline Road Repair Project	Subject: Drilling of an extra 64.5 feet of piers
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Contract date:	5/19/10	P.O. #:	91-10036	CWO#:	08-006	C.O. Date:	8/12/10	C.O. #:	3
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Changes:
 a) Extra work required to drill an extra 64.5 feet of piers due to differing site conditions not shown on the plans.

Payment:
 a) Compensation, including all labor, materials, tools, equipment and incidentals, to Contractor from SCWD for extra work associated with drilling of the extra 64.5 feet of piers shall be paid at a unit cost (price per foot) of \$127.50, for a total compensation price of \$8,223.75.

Time:
 a) A time extension of 1 extra day is requested and will be added to the original contract to complete the extra work.

	Price:	Time:	
Base Contract Bid:	\$181,121.00	30 d	
Contract to Date:	\$129,188.00	n/a	Recommended by: <i>Isidro Rivera</i> 8/17/10 Isidro Rivera, P.E. Date
Contract Contingency:	\$18,112.00	n/a	
Contingency Allocated:	\$16,322.34	+3d	Reviewed by: <i>Linda Almond</i> 8/17/10 Linda Almond, P.E. Deputy Director, Water Date
Contingency Available:	\$1,789.66	n/a	
C.O. Increase:	\$8,223.75	0 d	Approved by: <i>Bill Kocher</i> 8/23/10 Bill Kocher, Water Director Date
C.O. Decrease:	\$0.00	n/a	
Net Change:	\$8,223.75	+1d	Emergency Authorization: <i>Martin Bernal</i> 8/23/10 Martin Bernal, City Manager Date
Contingency Remaining:	-\$6,434.09	n/a	

The contractor is hereby directed to make the above described changes or to perform the above described work not included in the contract.

Contractor: *Tony Fortunato*
 Signature: _____ Printed Name, Title: *Tony Fortunato Superintendent* 8/18/10 Date

For valuable consideration set forth herein, the contractor hereby releases the City of Santa Cruz from any and all claims for direct, indirect, and impact expenses and additional time impact now existing or which may hereafter arise out or result from the work or change described herein.



CONTRACT CHANGE ORDER
4
 (EFFECTIVE ONLY WHEN SIGNED BY THE CITY)

WATER DEPARTMENT
 212 Locust St., Suite C
 Santa Cruz, CA 95060
 Ph: 831-420-5200
 Fax: 831-420-5201

Project: Pipeline Road Repair Project	Subject: Bar Lock Cost Increase
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Contract date:	5/19/10	P.O. #:	91-10036	CWO#:	08-006	C.O. Date:	8/16/10	C.O. #:	4
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Changes:

a) Extra cost associated with using an S-Series Bar Lock as apposed to the Lenton type coupler originally called for on the plans.

Payment:

a) Compensation to Contractor from SCWD for extra cost associated using 104 Bar Locks in lieu of the Lenton type coupler originally called for on the plans hall be at a cost difference (increase) of \$29.66 per bar lock (including tax and mark up), for a total compensation price of \$3,084.68.

Time:

a) No time extension granted or requested.

	Price:	Time:	
Base Contract Bid:	\$181,121.00	30 d	
Contract to Date:	\$129,188.00	n/a	Recommended by: <i>Isidro Rivera</i> 8/17/10 Isidro Rivera, P.E. Date
Contract Contingency:	\$18,112.00	n/a	
Contingency Allocated:	\$18,112.00	+4d	Reviewed by: <i>Lijette Almond</i> 8/17/10 Lijette Almond, P.E. Deputy Director, Water Date
Contingency Available:	\$0.00	n/a	
C.O. Increase:	\$3,084.68	0 d	Approved by: <i>Bill Kocher</i> 8/23/10 Bill Kocher, Water Director Date
C.O. Decrease:	\$0.00	n/a	
Net Change:	\$3,084.68	0 d	Emergency Authorization <i>Martin Bernal</i> 8/23/10 Martin Bernal, City Manager Date
Contingency Remaining:	-\$9,518.77	n/a	

The contractor is hereby directed to make the above described changes or to perform the above described work not included in the contract.

Contractor: *Tony Fortento* *Tony Fortento*

Signature Printed Name, Title *Supervisor* 8/18/10 Date

For valuable consideration set forth herein, the contractor hereby releases the City of Santa Cruz from any and all claims for direct, indirect, and impact expenses and additional time impact now existing or which may hereafter arise out or result from the work or change described herein.

RECORDED AT THE REQUEST OF
Isidro Rivera, Engineering Division

WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF SANTA CRUZ
809 CENTER STREET, ROOM 9
SANTA CRUZ CA 95060

(Space above this line for Recorder's use only.)

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

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the California Civil Code, of the completion on September 14, 2010 of the Pipeline Road Repair Project, located within Henry Cowell State Park in a City Easement.

The City of Santa Cruz owns the following interests in said property described above as City Easement.

Said Pipeline Road Repair Project was undertaken on said property pursuant to a contract with Engineered Soil Repairs, Inc. of Walnut Creek, CA dated May 19, 2010. Project consisted of constructing a pier retaining wall, replacing an existing failed culvert, installing an energy dissipation basin, and repairing and reconstructing a failed portion of the existing access road.

Date

Bill Kocher, Director of the Water Department
City of Santa Cruz

STATE OF CALIFORNIA) ss
COUNTY OF SANTA CRUZ)

I am the Director of the Water Department. I have read the foregoing Notice of Completion and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare under penalty of perjury, that the foregoing is true and correct.

Executed on _____, at Santa Cruz, California.

Bill Kocher, Director of the Water Department
City of Santa Cruz

Filing of Notice of Completion was authorized by Santa Cruz City Council Minute Order of September 14, 2010.



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Water

SUBJECT: Water Supply Project – Post-Pilot Facility Site Modifications - Contract Change Order No. 5 and Notice of Completion. (WT)

RECOMMENDATION: Motion to ratify Contract Change Order No. 5 in the amount of \$10,021 with BCI Builders, Inc., (Scotts Valley, CA) for Post-Pilot Facility Site Modifications; and

Motion to accept the work of BCI Builders, Inc., (Scotts Valley, CA) as complete per the plans and specifications, and authorizing the filing of a Notice of Completion for the Water Supply Project – Post Pilot Facility Site Modifications.

BACKGROUND: The City's Pilot Desalination Facility, in operation from March 2008 through April 2009, was located at the UC Santa Cruz Long Marine Lab to take advantage of the facility's two open-ocean intake facilities and seawater discharge. As compensation for use of the facilities, the City agreed in the lease contract to make certain modifications to the site needed by the University.

On July 14, 2009, Council approved the plans and specifications for construction of the improvements, estimated at \$283,000. The Water Department received bids and contracted with BCI Builders, Inc. of Scotts Valley to complete the work for \$209,000 (including a City added 10% contingency). Construction has been ongoing since then.

The work has consisted of selective demolition of an existing concrete slab, construction of a new concrete slab and pools, construction of a new wood fence, and removal and replacement of approximately 60 linear feet of 8-inch diameter seawater pipe.

Change Orders No. 1 (\$7,423) and No. 2 (\$9,735) were within the 10% contingency and met the criteria set in City Council Policy 29.6, and were authorized by the Water Director. On April 27, 2010, Council approved Contract Change Orders No. 3 (\$8,062) and No. 4 (\$12,270).

DISCUSSION: The project has required additional costs due to field changes to the seawater piping, unforeseen utility conflicts and additional work to accommodate an emergency intake operation by the University. Contract Change Order No.5 in the amount of \$10,021 includes additional plumbing work and materials, additional electrical work, and additional earthwork.

All services required under the contract have now been completed, inspected by Water Department staff, and found to be constructed in accordance with the approved plans and specifications.

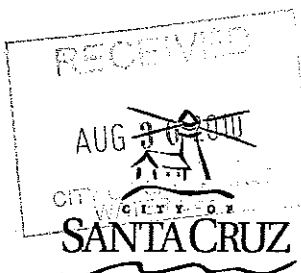
The contractor met the requirements of the City's Local Hire Ordinance by employing local labor. Although no apprentices were dispatched, the contractor made training fund contributions to the appropriate Apprenticeship Committee.

FISCAL IMPACT: Additional funds in the amount of \$10,021 for Change Order No.5 are available in Water Department's FY 2011 Capital Improvement Program budget, projects c700305, Water Supply Project and c700016, Water Supply Project - SDC. Total final cost of the contract, including Change Orders No.1 - 5, is \$239,353. According to the Memorandum of Agreement, Soquel Creek Water District will share the cost of this contract.

Submitted by:
Bill Kocher
Water Director

Approved by:
Martín Bernal
City Manager

ATTACHMENTS:
Contract Change Order No. 5
Notice of Completion



CONTRACT CHANGE ORDER
5
(EFFECTIVE ONLY WHEN SIGNED BY THE CITY)

WATER DEPARTMENT
 212 Locust St., Suite C
 Santa Cruz, CA 95060
 Ph: 831-420-5200
 Fax: 831-420-5201

Project: Post-Pilot Facility Site Modifications	Subject: Additional chain link fence
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Contract date: 10/8/09	P.O. #: 91-10012	CWO#: 2009-002	C.O. Date: 8/23/10	C.O. #: 5
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Changes:
 All extra work and materials required to:

- i) Research suitable replacement for flexible couplers.
- ii) Research suitable materials for 10" pig launcher.
- iii) Furnish and install 8" flange and reducer inside of caisson.
- iv) Furnish and install additional materials to raise launch/catch riser 24".
- v) Upgrade (E) Sch-40 treated water pipe to Sch-80.
- vi) Disconnect pump electric service, pull out conductors, cut out conduit, replace conduit, re-pull conductors.
- vii) Extra excavation work and materials due to University resuming operation of seawater line during replacement activities.

Extra time due to various delays beyond control of Contractor. Extend until September 3rd.

Payment:

- a) Lump Sum (plumbing, electrical, includes prime contractor markup and bond cost.): **\$7,199.04**
- b) Force Account (extra excavation):
 - 7/20/10 Monteith Construction assisted UCSC forces. 4 Hours. Included Cat 420D, Operator, Laborer 1, Laborer 2.
 - 7/21/10 Monteith Construction excavated flooded trench to dry material. 4 hours. Included Cat 420D, Operator, Laborer 1, Laborer 2,
 - 7/22/10 Monteith Construction imported additional sand, compacted sand, and exported additional native soil. 2 hours. Included Laborer 1, 2 truck trips, 12.43 tons utility sand, J-tamp.
 - 7/27/10 Monteith Construction completed final lift of backfill using gold-colored "path base" per UCSC request. City agreed to pay the difference in material cost between "path base" and Class 2 AB. The difference is \$18.00/ton. Included 12.62 tons "path base"

Labor:

- Operator: 8 hours @ \$33.38/hr = \$267.04
- Laborer 1: 10 hours @ \$26.14/hr = \$261.40
- Laborer 2: 8 hours @ \$26.14/hr = \$209.12
- 11% Labor Surcharge = \$81.13
- 33% Labor Markup = \$270.17

Equipment:

- Cat 420d: 8 hours @ \$42.14/hr = \$337.12
- J-tamp: 2 hours @ 3.15/hr = \$6.30
- 15% Equipment Markup = \$51.51

Material:

- 12.43 tons utility sand @ \$11.25/ton = \$139.84
- 12.62 tons path base @ \$18.00/ton = \$227.16
- 15% Material Markup = \$55.05

Trucking: 3 trips @ \$115/trip = \$345.00

Subcontractor total: \$2,250.84

5% Prime contractor markup on subcontractor work = \$112.54

Prime contractor labor, 6 hours @ \$51.77/hr = 310.62
 11% Labor Surcharge = \$34.17
 33% Labor Markup = \$113.78
 Total force account work = \$2,821.95
Total this change order = \$10,020.99

Time:

a) 79 days.

	Price:	Time:	
Base Contract Bid:	\$190,000.00	60	Recommended by: <i>Kalen Dodd</i> 8/25/10 Kalen Dodd, P.E. Associate Civil Engineer, Water
C.O. #1 (11/3/09)	\$7,423.50	2	
C.O. #3 (11/10/09)	\$8,061.92	3	Approved by: <i>Linette Almond</i> 8/25/10 Linette Almond, P.E. Deputy Director, Water
C.O. #2 (2/24/10)	\$9,735.00	7.5	
C.O. #4 (3/24/10)	\$12,269.98	7.5	
C.O. #5 (8/23/10)	\$10,020.99	79	
New Contract Total:	\$237,511.39	159	

The contractor is hereby directed to make the above described changes or to perform the above described work not included in the contract.

BCI Builders:

Dene Bustichi, President

8/25/10

Date

For valuable consideration set forth herein, the contractor hereby releases the City of Santa Cruz from any and all claims for direct, indirect, and impact expenses and additional time impact now existing or which may hereafter arise out or result from the work or change described herein.

RECORDED AT THE REQUEST OF

WHEN RECORDED MAIL TO:

City Clerk
City of Santa Cruz
809 Center Street, Room 9
Santa Cruz CA 95060

(Space above for Recorder's use only)

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

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the California Civil Code, of the completion on 9/14/2010 of the Post-Pilot Facility Site Modifications Project

The City of Santa Cruz owns the following interests in said property described above: Fullfillment of a Lease agreement of University of California Property.

Said project was undertaken pursuant to a contract with BCI Builders, Inc. of Scotts Valley, CA dated 10/8/09.

Date

Bill Kocher, Director of the Water Department
City of Santa Cruz

STATE OF CALIFORNIA)

ss.

COUNTY OF SANTA CRUZ)

I am the Director of the Water Department. I have read the foregoing Notice of Completion and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information of belief, and as to those matters I believe it to be true.

I declare under penalty of perjury, that the foregoing is true and correct.

Executed on _____, at Santa Cruz, California.

Bill Kocher, Director of the Water Department
City of Santa Cruz

Filing of Notice of Completion was authorized by Santa Cruz City Council Minute Order of 9/14/2010.



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: City Council

SUBJECT: Proposition 23: Suspension of AB 32 – Resolution of Opposition. (CN)

RECOMMENDATION: Resolution opposing Proposition 23, slated for the November 2, 2010 California General Election Ballot, which would severely limit the implementation and effectiveness of AB 32, the Global Warming Solutions Act of 2006.

BACKGROUND: The Global Warming Solutions Act of 2006 (AB 32, Nuñez) stands as the United States' most ambitious attempt to combat global warming to date. Structured in near compliance with the Kyoto Protocol, the law, if implemented correctly, would reduce California's greenhouse gas (GHG) emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. The efforts required to reach these goals have required regulation of certain business sectors, resulting in some opposition. The latest manifestation of opposition is Proposition 23, the first non-symbolic effort to suspend AB 32 indefinitely.

If passed, Proposition 23, known as the Dirty Energy Proposition and the California Jobs Initiative to opposition and supporters respectively, will suspend AB 32 until such time that California experiences four consecutive quarters of unemployment at or below 5.5 percent. The law would then be enacted until unemployment surpassed 5.5 percent. Since 1976, there have been only three periods in which California's unemployment has reached these levels: January 1988 – December 1989, October 1999 – June 2001, and October 2005 – June 2007. In the likely reality that such general trends will continue, the implementation of AB 32 will be reduced to ineffective levels.

DISCUSSION: Efforts to repeal or neuter AB 32 have been both frequent and pervasive since its passage. Many opponents have made clear their intentions to abuse provision 38599 of AB 32 enabling suspension under "extraordinary circumstances," some campaigning partially on this platform. Proposition 23 would be a more legally sound, though deceptive, approach to eliminating AB 32, working under the guise that AB 32 would still have some effectiveness in its new limited capacity.

The primary argument in favor of Proposition 23 is that in the current troubled economy, the financial blow to certain GHG heavy industries from AB 32's implementation will be substantial and outweighs the environmental benefits. It is argued that in limiting the implementation of AB 32 to vibrant economic times, the potential economic consequences might be significantly lessened. However, this limitation posed by Proposition 23 robs California of the ability to make long-term plans to reduce carbon emissions, rendering AB 32's goals impossible to meet.

Furthermore, California's burgeoning green sector is and will continue to be stimulated by AB 32's provisions and this will help California lead the green technology sector into the future.

AB 32 is a landmark and necessary instrument to protect California's environment, natural resources, public health and to support a health economy. Efforts such as Proposition 23 that aim to halt the implementation of AB 32 or to dilute it to ineffectualness should be staunchly opposed.

The City of Santa Cruz opposes Proposition 23 and urges its residents to vote against the measure in November 2010.

FISCAL IMPACT: None.

Submitted by:

Mike Rotkin
Mayor

Submitted by:

Cynthia Mathews
Councilmember

Submitted by:

Ryan Coonerty
Vice Mayor

ATTACHMENTS:

Resolution
Proposition 23 Fact Sheet

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ OPPOSING
PROPOSITION 23 WHICH WOULD SUSPEND IMPLEMENTATION OF AB 32,
THE GLOBAL WARMING SOLUTIONS ACT OF 2006

WHEREAS, climate change is a legitimate and serious threat that will affect every nation and citizen of the world and has particular urgency for coastal communities such as the City of Santa Cruz; and

WHEREAS, in the absence of coordinated Federal action, the State of California adopted in 2006 the Global Warming Solutions Act (AB 32) to take proactive measures to curb California's greenhouse gas emissions through regulation of an array of sources and land uses; and

WHEREAS, as AB 32 is on the cusp of implementation, opponents to the law have accelerated their actions to halt it, commonly citing the economic burden of compliance on polluting industries; and

WHEREAS, opponents to AB 32 qualified a measure for the November 2010 General Election Ballot, Proposition 23, which would suspend the implementation of AB 32 to only the roughest of economic circumstances, such as have existed only three times since 1976; and

WHEREAS, Proposition 23 would effectively decimate California's healthy and growing green technology sector, put public health and the environment at risk and bolster the irresponsible reliance on polluting fossil fuels for America's energy needs; and

WHEREAS, Proposition 23 is exactly contrary to the approach California must take with respect to climate action and will stymie the effectiveness and outcomes of AB 32.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby strongly opposes Proposition 23 and any effort that directly or indirectly delays, weakens or eliminates AB 32, and urges the residents of Santa Cruz to vote against Proposition 23 on the November 2, 2010 Ballot.

BE IT FURTHER RESOLVED that the Mayor is directed to transmit a copy of this resolution to Assemblymember Monning, Senator Simitian, the California Air Resources Board and the League of California Cities.

RESOLUTION NO. NS-

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

SUSPENDS IMPLEMENTATION OF AIR POLLUTION CONTROL LAW (AB 32) REQUIRING MAJOR SOURCES OF EMISSIONS TO REPORT AND REDUCE GREENHOUSE GAS EMISSIONS THAT CAUSE GLOBAL WARMING, UNTIL UNEMPLOYMENT DROPS TO 5.5 PERCENT OR LESS FOR FULL YEAR. INITIATIVE STATUTE.

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

SUSPENDS IMPLEMENTATION OF AIR POLLUTION CONTROL LAW (AB 32) REQUIRING MAJOR SOURCES OF EMISSIONS TO REPORT AND REDUCE GREENHOUSE GAS EMISSIONS THAT CAUSE GLOBAL WARMING, UNTIL UNEMPLOYMENT DROPS TO 5.5 PERCENT OR LESS FOR FULL YEAR. INITIATIVE STATUTE.

- Suspends State law that requires greenhouse gas emissions be reduced to 1990 levels by 2020, until California’s unemployment drops to 5.5 percent or less for four consecutive quarters.
- Suspends comprehensive greenhouse-gas-reduction program that includes increased renewable energy and cleaner fuel requirements, and mandatory emissions reporting and fee requirements for major emissions sources such as power plants and oil refineries.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- The suspension of AB 32 could result in a modest net increase in overall economic activity in the state. In this event, there would be an unknown but potentially significant net increase in state and local government revenues.
- Potential loss of a new source of state revenues from the auctioning of emission allowances by state government to certain businesses that would pay for these allowances, by suspending the future implementation of cap-and-trade regulations.
- Lower energy costs for state and local governments than otherwise.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Global Warming and Greenhouse Gases.

Greenhouse gases (GHGs) are gases that trap heat from the sun within the earth’s atmosphere, thereby warming the earth’s temperature. Both natural phenomena (mainly the evaporation of water) and human activities (principally burning fossil fuels) produce GHGs. Scientific experts have voiced concerns that higher concentrations of GHGs resulting from human activities are increasing global temperatures, and that such global temperature rises could eventually cause significant problems. Such global temperature increases are commonly referred to as global warming, or climate change.

As a populous state with a large industrial economy, California is the second largest emitter of GHGs in the United States and one of the largest emitters of GHGs in the world. Climate change is a global issue necessitating an international approach. Actions in California regarding GHGs have been advocated on the basis

that they will contribute to a solution and may act as a catalyst to the undertaking of GHG mitigation policies elsewhere in our nation and in other countries.

Assembly Bill 32 Enacted to Limit GHGs. In 2006, the state enacted the California Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill 32 or “AB 32.” This legislation established the target of reducing the state’s emissions of GHGs by 2020 to the level that emissions were at in 1990. It is estimated that achieving this target would result in about a 30 percent reduction in GHGs in 2020 from where their level would otherwise be in the absence of AB 32.

Assembly Bill 32 requires the state Air Resources Board (ARB) to adopt rules and regulations to achieve this reduction. The law also directs ARB, in developing these rules and regulations, to take advantage of opportunities to improve air quality, thereby creating public health benefits from the state’s GHG emission reduction activities.

Other Laws Would Reduce GHG Emissions.

In addition to AB 32, a number of other state laws have been enacted by the Legislature that would reduce GHG emissions. In some cases, the main purpose of these other laws is specifically to reduce GHG emissions. For example, a 2002 law requires the ARB to adopt regulations to reduce GHG emissions from cars and smaller trucks. Other laws have authorized various energy efficiency programs that could have the effect of reducing GHG emissions, although this may not have been their principal purpose.

“Scoping Plan” to Reach GHG Emission

Reduction Target. As required by AB 32, the ARB in December 2008 released its plan on how AB 32’s GHG emission reduction target for 2020 would be met. The plan—referred to as the AB 32 Scoping Plan—encompasses a number of different types of measures to reduce GHG emissions. Some are measures authorized by AB 32, while others are authorized by separately enacted laws. Some of these measures have as their primary objective something other than reducing GHGs, such as reducing the state’s dependency on fossil fuels.

The plan includes a mix of traditional regulatory measures and market-based measures. Traditional regulations, such as energy efficiency standards for buildings, would require individuals and businesses to take specific actions to reduce emissions. Market-based measures provide those subject to them greater flexibility in *how* to achieve GHG emission reductions. The major market-based measure included in the Scoping Plan is a “cap-and-trade” program. Under such a program, the ARB would set a limit, or *cap*, on GHG emissions; issue a limited number of emission allowances to emitters related to the amount of GHGs they emit; and allow emitters covered by the program to buy, sell, or *trade* those emission allowances.

Some measures in the Scoping Plan have already been adopted in the form of regulations. Other regulations are either currently under development or will be developed in the near future. Assembly Bill 32 requires that all regulations for GHG

emission reduction measures be adopted by January 1, 2011, and in effect by January 1, 2012.

Fee Assessed to Cover State’s Administrative Costs. As allowed under AB 32, the ARB has adopted a regulation to recover the state’s costs of administering the GHG emission reduction programs. Beginning in fall 2010, entities that emit a high amount of GHGs, such as power plants and refineries, must pay annual fees that will be used to offset these administrative costs. Fee revenues will also be used to repay various state special funds that have made loans totaling \$83 million to the AB 32 program. These loans have staggered repayment dates that run through 2014.

The Economic Impact of Implementing the Scoping Plan. The implementation of the AB 32 Scoping Plan will reduce levels of GHG emissions and related air pollutants by imposing various new requirements and costs on certain businesses and individuals. The reduced emissions and the new costs will both affect the California economy. There is currently a significant ongoing debate about the impacts to the California economy from implementing the Scoping Plan. Economists, environmentalists, and policy makers have voiced differing views about how the Scoping Plan will affect the gross state product, personal income, prices, and jobs. The considerable uncertainty about the Scoping Plan’s “bottom-line” or net impact on the economy is due to a number of reasons. First, because a number of the Scoping Plan measures have yet to be fully developed, the economic impacts will depend heavily on how the measures are designed in the public regulatory process. Second, because a number of the Scoping Plan measures are phased in over time, the full economic impacts of some measures would not be felt for several years. Third, the implementation of the Scoping Plan has the potential to create both positive and negative impacts on the economy. This includes the fact that there will be both “winners” and “losers” under the implementation of the Scoping Plan for particular economic sectors, businesses, and individuals.

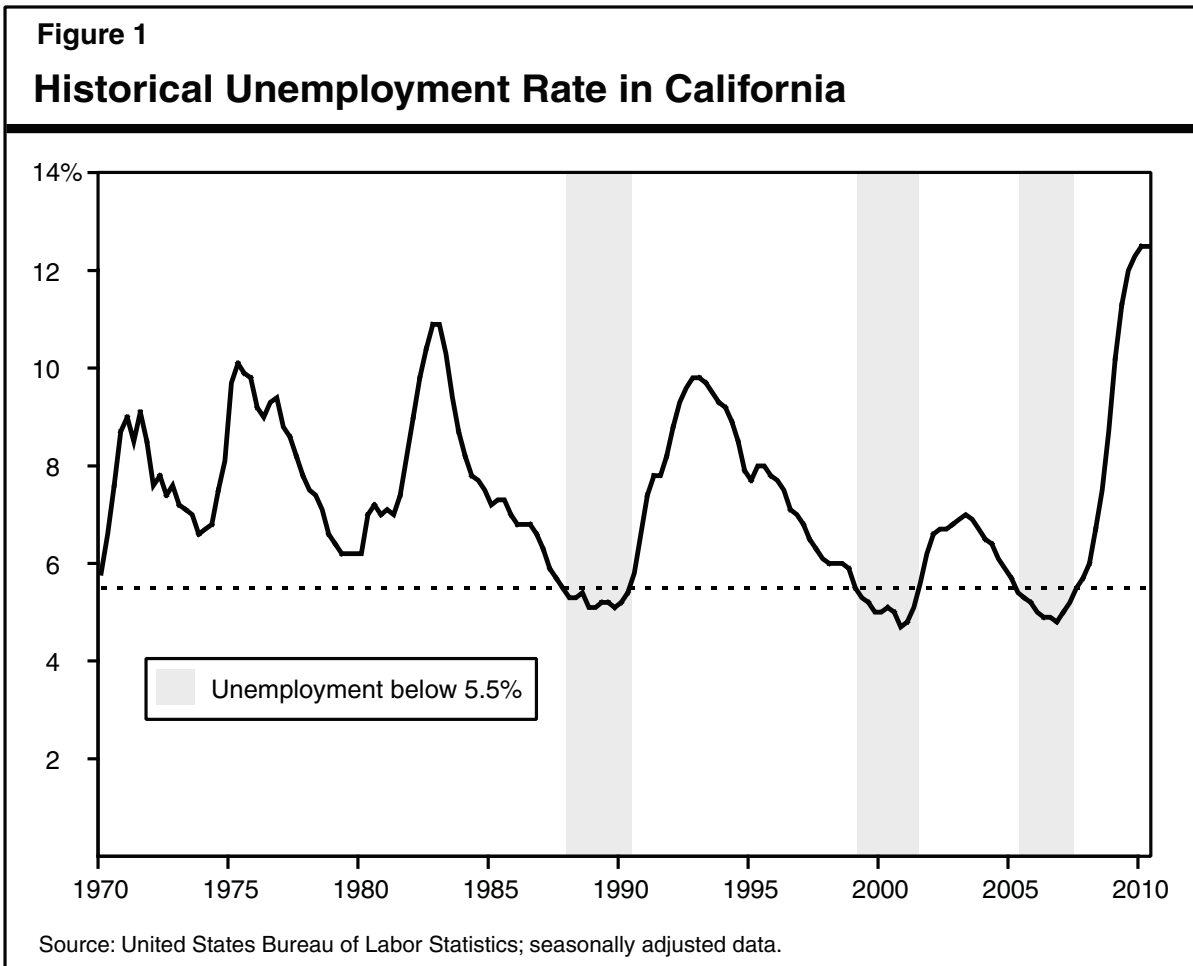
A number of studies have considered the economic impacts of the Scoping Plan implementation in 2020—the year when AB 32’s GHG emission reduction target is to be met. Those studies that have looked at the economic impacts from a relatively broad perspective have, for the most part, found that there will be some modest reduction in California’s gross state product, a comprehensive measure of economic activity for the state. These findings reflect how such things as more expensive energy, new investment requirements, and costs of regulatory compliance combine to increase the costs of producing materials, goods, and services that consumers and businesses buy. Given all of the uncertainties involved, however, the net economic impact of the Scoping Plan remains a matter of debate.

PROPOSAL

This proposition suspends the implementation of AB 32 until the unemployment rate in California is 5.5 percent or less for four consecutive quarters. During the suspension period, state agencies are prohibited from proposing or adopting new regulations, or enforcing previously adopted regulations, that would implement AB 32. (Once AB 32 went back into effect, this measure could not suspend it again.)

IMPACTS OF THIS PROPOSITION ON CLIMATE CHANGE REGULATION

AB 32 Would Be Suspended, Likely for Many Years. Under this proposition, AB 32 would be suspended immediately. It would remain suspended until the state’s unemployment rate was



5.5 percent or less for four consecutive quarters (a one-year period). We cannot estimate when the suspension of AB 32 might end. Figure 1 provides historical perspective on the state's unemployment rate. It shows that, since 1970, the state has had three periods (each about ten quarters long) when the unemployment rate was at or below 5.5 percent for four consecutive quarters or more. The unemployment rate in California for the first two quarters of 2010 was above 12 percent. Economic forecasts for the next five years have the state's unemployment rate remaining above 8 percent. Given these factors, it appears likely that AB 32 would remain suspended for many years.

Various Climate Change Regulatory Activities Would Be Suspended. This proposition would result in the suspension of a number of measures in the Scoping Plan for which regulations either have been adopted or are proposed for adoption. Specifically, this proposition would likely suspend:

- The proposed cap-and-trade regulation discussed above.
- The “low carbon fuel standard” regulation that requires providers of transportation fuel in California (such as refiners and importers) to change the mix of fuels to lower GHG emissions.
- The proposed ARB regulation that is intended to require privately and publicly owned utilities and others who sell electricity to obtain at least 33 percent of their supply from “renewable” sources, such as solar or wind power, by 2020. (The current requirement that 20 percent of the electricity obtained by privately owned utilities come from renewable sources by 2010 would not be suspended by this proposition.)
- The fee to recover state agency costs of administering AB 32.

Much Regulation in the Scoping Plan Would Likely Continue. Many current activities related to addressing climate change and reducing GHG emissions would probably not be suspended by this proposition. That is because certain Scoping

Plan regulations implement laws other than AB 32. The regulations that would likely move forward, for example, include:

- New vehicle emission standards for cars and smaller trucks.
- A program to encourage homeowners to install solar panels on their roofs.
- Land-use policies to promote less reliance on vehicle use.
- Building and appliance energy efficiency requirements.

We estimate that more than one-half of the emission reductions from implementing the Scoping Plan would come because of laws enacted separately from AB 32.

FISCAL EFFECTS

Potential Impacts on California Economy and State and Local Revenues

There would likely be both positive and negative impacts on the California economy if AB 32 were suspended. These economic impacts, in turn, would affect state and local government revenues. We discuss these effects below.

Potential Positive Economic Impacts. The suspension of AB 32 would likely have several positive impacts on the California economy. Suspending AB 32 would reduce the need for new investments and other actions to comply with new regulations that would be an added cost to businesses. Energy prices—which also affect the state's economy—would be lower in 2020 than otherwise. This is because the proposed cap-and-trade regulation, as well as the requirement that electric utilities obtain a greater portion of their electricity supplies from renewable energy sources, would otherwise require utilities to make investments that would increase the costs of producing or delivering electricity. Such investments would be needed to comply with these regulations, such as by obtaining electricity from higher-priced sources than would otherwise be the case. The suspension of such measures by

this proposition could therefore lower costs to businesses and avoid energy price increases that otherwise would largely be passed on to energy consumers.

Potential Negative Economic Impacts. The suspension of AB 32 could also have negative impacts on the California economy. For example, the suspension of some Scoping Plan measures could delay investments in clean technologies that might result in some cost savings to businesses and consumers. Investment in research and development and job creation in the energy efficiency and clean energy sectors that support or profit from the goals of AB 32 might also be discouraged by this proposition, resulting in less economic activity in certain sectors than would otherwise be the case. Suspending some Scoping Plan measures could halt air quality improvements that would have public health benefits, such as reduced respiratory illnesses. These public health benefits translate into economic benefits, such as increased worker productivity and reduced government and business costs for health care.

Net Economic Impact. As discussed previously, only a portion of the Scoping Plan measures would be suspended by the proposition. Those measures would have probably resulted in increased compliance costs to businesses and/or increased energy prices. On the other hand, those measures probably would have yielded public health-related economic benefits and increased profit opportunities for certain economic sectors. Considering both the potential positive and negative economic impacts of the proposition, we conclude that, on balance, economic activity in the state would likely be modestly higher if this proposition were enacted than otherwise.

Economic Changes Would Affect State and Local Revenues. Revenues from taxes on personal and business income and on sales rise and fall because of changes in the level of economic activity in the state. To the extent that the suspension of AB 32 resulted in somewhat higher economic activity in the state, this would translate into an unknown but potentially significant increase in revenues to the state and local governments.

Other Fiscal Effects

Impacts of Suspension of the Cap-and-Trade Regulation. The suspension of ARB's proposed cap-and-trade regulation could have other fiscal effects depending on how this regulation would otherwise have been designed and implemented. One proposed approach provides for the auctioning of emission allowances by the state to emitters of GHGs. This approach would increase costs to affected firms doing business in the state, as they would have to pay for allowances. Such auctions could result in as much as several billion dollars of new revenues annually to the state that could be used for a variety of purposes. For example, depending on future actions of the Legislature, the auction revenues could be used to reduce other state taxes or to increase state spending for purposes that may or may not be related to efforts to prevent global warming. Thus, the suspension of AB 32 could preclude the collection by the state of potentially billions of dollars in new allowance-related payments from businesses.

Potential Impacts on State and Local Government Energy Costs. As noted above, the suspension of certain AB 32 regulations would likely result in lower energy prices in California than would otherwise occur. Because state and local government agencies are large consumers of energy, the suspension of some AB 32-related regulations would reduce somewhat state and local government energy costs.

Impacts on State Administrative Costs and Fees. During the suspension of AB 32, state administrative costs to develop and enforce regulations pursuant to AB 32 would be reduced significantly, potentially by the low tens of millions of dollars annually. However, during a suspension, the state would not be able to collect the fee authorized under AB 32 to pay these administrative costs. As a result, there would no

longer be a dedicated funding source to repay loans that have been made from certain state special funds to support the operation of the AB 32 program. This would mean that other sources of state funds, potentially including the General Fund, might have to be used instead to repay the loans. These potential one-time state costs could amount to tens of millions of dollars. Once AB 32 went back into effect, revenues from the AB 32 administrative fee could be used to pay back the General Fund or other state funding sources that were used to repay the loans.

In addition, once any suspension of AB 32 regulations ended, the state might incur some additional costs to reevaluate and update work to implement these measures that was under way prior to the suspension.



CITY COUNCIL AGENDA REPORT

DATE: 9/8/2010

AGENDA OF: 9/14/2010

DEPARTMENT: City Council

SUBJECT: AB 32 Implementation Efforts: SB 375 and the Clean Cars Program – Resolution of Support. (CN)

RECOMMENDATION: Resolution supporting SB 375 and the Clean Cars Program, two significant steps toward fulfilling the goals of AB 32, the Global Warming Solutions Act of 2006, as it pertains to the transportation sector.

BACKGROUND: If the Global Warming Solutions Act of 2006 (AB 32, Nuñez), California's landmark environmental law, is to succeed, it will do so via the California Air Resources Board (CARB). Authorized by AB 32 to regulate all of California's greenhouse gas (GHG) emissions, CARB's scope and effectiveness are crucial to AB 32's success. With vehicle emissions comprising over 40 percent of California's GHG, regulations over automobile industry and transportation are of paramount interest. SB 375 (Steinberg, 2008) and CARB's Clean Cars Program are essential steps in this process, and are necessary early stages in reaching AB 32's final goal of only 20 percent of 1990 GHG emission levels in 2050.

SB 375 and the Clean Cars Program represent two different approaches to regulating the transportation sector. The Clean Cars Program is an evolving approach, currently comprising the ZEV Program and the LEV III Program, which both encourages the use of zero-emission vehicles (ZEV) and low-emission vehicles (LEV), and imposes regulations on the automobile industry to ultimately lower GHG emissions. While still developing, CARB's ZEV and LEV III programs enable California to lead the nation in automobile emissions regulation, impacting environmental standards for vehicles produced throughout the country.

SB 375 is no less essential to the success of AB 32, and lays out a framework through which local governments can coordinate to achieve its goals. Working primarily through CARB, SB 375 establishes the Regional Targets Advisory Committee, where GHG emissions targets are set for each region with consideration for resources, economic impact, and input from metropolitan planning organizations, developers and other stakeholder groups. That set, a Sustainable Communities Strategy is prepared within the Regional Transportation Plan, which sets forth a vision for growth with regards to transportation and housing. Though primarily concerned with GHG emissions, this vision is meant to apply beyond environmental concerns. The reach of SB 375 extends beyond regional planning. Steps are taken to require cooperation between single-purpose state agencies to coordinate GHG emissions concerns that are relevant to more than one agency. Regional transportation planning agencies are directed to accommodate

more rural areas, particularly in the spirit of reducing GHG emissions. Financial incentives, both through adhering to provisions of SB 375 and through other environmental legislation, are provided for cooperating regions. SB 375 was signed by the Governor and chaptered into law under the State Government Code in September 2008.

DISCUSSION: Climate change is a legitimate threat that requires government action. SB 375 and the Clean Cars Program are indispensable tools to reduce GHG emissions and preserve California's environment and public health. While the goals of AB 32 are steep, efforts like SB 375 and the Clean Cars Program represent a strong, effective, measured and collaborative approach to achieving them. With serious public health concerns over polluted air and more serious long-term concerns over the dangers of climate change, California cannot afford to do less.

FISCAL IMPACT: None.

Submitted by:

Mike Rotkin
Mayor

Don Lane
Councilmember

ATTACHMENTS:

Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
SUPPORTING SB 375, THE CLEAN CARS PROGRAM AND THE CALIFORNIA AIR
RESOURCES BOARD'S LEADERSHIP IN DEVELOPING AND IMPLEMENTING
STRATEGIES FOR REDUCING EMISSIONS FROM MOTOR VEHICLES TO ACHIEVE
AB 32 CLIMATE ACTION GOALS

WHEREAS, higher temperatures resulting from global warming can create conditions that are ideal for the formation of ground-level ozone, a pollutant that causes severe adverse health impacts, including asthma attacks, hospitalizations and even premature deaths, and without significant actions the State of California faces billions of dollars in public health damages; and

WHEREAS, California is expected to face more intense heat waves, more frequent droughts, flooding, agricultural losses, greater energy demand and the potential loss of trillions of dollars in real estate due to sea level rise, increased wildfires and rising temperatures associated with global warming; and

WHEREAS, California depends on petroleum for 97 percent of its transportation needs and motor vehicles are significant emitters of ozone precursors, particulates and air toxics – the single largest anthropogenic source of global warming causing greenhouse gas emissions in California; and

WHEREAS, California's Clean Cars (AB 1493: Pavley, 2002), Low Emission Vehicle (LEV) and Zero Emission Vehicle (ZEV) programs reduce petroleum consumption, support new jobs and investments in California's emerging green economy and spur innovation in low and zero emission vehicles; and

WHEREAS, the California Legislature enacted Senate Bill 375 (SB 375: Steinberg, 2008) to encourage integrated land use and transportation planning that supports air quality and public health goals and emphasizes reductions in vehicle miles traveled and greenhouse gas emissions by promoting alternatives to driving, such as practical walking, biking and mass transit options; and

WHEREAS, California's history of national leadership is critical to protecting public health, creating a new green economy and spurring action on global warming pollution nationally.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby supports the State of California and the California Air Resources Board in its efforts to reduce criteria air pollutants and greenhouse gas emissions from motor vehicles while also advancing public health, air quality, the environment and the green economy in California.

BE IT FURTHER RESOLVED that the City Council encourages the State of California and the California Air Resources Board to establish ambitious regional greenhouse gas reduction targets as envisioned by SB 375 and to work with local governments to promote integrated land use and transportation planning that supports air quality and public health goals.

RESOLUTION NO. NS-

BE IT FURTHER RESOLVED that the City Council encourages the State of California and the California Air Resources Board to continue its national and international leadership role in promoting clean vehicle technologies by moving forward quickly to develop and adopt expanded Low Emission Vehicle (LEV III) standards to reduce criteria air pollutants and greenhouse gases and to strengthen the state's Zero Emission Vehicle (ZEV) and Clean Fuels Outlet (CFO) infrastructure programs to protect the health of California's economy, environment and its people.

BE IT FURTHER RESOLVED that the Mayor is directed to transmit a copy of this resolution to the California Air Resources Board, State Senator Simitian, Assemblymember Monning and Governor Schwarzenegger.

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 2010-17

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING TITLE 21, ADDING CHAPTER 21.06 TO THE SANTA CRUZ MUNICIPAL
CODE PERTAINING TO REGULATION OF RESIDENTIAL RENTAL INSPECTION AND
MAINTENANCE PROGRAM, AND REPEALING CHAPTER 21.01.020

BE IT ORDAINED By The City Of Santa Cruz As Follows:

Section 1: Chapter 21.06 is hereby added to the Santa Cruz Municipal Code to read as follows:

Chapter 21.06
Residential Rental Dwelling Unit Inspection and Maintenance Program

Sections:

- 21.06.010 Findings and Purpose.
- 21.06.020 Definitions.
- 21.06.030 Scope.
- 21.06.040 Residential Rental Dwelling Unit Inspection Program Registration.
- 21.06.050 Residential Rental Dwelling Unit Inspection Program Initial Phase.
- 21.06.060 Residential Rental Dwelling Unit Inspection Program Fees.
- 21.06.070 Inspections.
- 21.06.080 Self-Certification Program.
- 21.06.090 Refusal to Permit Inspection.
- 21.06.100 Retaliatory Eviction.
- 21.06.110 Change of Ownership.
- 21.06.120 Regulations Nonexclusive.
- 21.06.130 Appeals.
- 21.06.140 Conflicts.

21.06.010 Findings and Purpose. The City Council finds and declares that there exist in the City substandard, over-crowded and/or unsanitary residential rental buildings and dwelling units, the physical conditions and characteristics of which violate state and local building, housing and sanitation codes and ordinances and render them unfit or unsafe for human occupancy and habitation. These residential rental buildings and units are detrimental to or jeopardize the health, safety, and welfare of their occupants and of the public and serve to seriously compromise the integrity and residential quality of City neighborhoods through such factors as deferred property maintenance, overcrowding, a proliferation of vehicles attributable to the multiple tenants who rent these properties and the accumulation of excess trash and debris on or about the properties. It has been observed by City staff performing code enforcement functions that in general the most egregious violations of health and safety codes and negative impacts as a result of overcrowding are experienced in rental housing.

The City Council further finds and declares that the existence of such substandard residential rental buildings and dwelling units threatens the social stability and economic integrity of the neighborhoods which host these buildings; necessitates disproportionate expenditures of public funds for code enforcement and remedial action; impairs the efficient and economical exercise of

governmental powers and functions; and disrupts peaceful and quiet enjoyment of residential areas and neighborhoods.

The City Council further finds and declares the desire to safeguard the stock of decent, safe and sanitary rental housing in the City through a partnership of owners, tenants, the City and the community. The Santa Cruz Housing Element calls for consideration of a self-funding, proactive inspection program for rental units.

The rental inspection program required by this chapter is intended to address the conditions described in the first paragraph of this section. The purpose of this chapter is to proactively identify such substandard and unsafe residential buildings and dwelling units and to ensure the rehabilitation or elimination of those buildings and dwelling units that do not meet minimum building code and housing code standards, or are not safe to occupy or do not comply with zoning codes. It is intended that structures will be required to be maintained in a safe and sanitary condition at the level consistent with the codes of the period in which they were constructed. However, unpermitted additions and alterations must comply with current codes adopted by the City of Santa Cruz unless otherwise allowed by the Historic Building Code. This chapter is further intended to preserve and enhance the quality of life for residents living in such rental buildings and dwelling units and the neighborhoods which host these structures.

21.06.020 Definitions.

As used in this chapter, the following terms and phrases are defined as follows:

A. "Building, housing and sanitation codes or ordinances" shall refer to: the current adopted codes specified in Title 18 of the Santa Cruz Municipal Code, the California Fire Code and International Fire Code, all as modified, adopted and codified in the Santa Cruz Municipal Code. The phrase "building, housing and sanitation codes or ordinances" shall also refer to the City of Santa Cruz Zoning Ordinance as codified at Title 24 of the Santa Cruz Municipal Code, the City of Santa Cruz Subdivision Ordinance as codified at Title 23 of the Santa Cruz Municipal Code, and all provisions of California statutory law and the Santa Cruz Municipal Code pertaining to property-related sanitation, health, safety and nuisance, as well as state regulations promulgated pursuant to California statutory law, for which the City has enforcement authority.

B. "Director" shall refer to the City's Director of Planning and Community Development.

C. "Owner" shall mean any person who owns one (1) or more residential rental dwelling units.

D. "Person" means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization or entity, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. The terms "person", "owner", "operator," and "landlord" may herein be used interchangeably.

E. "Residential Rental Dwelling Unit" shall mean a building or portion of a building that is rented or leased to tenants for residential purposes on a non-transient basis (when one or more tenants reside on the property or rents or leases the property for thirty consecutive days or

longer) and which is owned in whole or in part by a landlord. This shall include but not be limited to single family residences, duplexes, triplexes, apartment houses, townhouse dwellings, condominiums, boarding houses, lodging houses, rooming houses, single room occupancy units, small ownership units, hotel and motel units, sober living facilities, fraternities, sororities, and dormitories in the City of Santa Cruz.

21.06.030 Scope.

A. The provisions of this Chapter shall apply to all owners of one (1) or more residential rental dwelling units located within the City of Santa Cruz.

B. The provisions of this Chapter shall not apply to: legal accessory dwelling units; rooms rented to single individuals in an owner-occupied single family residence; hotel or motel units subject to the transient occupancy tax ordinance codified at Chapter 3.28 of this Code; units inspected by another governmental authority for housing and safety standards; newly constructed multiple dwelling units (including townhouse dwelling groups and condominiums projects that are rented) for a period of five (5) years from the issuance of Certificate of Occupancy; and mobile home parks.

21.06.040 Residential Rental Dwelling Unit Inspection Program Registration.

A. Each owner or operator, on behalf of the owner, shall initially register for the residential rental dwelling unit inspection program on a form provided by the City's Planning and Community Development Department. Initial registration of residential rental dwelling units which are subject to this Chapter shall be due within sixty (60) days of January 1, 2011. Registration of residential rental dwelling units which become subject to this Chapter after the effective date of this Chapter shall be due within sixty (60) days of the date that the residential rental dwelling unit was acquired or converted into a residential rental dwelling unit after January 1, 2011.

B. All registrations shall be subject to verification by the Director. All information on said registrations shall be submitted under penalty of perjury. Any person who makes a false statement in the registration or submits false information in connection with a registration shall be guilty of an infraction.

C. Each owner or operator, on behalf of the owner, may apply for the Residential Rental Dwelling Unit Inspection and Maintenance Self-Certification Program ("Self-Certification Program") on a form provided by the City's Planning and Community Development Department.

21.06.050 Residential Rental Dwelling Unit Inspection Program Initial Phase. During the first three (3) years of the Residential Rental Dwelling Unit Inspection Program compliance inspections by City inspectors will be conducted only on residential rental dwelling units which are in violation of any building, housing or sanitation codes or ordinances consistent with Section 21.06.030 above, or on residential rental dwelling units requested for inspection by the owner. During this three (3) year Program Initial Phase all other provisions of this Chapter, including but not limited to registration requirements, Program fees, Self-Certification procedures will be in effect.

21.06.060 Residential Rental Dwelling Unit Inspection Program Fees.

A. Each annual registration for the residential rental dwelling unit inspection program shall be accompanied by a non-refundable fee in the amount established by resolution of the City Council. The fee shall be used to defray the costs of the administration and enforcement of this Chapter.

B. If a residential rental dwelling unit is approved in the Self-Certification Program an annual self-certification fee in the amount established by resolution of the City Council will be required. The fee shall be used to defray the costs of the administration and enforcement of the Program. If a residential rental dwelling unit is not approved in the Self-Certification Program an annual inspection fee for an annual inspection in the amount established by resolution of the City Council will be required. The annual inspection fee includes the cost of the annual inspection and one compliance reinspection, if necessary. If the owner fails to correct any found violations by the first compliance reinspection, the owner shall pay a reinspection fee for the second and subsequent compliance reinspections in the amount established by resolution of the City Council. All fees are non-refundable.

C. The annual residential rental dwelling unit program fee shall be levied for the calendar year and each applicant must pay the full fee for the calendar year upon submission of the application for that year's residential rental dwelling unit registration. For residential rental dwelling units which become subject to this Chapter after July 1 of the calendar year, program fees shall be reduced by one-half.

D. The residential rental dwelling unit program fee required by this Chapter is in addition to and not in lieu of any general business license tax that might be required by Chapter 5.04 of this Code.

E. Penalty.

1. Failure to Pay Annual Fee. In addition to any remedies the City may elect to pursue pursuant to Title 4 of this Code, for failure to pay the annual residential rental dwelling unit program fee when due, the Director of Finance shall add a penalty of twenty (20) percent of the permit fee on the first day of the month following the due date and ten (10) percent for each month thereafter while the fee remains unpaid, provided that the amount of the penalty shall not exceed fifty (50) percent of the amount of the fee due.

2. Failure to Register. If an owner fails to register for the residential rental dwelling unit inspection program as required by this Chapter the fee due shall be that amount due and payable from the first date when the person engaged in the residential rental business in the City after the effective date of this Chapter, together with the penalty prescribed in subsection (D)(1).

21.06.070 Inspections.

A. In accordance with the requirements of this Section the City shall be authorized to periodically conduct an inspection of residential rental dwelling units to assure compliance with all applicable building, housing and sanitation codes and ordinances. Owners shall provide

access to all required areas of a residential rental property for inspection within twenty-one (21) calendar days of an inspection request from the City's Planning and Community Development Department. This time period may be extended upon the approval of the Director or his or her designee. If the residential rental dwelling unit is legally occupied by a tenant or other occupant, the owner shall notify the tenant or occupant and request that the tenant or occupant allow the inspection. The owner shall not be in violation of this Section if the tenant or occupant refuses to allow the inspection.

B. Frequency of Inspections.

1. Initial Inspections.

a. It is the intent of the City that all residential rental dwelling units subject to this Chapter as of the effective date of this Chapter and not eligible for the Self-Certification Program will receive an annual inspection, subject to the twenty-one (21) day notice required by subsection A., commencing the first year of program after January 1, 2011.

b. Well-maintained properties eligible to participate in the Self-Certification Program will have reduced inspections as outlined in Section 21.06.080 for a period of five (5) years as long as the residential rental dwelling units' condition do not deteriorate during that time to the extent that the property would no longer meet the Self-Certification eligibility standards.

c. Any residential rental dwelling unit which becomes subject to this Chapter after January 1, 2011 shall receive an inspection within ninety (90) days of the date of registration, if not eligible for Self-Certification Program.

2. Subsequent Inspections.

a. If during the inspection or any subsequent inspection there are building, housing or sanitation code or ordinance violations, or permit violations, on the property which prevent the City inspector from issuing a rental housing inspection certification one or more reinspections of the property may be required before a rental housing inspection certification is issued.

C. Code Enforcement. When during an inspection a building, housing or sanitation code or ordinance violation is noted, as a courtesy prior to undertaking formal code enforcement action, the City inspector shall document the violation, advise the owner or operator of the violation and of the action which must be undertaken and completed in order to remedy the violation and schedule a re-inspection to verify correction of the violation. If upon re-inspection the violation has not been corrected, the City inspector may report the violation for code enforcement pursuant to Title 4 of this Code. If upon receipt of the courtesy notice from the City inspector, the owner or operator advises that he or she will not proceed to correct the violation, the violation shall then be immediately reported for code enforcement.

D. Rental Housing Inspection Certification. Upon the successful completion of an inspection, subsequent inspection or re-inspection of the residential rental dwelling unit establishing that the property and its occupancy are in compliance with all applicable building, housing and sanitation

code or ordinance requirements, the City shall issue to the owner or operator a rental housing inspection certification verifying code/ordinance compliance and specifying a one or, for properties which qualify for the Self-Certification Program, a five year time period during which the certification will remain valid and during which the residential rental dwelling unit shall not be subject to a subsequent inspection. Notwithstanding the foregoing a rental housing inspection certification shall not preclude code enforcement or investigation on the property if during the rental housing inspection certification period a code violation on the property is reported to the City or otherwise observed by the City on the property.

21.06.080 Self-Certification Program

A. Well-maintained properties with no existing violations of building, housing and sanitation codes or ordinances or no past violations of building, housing and sanitation codes or ordinances within the past three (3) year period may qualify to participate in the Residential Rental Dwelling Unit Inspection and Maintenance Self-Certification Program (“Self-Certification Program”).

B. For qualifying participants, the number of inspections will be limited to twenty (20) percent of the total units on each property or limited to an inspection of one-unit total in residential rental dwelling units consisting of three (3) units, including multiple single family dwellings at separate locations, not more often than once every of five (5) years, provided the residential rental dwelling units’ conditions do not deteriorate during that time to the extent that the property would no longer meet the property eligibility standards. If violations are found, more or all of the owner’s units may be inspected. The owner shall be required to pay an annual non-refundable Self-Certification Fee and conduct an annual self-inspection of each residential rental dwelling unit as discussed below.

C. Upon receipt of the request to participate in the Self-Certification Program, the Director shall determine if the residential rental dwelling units have not had any code violations over the past three (3) years. If the application qualifies the owner or operator, on behalf of the owner, shall pay the Self-Certification Program annual non-refundable fee and the Director shall schedule the reduced inspections as outlined in B. above for the next five (5) years.

D. In order to maintain eligibility in the Self-Certification Program, the owner or operator, on behalf of the owner, shall conduct an annual self-inspection of all the residential rental dwelling units, including exterior conditions and site conditions, and certify under penalty of perjury that the conditions at the property achieve the minimum standards listed on the Self-Certification Program Checklist. All information on said Self-Certification Checklist shall be submitted under penalty of perjury. Any person who makes a false statement in the Self-Certification Checklist or submits false information in connection with a Self-Certification Checklist shall be guilty of an infraction. The owner shall not be in violation of this section if the tenant or occupant refuses to allow the Self-Certification inspection by the owner. The owner shall provide the City a signed statement from the tenant/occupant that the inspection was refused. If the tenant refuses to sign the statement, the owner shall provide proof, under penalty of perjury, that a request to inspect was served and it was not permitted by the tenant.

E. If the Director determines that a residential rental dwelling unit is not eligible to participate in the Self-Certification Program, then all the residential rental dwelling units on a

same property shall be inspected and the owner shall be assessed the full annual inspection fee established by resolution of the City Council.

F. Each owner or operator, on behalf of the owner, shall be required to maintain a copy of the annual signed and dated Self-Certification Program Checklist for each unit for the five (5) year period and provide said list within seventy-two (72) hours upon request of the Director or his/her designee. Failure to maintain complete signed checklists may result in disqualification from the Self-Certification Program for all rental properties of that owner for a period of up to three (3) years. A copy of the annual signed and dated Self-Certification Program Checklist shall be provided to the tenant(s) of each residential rental dwelling unit inspected within five (5) working days upon request of the tenant(s).

G. Nothing in the Self-Certification Program shall be construed or interpreted as limiting the City's authority to investigate and compel the abatement of any building, housing and sanitation codes or ordinance violations.

H. Any property that participates in the Self-Certification Program may be removed from the program for three (3) years, at any time if that property fails to meet all of the interior and exterior standards designated on the Self-Certification Program Checklist or fails to meet building, housing and sanitation codes or ordinances as defined in this Chapter. Each owner or operator, on behalf of the owner, will be given reasonable time by the Director to correct the violations and remain in the Self-Certification Program. This time period could be 30 to 90 days, however for immediate life safety violations the time lines will be less to address the urgency of the situation. Upon removal from the program, the difference between the Self-Certification Program fee and full annual program fee shall be due and payable.

21.06.090 Refusal to Permit Inspection.

A. If an inspection is scheduled and entry is thereafter refused or cannot be obtained, the inspector shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises, including but not limited to securing an inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50 through 1822.57. The inspector shall provide notice that a warrant has been issued to both the owner/operator and the tenant or occupant at least twenty-four (24) hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary under the circumstances shown.

B. Notwithstanding the foregoing, if the inspector has reasonable cause to believe that the residential rental dwelling unit is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the inspector shall have the right to immediately enter and inspect the premises and may use any reasonable means required to effect the entry and make an inspection.

21.06.100 Retaliatory Eviction. It shall be unlawful for a landlord to recover possession of a residential rental dwelling unit in retaliation against a tenant for exercising his or her right to file a complaint with the City advising that a building, housing or sanitation code or ordinance violation or permit violation may exist on the property.

21.06.110 Change of Ownership. When ownership of a residential rental dwelling unit changes, either the prior owner shall notify the Director of this event prior to the consummation of the sale or recordation of an instrument of conveyance with the Santa Cruz County Recorder's office or the new owner within sixty (60) days after consummation of the sale or recordation of an instrument of conveyance with the Santa Cruz County Recorder's office. If the Director is not so notified, the existing rental housing inspection certification for the residential rental dwelling unit shall automatically terminate and be null and void. The new owner will not have to pay the program fees until the following calendar year provided all fees were paid by for the residential rental dwelling unit.

21.06.120 Regulations Nonexclusive. The provisions of this Chapter regulating residential rental dwelling unit are not intended to be exclusive and compliance with this Chapter shall not excuse noncompliance with any other applicable provision, requirement, or regulation of this Code or any applicable state and federal law. Nothing in this Chapter shall limit or preclude inspection conducted by the Fire Department inspectors for compliance with Fire Codes.

21.06.130 Appeals.

A. Any appeal of a decision by a City inspector or other City official that a residential rental dwelling unit is in violation of a building, housing or sanitation codes or ordinances is appealable pursuant to the procedures set forth in this subsection. The appeal must be in writing and filed within ten (10) calendar days from the date of the decision with the appeal fee established by resolution of the City Council. The appeal shall specifically identify the decision which is the subject of that appeal and the reasons why, in the appellant's opinion, the decision is clearly erroneous. Failure of the Director to receive a timely notice of appeal constitutes a waiver of the right to contest any such decision. In this event, the decision is final and binding. Appeals under this subsection shall be heard as follows:

1. The hearing shall be conducted by an Administrative Hearing Officer in accordance with the procedures outlined in Chapter 4.20 and 4.22 of this Code. The Hearing Officer shall consider all relevant evidence including, but not limited to, applicable staff reports, and objections or protests relative to the decision.

2. Upon the conclusion of the hearing, the Hearing Officer shall, on the basis of the evidence presented at the hearing, determine whether the decision should be upheld, or whether the decision was clearly erroneous and therefore should be modified or reversed. The determination of the Hearing Officer shall be final.

3. A copy of the Hearing Officer's decision shall be served upon the owner or operator of the residential rental dwelling unit by United States mail or by personal delivery.

B. Any appeal of technical building or fire code decisions or determination made by a City inspector or other City official after consultation with the chief building official and/or fire marshal shall be conducted by the Board of Building and Fire Appeals in accordance with the provisions and procedures set forth in Chapter 18.41 of this Code.

ORDINANCE NO. 2010-17

21.06.140 Conflicts. If the provisions, requirements, or regulations of this Chapter conflict with or contravene any other provision, requirement, or regulation of this Code, the provisions, requirements, or regulations of this Chapter shall prevail as to all matters and questions arising out of the subject matter of this Chapter.

Section 2: Chapter 21.01.020 is hereby repealed from the Santa Cruz Municipal Code.

Section 3: If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

Section 4: This ordinance shall take effect and be in force thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 3rd day of August, 2010 by the following vote:

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

NOES: None.

ABSENT: Councilmembers Madrigal, Robinson.

DISQUALIFIED: None.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 2010-17

PASSED FOR FINAL ADOPTION this 7th day of September, 2010, by the following vote:

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

NOES: Councilmember Madrigal.

ABSENT: Councilmember Beiers.

DISQUALIFIED: None.

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 2010-17 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: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Water

SUBJECT: Water Supply Project - Design of Seawater Reverse Osmosis (SWRO)
Desalination Facility - Award of Contract. (WT)

RECOMMENDATION: Motion to authorize the City Manager to execute an agreement with Camp Dresser & McKee, Inc. (CDM) of Walnut Creek, California in the amount of \$4,134,464 for the preparation of the plans and specifications for the proposed SWRO Desalination Facility.

BACKGROUND: 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.

In March 2007 the scwd2 Desalination Task Force (scwd2), which is comprised of elected officials from the City of Santa Cruz and the Soquel Creek Water District, was formed to provide direction on the investigative components of the desalination program; oversee public outreach activities; and to develop an operational plan and governance structure should the decision be made to proceed with a full-scale SWRO desalination plant.

The scwd2 Desalination Program is comprised of a series of investigations relevant to a SWRO Desalination Facility:

- In November 2005, the City contracted with 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. This project component is complete.
- In March 2007, the City contracted with Archibald Consulting to perform a Watershed Sanitary Survey as required by the California Department of Public Health. This project component is complete.
- 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. Both studies should be complete by mid-September.
- In February 2010, the City contracted with URS Corporation Americas for the preparation of the Environmental Impact Report (EIR) for the proposed SWRO Desalination Facility.
- Contracts for preliminary design of the intake and infrastructure are anticipated in winter/spring 2011.

DISCUSSION: In April 2010, a request for proposals for the design of the SWRO Desalination Facility was issued. Five proposals were received for consideration from Black & Veatch Corporation, Carollo Engineers, CDM, WorleyParsons and MWH.

The selection committee consisted of the City's Engineering Manager, Desalination Program Coordinator and Chief Plant Operator, the District's Program Manager, Public Outreach Coordinator, and Interim Engineering Manager, and two technical advisors from Kennedy/Jenks and Dietrich Consulting.

Evaluation of the proposals was used as a first step in the overall selection process that can include the proposal, interview, follow up questions (either before or after the interview) and on occasion, a follow up interview. The proposal step provided an opportunity to establish a shorter list of firms to be invited to an interview. The areas used to evaluate these proposals are shown on the attached proposal review sheet. Following review of the proposals, four firms were short-listed: Black & Veatch Corporation, Carollo Engineers, CDM and MWH.

Prior to the interview, each firm was given a series of questions specific to its firm and proposal. The questions were responded to in writing and were used to obtain a greater understanding of the skills, experience and ideas presented in each proposal.

Interviews were held on July 19 and 20, 2010. The interview provides the valuable opportunity to receive information from the firm's team members specifically performing and/or responsible for performing the scope of work. During the interview, each firm was asked a series of questions again specific to its firm.

Following all of the interviews and the review team discussion, each firm was ranked based upon its proposal, responses to the written questions and its interview. CDM's overall ranking as the top firm was unanimous.

CDM has submitted a preliminary scope of work, schedule and budget consistent with the RFP and will cover Phases 1 and 2 of the RFP only. Phase 1 may be modified following a needs-based analysis with the EIR consultant; Phase 2 will require a separate Notice to Proceed as well as potential modifications to the scope, schedule and budget based on refined definition of the project following Phase 1; and Phase 3 is not being contracted for at this time; however, should the project proceed to construction, staff would negotiate a scope, schedule and budget with CDM to perform these construction-related services.

CDM will be contracted to the City on behalf of scwd2.

FISCAL IMPACT: Funds for this contract are available in the Water Department's FY 2011 Capital Improvement Program as follows: \$2,894,125 in c700305, Water Supply Project; and \$1,240,339 in c700016, Water Supply Project – SDC for a total of \$4,134,464. According to the Memorandum of Agreement, Soquel Creek Water District will reimburse the City 50% of the cost of this contract.

The budget estimate of \$4,134,464 for Phases 1 and 2 of this work is within the amount anticipated in the scwd2 budget.

Submitted by:

Approved by:

Bill Kocher
Water Director

Martín Bernal
City Manager

ATTACHMENTS: Agreement

City of Santa Cruz
PROFESSIONAL SERVICES AGREEMENT FOR
Seawater Desalination Facility Design – Water Supply Study

THIS AGREEMENT is entered into on _____ (date), by and between the City of Santa Cruz, a Municipal Corporation, hereinafter called "City" and **Camp Dresser & McKee Inc.**, hereinafter called "Consultant".

WHEREAS, City 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 endeavor to obtain prior written authorization for personnel overtime salary at rates higher than those set forth in the attached fee schedule. Should prior written approval not be feasible due to project deadlines, Consultant shall provide verbal notification, followed as quickly as possible, by written authorization.

Non-salary expenses include travel, meals and lodging while traveling, materials (other than normal office supplies), shipping and reproduction costs, equipment rental and other direct, identifiable project related expenses. Markups shall not be charged for non-salary 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. 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.

Prevailing Wage. When applicable and in accordance with Section 7.04 of the City of Santa Cruz Standard Specifications, and as required by §1770 and subsequent sections of the California Labor Code, the Consultant's drilling contractor and all other applicable subcontractors shall pay not less than the prevailing rate of wages as determined by the Director of the California Department of Industrial Relations.

The Consultant must submit to the City, on a monthly basis, certified payroll forms, in the form prescribed by the California Department of Labor Relations for all applicable trades. The form shall list the name, zip code, last four digits of the social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by the Consultant or any subcontractor under him/her, for any work done under the contract.

The Consultant shall forfeit, as a penalty to the City, \$50.00 for each calendar day, or portion thereof, for each worker paid less than the prevailing wage rates, as described above.

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 (Insert Firm Name), 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. Architects' and engineers' coverage to be endorsed to include contractual liability.

Minimum Limits of Insurance

Contractor shall maintain limits no less than:

1. General Liability: (including operations, products and completed operations) **\$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 deductibles or self-insured retentions must be declared to and approved by the City. If possible, the Insurer shall reduce or eliminate such deductibles or self insured retentions as respects the City, its officers, officials, employees and volunteers; or the Contractor shall provide evidence satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

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.

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 Contract Term

Contract Phases The scope of work accompanying this contract is based on two phases, preliminary design and final design. The City retains the right to delay or cancel the contract for any reason including but not limited to the following. 1.) The scwd² Task Force elects to complete the environmental review process before completing design. 2.) The Task Force elects to complete the contract through a design-build delivery model. 3.) The agencies decide not to proceed with the project. Phase 3, construction-related services, is not included in this contract; however, based on a selection process that included Phase 3, City retains the right to negotiate a scope, schedule and budget with Consultant should the project be constructed.

Termination of Contract. If, for any reason, supplier fails to fulfill in a timely and proper manner his or her obligations under the contract, or if supplier violates any of the provisions of this contract, then the City may terminate this contract by giving written notice to supplier of such termination and specify the effective date thereof at least five days before the effective date of such termination. In such event, all finished or unfinished work prepared by supplier under this contract may, at the option of the City, become the City's property and supplier may be entitled to received just and equitable compensation for any satisfactory work.

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

SECTION 15 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. Such documents are not intended or represented to be suitable for reuse by City or others on extensions of the Project or on any other project. Any such reuse without written verification or adaptation by Consultant and Consultant's Subconsultants, as appropriate, for the specific purpose intended will be at City's sole risk and without liability or legal exposure to Consultant, or to Consultant's Subcontractors, and City shall indemnify and hold harmless Consultant and Consultant's Subconsultants from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Consultant to further compensation at rates to be agreed upon by City and Consultant.

Notwithstanding any other provision of this Agreement between Consultant and City or any provision of the scope of work, work assignments, work authorizations, or any amendment issued hereunder, all of Consultant's pre-existing or proprietary information, documents, materials, computer programs, or software developed by Consultant outside of this Agreement shall remain the exclusive property of Consultant.

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:

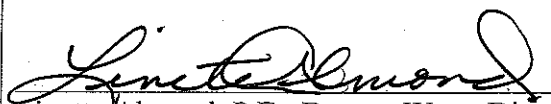
CITY

Martin Bernal
City Manager
809 Center Street
Santa Cruz, CA 95060

CONSULTANT

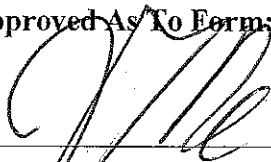
Paul F. Meyerhofer, Senior Vice President
Camp Dresser & McKee Inc.
One Walnut Creek Center
100 Pringle Avenue, Suite 300
Walnut Creek CA 94596

Technical Review by:



Linette Almond, P.E., Deputy Water Director/Engineering Manager

Approved As To Form:



Date: 8-31-10

John G. Barisone, City Attorney

Department Approval by:

Bill Kocher, Water Director

CONSULTANT

By Paul F. Meyerhofer, Senior Vice President

Date

CITY

By Martin Bernal, City Manager

Date

APPENDIX ONE
Scope of Services

scwd² Seawater Desalination Facility Design Scope of Work

August 30, 2010

PHASE 1: PRELIMINARY DESIGN (30-percent level design)

Preliminary design will be developed in such a way as to provide necessary decisions, drawings, calculations, and other information required to develop the Project Description the Project Environmental Impact Report (EIR). The following Phase 1 tasks have been developed based on assumptions regarding the needs of the EIR. Should those needs change, modifications to the scope, schedule and budget may be necessary.

It is anticipated that scwd² will select an intake type and location prior to the time the Consultant begins work on Tasks 1.2 through 1.13. Should this not be the case, Consultant shall develop the preliminary design based on the assumption that an open ocean intake will be used. Consultant shall endeavor to develop a preliminary design that could be economically and efficiently modified should scwd² subsequently select a subsurface intake. Nonetheless, modifications to the scope, schedule and budget may be necessary if such a change in intake type occurs.

Task 1.1 Pre-Treatment Process Evaluation and Recommendation

The Consultant will build on the work done in the SWRO Pilot Test Program to recommend a pretreatment process(es) ahead of the seawater desalination system to meet the project objectives. The three pretreatment technologies evaluated in the pilot SWRO study include the following.

- Clarification and Microfiltration (MF) or Ultrafiltration (UF)
- Clarification and Granular Media Filtration (GMF)
- Slow-Sand Filtration (SSF)

However, a full range of pretreatment alternatives may include:

- coagulation, flocculation, sedimentation, GMF
- coagulation, flocculation, sedimentation, MF/UF
- coagulation, flocculation, Dissolved Air Flotation (DAF), GMF
- coagulation, flocculation, DAF, MF/UF
- coagulation, flocculation, two-stage GMF

- coagulation, flocculation, MF/UF
- coagulation, roughing filter, MF/UF

The Consultant shall prepare preliminary process flow diagrams, design criteria, hydraulics requirements and facilities layouts for the pretreatment system alternatives (from where the seawater enters the facility site to the break-tank ahead of the RO process, including ancillary support systems such as chemical feed and washwater and solids handling). For the purposes of this evaluation, the pretreatment system layouts shall assume a generic level site and shall be focused on determining the different site layout configurations and area requirements for the pretreatment process alternatives to estimate system construction and operation costs and site requirements.

The Consultant shall prepare opinions of construction and operations costs for the pretreatment system alternatives. The alternatives shall be evaluated and compared based on cost and appropriate non-cost factors as articulated in the pilot SWRO report, and the Consultant shall recommend an apparent best pretreatment system alternative.

Activities

- Technical Advisory Committee (TAC) reviews pilot plant report.
- TAC member T. Pankratz conducts Survey of Pretreatment Processes/Performance at SWRO Plants. The survey will include (but not be limited to) SWRO plants which have experienced red tide or algal bloom events. If the data is available, survey will include but is not limited to pretreatment operational data, plant flow, water temperature, biomass content, years in operation, materials of construction, operational challenges, resolutions, etc. Prepare Technical Memorandum (TM) No. 1A- Survey of Pretreatment Processes at SWRO Plants.
- Review data from scwd² intake investigations and Watershed Sanitary Survey.
- Develop a short-list of pretreatment alternatives for two options - 1) open ocean intake, and 2) subsurface intake, at the project Kickoff Workshop (Task 1.14).
- Confirm/modify design criteria for pretreatment processes.
- Collaborate with scwd² to establish evaluation criteria and weighting factors.
- Develop site layouts and area requirements for the short-listed pretreatment alternatives.
- Evaluate the short-listed pretreatment alternatives based on criteria that were jointly established by scwd² and the Consultant.

- Develop capital, construction and operation costs (including membrane replacement costs), and life cycle costs for the short-listed pretreatment alternatives.
- Use decision modeling software to score and rank pretreatment alternatives.
- Prepare TM-1 Pretreatment Process Evaluation. This TM will include the source water quality, pre-treatment objectives, evaluation and comparison of the alternatives, and the recommended pre-treatment process.
- Facilitate Pretreatment Selection Workshop.
- Finalize TM-1.

Deliverables

- *TM-1A Survey of Pretreatment Processes at SWRO Plants*; draft and final.
- Agenda, presentation materials and minutes from Pretreatment Workshop.
- Decision modeling results for Consultant and for scwd².
- *TM-1 Pretreatment Process Evaluation*; draft and final.

Assumptions

- Evaluation of subsurface intake with respect to engineering alternatives, water quality monitoring and analyses, anticipated costs, permitting and other related activities is not included in this scope of work.
- The final *TM-1A Pretreatment Survey* shall be provided as an appendix to TM-1.
- Consultant will facilitate the Pretreatment Selection Workshop approximately two (2) weeks after submitting the draft TM-1. At the workshop, Consultant and scwd² staff will review the draft TM-1 and select the preferred pretreatment process.
- Decision modeling will be conducted with Criterium Decision Plus software.
- Consultant shall develop conceptual-level comparative construction and operating costs for the pretreatment alternatives. These costs will be developed based on equipment unit prices provided by manufacturers, historical costs for similar facilities, land costs, and will include as appropriate contingency factor; these costs should not be used planning or budgeting; preliminary opinions of costs will be developed in more detail under Task 1.12 after the preliminary design has advanced to approximately the 30 percent level.
- Comments from the draft TM-1 and results from the Pretreatment Selection Workshop shall be incorporated into the final TM-1 and the *Preliminary Design Report* described in Task 1.13.

Task 1.2 Desalination Process Preliminary Design

The Consultant will build on the conceptual work done in the Pilot Plant Report to prepare a preliminary process flow diagram, process and instrumentation diagrams, design criteria, hydraulics requirements and facilities component layouts for the remaining seawater desalination facility processes (from the break-tank ahead of the RO process to the connection to the potable distribution system, including ancillary support systems such as chemical feed and brine handling). The desalination process preliminary design shall also include development of an electrical single-line diagram for the facility and evaluation of standby power for the facility

Activities

- Establish operating philosophies and equipment preferences. To initiate this activity, scwd² will provide a memo that specifies plant production needs (including minimum and maximum day production and annual production) and annual operating strategies.
- A functional analysis will be conducted to establish the basis of design for the desalination system design and other critical plant systems with respect to safety factors, level of service, redundant equipment and related criteria.
- Assess impacts of boron and finalize goal and prepare *TM-2A Impacts of Boron and Recommended Goal*; activities will include literature search, contacting local nurseries, and consulting with UCSC agriculture and horticulture experts.
- Facilitate Desalination Design Workshop.
- Prepare *TM-2 Desalination Process Preliminary Design*.

Deliverables

- *TM-2A Impacts of Boron and Recommended Goal*; draft and final.
- *TM-2 Desalination Process Preliminary Design*; draft and final.
- Agenda, presentation materials and minutes from Desalination Design Workshop.

Assumptions

- The final *TM-2A Impacts of Boron and Recommended Goal* shall be provided as an appendix to TM-2.
- The desalination facilities component layouts shall assume a generic level site and shall be focused on preliminary equipment layout configurations and area requirements for the desalination processes to estimate system construction and operation costs and site requirements. Layouts for the RO system shall include space for future modifications to the RO process should regulations and/or source water quality change – e.g., space for partial second pass on the RO process.

- Consultant shall develop conceptual-level comparative construction and operating costs for the desalination design alternatives; these costs should not be used for planning or budgeting; preliminary opinions of costs will be developed in more detail under Task 1.12 after the preliminary design has advanced to approximately the 30 percent level.
- Consultant will facilitate the Desalination Design Workshop approximately two (2) weeks after submitting the draft TM-2. Consultant and the scwd² staff will review the draft *TM-2 Desalination Process Preliminary Design*. Comments will be incorporated into the final TM-2 and *Preliminary Design Report* described in Task 1.13.

Task 1.3 Site Investigations

The Consultant shall evaluate geotechnical conditions at up to three potential project sites to support the EIR process and the preliminary design. It is assumed that the three sites are located in the light industrial area of Santa Cruz. Following selection of the facility site, the Consultant shall conduct geotechnical borings, site surveying and utilities investigations to support the preliminary design of the facility. The Consultant shall submit a hard copy and electronic copy of the site survey and the final geotechnical report to the scwd² for the project records.

Activities:

- Evaluate geotechnical conditions at up to three sites based on information available from previous reports and field work. Following selection of the facility site, conduct geotechnical investigations at one site; include up to 15 soil borings and associated soils testing (Atterberg limits, corrosion analysis, direct shear, R-value, and other relevant laboratory tests). If additional field work is needed, modifications to the scope, schedule and budget will be necessary.
- Prepare site survey of one site; include boundary survey and topographic mapping (1-foot intervals). If additional site survey work is needed, modifications to the scope, schedule and budget will be necessary.
- Prepare Geotechnical Investigations Report (GIR) for one site and develop recommendations for site preparation, grading and compaction; foundations and bearing capacities; retaining walls; backfill requirements for utility trenches; and surface drainage control.
- Conduct Seismic Shaking Hazards Analysis for earthquake ground motions with a 2% chance of being exceeded in 50 years. This analysis will be for one site only.
- Coordinate utilities connections for electric power, gas, telephone, communications, sanitary sewer and potable water.

Deliverables

- Site Survey
- Geotechnical Investigations Report (GIR); draft and final

Assumptions

- Locating underground utilities (potholing) will be limited to the selected site only; and will occur during Phase 2 - Final Design.

Task 1.4 Storm Water Handling Evaluation

The Consultant shall evaluate the impacts of the project with regard to storm water management during construction and after construction, and identify appropriate best management practices to reduce storm water runoff from the facility to meet current storm water regulations. The storm water handling analysis and related project design criteria and concepts shall be summarized in the Preliminary Design Report.

Activities

- Evaluate stormwater issues at up to three potential project sites to support the EIR process.
- Prepare stormwater design calculations and develop design concepts for stormwater handling at the selected site only.

Deliverables

- Design concepts will be presented in the draft *Preliminary Design Report* described in Task 1.13.

Task 1.5 Architectural Concepts and Elevations

The Consultant shall evaluate architectural and landscaping concepts at up to three potential project sites to support the EIR process and the preliminary design. Following selection of the facility site, the Consultant shall work with scwd² staff and the Task Force to select an appropriate architectural style for the project site and to prepare architectural elevations of the buildings and structures of the proposed 2.5 mgd seawater desalination facility to communicate how the overall facility would look including landscape, overall site design, hardscape, etc.

In addition to structures and buildings for the treatment processes, the facility should include an operations and control room, a break/lunch room, a meeting/conference room with space for 25 people, reception area, minimum one office, a laboratory area, lavatories with showers, equipment and component spares storage room, and a maintenance area. scwd² anticipates that community/school groups and the general public will likely want to tour the seawater desalination facility. The overall design of the facility should provide for a modest display area and viewing access for public tours.

scwd² is interested in designing the seawater desalination facility to achieve a US Green Building Council's Leadership in Energy and Environmental Design (LEED) silver, gold certification, or platinum if possible. The Consultant shall summarize the recommended applicable LEED design standards that could be incorporated into the facility.

The Consultant shall prepare artistic renderings (2-D or 3-D) and animation depicting the proposed facility to support public presentations.

Activities

- Develop and evaluate architectural styles for the facility.
- Develop landscaping concepts for the selected project site only.
- Establish LEED Certification goal (Silver, Gold or Platinum) and other sustainability goals; and develop approach to achieve these goals.
- Facilitate an initial meeting to discuss and identify potential architecture and landscaping concepts; solar power goals and options will also be discussed at this meeting.
- Facilitate a second meeting to select the preferred architecture and landscaping concepts; solar power concepts will also be selected at this meeting.

Deliverables

- Artistic renderings (2-D or 3-D) and animations depicting the proposed facility.
- Agendas, presentation materials and minutes for initial and second meeting on architecture/landscaping, and solar power.

Assumptions

- If architectural elevations, renderings, and animations are required for more than one site, modifications to the scope, schedule and budget will be necessary.
- LEED Certification goal and additional sustainability goals will be discussed at the project Kickoff Workshop.
- The two (2) architecture and landscaping meetings will be held immediately before or after two of the scheduled monthly progress meetings; solar power will be discussed at these meetings.
- City of Santa Cruz Planning Department will participate in development and review of architecture and landscape concepts.

Task 1.6 Prepare Preliminary Site Layout Plans

Based on the recommended pre-treatment process developed in Task 1.1 and the other desalination facility components developed in the tasks above, the Consultant shall prepare preliminary site layouts for up to three (3) different project sites to support the project specific California Environmental Quality Act (CEQA) work. For proposal budgeting purposes, assume the three sites are level and located in the light industrial area of Santa Cruz.

Activities

- Conduct site visits and review available geotechnical and surveying information.
- Prepare Preliminary Site Layout Plans for up to three (3) sites.

Deliverables

- Up to three (3) Preliminary Site Layout Plans.

Assumptions

- Consultant shall prepare preliminary site layouts for up to three (3) different project sites to support the project specific CEQA work.
- The Site Survey and Geotechnical Investigations Report will be conducted for the selected site only as described in Task 1.3 Site Investigations

Task 1.7 Assistance with Project Specific EIR CEQA Work

The Consultant shall provide as needed assistance related to the facility design and layout to scwd² staff and other project consultants to support the project specific CEQA work. The as needed assistance could include answering questions and attending coordination meetings and/or public meetings.

Activities

- Provide project specific information as requested by the scwd² Program Coordinator, Task Force and/or EIR consultant.
- Prepare for and attend staff meetings and public meetings as the budget allows.
- Prepare for and attend one (1) meeting with California Coastal Commission to discuss anticipated requirements for the project with respect to the treatment plant.

Deliverables

- As budget allows, provide deliverables as requested by scwd² and EIR consultant that may include but are not limited to: 2-D or 3-D plant renderings (and also the animations that are described in Task 1.5), responses to questions submitted during public comment or in response to specific requests from other agencies; technical information related to the site, anticipated traffic, construction activities, noise and lighting.

- Agenda, presentation materials and minutes for meeting with Coastal Commission.

Assumptions

- Task 1.7 activities limited to approximately 160 hours and a not-to-exceed budget of \$38,187. Consultant will not provide any additional deliverables or attend any additional meetings once this budget is reached.
- EIR consultant and scwd² will develop CEQA documents and coordinate CEQA activities for all activities related to: intake; raw water conveyance and pumping; treatment facilities; treated water storage; pumping and distribution; brine conveyance and discharge; and residuals disposal.
- Up to four (4) representatives from the Consultant Team will attend the public meetings; likely participants will include Consultant Project Manager, SWRO Expert, EHDD Lead Architect and JLJA Lead Landscape Architect.

Task 1.8 Overall Desalination Facility Preliminary Design

Following selection of the facility site, the Consultant shall prepare a preliminary design of the overall 2.5 mgd seawater desalination facility.

The preliminary design shall include tabulated, detailed design criteria and preliminary design drawings developed to an overall project design level of approximately 30-percent. scwd² expects that some preliminary design drawings, such as P&IDs, will be developed to a greater degree of completion to support the overall project design level of approximately 30-percent.

The Consultant shall conduct a code analysis for the facility and structures that covers appropriate mechanical, structural, electrical and architectural codes. The code analysis and related project design criteria shall be summarized in the Preliminary Design Report.

As part of the preliminary design, the Consultant shall develop hydraulic profiles through the seawater desalination facility processes. The profiles should include the primary pretreatment and desalination processes, the brine storage and discharge system, and the washwater and solids handling processes.

The 30-percent design drawing package may include:

- Flow and mass balance for minimum and peak flows (including tabulated design criterion);
- General: Hydraulic profile
- Civil: Facilities site plans, grading plan and sections, solids handling area site plans, piping plans and profiles

- Mechanical: Intake pump station, facility overall mechanical plans and elevations, pretreatment, SWRO system, post-treatment, product water pump station, residuals management
- Architectural: Site elevations, building office plans, landscaping.
- Structural: Floor slab plans, building foundations, framing plans
- Electrical: Site plan, 15 kV single line diagram, 4.2 kV single line diagram, 480V single line diagrams, pretreatment, SWRO, post treatment electrical site plans, general building electrical.
- Instrumentation: Intake pump station, concentrate disposal, pretreatment system, residuals management system, SWRO process, energy recovery system, post-treatment, chemical storage and delivery systems

The desalination facilities component layouts shall assume a generic level site and shall be focused on preliminary equipment layout configurations and area requirements for the desalination processes to estimate system construction and operation costs and site requirements.

Activities

- Conduct code reviews- structural, architecture, fire, plumbing, HVAC, etc.
- Develop preliminary design drawings
- Prepare design calculations
- Coordinate preliminary design with regulatory agencies; attend up to six (6) design meetings with scwd² staff and/or regulatory agencies.

Deliverables

- Thirty percent design drawings. The number and type of drawings will be similar to the list in Consultant's proposal dated May 27, 2010.
- Agendas, presentation materials and minutes from all meetings with scwd² and regulatory review agencies.

Assumptions

- Consultant will meet with the following agencies to discuss design requirements and concepts: Santa Cruz Fire Department, Santa Cruz Building Department; Santa Cruz Planning Department; CA Department of Public Health (CDPH); California Coastal Commission; Santa Cruz Public Works Department.
- First design review meeting will occur approximately six (6) weeks or half-way through the preliminary design; the second design review meeting will occur approximately two (2) weeks after the draft Preliminary Design Report (PDR) is

submitted to scwd² for review. One meeting will be held in Santa Cruz and one meeting will be held at Consultant's Walnut Creek office.

- Design of intake pump station is not included in this scope of work.
- For budgeting purposes, assume that the pretreatment process is dissolved air floatation clarification followed by pressure membrane filtration, and the washwater and solids handling system is clarification, thickening and solids drying beds.

Task 1.9 Materials and Corrosion Control Recommendations

The Consultant will prepare a TM that summarizes recommended materials of construction and corrosion control approaches for internal and external process piping, valves, tanks and equipment, as well as for facility buildings and structures. The Consultant will submit the draft TM to the scwd² staff for review. This TM will be incorporated into the overall facility design report described in a separate Task below.

Activities

- Prepare TM No. 9- Materials and Corrosion Control Recommendations.

Deliverables

- *TM-9 Materials and Corrosion Control Recommendations*; draft and final.

Assumptions

- Comments from the draft *TM-3 Materials and Corrosion Control Recommendations* shall be incorporated into the *Preliminary Design Report* described in Task 1.13.

Task 1.10 Solar Power Evaluation

The Consultant shall build on work done in the Energy Minimization and Greenhouse Gas Reduction Study and evaluate opportunities and costs for incorporating solar power into the proposed desalination facility, including solar photovoltaic panels on the roofs of structures and tanks, solar photovoltaic panels over parking or other areas and solar heating of membrane cleaning water. The Consultant will submit the draft TM to the scwd² staff for review. This TM will be incorporated into the overall facility design report described in a separate Task below.

Activities

- As part of Task 1.5, Architectural Concepts and Elevations, facilitate a meeting to discuss the goals and options for implementing solar power at the Desalination Plant.
- Prepare TM- 10 Solar Power Evaluation.

Deliverables

- *TM-10 Solar Power Evaluation*; draft and final.

Assumptions

- Specific goals for solar power, LEED Certification and additional sustainability goals will be developed at the project Kickoff Workshop (Task 1.14) and refined at the initial meeting to discuss architecture and landscaping concepts as described in Task 1.6.
- Comments from the draft *TM- 10 Solar Power Evaluation* shall be incorporated into the *Preliminary Design Report* described in Task 1.13.

Task 1.11 Prepare Bid Documents for Pre-Treatment Membrane System Pre-Selection

For the purposes of this scope of work, the pretreatment system is assumed to be membrane filtration. If another process is selected, this task would be removed from the preliminary design phase.

The Consultant shall prepare appropriate specifications, drawings and contract documents to competitively bid and pre-select the membrane filtration system for the 2.5 mgd seawater desalination facility. The pre-selected membrane equipment and associated bid price would be assigned to the overall project construction contract.

Activities

- Meet with potential suppliers of the pretreatment membranes.
- Prepare Pre-Treatment Membrane Bid Documents.

Deliverables

- Pre-Treatment Membrane Bid Documents; draft and final
- Bid evaluation and recommendation memorandum; final only (to be conducted during Phase 2)

Assumptions

- Capital, operating and life-cycle costs will be considered in the evaluation of pre-treatment membranes.
- The Consultant shall submit 10 hard copies and an electronic PDF copy of the draft membrane system pre-selection documents and will meet with the scwd² staff to review the documents. Comments from the draft documents shall be incorporated into a final document. The Consultant shall submit 10 hard copies and an electronic PDF copy of the final membrane system pre-selection documents.
- The following services are not included in Task 1.11 and will be done in phase 2:

- Bid-documents will be finalized to incorporate any changes or decisions made after the completion of Phase 1.
- Issue bid documents, answer potential bidders' questions, evaluate bids and prepare a memorandum that summarizes the bids and presents a recommendation to scwd² for procurement
- The Consultant shall provide bid period assistance to scwd² to answer questions and review the submitted membrane system bids.
- The Consultant shall review the membrane system shop drawings to ensure conformity with the specifications.

Task 1.12 Prepare a Preliminary Level Opinion of Construction and Operating Costs and Construction Schedule

The Consultant shall prepare an opinion of construction and operating cost for the proposed 2.5 mgd seawater desalination facility based on the 30-percent preliminary design. The construction cost will be developed based on methods described by the Association for the Advancement of Cost Engineering (AACE) for a class 3 cost estimate. The Consultant shall prepare a schedule of the estimated time for construction of the facility.

Activities

- Develop preliminary level opinion of construction cost
- Develop preliminary level opinion of operating costs
- Develop preliminary implementation/construction schedule
- Participate in Value Engineering (VE) Workshop conducted by another consultant under contract to scwd²; incorporate recommendations into final construction and operating cost estimates and final PDR.

Deliverables

- Preliminary level opinion of construction cost; draft and final.
- Preliminary level opinion of operating costs; draft and final.
- Preliminary implementation/construction schedule.
- Responses to Pre-Design VE Recommendations

Assumptions

- Preliminary level opinions of construction cost and operating costs will be summarized in the PDR; detailed information will be provided as appendices to the PDR.

- Costs for land acquisition, legal fees, funding expenses, project administration, permits and other project costs will not be included in the construction costs unless provided by scwd² and/or footnoted as assumed values for overall preliminary analyses.
- Labor rates, chemical costs, energy costs and other costs currently incurred by scwd² will be provided to Consultant as a basis for unit costs for this project.
- Schedule will be prepared using MS Project.
- Preliminary Design Value Engineering Workshop will be facilitated by an outside consultant (not on the Consultant Team) and under contract to scwd²; the draft PDR will serve as the primary review document for the VE participants; the VE facilitator will prepare minutes and recommendations.
- Schedule information with respect to related projects (e.g., intake, brine disposal, EIR, etc.), funding, land acquisition, permitting and other related activities will be provided by scwd².

Task 1.13 Prepare Preliminary Design Report

The Consultant shall prepare an initial Draft Preliminary Engineering Design Report that summarizes the tasks above, describes the facility design and costs, and describes how the overall seawater desalination treatment process will produce water meeting state and federal drinking water regulations. The report shall include the preliminary design drawings developed to an overall project design level of approximately 30-percent. The report shall also include descriptive control strategies for the desalination facility processes. This Preliminary Engineering Design Report will be submitted to CDPH in support of the City's application for an amended water supply permit for a new source of supply.

The Consultant shall submit 10 hard copies and an electronic PDF copy of the report at each submittal and will meet with the scwd² staff to review the draft report. Comments from the draft report shall be incorporated into a final draft report. The final draft report will be submitted to CDPH for review and comment. The Consultant will meet with the scwd² and CDPH staff to review the comments on the final draft report.

The Consultant shall incorporate appropriate comments on the final draft report and submit a final report to scwd² staff.

Activities

- Prepare Preliminary Design Report; draft and final.
- Facilitate two (2) preliminary design workshops.

Deliverables

- Preliminary Design Report; draft and final

- Written responses to VE Workshop Recommendations.
- Agendas, presentation materials and minutes for meetings with scwd² staff and CDPH.

Task 1.14 Phase 1 Project Management and Quality Control

This task includes all general project management efforts required to organize the Consultant's Project Team, assign and control work, and report progress to scwd² for the Preliminary Design Phase of the work. This task includes:

- coordinating and managing tasks,
- preparation of monthly invoicing done in accordance with established Procedures; and,
- notifying the Program Coordinator of issues that may affect the cost, progress, and/or schedule at the earliest opportunity
- providing appropriate quality control reviews for the Consultant's work products and deliverables

The Consultant Project Manager will conduct progress meetings to discuss the scope of work and project schedule. Progress meetings can be either in person or by teleconference.

Activities

- Prepare for and conduct Kick-off Meeting; prepare minutes
- Develop Work Plan
- Prepare progress reports and invoices
- Monitor scope, schedule and budget
- Share project documents using Central Desktop.
- Attend six (6) monthly progress meetings; these meetings may overlap with other meetings.
- Conduct weekly project status teleconferences with a call in number provided by Consultant.
- Technical review in addition to specific reviews done during each task.

Deliverables

- Work Plan; draft and final

- Six (6) monthly progress reports and invoices
- Presentation materials (Kickoff, scwd² Task Force, others).

Assumptions

- Kickoff Workshop will be held in Santa Cruz and will include the development of the project objectives, treatment capacities, operating conditions and constraints and other information that will be used in the basis of design.
- Work Plan will be revised prior to each of the three phases of work.
- Up to four (4) additional meetings will be conducted.
- Duration of Phase 1 will not exceed 6-months and will be continuous.

Task 1.15 Allowance for Additional Water Quality Analysis, Site Investigations, Design Development, EIR Assistance, and Meetings

The purpose of this subtask is to provide additional water quality analysis, site investigations, design development (e.g., additional architectural concepts, site layouts, additions to desalination plant treatment process, etc.), EIR assistance, meetings and/or related activities as requested by scwd², CDPH, the California Coastal Commission, Regional Water Quality Control Board, or other agencies.

Activities:

At the request of the scwd² program coordinator, Consultant will prepare a proposal to perform specific additional water quality analysis, site investigations, design development (e.g., additional architectural concepts, site layouts, additions to desalination plant treatment process, etc.), EIR assistance, meetings and/or related activities. Consultant will begin work only after the scwd² provides written authorization to proceed.

Work Elements:

- For each request from the scwd² program coordinator, prepare a proposal that includes:
 - Subtask description and objectives.
 - Scope of services.
 - Schedule.
 - Budget.

Assumptions:

- The scwd² program coordinator will provide Consultant with written authorization to prepare a proposal. scwd² must provide written authorization for each subtask before Consultant begins work.

Deliverables:

- Consultant will submit a written proposal for each out of scope subtask.
- scwd² program coordinator will submit to Consultant written documentation authorizing Consultant to begin work or instructing Consultant not to work on the proposed subtask.
- Consultant will include revisions to the project scope in the appropriate Monthly Progress Report and Monthly Invoice.

PHASE 2a: 60% DESIGN

Following completion of Phase 1, the contract may be delayed or cancelled for one of three reasons: 1.) The scwd² Task Force elects to complete the environmental review process before completing design. 2.) The scwd² Task Force elects to complete the contract through a design-build delivery model. 3.) The agencies decide not to proceed with the project.

Should the project continue, and following receipt of a Notice to Proceed, the consultant shall complete Phase 2a tasks as follows.

Task 2a.1 Prepare 60-Percent Design Drawings

Consultant will design the plant using 3 D and 4 D design methodology where a model of the plant is developed from data inputs for all the components of the facility. Under Task 2a.1, the 3 D model and drawings shall be advanced to an overall project design level of approximately 60-percent complete.

The 60-percent design model and drawings shall include tabulated, detailed design criteria, hydraulic profiles through the seawater desalination facility processes, piping schedules, and general, civil, architectural/landscape, structural, mechanical, electrical, and process and instrumentation drawings.

The Consultant shall submit 15 half-size hard copies and an electronic PDF copy of the 60-percent design drawings for review by scwd² staff and outside construction manager (CM) to support a value engineering and constructability review of the project. The Consultant shall meet with scwd² staff to review the 60-percent design drawings, specifications and costs.

Activities

- Advance design of 3-D model to 60% complete
- Prepare 60% Design Drawings and 3-D Renderings

- Prepare for and conduct 60% Design Review Meeting

Deliverables

- 60% Design Drawings
- 60% Design Submittal Review Meeting.
- Responses to scwd² comments on 60% Design Submittal
- Agenda, presentation material, and minutes from design review meeting.

Assumptions

- Review meeting with scwd² staff and CM to review the 60-percent design drawings, specifications and costs will occur approximately three (3) weeks after Consultant submits the 60% Design Submittal and one (1) week after Consultant submits the 60% Design Level Opinion of Construction and Operating Costs and Construction Schedule.
- One (1) set of written comments on the 60% Design Submittal will be prepared by scwd² and submitted to Consultant approximately two (2) weeks after receiving the 60% Design Submittal, and one (1) week before the 60% Design Review Meeting.
- The 60% Design Review Meeting will be held at Consultant's Walnut Creek office to facilitate interaction with the 3-D model design team via video conferencing.
- Design modifications resulting from scwd² and CM review comments will be incorporated into the 95% Design Submittal in Task 2b.

Task 2a.2 Prepare 60-Percent Design Technical Specifications

The Consultant shall prepare 60-percent design level technical specifications in CSI format for the facility process equipment, pumps, piping and major valves. The Consultant shall also prepare draft Control Strategies for the seawater desalination facility processes.

The Consultant shall submit 15 hard copies and an electronic PDF copy of the technical specifications for review by scwd² staff and to support a value engineering and constructability review of the project.

Activities

- Prepare 60% Design Technical Specifications
- Prepare draft control strategies (that shall be included in 60% design technical specifications)

Deliverables

- 60% Design Technical Specifications

Assumptions

- 60% Design Technical Specifications will be submitted concurrently with the 60% Design Drawings
- Review of the 60% Design Technical Specifications will occur with the 60% Design Review Meeting.
- One (1) set of written review comments from scwd² and CM for the 60% Design Submittal will be submitted to Consultant.

Task 2a.3 Prepare a 60-Percent Design Level Opinion of Construction and Operating Costs, and Construction Schedule

The Consultant shall prepare a detailed opinion of construction and operating cost for the proposed 2.5 mgd seawater desalination facility based on the 60-percent design. The construction cost will be developed based on methods described by the association for the advancement of cost engineering (AACE) for a class 2 cost estimate. The Consultant shall prepare a schedule of the estimated time for construction of the facility.

Consultant shall submit 15 hard copies and an electronic PDF copy of the opinion of costs for review by scwd² staff and CM; and to support a value engineering and constructability review of the project.

Activities

- Prepare 60% Design Level Opinion of Construction Cost
- Prepare 60% Design Level Opinion of Operating Cost
- Prepare 60% Design Level Construction Schedule
- Prepare *TM-5 Summary of 60% Design Level Engineer's Opinion of Construction and Operating Costs and Construction Schedule*

Deliverables

- *TM-5 Summary of 60% Design Level Engineer's Opinion of Construction and Operating Costs and Construction Schedule; draft and final.*

Assumptions

- Consultant will submit the draft TM-5 to scwd² approximately two (2) weeks after delivering 60% Design Submittal, and approximately one (1) week before the 60% Design Review Meeting.
- Review of the 60% Design Level Construction and Operating Costs and Construction Schedule will occur with the 60% Design Review Meeting.

- One (1) set of written review comments from scwd² and CM for the 60% Design Submittal will be submitted to Consultant.

Task 2a.4 Assist with Value Engineering Workshop

The Consultant shall assist the scwd² staff in presenting the 60-percent design to a third party value engineering and constructability review team in a workshop setting. Assume that the Consultant Project Manager and Project Engineer, at a minimum, would present and participate for two days of the value engineering workshop.

The Consultant shall review the Value Engineering recommendations and assist the scwd² staff in responding to the Value Engineering recommendations.

Activities

- Prepare for and participate in a two (2) day Value Engineering Workshop.
- Prepare responses to VE recommendations and incorporate recommendations accepted by scwd² as directed.

Deliverables

- Responses to VE recommendations.

Assumptions

- Consultant Project Manager and one design engineer shall present and participate for two days of the value engineering workshop.
- Additional Consultant team members shall be available to answer questions presented by the third party VE team; a list of questions shall be prepared by the VE team on the first day of the workshop and Consultant will answer the questions on the second day of the VE workshop (to the extent possible).

Task 2a.5 Phase 2a Project Management and Quality Control

This task includes all general project management efforts required to organize the Consultant's Project Team, assign and control work, and report progress to scwd² for the 60% Design Phase of the work. This task includes:

- coordinating and managing tasks,
- preparation of monthly invoicing done in accordance with City Procedures; and,
- notifying the Program Coordinator of issues that may affect the cost, progress, and/or schedule at the earliest opportunity
- providing appropriate quality control reviews for the Consultant's work products and deliverables

The Consultant Project Manager will conduct progress meetings to discuss the scope of work and project schedule.

Activities

- Prepare for and conduct 60-Percent Design Kick-off Meeting; prepare minutes.
- Revise Work Plan.
- Prepare progress reports and invoices.
- Monitor scope, schedule and budget.
- Share documents using Central Desktop.
- Attend three (3) monthly progress meetings; these meetings may overlap with other meetings.
- Conduct weekly project status teleconferences with a call in number provided by Consultant.
- Technical review.

Deliverables

- Revised Work Plan.
- Four (4) monthly progress reports and invoices
- Meeting minutes as required.

Assumptions

- The 60-Percent Design Kickoff Meeting will be held in Santa Cruz and will address design processes, schedule, reviews and related issues.
- Duration of Phase 2a will not exceed four (4) months and will be continuous.

Task 2a.6 Allowance for Additional Water Quality Analysis, Site Investigations, Design Development, EIR Assistance, and Meetings

The purpose of this subtask is to provide additional water quality analysis, site investigations, design development (e.g., additional architectural concepts, site layouts, additions to desalination plant treatment process, etc.), EIR assistance, meetings and/or related activities as requested by scwd², CDPH, the California Coastal Commission, Regional Water Quality Control Board, or other agencies.

Activities:

At the request of the scwd² program coordinator, Consultant will prepare a proposal to perform specific additional water quality analysis, site investigations, design development (e.g., additional architectural concepts, site layouts, additions to desalination plant treatment process, etc.), EIR assistance, meetings and/or related activities. Consultant will begin work only after the scwd² provides written authorization to proceed.

Work Elements:

- For each request from the scwd² program coordinator, prepare a proposal that includes:
 - Subtask description and objectives.
 - Scope of services.
 - Schedule.
 - Budget.

Assumptions:

- The scwd² program coordinator will provide Consultant with written authorization to prepare a proposal. scwd² must provide written authorization for each subtask before Consultant begins work.

Deliverables:

- Consultant will submit a written proposal for each out of scope subtask.
- scwd² program coordinator will submit to Consultant written documentation authorizing Consultant to begin work or instructing Consultant not to work on the proposed subtask.
- Consultant will include revisions to the project scope in the appropriate Monthly Progress Report and Monthly Invoice.

PHASE 2b: FINAL DESIGN

Following completion of Phase 2a, the contract may be delayed or cancelled for one of three reasons: 1.) The scwd² Task Force elects to complete the environmental review process before completing design. 2.) The scwd² Task Force elects to complete the contract through a design-build delivery model. 3.) The agencies decide not to proceed with the project.

Should the project continue, and following receipt of a Notice to Proceed, the consultant shall complete Phase 2b tasks as follows.

Task 2b.1 Prepare 95-Percent Design Drawings

The Consultant shall incorporate appropriate recommendations from the value engineering review and prepare the 3 D model of the plant and construction design drawings to an overall project design level of approximately 95-percent.

The 95-percent design drawings shall include tabulated, detailed design criteria, hydraulic profiles through the seawater desalination facility processes, piping schedules, and general, civil, landscape, architectural, structural, mechanical, electrical, and process and instrumentation drawings.

The Consultant shall submit 15 half-size hard copies and an electronic PDF copy of the 95-percent design drawings for review by scwd² staff and to support the building permit review for the project. The Consultant shall meet with scwd² staff to review the 95-percent design drawings, specifications and costs.

Activities

- Advance design of 3-D model to 95% complete.
- Prepare 95% Design Drawings.
- Prepare for and conduct 95% Design Review Meeting.

Deliverables

- 95% Design Drawings and 3-D Renderings.
- Responses to scwd² comments on 95% Design Submittal.

Assumptions

- Consultant shall meet with scwd² staff at to review the 95-percent design drawings, specifications and costs. The workshop will occur approximately three (3) weeks after Consultant submits the 95% Design Submittal and one (1) week after Consultant submits the 95% Design Level Opinion of Construction and Operating Costs and Construction Schedule.
- One (1) set of written comments on the 95% Design Submittal will be prepared by scwd² and submitted to Consultant approximately two (2) weeks after receiving the 95% Design Submittal, and one (1) week before the 95% Design Review Meeting.
- The 95% Design Review Meeting will be held at Consultant's Walnut Creek office to facilitate interaction with the 3-D model design team via video conferencing.
- Design modifications resulting from scwd² review comments will be incorporated into the Final Design (Bid) Documents.

Task 2b.2 Prepare 95-Percent Design Contract Documents and Technical Specifications

The Consultant shall prepare 95-percent design level technical specifications, revised control strategies, recommended startup sequence and division 0 and division 1 contract documents in CSI format, for competitive bidding and construction of the 2.5 mgd seawater desalination facility.

The Consultant shall submit 15 hard copies and an electronic PDF copy of the contract documents and technical specifications for review by scwd² staff and to support the building permit review for the project.

Activities

- Prepare 95% Design Technical Specifications and Contract Documents.
- Prepare revised draft control strategies.
- Prepare draft startup sequence.

Deliverables

- 95% Design Technical Specifications and Contract Documents

Assumptions

- 95% Design Technical Specifications and Contract Documents will be submitted concurrently with the 95% Design Drawings
- Review of the 95% Design Technical Specifications will occur with the 95% Design Review Meeting.
- One (1) set of written review comments from scwd² and CM for the 95% Design Submittal will be submitted to Consultant.

Task 2b.3 Prepare a 95-Percent Design Level Opinion of Construction and Operating Costs and Construction Schedule

The Consultant shall prepare a detailed opinion of construction and operating cost for the proposed 2.5 mgd seawater desalination facility based on the 95-percent design. The construction cost will be developed based on methods described by the association for the advancement of cost engineering (AACE) for a class 1 cost estimate. The Consultant shall prepare a schedule of the estimated time for construction of the facility.

The Consultant shall submit 5 hard copies and an electronic PDF copy of the opinion of costs for review by scwd² staff.

Activities

- Prepare 95% Design Level Opinion of Construction Cost.

- Prepare 95% Design Level Opinion of Operating Cost
- Prepare 95% Design Level Construction Schedule
- Prepare *TM-6 Summary of 95% Design Level Engineer's Opinion of Construction and Operating Costs and Construction Schedule*

Deliverables

- TM-6 Summary of 95% Design Level Engineer's Opinion of Construction and Operating Costs and Construction Schedule; draft and final.

Assumptions

- Consultant will submit the draft TM-6 to scwd² approximately two (2) weeks after delivering 95% Design Submittal, and approximately one (1) week before the 95% Design Review Meeting.
- Review of the 95% Design Level Construction and Operating Costs and Construction Schedule will occur with the 95% Design Review Meeting .
- One (1) set of written review comments from scwd² and CM for the 95% Design Submittal will be submitted to Consultant.

Task 2b.4 Prepare Final Contract Documents, Drawings and Specifications

The Consultant shall incorporate appropriate comments from the building review process and prepare final contract documents, drawings and specifications for competitive bidding. The contract documents shall be stamped and signed by a licensed engineer in the state of California.

The Consultant shall submit one (1) full size copy on mylar, 10 half-size copies, and an electronic PDF copy of the final stamped drawings. The Consultant shall submit one (1) loose copy set-up for double sided reproduction, 10 bound copies, and an electronic PDF copy of the final contract documents.

Activities

- Complete the 3-D model of the plant.
- Complete final design drawings.
- Complete final technical specifications and bid documents.
- Include the required infrastructure for plant start-up and the recommended sequencing for plant commissioning and start-up in the contract documents.

Deliverables

- Final Contract Documents.

Task 2b.5 Phase 2b Project Management and Quality Control

This task includes all general project management efforts required to organize the Consultant's Project Team, assign and control work, and report progress to scwd² for the Final Design Phase of the work. This task includes:

- coordinating and managing tasks,
- preparation of monthly invoicing done in accordance with City Procedures; and,
- notifying the Program Coordinator of issues that may affect the cost, progress, and/or schedule at the earliest opportunity.
- providing appropriate quality control reviews for the Consultant's work products and deliverables

The Consultant Project Manager will conduct progress meetings to discuss the scope of work and project schedule. Progress meetings can be either in person or by teleconference.

Activities

- Prepare for and conduct 95-Percent Design Kick-off Meeting; prepare minutes.
- Revise Work Plan.
- Prepare four (4) progress reports and invoices.
- Monitor scope, schedule and budget.
- Share documents using Central Desktop.
- Attend four (4) monthly progress meetings; these meetings may overlap with other meetings.
- Conduct weekly project status teleconferences with a call in number provided by Consultant.
- Technical review.

Deliverables

- Revised Work Plan
- Four (4) monthly progress reports and invoices
- Meeting minutes as required.

Assumptions

- The Final Design Kickoff Meeting will be held in Santa Cruz and will address design processes, schedule, reviews and related issues.
- Duration of Phase 2b will not exceed four (4) months and will be continuous.

Task 2b.6 Allowance for Additional Water Quality Analysis, Site Investigations, Design Development, EIR Assistance, and Meetings

The purpose of this subtask is to provide additional water quality analysis, site investigations, design development (e.g., additional architectural concepts, site layouts, additions to desalination plant treatment process, etc.), EIR assistance, meetings and/or related activities as requested by scwd², CDPH, the California Coastal Commission, Regional Water Quality Control Board, or other agencies.

Activities:

At the request of the scwd² program coordinator, Consultant will prepare a proposal to perform specific additional water quality analysis, site investigations, design development (e.g., additional architectural concepts, site layouts, additions to desalination plant treatment process, etc.), EIR assistance, meetings and/or related activities. Consultant will begin work only after the scwd² provides written authorization to proceed.

Work Elements:

- For each request from the scwd² program coordinator, prepare a proposal that includes:
 - Subtask description and objectives.
 - Scope of services.
 - Schedule.
 - Budget.

Assumptions:

- The scwd² program coordinator will provide Consultant with written authorization to prepare a proposal. scwd² must provide written authorization for each subtask before Consultant begins work.

Deliverables:

- Consultant will submit a written proposal for each out of scope subtask.
- scwd² program coordinator will submit to Consultant written documentation authorizing Consultant to begin work or instructing Consultant not to work on the proposed subtask.

- Consultant will include revisions to the project scope in the appropriate Monthly Progress Report and Monthly Invoice.

APPENDIX TWO
Fees and Payments

scwd² Seawater Desalination Facility Design
Budget August 30, 2010

PROJECT TASKS	Water Consultants Int'l. Inc.			EHDD Architecture			Jon L. Janicki & Assoc.			Wilson, Irigo & Assoc.			Pacific Great Engr Inc.			Bowman & Williams			Univ of CA Santa Cruz - Kuddala								
	Sub No. 1		Sub No. 2		Sub No. 3		Sub No. 4		Sub No. 5		Sub No. 6		Sub No. 7		Sub No. 8		Sub No. 9		Sub No. 10								
	Labor Totals	ODC	TOTAL	Labor Totals	ODC	TOTAL	Labor Totals	ODC	TOTAL	Labor Totals	ODC	TOTAL	Labor Totals	ODC	TOTAL	Labor Totals	ODC	TOTAL	Labor Totals	ODC	TOTAL						
PHASE 1: PRELIMINARY DESIGN (50-Percent Level Design)																											
Task 1.1 Pre-Treatment Process Evaluation and Recommendation	70	\$97,750	\$2,200	\$71,950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.2 Desalination Process Preliminary Design	60	\$19,500	\$2,200	\$15,700	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.3 Water Treatment Preliminary Design	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.4 Storm Water Hydrology Evaluation	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.5 Architectural Concepts and Elevations	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.6 Prepare Preliminary Site Layout Plans	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.7 Assurance with Project Specific EIR CEQA Work	80	\$16,000	\$0	\$16,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.8 Overall Desalination Facility Preliminary Design	20	\$4,500	\$0	\$4,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.9 Storm Water Management Preliminary Design	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.10 Storm Water Management Preliminary Design	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.11 Pre-Treatment Membrane System Pre-Selection and Operating Costs and Construction Schedule	40	\$9,000	\$0	\$9,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.12 Prepare a Preliminary Level Opinion of Construction and Operating Costs and Construction Schedule	16	\$3,600	\$0	\$3,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.13 Prepare Preliminary Design Report	16	\$3,600	\$0	\$3,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.14 Project Management and Quality Control	16	\$3,600	\$0	\$3,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 1.15 Phase 1 Allowance (10% of Phase 1 Tasks)																											
PHASE 2: DESIGN (TOTAL OF PHASES 2a AND 2b)																											
Task 2.1 Prepare 60-Percent Design Drawings	40	\$9,000	\$3,000	\$27,750	480	\$72,000	\$2,430	\$19,800	\$1,500	\$21,600	\$96	\$21,600	\$1,500	\$22,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2a.1 Prepare 60-Percent Design Drawings	40	\$9,000	\$3,000	\$27,750	480	\$72,000	\$2,430	\$19,800	\$1,500	\$21,600	\$96	\$21,600	\$1,500	\$22,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2a.2 Prepare 60-Percent Design Technical Specifications	0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2a.3 Prepare a 60-Percent Design Level Opinion of Construction and Operating Costs, and Construction Schedule	0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2a.4 Schedule	0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2a.5 Phase 2 Project Management and Quality Control	10	\$2,250	\$0	\$2,250	24	\$3,600	\$200	\$3,600	\$0	\$0	6	\$1,200	\$0	\$1,200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2a.6 Phase 2 Allowance (10% of Phase 2a Tasks)	20	\$4,500	\$0	\$4,500	6	\$1,200	\$100	\$1,200	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
PHASE 2b: FINAL DESIGN																											
Task 2b.1 Prepare 85-Percent Design Drawings	100	\$22,600	\$3,000	\$25,600	686	\$104,400	\$6,400	\$110,800	104	\$27,600	\$2,000	\$29,600	40	\$9,000	\$0	\$9,000	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2b.1 Prepare 85-Percent Design Drawings	100	\$22,600	\$3,000	\$25,600	686	\$104,400	\$6,400	\$110,800	104	\$27,600	\$2,000	\$29,600	40	\$9,000	\$0	\$9,000	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2b.2 Prepare 85-Percent Design Contract Documents and Technical Specifications	40	\$9,000	\$0	\$9,000	478	\$71,400	\$3,700	\$75,100	120	\$18,000	\$2,000	\$20,000	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2b.3 Prepare a 85-Percent Design Level Opinion of Construction and Operating Costs and Construction Schedule	0	\$0	\$0	\$0	16	\$2,400	\$0	\$2,400	6	\$1,200	\$0	\$1,200	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2b.4 Prepare final Contract Documents, Plans and Schedule	0	\$0	\$0	\$0	180	\$27,000	\$2,600	\$29,600	40	\$9,000	\$0	\$9,000	16	\$3,600	\$0	\$3,600	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2b.5 Phase 2 Project Management and Quality Control	20	\$4,500	\$0	\$4,500	6	\$1,200	\$100	\$1,200	0	\$0	\$0	\$0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0					
Task 2b.6 Phase 2 Allowance (10% of Phase 2b Tasks)																											
TOTALS- PHASES 1 AND 2	520	\$117,000	\$ 8,200	\$ 125,200	1,996	\$ 298,400	\$ 17,230	\$ 316,630	672	\$ 106,800	\$ 6,000	\$ 106,800	224	\$ 50,600	\$ 2,000	\$ 52,400	\$ 63,120	\$ 15,600	\$ 83,120	844	\$ 139,712	\$ 9,000	\$ 148,712	844	\$ 12,000	\$ 600	\$ 12,600

scwd³ Seawater Desalination Facility Design
Budget August 30, 2010

PROJECT TASKS	JDH Corrosion Consultants Inc.				SUBCONSULTANT TOTALS				TASK TOTALS	
	Labor Totals		Sub No. 8		SUBCONSULTANT TOTAL		LABOR			ODC
	hours	\$	hours	\$	hours	\$	hours	\$		
PHASE 1: PRELIMINARY DESIGN (30-Percent Level Design)	202	\$30,300	\$2,100	\$32,400	2,617	\$450,850	\$44,850	\$1,434,221		
Task 1.1 Pre-Treatment Process Evaluation and Recommendation	0	\$0	\$0	\$0	119	\$23,070	\$300	\$105,114		
Task 1.2 Desalination Process Preliminary Design	0	\$0	\$0	\$0	140	\$28,500	\$3,200	\$126,722		
Task 1.3 Site Investigations	0	\$0	\$0	\$0	576	\$74,080	\$24,000	\$111,238		
Task 1.4 Civil/Structural Engineering Evaluation	0	\$0	\$0	\$0	128	\$10,152	\$0	\$38,872		
Task 1.5 Stormwater Management and Pollution Control	0	\$0	\$0	\$0	271	\$40,305	\$2,500	\$15,823		
Task 1.6 Prepare Preliminary Site Layout Plans	0	\$0	\$0	\$0	82	\$12,278	\$0	\$8,183		
Task 1.7 Assistance with Project Specific EIR/CEQA Work	56	\$8,400	\$0	\$8,400	272	\$48,560	\$0	\$233,710		
Task 1.8 Overall Desalination Facility Preliminary Design	56	\$8,400	\$2,000	\$10,400	110	\$18,000	\$2,000	\$29,832		
Task 1.9 Materials and Corrosion Control Recommendations	0	\$0	\$0	\$0	40	\$6,000	\$4,100	\$22,692		
Task 1.10 Solar Power Evaluation	0	\$0	\$0	\$0	24	\$4,200	\$0	\$9,041		
Task 1.11 Prepare Preliminary Level Option of Construction and Operating Costs and Construction Schedule	0	\$0	\$0	\$0	24	\$4,200	\$0	\$9,041		
Task 1.12 Prepare Preliminary Level Option of Construction and Operating Costs and Construction Schedule	56	\$8,400	\$1,000	\$9,400	148	\$24,000	\$4,000	\$132,254		
Task 1.13 Prepare Preliminary Design Report	0	\$0	\$0	\$0	48	\$6,400	\$1,000	\$134,812		
Task 1.14 Phase 1 Project Management and Quality Control	0	\$0	\$0	\$0	48	\$6,400	\$4,000	\$130,384		
Task 1.15 Phase 1 Allowance (10% of Phase 1 Tasks)	0	\$0	\$0	\$0	48	\$6,400	\$4,000	\$130,384		
PHASE 2: DESIGN (TOTAL OF PHASES 2a AND 2b)	264	\$9,600	2,100	\$11,700	2,686	\$470,485	\$23,783	\$2,700,242		
PHASE 2a: 80-PERCENT DESIGN	116	\$17,400	\$1,000	\$18,500	1,184	\$211,840	\$10,153	\$1,134,968		
Task 2a.1 Prepare 80-Percent Design Drawings	86	\$13,200	\$1,000	\$14,200	938	\$739,032	\$7,500	\$653,570		
Task 2a.2 Prepare 80-Percent Design Technical Specifications	24	\$3,600	\$0	\$3,600	224	\$42,272	\$1,300	\$148,098		
Task 2a.3 Prepare a 80-Percent Design Level Option of Construction and Operating Costs, and Construction Schedule	0	\$0	\$0	\$0	52	\$7,760	\$0	\$84,310		
Task 2a.4 Assess with Value Engineering Workshop	0	\$0	\$0	\$0	42	\$7,056	\$200	\$39,811		
Task 2a.5 Phase 2a Project Management and Quality Control	4	\$600	\$100	\$700	40	\$7,500	\$200	\$129,043		
Task 2a.6 Phase 2a Allowance (10% of Phase 2a Tasks)	0	\$0	\$0	\$0	40	\$7,500	\$200	\$129,043		
PHASE 2b: FINAL DESIGN	148	\$22,200	\$1,000	\$23,200	1,502	\$258,645	\$13,630	\$1,565,274		
Task 2b.1 Prepare 95-Percent Design Drawings	100	\$15,000	\$1,000	\$16,000	895	\$143,000	\$9,700	\$707,204		
Task 2b.2 Prepare 95-Percent Design Contract Documents and Technical Specifications	24	\$3,600	\$0	\$3,600	194	\$24,872	\$0	\$144,910		
Task 2b.3 Prepare a 95-Percent Design Level Option of Construction and Operating Costs and Construction Schedule	0	\$0	\$0	\$0	44	\$6,560	\$0	\$82,398		
Task 2b.4 Prepare Final Contract Documents, Plans and Specifications	24	\$3,600	\$0	\$3,600	360	\$55,000	\$2,600	\$354,402		
Task 2b.5 Phase 2b Project Management and Quality Control	0	\$0	\$0	\$0	28	\$5,760	\$100	\$104,068		
Task 2b.6 Phase 2b Allowance (10% of Phase 2b Tasks)	0	\$0	\$0	\$0	28	\$5,760	\$100	\$104,068		
TOTALS: PHASES 1 AND 2	468	\$69,900	\$4,200	\$74,100	5,303	\$921,985	\$68,453	\$4,134,464		

Camp Dresser & McKee Inc.
 Billing Rate Schedule
 Effective January 1, 2010

PROFESSIONAL AND SUPPORT SERVICES	HOURLY RATES
Vice President/Senior Vice President	\$60.00 – 95.00
Principal, Associate & Engineer/Scientist (Grade 7 & 8)	48.00 – 82.00
Senior Engineer/Scientist (Grade 6)	42.00 – 72.00
Engineer/Scientist (Grade 4 & 5)	32.00 – 54.00
Staff Engineer/Scientist (Grade 1, 2, & 3)	25.00 – 40.00
Draftsperson/Designer	18.00 – 50.00
Contract/Project Administrator	25.00 – 42.00
Technical Editor	25.00 – 42.00
Secretary/Word Processor	19.00 – 40.00
Administrative Assistant	17.00 – 36.00
Technician/Clerk	15.00 – 24.00

Hourly rates will be multiplied by 3.20 for billing purposes.

The above are based on regular rates current at the time of execution of this Agreement. If the regular rates of the employee are increased during the life of this Agreement, billing and payment will be at the increased regular rates for the applicable period of time.

Other Direct Costs

Other reimbursable direct costs shall be billed at 1.00 times actual cost. These reimbursable costs include, but are not limited to:

- Travel: Air Fare, Auto Rental, Local Mileage (\$0.55/mile or current IRS limit)
- Subsistence: Lodging and Meals
- Communications: Long Distance and Cellular Telephone, Fax, Postage, and Courier Services
- Printing: Internal Reproduction, \$1.00/sheet Color); Outside Printing Services
- Computer and Word Processing Services
- Equipment Rental

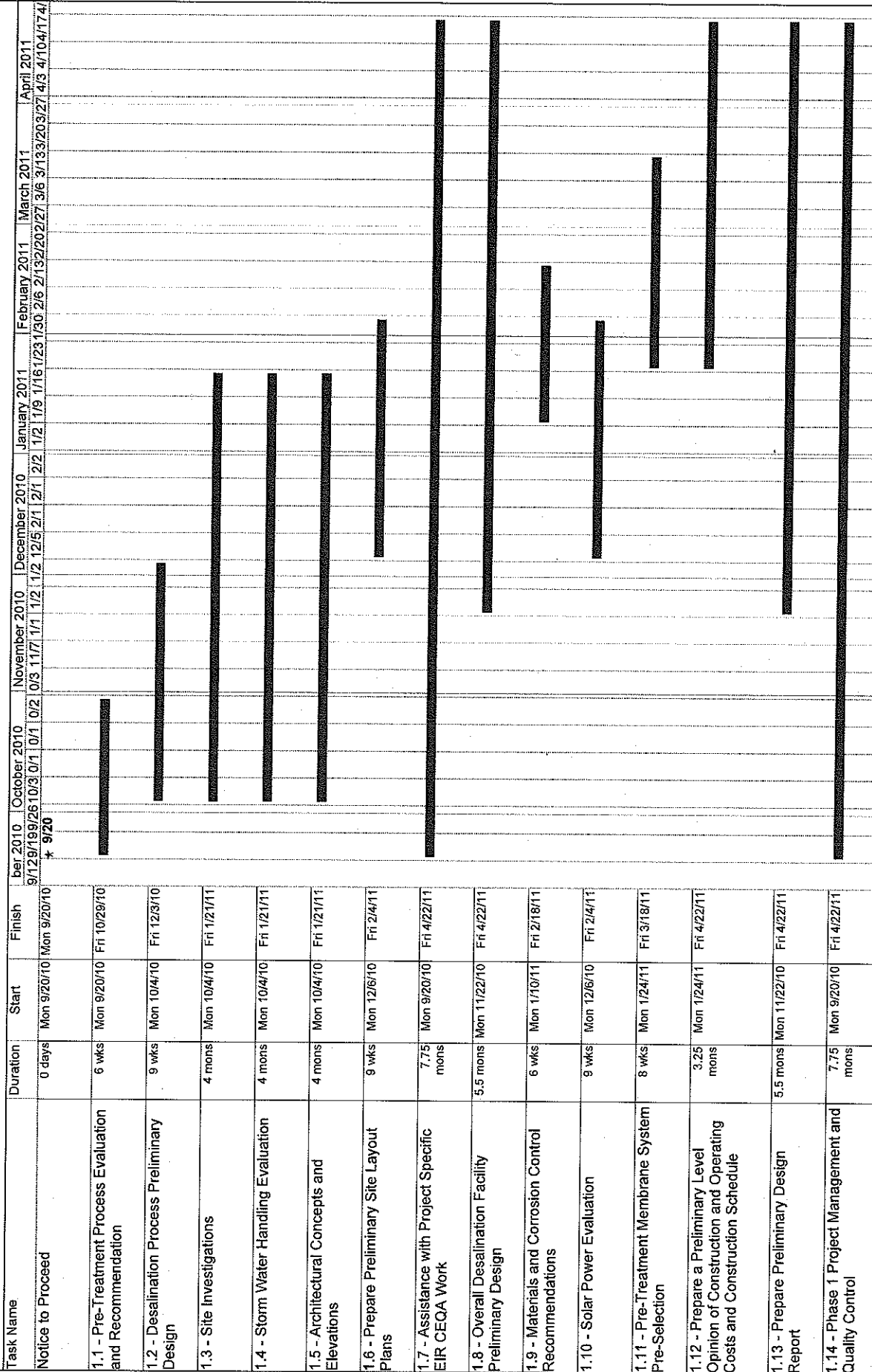
Subcontractor Services

Subcontractor services shall be billed at 1.05 times actual costs to cover the costs of general administrative services and handling.

APPENDIX THREE
Work Schedule

scwd² Phase 1 Preliminary Design Schedule

August 30, 2010



Task Split Progress Milestone Summary Project Summary Deliverable Meeting

scwdt Phase 2 Final Design Schedule

August 30, 2010

Task Name	Duration	Start	Finish	June 2011	July 2011	August 2011	September 2011	October 2011	November 2011	December 2011	January 2012	February 2012	March 2012	April 2012
Notice to Proceed	0 days	Mon 6/6/11	Mon 6/6/11	5/29 6/5 6/12 6/19 6/26 7/3 7/10 7/17 7/24 7/31 8/7 8/14 8/21 8/28 9/4 9/11 9/18 9/25 10/2 10/9 10/16 10/23 10/30 11/6 11/13 11/20 11/27 12/4 12/11 12/18 1/5 1/12 1/19 1/26 2/2 2/9 2/16 2/23 2/28 3/4 3/11 3/18 3/25 4/1 4/8 4/15 4/22										
Phase 2A - 60 Percent Design	80 days	Mon 6/6/11	Fri 9/23/11											
2a.1 - Prepare 60-Percent Design Drawings	16 wks	Mon 6/6/11	Fri 9/23/11											
2a.2 - Prepare 60-Percent Design Technical Specifications	16 wks	Mon 6/6/11	Fri 9/23/11											
2a.3 - Prepare a 60-Percent Design Level Opinion of Construction and Operating Costs, and Construction Schedule	4 wks	Mon 8/1/11	Fri 8/26/11											
2a.4 - Assist with Value Engineering Workshop	4 wks	Mon 8/29/11	Fri 9/23/11											
2a.5 - Phase 2a Project Management and Quality Control	16 wks	Mon 6/6/11	Fri 9/23/11											
Phase 2b - Final Design	120 days	Mon 11/7/11	Fri 4/20/12											
2b.1 - Prepare 95-Percent Design Drawings	16 wks	Mon 11/7/11	Fri 2/24/12											
2b.2 - Prepare 95-Percent Design Contract Documents and Technical Specifications	16 wks	Mon 11/7/11	Fri 2/24/12											
2b.3 - Prepare a 95-Percent Design Level Opinion of Construction and Operating Costs and Constructions Schedule	4 wks	Mon 2/13/12	Fri 3/9/12											
2b.4 - Prepare Final Contract Documents, Plans and Specifications	8 wks	Mon 2/27/12	Fri 4/20/12											
2b.5 - Phase 2b Project Management and Quality Control	24 wks	Mon 11/7/11	Fri 4/20/12											

Task Meeting



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Public Works

SUBJECT: Single-Use Bag Reduction Ordinance. (PW)

RECOMMENDATION: Motion to accept the draft Single-Use Bag Reduction Ordinance in concept and to direct staff to proceed with preparation of documents for environmental review.

BACKGROUND: A countywide working group, composed of members of the Countywide Solid Waste Technical Advisory Committee (TAC), the Santa Cruz County Commission on the Environment, Save Our Shores and interested individuals, examined issues and options for creating a Single-Use Bag Ban model ordinance that could be utilized by each individual jurisdiction. Both the Public Works Commission and the City Council took action recommending a concerted, countywide effort on this issue. The attached ordinance is the resulting document, formatted specifically to fit the City of Santa Cruz Municipal Code.

All county jurisdictions have reviewed this model ordinance and several have taken some steps toward adoption. The County Board of Supervisors recommended approval of the ordinance and directed staff to forward it to the Planning Department for environmental impact evaluation. The Capitola City Council has endorsed the direction of the ordinance. Staff in Watsonville and Scotts Valley are fine tuning the ordinance for action by their respective City Councils.

Although the issue of a single-use bag ban is probably better suited to a statewide solution, the California legislature has again failed to take action during this year's legislative session. Assembly Bill 1998 (Brownley) represented a coalition of work between several diverse groups: Assemblywoman Brownley, Californians Against Waste, the Governor's Office and the California Grocers Association, and would have made California the first state to take action on single-use bags. It recently died in committee, due to intense lobbying from the plastics industry and convenience store owners.

DISCUSSION: The proposed ordinance seeks the reduction of single-use bags, commonly referred to as "carry-out" bags. It bans the distribution of plastic carry-out bags by any retail establishment in the City of Santa Cruz. It also imposes a fee for paper carry-out bags, \$.05 each, which is retained by the retailer to help offset the cost of implementing this ordinance. All retail establishments, including food, fast food restaurants and retail outlets, are covered by this ordinance. The ordinance has been reviewed by the City Attorney and is ready to move forward for deliberation, although several issues still require resolution.

Information from other California jurisdictions pursuing single-use bag bans indicate that some level of environmental review will be necessary. Although there is some evidence that it may be as simple as issuing a Negative Declaration, the worst case could be a full Environmental Impact Report. There are several court cases pending which will shed more light on this as they are resolved. Staff is still investigating the potential for some level of consolidated environmental impact documentation with the county and other local jurisdictions, although some amount of individualization of the documents for each jurisdiction would still be required. Staff has included some funds in the FY11 Refuse Enterprise Fund budget specifically for environmental documentation for this project.

The Transportation and Public Works Commission (TPWC) reviewed this proposed ordinance on July 19, 2010, and recommended the ordinance to Council. They recommended adding a feature to track business feedback on implementation of the ordinance, and periodic reports back to the Commission on compliance with the ordinance. The TPWC requested to have the ordinance brought back to them before Council considers approval of the final ordinance. After receiving and incorporating any additional comments and revisions from Council, staff will do outreach to inform the affected businesses of the proposed ordinance and invite their input, much like we did for the environmental packaging ordinance. Staff will then place the proposed ordinance back on the TPWC agenda and will advertise the meeting to receive public comment. Once a final version of the ordinance is reached, staff will begin the environmental review and documentation process, which includes further opportunity for public comment, and then return the final version of the ordinance to Council for consideration of adoption.

FISCAL IMPACT: No fiscal impact at this time.

Prepared by:

Submitted by:

Approved by:

Bob Nelson
Superintendent of Resource Recovery

Mark R. Dettle
Director of Public Works

Martin Bernal
City Manager

ATTACHMENTS: Draft Ordinance

ORDINANCE NO. NS-

ADDING CHAPTER 6.49 TO THE CITY OF SANTA CRUZ MUNICIPAL CODE TO
REDUCE SINGLE USE PLASTIC AND PAPER CARRY OUT BAGS

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:
Section 1: That Chapter 6.49 is hereby added to the City of Santa Cruz Municipal Code
Title 6, Health and Sanitation, to read as follows:

Chapter 6.49

CITY OF SANTA CRUZ BAG REDUCTION ORDINANCE

Sections:

6.49.010 Purpose and findings

6.49.015 Definitions

6.49.020 Ban on plastic carry out bags and fee for other single-use carry out bags

6.49.025 Implementation

6.49.030 Exemptions Allowing Single Use Bags

6.49.035 Enforcement

6.49.040 Severability

6.49.045 Effective date

6.49.010 Purpose and findings

A. It is the intent of the City of Santa Cruz, in enacting Chapter 6.49, to eliminate the common use of plastic single-use carry out bags, encourage the use of reusable bags by consumers and retailers, and to reduce the consumption of single-use bags in general. Paper versus plastic is not the issue addressed by this ordinance. Rather, it is to urge City of Santa Cruz residents and visitors to the City of Santa Cruz to avoid single-use bags altogether in favor of reusable bags when purchasing goods.

B. Whereas the City of Santa Cruz has an obligation to protect the environment, the economy and public health, and the City of Santa Cruz has a zero waste goal, which is to be reached by waste reduction, reuse, recycling, and composting, the City of Santa Cruz does find the following:

1. Globally, an estimated 500 billion to 1 trillion petroleum-based plastic bags are used each year, which equals over one million per minute, the production and use of which uses over 12 million barrels of oil. The California Integrated Waste Management Board estimates that Californians use nearly 20 billion single use plastic bags per year and discard over one hundred plastic bags per second. Further the EPA estimates that only 5% of the plastic bags in California and nationwide are currently recycled.
2. The production and disposal of plastic bags causes significant environmental impacts, including contamination of the environment, the deaths of thousands of marine animals through ingestion and entanglement, widespread litter and debasement of the urban environment, and increased waste disposal costs.

3. Most plastic carry out bags do not biodegrade, but instead persist in the environment for hundreds of years; rather than breaking down, they slowly break up through abrasion, tearing, and photo degradation into toxic plastic bits that contaminate soil and water, while entering the food web when animals inadvertently ingest these materials. Toxic substances present in plastics are known to cause death or reproductive failure in fish, shellfish and wildlife and in the humans ingesting the fish.
4. Plastic bits absorb dangerous compounds such as dichlorodiphenyldichloroethylene (DDE), Polychlorinated Biphenyl (PCB), and other toxic materials present in ocean water. Plastics have been found to concentrate these toxic chemicals at levels of up to one million times the levels found in seawater.
5. The US Marine Mammal Commission estimates that 257 marine species have been reported entangled in or having ingested marine debris. Plastic can constrict the animals' movements or block their digestive system, killing the animals through starvation, exhaustion or infection from deep wounds caused by tightening material.
6. According to Save Our Shores, a Santa Cruz based marine conservation non-profit that conducts beach, river, and inland cleanups in the coastal regions of Santa Cruz, San Mateo, and Monterey County, from June 2007 to March 2010, it conducted 395 cleanups where volunteers removed a total of 19,080 plastic bags. Unchecked, this material would have likely entered the marine environment of the Monterey Bay National Marine Sanctuary.
7. Plastic bags returned to supermarkets may be recycled into plastic lumber; however, a very low percentage of bags are actually returned. Recycling bags into lumber does not reduce the impact of making new plastic carry out bags.
8. Compostable plastic carry out bags, as currently manufactured, do not solve the problems of wildlife damage, litter, or resource use addressed by this ordinance. Compostable carry out bags are designed to remain intact until placed in a professional compost facility, so do not degrade quickly as litter or in a marine environment. Producing compostable bags consumes nearly as much fossil fuel as non-compostable bags. Mixing compostable bags with regular plastic bags prevents recycling or composting either of them. Therefore there is no exemption in this ordinance for compostable carry out bags.
9. According to Californians Against Waste, Californians pay up to \$200 per household each year in state and federal taxes to clean up litter and waste associated with single-use bags, on top of the \$40 per household per year in hidden grocery costs to offset the expense of the nearly 1,000 "free" bags received from grocers.
10. Reusable bags are readily available from numerous sources and vendors. Many grocery and other retail establishments throughout the City of Santa Cruz already offer reusable bags for sale at a price as low as 99 cents.

11. This ordinance recognizes that there are energy and environmental consequences of using paper bags. While paper bags do not have the end of use impacts of plastic bags, they may use comparable or more energy and resources to manufacture. For this reason, a fee on paper bags is indicated, as an incentive to reduce their use and encourage reusable bags. Paper bags that contain a minimum of 40 percent post consumer recycled content have fewer negative impacts than virgin paper bags.
12. Paper shopping bags with 40% post consumer recycled content are readily available, and such bags are in wide use by City of Santa Cruz merchants.
13. State law currently prohibits local jurisdictions from placing fees on single-use carry out plastic bags. Therefore several California cities have adopted or are pursuing a ban as the most effective remaining means to eliminate the impacts these plastic bags cause. State law does not prohibit jurisdictions from placing fees on paper bags.

6.49.015 Definitions

A. For the purposes of this Chapter, the following definitions apply:

1. "Carry out bags" means bags provided by retailers to customers at the point of sale to hold customers' purchases. "Carry out bags" does not include bags used to contain loose items prior to checkout, such as meat, produce and bulk goods, and does not include prepackaged products.
2. "Plastic bag" or "plastic carry out bag" means a single-use carry out bag of any size that is provided at point of sale to customers by a retail establishment. Plastic bags include both compostable and non-compostable carry out bags.
3. "Single-use paper bag" means a carry out bag provided by a retail establishment at the point of sale that is made from paper and is not a reusable bag.
4. "Reusable bag" means any bag with handles that is specifically designed and manufactured for multiple reuse, and is either 1) made of cloth or other washable fabric, or 2) made of durable material, including plastic that is at least 2.25 mils thick.
5. "Retail establishment" or "retail store" means all sales outlets, stores, shops, restaurants, vehicles or other places of business located within the City of Santa Cruz which operate primarily to sell or convey goods, including "to go" food, directly to the ultimate consumer.
6. "Exempted uses" means those point-of-purchase or delivery sales, which have received a special exemption, through the Public Works Director or the Director's designee, allowing single-use bags.

6.49.020 Ban on Plastic Bags and Fee for Single-Use Carry Out Bags

A. No retail establishment shall provide plastic carry out bags to customers at the point of sale, except as permitted in this Chapter.

B. No City of Santa Cruz contractors or special events promoters, or their vendors, while performing under contract or permit, shall provide plastic carry out bags to customers at the point of sale.

C. Single-use paper carry out bags provided to customers shall contain a minimum of 40 percent post consumer recycled paper fiber, and be recyclable in the City of Santa Cruz's curbside recycling program.

D. Retail establishments shall charge, during the first year of implementation, a 10-cent fee for each single-use paper carry out bag provided to customers at the point of sale. After the first year, the charge will increase to 25 cents per bag provided. The City Council shall review the fee amount every year from the date of adoption, to judge its effectiveness.

E. The fee imposed pursuant to this section shall not be charged to customers participating in the California Special Supplemental Food Program for Women, Infants, and Children, the State Department of Social Services Food Stamp program, or other government-subsidized purchase programs for low-income residents.

F. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

G. Retail establishments shall indicate on the customer transaction receipt the number of paper carry out bags provided, and the total amount of the fee charged.

6.49.025 Implementation

A. Sixty days before this ordinance becomes operative, the City of Santa Cruz shall mail or deliver a copy of it to every retail establishment within the City of Santa Cruz.

B. The City of Santa Cruz will distribute to each store an initial placard designed to inform shoppers of the City of Santa Cruz policy for carry out bags.

C. The City of Santa Cruz Finance Department shall provide a copy of this ordinance to every new retail store that applies for a business license in the City of Santa Cruz.

6.48.030 Exemptions Allowing Single-Use Bags

A. The Public Works Director or the Director's designee, may exempt a retail establishment from the requirement set forth in Section 6.48.020(a) of this chapter for a one-year period upon the retail establishment showing, in writing, that this chapter would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The Public Works Director or the Director's designee shall put

the decision to grant or deny a one-year exemption in writing, and the Director's or Director's designee's decision shall be final.

B. An exemption application shall include all information necessary for the Public Works Director or the Director's designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The Director or the Director's designee may require the applicant to provide additional information.

C. The Public Works Director or the Director's designee may approve the exemption application in whole or in part, with or without conditions.

6.49.035 Enforcement and Notice of Violation

A. Violations of this chapter may be enforced in accordance with Chapter 4.14 of this code.

B. The Public Works Director or the Director's designee, shall be responsible for enforcing this chapter and shall have authority to issue citations for violations. The Public Works Director or the Director's designee, is authorized to establish regulations or administrative procedures to obtain compliance with this chapter.

C. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction.

D. The City of Santa Cruz attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter.

E. The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

F. The City of Santa Cruz, in accordance with applicable law, may inspect any vendor's premises to verify compliance.

G. Violation of this Chapter is hereby declared to be a public nuisance. In addition to any other remedies or penalties which may be available, any violation described in the preceding paragraph shall be subject to abatement by the City, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by an injunction issued by the Superior Court in a civil action, based upon a showing by the City that said violation exists.

H. Remedies under this Section are cumulative.

6.49.040 Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City of Santa Cruz hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

6.49.045 Effective Date

This Ordinance shall be in force and take effect thirty (30) days after final adoption; however Section 6.49.020 of this ordinance shall not be operative until _____, 20XX; on which day is shall be implemented in its entirety.

PASSED FOR PUBLICATION this day of Month, Year by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

Ordinance No. NS-

PASSED FOR ADOPTION this day of Month, Year 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.
and that is has been published or
posted in accordance with the
Charter of the City of Santa Cruz

City Clerk

DRAFT



CITY COUNCIL AGENDA REPORT

DATE: 9/1/2010

AGENDA OF: 9/14/2010

DEPARTMENT: City Manager

SUBJECT: Camping Ordinance Amendment - Introduction for Publication. (CA)

RECOMMENDATION: Introduce for publication the attached ordinance amending Chapter 6.36 of the City's Municipal Code by requiring a dismissal of camping citations where the person cited demonstrates that, on the date of the citation, he/she was currently on the waiting list for shelter services from one of the shelter programs offered by the Homeless Services Center or the River Street Shelter in Santa Cruz.

BACKGROUND: Currently, the camping ordinance, at section 6.36.055 requires the City Attorney to dismiss camping citations in the interest of justice if, at the time of citation issuance, the winter shelter at the Santa Cruz National Guard Armory is filled to capacity. The Homeless Resources Center, which manages the Armory Shelter program, reports the Armory Shelter as full on those evenings it hosts at least 75 individuals. Citations issued on those "reported full" dates are dismissed. The actual capacity of the Armory Shelter is 100. HRC staff advises that during the 2009/2010 winter season no persons who sought shelter at the Armory were turned away. Nonetheless, at this juncture citations may be dismissed for this reason in the interest of justice only during that portion of the year when the winter shelter at the Santa Cruz National Guard Armory is in operation.

DISCUSSION: This ordinance, if adopted by the City Council would provide an all-year basis for the dismissal of camping citations in the interest of justice by specifying that such citations may be dismissed at any time during the calendar year if, on the date of the citation in question, the person cited was currently on the waiting list for shelter service for one of the shelter programs offered by the Homeless Services Center or the River Street Shelter in Santa Cruz. This ordinance would therefore serve to further the City's objective, originally articulated with the adoption of the above-referenced "Armory Shelter dismissal" provision, of assuring that persons who in good faith have actively sought shelter as of the night of their citation will not be prosecuted for violating the camping ordinance when, despite those good faith efforts, they have been unable to procure shelter.

FISCAL IMPACT: None.

Submitted by:

John G. Barisone
City Attorney

ATTACHMENTS:
Ordinance for Publication
Shelter Program Summaries

ORDINANCE NO. 2010-

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTION 6.36.055 OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO CAMPING

BE IT ORDAINED By the City Of Santa Cruz As Follows:

Section 1. Section 6.36.055 of the Santa Cruz Municipal Code is hereby amended to read as follows:

6.36.055 CITATIONS ISSUED WHEN WINTER SHELTER ARMORY IS FULL.

(a) A person shall not be in violation of this chapter if, at the time of his or her citation for a violation of this chapter either: the winter shelter at the Santa Cruz National Guard Armory is filled to capacity; or the person is currently on the waiting list for shelter service through one of the shelter programs offered by the Homeless Services Center or the River Street Shelter in Santa Cruz.

(b) Any citation issued for a violation of this chapter shall be dismissed by the city attorney in the interest of justice if, at the time of citation issuance, the winter shelter at the Santa Cruz National Guard Armory is filled to capacity or the recipient of the citation demonstrates that on the date of the citation he or she was currently on the waiting list for shelter service through one of the shelter programs offered by the Homeless Services Center or the River Street Shelter in Santa Cruz.

Section 2. This ordinance shall take effect and be in force thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 2010-_____

PASSED FOR FINAL ADOPTION this ____ day of _____, 2010, by the following vote:

A 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-_____ and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

City Clerk

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Santa Cruz Shelter

Navigation

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5: News/Events

6: Contact

7: Resources

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HSC Programs

Paul Lee Loft Shelter & Winter Shelter Program

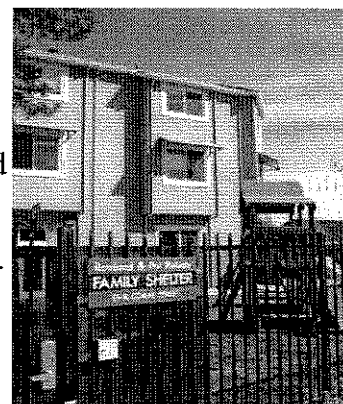
Emergency-shelter service on the HSC campus for 46 adults, 365 days per year. During the winter months, additional shelter is provided at the National Guard Armory with shuttle service operating from the HSC campus. To sign up for the Paul Lee Loft, visit the Day Resources Center between 9am and 4pm and fill out an application.



Rebele Family Shelter

Emergency housing for up to 28 families for up to six months.

The shelter provides family suites, three meals per day, children's indoors and outdoor play areas, a classroom/meeting room, a central lounge on each floor and laundry facilities. Adults receive counseling, health-care and job assistance support, and children attend area schools. To sign up for the wait list for the family shelter, call 458-6020 ext 1103 or visit the Rebele Family Shelter Reception Desk. To remain on the wait list, please call in or visit the Rebele Family Shelter office once every two weeks.



Page Smith Community House

A transitional-housing program for 40 single male and female adults for up to 18 months. Eight

co-housing units, individual and group counseling, referrals for social services, job placement and other resources help homeless individuals transition into self-sufficiency. Individuals may sign up for the Page Smith Community House wait list on Thursdays between 1pm and 4pm.



Day Resource Center

An on-site day program providing basic services to homeless individuals, such as morning and evening meal service, laundry, mail facilities, showers and social-service referrals.

Day Center Office Hours: 8 a.m to 5 p.m. Monday thru Friday

Meal Service: Breakfast- 8 a.m. to 9 a.m. and Dinner-4 p.m. to 5 p.m. every day

Showers: 7 a.m. to 3:30 p.m. Monday thru Friday

Mailroom: 10 a.m. to 2 p.m. Monday thru Friday

If you have additional questions, please call the Homeless Services Center at (831)458-6020 and speak with a staff member.

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Cars 4 Causes ®
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Homeless Services Center




Name:
Homeless Services
Center



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87

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- 115 Coral Street, Santa Cruz, California 95060 • 831.458.6020 • © 2006 HSC Santa Cruz •
Website by Carey Bradfield



[Search](#) | [Site Map](#) | [Staff Login](#)

Contact Information

Community Support Services
290 Pioneer Street
Santa Cruz, CA 95060

» Phone: (831) 459-0444
» Fax: (831) 459-0665

» E-mail: CSS@scccc.org

[Home](#) » [Programs](#) » [Community Support Services](#) »

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Community Support Services

River Street Shelter

In this section:

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Residential Services

[River St. Shelter](#)

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Housing Services

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[Transitional Housing](#)

[Peer Support Team](#)

Jobs With CSS

Contact CSS

River Street Shelter is a 32-bed emergency shelter for homeless adult men and women. Shelter staff work with residents to achieve self-sufficiency goals and connect with community resources for obtaining benefits, physical health services, employment, and housing. Specialized counseling is available for those residents with mental illness to support them in maintaining psychiatric stability and achieving individualized recovery goals. On-site 12-step meetings for Alcoholics Anonymous and Narcotics Anonymous also support the recovery process for those with substance abuse issues.

The shelter opens at 3:00 pm and closes at 8:00 am. About 60% of the beds are reserved for people referred by County Mental Health who will also be attending the Pioneer House program during the day. Those individuals are allowed to stay at the shelter for up to 90 days. Four beds are reserved as crisis beds for County Mental Health and Dominican Behavioral Health Unit; these beds are intended for a brief stay of 2-5 days. The remainder of the beds are distributed on a waiting list basis. People on the waiting list need to check in every two days to stay on the list; once accepted, they are allowed to stay up to 30 days.

The shelter strives to provide a home-like environment where people feel safe and valued, and can begin the process of rebuilding their lives. Breakfast and dinner are provided, along with telephone and laundry services. Residents get together on Friday and Saturday nights to watch movies in the shelter's cozy living room, and birthdays and holidays are celebrated. Residents pitch in to help in the running of the shelter, and many are able to contribute skills that have not been utilized in a long time, which helps them remember they are a valuable member of the community.

The River Street Shelter was created by the Citizen's Committee for the Homeless in 1987, and has been run by the Santa Cruz Community Counseling Center for since 1989. It is funded by the City and County of Santa Cruz, United Way, FEMA, and community contributions.

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CITY COUNCIL AGENDA REPORT

DATE: September 7, 2010

AGENDA OF: September 14, 2010

DEPARTMENT: City Council

SUBJECT: Utility Users Tax Exemptions Under Proposed Ordinance. (CN)

RECOMMENDATION: Resolution approving utility users tax exemptions for low-income and senior citizen service users.

BACKGROUND: On August 3, 2010, the City Council adopted Resolution No. NS-28,249 ordering an election and requesting County Elections to place a measure on the upcoming November 2, 2010 ballot to broaden the existing utility users tax and increase the rate by 1.5%. The County Elections Department has assigned the designation "Measure H" to this ballot measure. Under the proposed ordinance that would be enacted should the voters approve Measure H, Section 3.29.030(c) provides that the City Council may grant certain exemptions to the utility users tax as follows:

"The City Council may, by resolution, establish one or more classes of persons or one or more classes of utility service otherwise subject to payment of a tax imposed by this chapter 3.29 and provide that such classes of persons or service shall be exempt, in whole or in part from such tax for a specified period of time."

Under the City's existing utility users tax ordinance, there is currently a low-income exemption from the utility users tax for the first \$34 of electric charges and for the first \$34 of gas charges for those customers who participate in the PG&E low-income program. There is currently no exemption for seniors unless they happen to qualify for and participate in the low-income program through PG&E.

DISCUSSION: It is in the community's interest to know exactly which exemptions from the proposed utility users tax will be provided. We met with members of the community in an effort to explore the most beneficial exemption options. The attached Resolution addresses the concerns we heard by authorizing both a low-income exemption and a senior exemption.

Low-income exemption: For low-income persons, it is proposed in the attached Resolution that the exemption for persons participating in the PG&E California Alternate Rates for Energy ("CARE") program be increased to exempt the first \$50 of monthly electric charges and exempt the first \$50 of monthly gas charges.

Senior citizen exemption: For senior citizens, an exemption that includes the following attributes is proposed under the Resolution:

- 1) A exemption from the tax would apply to *all seniors* on the first \$50 of monthly electric charges and on the first \$50 of monthly gas charges.
- 2) A senior is defined as 65 years of age or older.

Low-income and senior citizen exemptions: Under the Resolution, it is proposed that both types of exemptions include the following:

- 1) To ensure that the exemption process would be *simple, easy to access, and well-publicized*, all City utility customers would be notified about both exemptions initially through an *insert*, which will include a senior exemption application form, in all monthly *City utility bills*. Additionally, the same insert would be mailed with City utility bills once a year to all customers.
- 2) The exemptions would remain in effect for the life of the ordinance adopted by the voters.
- 3) The proposed exemptions would apply to the *entire 8.5% tax rate* and not just to the incremental increase.
- 4) The proposed exemptions would apply *only to gas and electric charges*, and not to any other utilities, because exemptions from charges on other utilities would cost the City a significant loss in tax revenue and because the administrative burden of establishing new exemption procedures for all other utilities would be an inefficient use of City resources.

FISCAL IMPACT: Together, the proposed low-income and senior exemptions for electric and gas charges would cost the City an estimated \$150,000 in lost incremental tax revenue that would otherwise be collected if the ballot measure is approved by the voters. This loss would reduce the projected additional utility users tax revenue of \$1.8 million to approximately \$1.65 million. If instead, unlimited exemptions were granted to both low-income and senior citizen taxpayers for all utilities (not just gas and electric), the incremental loss in tax revenue would approximate \$1.2 million, leaving only \$600,000 in net new utility users tax revenue. If the proposed ballot measure is not approved by the voters in November, there will be no fiscal impact because the Resolution would have no effect.

Submitted by:

Don Lane
Councilmember

Submitted by:

Cynthia Mathews
Councilmember

Submitted by:

Ryan Coonerty
Vice Mayor

Attachment: Resolution

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ APPROVING
UTILITY USERS TAX EXEMPTIONS FOR LOW-INCOME AND
SENIOR CITIZEN SERVICE USERS

WHEREAS, on August 3, 2010, the City Council adopted Resolution No. NS-28,249 ordering an election and requesting County Elections to place the following ballot measure on the upcoming November 2, 2010 ballot: “To preserve the safety and quality of life of the City of Santa Cruz through City services—including law enforcement, fire protection, emergency medical response, park maintenance and youth programs—and to ensure that all taxpayers are treated fairly, shall the City’s existing utility users tax be broadened to include changes in technology and laws, and increased by 1.5%, while including protections for low-income residents and seniors, and ensuring that all funds remain local?

Yes _____ No _____”; and

WHEREAS, Section 3.29.030 (c) of the proposed City ordinance amending Chapter 3.29 of Title 3 of the Santa Cruz Municipal Code, concerning Exemptions from the City’s utility users tax reads as follows:

“The City Council may, by resolution, establish one or more classes of persons or one or more classes of utility service otherwise subject to payment of a tax imposed by this chapter 3.29 and provide that such classes of persons or service shall be exempt, in whole or in part from such tax for a specified period of time.” ; and

WHEREAS, it is in the public interest to provide certain exemptions from the proposed utility users tax to low-income households and to seniors on fixed incomes.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council, upon approval of the proposed ballot measure by the electorate on November 2, 2010, and upon implementation of the related ordinance and utility tax increase by service provider Pacific, Gas, and Electric, hereby grants exemptions from the Electricity Users Tax described in Section 3.29.050 of the proposed ordinance and from the Gas Users Tax described in Section 3.29.060 of the proposed ordinance as follows:

A. Low-Income Exemption.

1) A residential service user shall be exempt from paying electricity users taxes on the first \$50 in monthly charges for electricity services and exempt from paying gas users taxes on the first \$50 in monthly charges for gas services if he or she is qualified for and enrolled in the Pacific Gas & Electric Company (“PG&E”) California Alternate Rates for Energy (“CARE”) program. Individuals receiving the exemption granted hereunder must reside at the location receiving the service; the exemption shall not apply to any nonresidential location.

2) Upon a showing of hardship by the service supplier, the Tax Administrator may, as an alternative, implement this exemption by requiring the exempt person to pay the tax and seek a refund under Section 3.18.170 of the proposed ordinance. The Tax Administrator shall provide a refund claim form for this purpose.

B. Senior Citizen Exemption.

1) A residential service user shall be exempt from paying electricity users taxes on the first \$50 in monthly charges for electricity services and exempt from paying gas users taxes on the first \$50 in monthly charges for gas services if either: a) he or she resides alone, and is 65 years of age or older; or b) he or she shares his or her residence with a spouse or registered domestic partner, and at least one of them is 65 years of age or older. Individuals receiving the exemption granted hereunder must reside at the location receiving the service; the exemption shall not apply to any nonresidential location.

2) Any service user seeking a senior citizen exemption shall file an application with the Tax Administrator for an exemption. Said application shall be made upon a form approved by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall include the name of the gas and electric service supplier serving the service user. A Driver's License or Identification Card (ID) issued by the California Department of Motor Vehicles shall be *prima facie* proof of age. The Tax Administrator shall within sixty (60) days of receipt of an application for exemption determine whether the exemption is granted and, if so, notify the service supplier. The exemption shall apply from the date of the Tax Administrator's determination that the service user qualifies for the exemption.

3) The exemption granted to a person shall become effective on the beginning of the second regular billing period which commences after the Tax Administrator has notified the service supplier that a senior citizen exemption has been granted. Upon a showing of hardship by the service supplier, the Tax Administrator may, as an alternative, implement this exemption by requiring the exempt person to pay the tax and seek a refund under Section 3.18.170 of the proposed ordinance. The Tax Administrator shall provide a refund claim form for this purpose.

4) On one occasion during any five-year period, the Tax Administrator in his or her sole discretion may require written verification from the service user of his or her continuing eligibility for the exemption.

5) If the Tax Administrator determines that an application for exemption is faulty, that the applicant has failed to truthfully set forth facts, or that the facts do not support the application for exemption, the application shall be denied in writing to the applicant. The applicant shall thereafter have a right to file an amended application, or to appeal the Tax Administrator's decision to the City Manager within a ten-day period after the mailing date of the Tax Administrator's notification. In the case of an appeal, the City Manager shall review the facts in consultation with the City Attorney and shall render a final determination on such appeal.

C. General Provisions Applicable To Both Low Income And Senior Citizen Exemption.

1) All City utility customers shall be notified about the low-income and senior citizen exemptions initially through an insert in all monthly City utility bills. The insert will also include a senior citizen exemption application form. Additionally, the same insert shall be mailed with City utility bills once a year to all City utility customers.

RESOLUTION NO. NS-

2) The low-income and senior citizen exemptions herein provided for shall only apply if the ballot measure hereinabove referenced is adopted by the voters at the November 2, 2010 General Municipal Election and thereafter goes into full force and effect. Once effective, the exemptions shall remain in effect for the life of the ordinance adopted by the voters at the November 2, 2010 General Municipal Election.

PASSED AND ADOPTED this 14th day of September, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 9/7/2010

AGENDA OF: 9/14/2010

DEPARTMENT: City Clerk

SUBJECT: Sister Cities Committee Appointment, for a Term Expiring 1/1/12. (CC)

RECOMMENDATION: Motion to appoint a Sister Cities Committee member.

BACKGROUND: Due to the resignation of Carl Klem, there is one vacancy on the Sister Cities Committee, for a term expiring 1/1/12.

DISCUSSION: The following people are seeking appointment to the Sister Cities Committee:

Abell, Rhonda Kathleen

Gomez, Ofelia A.

Hall, DeLayne

LeVan, David

McCabe, Delores

Miritz, Rick

Vences-Paulk, Alma

FISCAL IMPACT: There is no fiscal impact.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer, MMC
City Clerk

ATTACHMENTS: None.



City Council Meeting Calendar September 7, 2010

Date	Time	Location	Topic
September 28, 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
October 12, 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
October 26, 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
November 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
November 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
December 14, 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
Holiday Break – No Second Meeting in December			
January 11, 2011	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
January 18, 2011	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
January 25, 2011	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
February 8, 2011	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 agendaized 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)
Community Programs Committee	R. Coonerty, C. Mathews, L. Robinson
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)

Public comment on the reports given will be heard at a time to be determined by the Presiding Officer.