

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



JOINT CITY COUNCIL - REDEVELOPMENT AGENCY AGENDA

Regular Meeting

October 12, 2010

1:00 P.M.	CLOSED LITIGATION SESSION, COURTYARD CONFERENCE ROOM
2:30 P.M.	CLEAN OCEAN BUSINESSES RECEPTION, COURTYARD
3:00 P.M.	CONSENT, GENERAL BUSINESS AND PUBLIC HEARINGS, ORAL COMMUNICATIONS, 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**1:00 PM**

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

A. 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. Griffith v. City of Santa Cruz, Santa Cruz County Superior Court Case No. CV 168888.

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

1. Claimant: Beverly Quaye
2. Claimant: Christopher Reginald Hester
3. Claimant: California State Automobile Association (on behalf of John J. Howe)

Claims Against: City of Santa Cruz

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

Carniglia's Lease Negotiations, 49A Municipal Wharf (City of Santa Cruz - Lessor)
Bonnie Lipscomb - City Negotiator
APN 005-651-01

E. Public Employee Performance Evaluation (Government Code §54957).

City Council's performance evaluation of City Manager.

An oral report will be presented in the 3:00 p.m. Session (item 20).

Joint City Council/Redevelopment Agency

3:00 PM

- * Call to Order
- * Roll Call
- * Pledge of Allegiance
- * Presentation - Mayor's Proclamation Recognizing October 24th as World Polio Day
- * Presentation - Clean Ocean Businesses
- * Presentation - Community Programs Committee Progress Report
- * 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 September 7, 2010 Special and September 14, 2010 Regular City Council Meetings. (CC)
Motion to approve as submitted.
2. Minutes of the September 14, 2010 Regular Redevelopment Agency Meeting. (CC)
Motion to approve as submitted.
3. Minutes of the September 28, 2010 Regular City Council Meeting. (CC)
Motion to approve as submitted.

Consent Agenda (continued)

4. Minutes of the September 28, 2010 Regular Redevelopment Agency Meeting. (CC)

Motion to approve as submitted.

5. Update of Council Policy 1.1, Council Procedure on Appeals. (CC)

Motion to update and revise Council Policy 1.1, Council Procedure on Appeals.

6. Revised AMBAG By-Laws Approval – Resolution of Support. (CM)

Resolution supporting the approval of the revised Association of Monterey Bay Area Governments (AMBAG) By-Laws.

7. Public Art - Beach Area Roundabouts. (ED)

Motion to approve the plans and specifications for the Roundabout Public Art Project (a510907) and authorize staff to execute an agreement in the amount of \$187,000 with Mid-Ocean Studio, in a form approved by the City Attorney, for fabrication and installation.

8. City Arts FY10 Annual Report and FY11 Work Plan. (ED)

Motion to accept the FY 2010 Annual Report and approve the FY 2011 Work Plan.

Resolution appropriating funds and amending the FY 2011 budget in the amount of \$34,485 for additional appropriations to the Roundabout Public Art Project and Public Art Repair and Education Fund.

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

Motion to reject liability claims a) Beverly Quaye, b) Christopher Hester and c) Joseph Trabert, based upon staff investigation.

Consent Agenda (continued)

10. Modification of the Classification and Compensation Plans by Reclassifying one 1.0 FTE and One .50 FTE Courier Driver Position Currently Assigned to Outreach Services to a New Classification of Bookmobile Library Assistant. (HR)

Resolution modifying the Classification and Compensation Plans by reclassifying one 1.0 FTE and one .50 FTE Courier Driver position currently assigned to Outreach Services to a new classification of Bookmobile Library Assistant.

11. Assembly Bill 240 (DeLaveaga Park). (PK)

Motion to authorize and direct the City Manager to execute a Memorandum of Understanding (MOU) and any amendments, thereto of a non-substantive nature, in a form acceptable to the City Attorney, between the City of Santa Cruz and the State Department of Military to promulgate Assembly Bill 240 property conveyances: DeLaveaga Park.

12. Water Year 2011 Hydrologic Services. (WT)

Motion authorizing the City Manager to execute an Agreement with Balance Hydrologics, Inc. (Berkeley, CA), in the amount of \$200,474 for hydrologic services during water year 2011 (October 1, 2010 to September 30, 2011).

13. Resolution Supporting Proposition 25 on the November 2010 General Election Ballot – State Budget Reform. (CN)

Resolution supporting the November 2010 California Ballot Measure Proposition 25, which will effect State Budget reform through the reduction of the budget approval threshold from a two-thirds supermajority to a simple majority, and, urging the voters of Santa Cruz to vote in support of Proposition 25.

End Consent Agenda

Public Hearing

14. Monterey Bay National Marine Sanctuary - Exploration Center Construction Bid Protest. (ED)

Motion to deny/overrule the bid protest received on September 27, 2010 from UA Local Number 62 concerning the Notice of Intent to Award the contract for the Monterey Bay National Marine Sanctuary – Exploration Center to Bogard Construction, Inc. (Santa Cruz, CA) in the amount of \$5,180,500 and direct the Executive Director to proceed with the award of the contract to the lowest bidder, Bogard Construction, Inc.

General Business

15. Adoption of Findings for Modification of the International Fire Code and Adoption and Amendment of the 2009 International Fire Code and the 2010 Edition of the California Fire Code and Fire Code Standards, Including Annual Supplements and State Amendments and Errata. (FD)

Resolution making findings for modification of the International Fire Code, 2009 Edition, relating to automatic fire sprinkler systems.

Introduction of an ordinance for publication revising and amending Title 19 of the City of Santa Cruz Municipal Code, in order to adopt and amend the 2009 edition of the International Fire Code, the 2010 edition of the California Fire Code and Fire Code Standards, including annual supplements and State amendments and errata.

16. Ordinance Amending Section 16.08.110 of the Santa Cruz Municipal Code Pertaining to Wastewater Discharges into the City Sewer System. (PW)

Introduction of an ordinance for publication amending Section 16.08.110 of the Santa Cruz Municipal Code Pertaining to Wastewater Discharges into the City Sewer System.

17. Planning Commission Appointment (One Opening, with a Term Expiration of 1/1/14). (CC)

Motion to appoint a Planning Commissioner.

General Business (continued)

18. Water Commission Appointment (One Opening, with a term expiration of 1/1/12).
(CC)

Motion to appoint a Water Commissioner.

19. Council Meeting Calendar.

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

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

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

Adjournment — The City Council will adjourn from the regularly scheduled meeting of October 12, 2010, to a Special Closed Session on Monday, October 25, 2010 at 10:00 a.m., in the Courtyard Conference Room. The next regularly scheduled meeting will be on October 26, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

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
Downtown Commission	One (1) opening
Equal Employment Opportunity Committee	One (1) opening
Planning Commission	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 – OCTOBER 12, 2010
INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS
 (Copies available in the Central Branch Library at the Reference Desk)

City Manager	Monthly Camping Incident and Homeless Shelter Attendance Reports - 10/4/10 (CM FYI 150)
Finance Department	August 2010 Portfolio Management Report – Pooled Cash and Investments - 9/27/10 (FN FYI 152)
Police Department	Funding Allocation for 2010/11 Justice Assistance Grant Program - 9/22/10 (PD FYI 015)

ADDENDUM TO CITY COUNCIL AGENDA – OCTOBER 12, 2010
MAYOR’S PROCLAMATIONS

Vice Mayor Ryan Coonerty

1. Proclaiming Saturday, September 25, 2010 as “Boys & Girls Clubs Day for Kids in Santa Cruz” and encouraging all citizens to join in recognizing and commending the Boys & Girls Club of Santa Cruz for providing outstanding contributions to improve the lives of the children and young adults in our community.

ADDENDUM TO CITY COUNCIL AGENDA – OCTOBER 12, 2010
MAYOR'S PROCLAMATIONS (continued)

Mayor Mike Rotkin

1. Proclaiming the month of October 2010 as “Domestic Violence Awareness Month” and urging our citizens to work together to eliminate domestic violence from our community.
2. Proclaiming Saturday, October 16, 2010 as “Santa Cruz Band Review Day.”
3. Proclaiming October 2–15, 2010 as “Binational Health Week” and urging all citizens to take part in observing and participating in its related activities.
4. Proclaiming the month of October 2010 as “Jazz Society of Santa Cruz County Month” and encouraging all citizens to listen to jazz performances and enjoy the richness of our jazz heritage during this month and all year long.
5. Proclaiming October 3–9, 2010 as “Fire Prevention Week” and urging all citizens to protect their homes and families by heeding the potentially life-saving message of Fire Prevention Week 2010 and to support the many activities and efforts of the City of Santa Cruz’ fire and emergency services.
6. Proclaiming September 28, 2010 as “Ken Kimes Day” and urging the entire community to join in expressing heartfelt appreciation for his inspiring attitude during a time of adversity, showing us that humor, willpower, and the wisdom of a seasoned farmer can embrace the bounty of his life and in return enrich the lives of those around him.
7. Proclaiming October 2, 2010 as “Gateway School Day” and urging all citizens to join in congratulating the students, staff, faculty, and administrators on the occasion of its 40th Anniversary and extending sincere wishes for its continued success in the future.
8. Proclaiming Sunday, October 3, 2010 as “Santa Cruz Surf City AIDS Ride 2010 Day” and urging all citizens to join in supporting and participating in events and efforts to care for those members of our community who are living with AIDS and to educate our community about what we all can do to help prevent the spread of HIV.

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

September 7, 2010

7:00 P.M. SESSION

Mayor Rotkin called the meeting to order at 7:03 p.m. in the Council Chambers. All Councilmembers were present except Councilmember Beiers (Vice Mayor Coonerty arrived at 7:05 p.m.)

Presentation - Mayor's Proclamation Presented to Santa Cruz Follies, accepted by Lynn Knudsen.

Public Hearing

1. Ordinance No. 2010-17 - 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 7:10 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 EXPRESSING OPPOSITION AND/OR CONCERNS:

Ike Solem	Elia Weisz
Ed Davidson	Anthony Silverstein
Nick Bulaich	David Foster
Harold Griffith	Alan
An unidentified man	Ron Schumazer
Rosemarie McNair	Mike Tomasi
Lynn Renshaw	Scott Graham

Note: Mr. Solem was given two warnings by Mayor Rotkin, who then asked that he be removed from the chamber and arrested.

Public Hearing (continued)

1. Ordinance No. 2010-17 - 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) (Continued)

Mayor Rotkin closed the public hearing at 8:08 p.m.

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to adopt Ordinance No. 2010-17. 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.

For the record, Mayor Rotkin reiterated that the staff follow-up report required by Council as set forth in the August 3, 2010 meeting minutes, to be delivered to Council approximately one year after implementation of this ordinance, will include an analysis of how many people, if any, have lost their housing due to the implementation of this ordinance.

Note: Councilmember Madrigal left the meeting at 8:55 p.m.

Mayor Rotkin recessed the meeting at 8:59 p.m. and reconvened it at 9:02 p.m.

General Business

2. Draft Climate Action Plan Workshop (PL)

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

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT AND/OR CONCERNS:

Jack Nelson
Jim O'Harron
An unknown man
Ken Foster
Mike Tomasi

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

2. Draft Climate Action Plan Workshop (PL) (continued)

No action was taken.

Adjournment — At 10:20 p.m., the City Council adjourned from the special meeting of September 7, 2010, to the next regularly scheduled City Council meeting on September 14, 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 REGULAR JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING**

September 14, 2010

1:30 PM SESSION

Councilmember Lane 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 for considering public testimony.

SPEAKING FROM THE FLOOR:

Nancy Lagestee spoke regarding Claim C.2.
Freddie Hanson spoke about alley abandonment on Stockton Avenue.
Mike Tomasi spoke about peace and freedom.

Note: Vice Mayor Coonerty arrived at 1:40 p.m., and Councilmember Madrigal arrived at 1:46 p.m.

Council closed the session to the public at 1:50 p.m. All Councilmembers were present except Mayor Rotkin. (See pages 1277 and 1278 for a report on closed session.)

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

3:00 PM SESSION

Vice Mayor/Vice Chair Coonerty called the meeting to order at 3:10 p.m. in the Council Chambers.

Roll Call

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

Absent: Mayor/Chair Rotkin.

Staff: City Manager M. Bernal, Assistant City Manager T. Shull, Deputy City Attorney C. Cassman, Director of Economic Development and Redevelopment B. Lipscomb, Director of Finance J. Dilles, Director of Human Resources L. Sullivan, Director of Information Technology S. Caiocca, Director of Parks and Recreation D. Shoemaker, Director of Planning and Community Development J. Rebagliati, Chief Building Official J. Ancic, Director of Public Works M. Dettle, Superintendent of Resource Recovery B. Nelson, Director of Water B. Kocher, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Pledge of Allegiance

Introduction of New Employees - Director of Water B. Kocher introduced Utility Service Representative Kristen Perez.

Presentation – Census 2010 – Kimberly LaCrosse updated Council on the local Census 2010 efforts and presented the City with a commemorative plaque.

Presiding Officer's Announcements

Statements of Disqualification – Councilmember Mathews disqualified herself from acting on item 10.(c).

Additions and Deletions – Item 5 was deleted by staff.

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JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Joint City Council/Redevelopment Agency Oral Communications

Ed Davidson said the San Bruno natural gas leak and explosion was exacerbated by the lack of PG&E meter readers, and pointed out that the area of the explosion was in the immediate vicinity of the San Andreas Fault.

Jeff Yee spoke about public access to Newell Creek Road.

Robert Basur spoke in favor of lifting the sleeping ban.

Robert Norse spoke about attacks on Peace Camp 2010.

Mike Tomasi spoke about peace and freedom.

Paula Keene spoke about homelessness, and asked the Council to lift the sleeping ban.

Becky Johnson spoke about Peace Camp 2010.

Peggy spoke about public access along Newell Creek Road.

Consent Agenda

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

Ed Davidson asked that Item 25 be pulled.

Becky Johnson asked that Item 25 be pulled.

Robert Norse asked that Item 25 be pulled.

Items 14 and 25 were removed from the Consent Agenda.

Action

Councilmember/Member Madrigal moved, seconded by Councilmember/Member Robinson, to approve the remaining items on the Consent Agenda. The motion carried unanimously (Mayor/Chair Rotkin absent).

1. Minutes of the July 20, 2010 and August 3, 2010 Special and July 27, 2010 Regular City Council Meetings. (CC)

Motion carried to approve as submitted.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

2. Minutes of the July 27, 2010 Regular Redevelopment Agency Meeting.
(CC)

Motion carried to approve as submitted.

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

Motion carried to revise and adopt Council Policy 5.14.

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

Resolution No. NS-28,254 was adopted 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)

This item was deleted by staff.

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

City Council Resolution No. NS-28,255 was adopted authorizing the City Manager to execute a Cooperative Agreement with the Redevelopment Agency for operation of the Eastside Parking Lot.

City Council Resolution No. NS-28,256 was adopted 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 No. 1505 was adopted authorizing the Executive Director to execute a Cooperative Agreement with the City for operation of the Eastside Parking Lot.

Consent Agenda (continued)

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

Motion carried 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.

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

Resolution No. NS-28,257 was adopted 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 No. NS-28,258 was adopted 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)

Note: Councilmember Mathews disqualified herself from acting on Item 10.(c).

Motion carried 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 No. NS-28,259 was adopted 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.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

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

Motion carried 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.

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 No. NS-28,260 was adopted 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 Crossings #1 & #3.

Motion carried approving the plans and specifications for the restoration of Lower DeLaveaga Service Road Projects Crossings # 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)

Director of Parks and Recreation D. Shoemaker and Chief Building Official J. Ancic presented oral reports and responded to Council's questions.

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

Mike Tomasi
Ed Silveira

Action

Councilmember Beiers moved, seconded by Councilmember Lane, to accept the Stroke Center informational report prepared by Chief Building Official John Ancic; and to adopt Resolution No. NS-28,261 amending the 2011 budget and appropriating \$20,000 for an environmental site assessment of the facility; and 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. The motion carried unanimously (Mayor Rotkin absent).

Consent Agenda (continued)

15. Locust Garage Equipment Replacement – Sole Source Purchase. (PW)
Motion carried 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 carried 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.
17. Encroachment Permits for Cruzio Telecommunications Network. (PW)
Resolution No. NS-28,262 was adopted 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 carried 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 carried 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 carried 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.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

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

Motion carried 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 carried 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.

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

Motion carried 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 carried 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 No. NS-28,263 was adopted 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 No. NS-28,264 was adopted 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.

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JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

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

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

Ed Davidson
Becky Johnson
Mike Tomasi
Steve Pleich
Robert Norse
An unidentified woman

Action

Councilmember Robinson moved, seconded by Vice Mayor Coonerty, 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. The motion carried by the following vote:

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

End Consent Agenda

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

General Business

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

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

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

Ellen Murtha
Rick Longinotti
Ron Pomerantz
Jan Karwin
Theresa Rogers
Paula Keene
Peter Petoe
Robert Norse
Mike Tomasi

Action

Councilmember Mathews moved, seconded by Councilmember Lane, 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, with direction to staff to return to Council for authorization to proceed any further on the project. The motion carried unanimously (Mayor Rotkin absent).

1274
JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

General Business (continued)

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

Superintendent of Resource Recovery B. Nelson presented an oral report and responded to Council's questions.

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

Colleen Bednarz, Save our Shores
Steve Pleich
Mike Tomasi
Ron Pomerantz
Cory Chase Lloyd

Action

Councilmember Mathews moved, seconded by Councilmember Lane, to accept the draft Single-Use Bag Reduction Ordinance in concept and to direct staff to proceed with the preparation of documents for environmental review; and with direction to staff to come back to Council with information after the first year of the \$0.10 fee. The motion carried unanimously (Mayor Rotkin absent).

Note: Councilmember Robinson left the meeting at 6:15 p.m.

JOINT CITY COUNCIL/
 REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

General Business (continued)

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

Assistant City Manager T. Shull presented an oral report and responded to Council's questions.

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

Becky Johnson
 Cory Chase Lloyd
 An unidentified woman
 Robert Facer
 Robert Norse
 Ed Frey
 Mike Tomasi

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

Betsy Philips
 Monica Martinez, Homeless Services Center Director

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to introduce for publication Ordinance No. 2010-18 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, the River Street Shelter or any other existing shelter program offered in Santa Cruz and recognized by the City Attorney. The motion carried unanimously (Councilmember Robinson and Mayor Rotkin absent).

General Business (continued)

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

This item was taken out of agenda order.

Director of Finance J. Dilles presented an oral report and responded to Council's questions.

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

Darrell Darling
Dick Vittitow
Jim Logsdon
Judy Warner
Terry Hancock
Mike Tomasi
Paula Keene
Bud Winslow

Action

Councilmember Lane moved, seconded by Councilmember Madrigal, to adopt Resolution No. NS-28,265 approving utility users tax exemptions on the first \$100 in combined monthly charges for electricity and gas usage for low-income and senior citizen service users, and to instruct staff to bring back a proposal that would ensure that multi-unit facilities are covered in the exemptions. The motion carried unanimously (Mayor Rotkin absent).

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

Councilmember Mathews nominated Rick Miritz.

Action

Rick Miritz was appointed by acclamation to a term ending 1/1/12.

JOINT CITY COUNCIL/
 REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

General Business (continued)

31. City Attorney Oral Report on Closed Session.

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations —
1. Police Officers' Association
 2. SEIU—Temporary Employees
 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. Habitat and Watershed Caretakers v. City of Santa Cruz, Santa Cruz County Superior Court Case No -unknown.

Council did not discuss Item 1. Council briefly discussed Item 2 with the City Attorney, but took no reportable action.

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

Councilmember Mathews disqualified herself from acting on Item 3. Five claims were not discussed.

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

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

1 case was discussed, and Council took no reportable action.

General Business (continued)

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

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

Council received a status report, instructed the negotiator, but took no reportable action.

32. Council Meeting Calendar

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

33. 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.

Adjournment — At 6:59 p.m., the Redevelopment Agency adjourned 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.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Adjournment — At 6:59 p.m., the City Council adjourned 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.

Respectfully submitted

Tom Graves
Deputy City Clerk

Approved

Lorrie Brewer
City Clerk

Approved

Ryan Coonerty
Vice 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

September 14, 2010

3:00 PM SESSION

Vice Mayor/Vice Chair Coonerty called the meeting to order at 3:10 p.m. in the Council Chambers.

Roll Call

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

Absent: Mayor/Chair Rotkin.

Staff: City Manager M. Bernal, Assistant City Manager T. Shull, Deputy City Attorney C. Cassman, Director of Economic Development and Redevelopment B. Lipscomb, Director of Finance J. Dilles, Director of Human Resources L. Sullivan, Director of Information Technology S. Caiocca, Director of Parks and Recreation D. Shoemaker, Director of Planning and Community Development J. Rebagliati, Chief Building Official J. Ancic, Director of Public Works M. Dettle, Superintendent of Resource Recovery B. Nelson, Director of Water B. Kocher, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Pledge of Allegiance

Introduction of New Employees - Director of Water B. Kocher introduced Utility Service Representative Kristen Perez.

Presentation – Census 2010 – Kimberly LaCrosse updated Council on the local Census 2010 efforts and presented the City with a commemorative plaque.

Presiding Officer's Announcements

Statements of Disqualification – Councilmember Mathews disqualified herself from acting on item 10.(c).

Additions and Deletions – Item 5 was deleted by staff.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Joint City Council/Redevelopment Agency Oral Communications

Ed Davidson said the San Bruno natural gas leak and explosion was exacerbated by the lack of PG&E meter readers, and pointed out that the area of the explosion was in the immediate vicinity of the San Andreas Fault.

Jeff Yee spoke about public access to Newell Creek Road.

Robert Basur spoke in favor of lifting the sleeping ban.

Robert Norse spoke about attacks on Peace Camp 2010.

Mike Tomasi spoke about peace and freedom.

Paula Keene spoke about homelessness, and asked the Council to lift the sleeping ban.

Becky Johnson spoke about Peace Camp 2010.

Peggy spoke about public access along Newell Creek Road.

Consent Agenda

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

Ed Davidson asked that Item 25 be pulled.

Becky Johnson asked that Item 25 be pulled.

Robert Norse asked that Item 25 be pulled.

Items 14 and 25 were removed from the Consent Agenda.

Action

Councilmember/Member Madrigal moved, seconded by Councilmember/Member Robinson, to approve the remaining items on the Consent Agenda. The motion carried unanimously (Mayor/Chair Rotkin absent).

1. Minutes of the July 20, 2010 and August 3, 2010 Special and July 27, 2010 Regular City Council Meetings. (CC)

Motion carried to approve as submitted.

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

Consent Agenda (continued)

2. Minutes of the July 27, 2010 Regular Redevelopment Agency Meeting.
 (CC)

Motion carried to approve as submitted.

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

Motion carried to revise and adopt Council Policy 5.14.

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

Resolution No. NS-28,254 was adopted 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)

This item was deleted by staff.

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

City Council Resolution No. NS-28,255 was adopted authorizing the City Manager to execute a Cooperative Agreement with the Redevelopment Agency for operation of the Eastside Parking Lot.

City Council Resolution No. NS-28,256 was adopted 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 No. 1505 was adopted authorizing the Executive Director to execute a Cooperative Agreement with the City for operation of the Eastside Parking Lot.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

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

Motion carried 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.

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

Resolution No. NS-28,257 was adopted 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 No. NS-28,258 was adopted 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)

Note: Councilmember Mathews disqualified herself from acting on Item 10.(c).

Motion carried 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 No. NS-28,259 was adopted 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.

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

Consent Agenda (continued)

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

Motion carried 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.

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 No. NS-28,260 was adopted 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 Crossings #1 & #3.

Motion carried approving the plans and specifications for the restoration of Lower DeLaveaga Service Road Projects Crossings # 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)

Director of Parks and Recreation D. Shoemaker and Chief Building Official J. Ancic presented oral reports and responded to Council's questions.

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

Mike Tomasi
 Ed Silveira

Action

Councilmember Beiers moved, seconded by Councilmember Lane, to accept the Stroke Center informational report prepared by Chief Building Official John Ancic; and to adopt Resolution No. NS-28,261 amending the 2011 budget and appropriating \$20,000 for an environmental site assessment of the facility; and 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. The motion carried unanimously (Mayor Rotkin absent).

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

15. Locust Garage Equipment Replacement – Sole Source Purchase. (PW)
Motion carried 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 carried 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.
17. Encroachment Permits for Cruzio Telecommunications Network. (PW)
Resolution No. NS-28,262 was adopted 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 carried 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 carried 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 carried 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.

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

Consent Agenda (continued)

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

Motion carried 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 carried 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.

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

Motion carried 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 carried 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 No. NS-28,263 was adopted 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 No. NS-28,264 was adopted 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.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

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

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

Ed Davidson
Becky Johnson
Mike Tomasi
Steve Pleich
Robert Norse
An unidentified woman

Action

Councilmember Robinson moved, seconded by Vice Mayor Coonerty, 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. The motion carried by the following vote:

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

End Consent Agenda

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

General Business

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

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

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

Ellen Murtha
 Rick Longinotti
 Ron Pomerantz
 Jan Karwin
 Theresa Rogers
 Paula Keene
 Peter Petoe
 Robert Norse
 Mike Tomasi

Action

Councilmember Mathews moved, seconded by Councilmember Lane, 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, with direction to staff to return to Council for authorization to proceed any further on the project. The motion carried unanimously (Mayor Rotkin absent).

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

General Business (continued)

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

Superintendent of Resource Recovery B. Nelson presented an oral report and responded to Council's questions.

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

Colleen Bednarz, Save our Shores
Steve Pleich
Mike Tomasi
Ron Pomerantz
Cory Chase Lloyd

Action

Councilmember Mathews moved, seconded by Councilmember Lane, to accept the draft Single-Use Bag Reduction Ordinance in concept and to direct staff to proceed with the preparation of documents for environmental review; and with direction to staff to come back to Council with information after the first year of the \$0.10 fee. The motion carried unanimously (Mayor Rotkin absent).

Note: Councilmember Robinson left the meeting at 6:15 p.m.

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

General Business (continued)

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

Assistant City Manager T. Shull presented an oral report and responded to Council's questions.

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

Becky Johnson
 Cory Chase Lloyd
 An unidentified woman
 Robert Facer
 Robert Norse
 Ed Frey
 Mike Tomasi

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

Betsy Philips
 Monica Martinez, Homeless Services Center Director

Action

Councilmember Mathews moved, seconded by Vice Mayor Coonerty, to introduce for publication Ordinance No. 2010-18 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, the River Street Shelter or any other existing shelter program offered in Santa Cruz and recognized by the City Attorney. The motion carried unanimously (Councilmember Robinson and Mayor Rotkin absent).

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

General Business (continued)

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

This item was taken out of agenda order.

Director of Finance J. Dilles presented an oral report and responded to Council's questions.

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

Darrell Darling
Dick Vittitow
Jim Logsdon
Judy Warner
Terry Hancock
Mike Tomasi
Paula Keene
Bud Winslow

Action

Councilmember Lane moved, seconded by Councilmember Madrigal, to adopt Resolution No. NS-28,265 approving utility users tax exemptions on the first \$100 in combined monthly charges for electricity and gas usage for low-income and senior citizen service users, and to instruct staff to bring back a proposal that would ensure that multi-unit facilities are covered in the exemptions. The motion carried unanimously (Mayor Rotkin absent).

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

Councilmember Mathews nominated Rick Miritz.

Action

Rick Miritz was appointed by acclamation to a term ending 1/1/12.

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 14, 2010
 3:00 P.M. SESSION

General Business (continued)

31. City Attorney Oral Report on Closed Session.

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

- Employee Organizations —
1. Police Officers' Association
 2. SEIU—Temporary Employees
 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. Habitat and Watershed Caretakers v. City of Santa Cruz, Santa Cruz County Superior Court Case No -unknown.

Council did not discuss Item 1. Council briefly discussed Item 2 with the City Attorney, but took no reportable action.

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

Councilmember Mathews disqualified herself from acting on Item 3. Five claims were not discussed.

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

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

1 case was discussed, and Council took no reportable action.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 14, 2010
3:00 P.M. SESSION

General Business (continued)

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

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

Council received a status report, instructed the negotiator, but took no reportable action.

32. Council Meeting Calendar

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

33. 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.

Adjournment — At 6:59 p.m., the Redevelopment Agency adjourned 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.

Approved

Ryan Coonerty
Vice Chair

Attest

Bonnie Lipscomb
Executive Director

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

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

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

SEPTEMBER 28, 2010

1:30 P.M. SESSION

Mayor Rotkin opened the Closed Litigation Session at 1:36 p.m. in a public session in the Courtyard Conference Room, for the purpose of announcing the agenda, considering of the addition of late Item F, and receiving public testimony.

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

49A Municipal Wharf – Carniglia’s Restaurant
Bonnie Lipscomb – City Negotiator

Action

Councilmember Lane moved, seconded by Councilmember Robinson, to make the emergency findings to add item F to the agenda as the need to act arose after the posting of the agenda. The motion carried unanimously (Vice Mayor Coonerty absent).

SPEAKING FROM THE FLOOR REGARDING ITEM F:

Martin Drobac

SPEAKING FROM THE FLOOR REGARDING ITEM C.2:

Dana Landig

Council closed the session to the public at 1:47 p.m. All Councilmembers were present except Vice Mayor Coonerty. (See pages 1773 through 1774 for a report on closed session.)

3:00 P.M. SESSION

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

Roll Call

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

Absent: Vice Mayor/Vice Chair Coonerty.

Staff: City Manager M. Bernal, Assistant City Attorney A. Condotti, Director of Economic Development and Redevelopment B. Lipscomb, Director of Finance J. Dilles, Chief of Fire R. Oliver, Deputy Fire Marshall G. Parker, Administrative Assistant K. Kumec, Director of Human Resources L. Sullivan, Director of Parks and Recreation D. Shoemaker, Director of Planning and Community Development J. Rebagliati, Acting Chief of Police R. Martinez, Police Officer J. Hernandez, Police Officer J. Garcia, Principal Management Analyst Z. Friend, Director of Public Works M. Dettle, Director of Water B. Kocher, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Pledge of Allegiance

Presentation – Mayor’s Proclamation in Recognition of October 2-15, 2010 as Binational Health Week, accepted by David Figueroa-Ortega, Consul General of Mexico.

Presentation - Mayor's Proclamation to Ken Kimes.

Presentation - Mayor's Proclamation in Recognition of Fire Prevention Week - October 3 through 9.

Presentation - PRIDE Program - Officers J. Hernandez and J. Garcia.

Presentation - Fire and EMA Cost Recovery – **This item was deleted by staff.**

Presiding Officer's Announcements

Statements of Disqualification – Councilmember Mathews disqualified herself from acting on item 6.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Additions and Deletions – None.

Joint City Council/Redevelopment Agency Oral Communications

Pat Kittle spoke about finite limits, ecological limits, and immigration limits.

Ed Davidson spoke about the process Council used to adopt the rental inspection ordinance, and said Council had left itself open to a lawsuit.

Mike Tomasi spoke about peace and freedom.

Lynn Robinson announced a benefit for Ken Kimes on October 1, 2010.

Consent Agenda

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

Ed Davidson asked Council to direct staff to note his objections to the process in which Council adopted the rental inspection ordinance in the minutes of September 7, 2010 and September 14, 2010, and to present his comments in those in summary form instead of action form.

Items 1, 2 and 11 were removed from the Consent Agenda.

Councilmember Beiers moved, seconded by Councilmember Madrigal, to direct staff to present summary minutes as they pertain to the rental inspection ordinance for both for items 1 and 2. The motion FAILED by the following vote:

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

Action

Councilmember Lane moved, seconded by Councilmember Robinson, to continue items 1 and 2 to the meeting of October 12, 2010, and to approve the remaining items on the Consent Agenda. The motion carried unanimously (Vice Mayor Coonerty absent, Councilmember Mathews disqualified from acting on Item 6).

1. Minutes of the September 7, 2010 Special and September 14, 2010 Regular City Council Meetings. (CC)

This item was continued to the October 12, 2010 meeting.

Consent Agenda (continued)

2. Minutes of the September 14, 2010 Regular Redevelopment Agency Meeting. (CC)

This item was continued to the October 12, 2010 meeting.

3. Review and Amendment of the City's Conflict of Interest Code. (CC)

Resolution No. NS-28,266 was adopted to amend and approve the Conflict of Interest Code.

4. Inclusionary Housing Affordability Preservation Program. (ED)

City Council Resolution No. NS-28,267 was adopted authorizing and directing the City Manager to establish an Inclusionary Housing Affordability Preservation Program and to execute a cooperative loan agreement with the Redevelopment Agency, in a form to be approved by the City Attorney, in the amount of \$500,000 to the Affordable Housing Trust Fund to fund the Inclusionary Housing Affordability Preservation Program; and City Council Resolution No. NS-28,268 was adopted appropriating funds and amending the FY 2011 budget in the amount of \$503,000 to fund the Inclusionary Housing Affordability Preservation Program and the related interest expense; and Redevelopment Agency Resolution No. 1506 was adopted authorizing and directing the Executive Director to enter into a cooperative loan agreement with the City of Santa Cruz, in a form approved by the Agency Attorney, in the amount of \$500,000 to fund the the Inclusionary Housing Affordability Preservation Program as part of the Affordable Housing Trust Fund; and Redevelopment Agency Resolution No. 1507 was adopted appropriating funds and amending the FY 2011 budget in the amount of \$503,000 from the Redevelopment Agency Low and Moderate Income Housing Set-Aside Fund balance to fund the Inclusionary Housing Affordability Preservation Program and related interest revenue as part of the Affordable Housing Trust Fund.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

5. 207 Church Street, LLC Owner Participation Agreement. (ED)

Redevelopment Agency Resolution No. 1508 was adopted authorizing and directing the Executive Director to enter into an Owner Participation Agreement which includes a forgivable loan with 207 Church Street, LLC in an amount up to \$122,500 to assist with the public infrastructure improvements of the site rehabilitation and to execute such documents as may be necessary to carry out the Owner Participation Agreement and forgivable loan in forms approved by the Agency Attorney; and Redevelopment Agency Resolution No. 1509 was adopted amending the FY 2011 budget to appropriate an amount up to \$122,500 for a forgivable loan to 207 Church Street, LLC to financially assist with certain public infrastructure improvements at the site.

6. 190 Walnut Avenue and 212 Church Street – Property Exchange between the City of Santa Cruz and 207 Church Street LLC. (ED/PW)

Councilmember Mathews disqualified herself from acting on this item.

Resolution No. NS-28,269 was adopted 1) authorizing and directing the City Manager to execute any and all documents necessary for the property exchange, in a form approved by the City Attorney, with 207 Church Street LLC to accomplish the exchange of 190 Walnut Avenue (APN 005-072-26) with 212 Church Street (APN 005-048-12); 2) declaring City-owned property known as 190 Walnut Avenue exempt from the surplus land clearance process pursuant to California Government Code 54221(b); 3) accepting Planning Commission report that the property exchange is in conformity with the General Plan of the City; and 4) authorizing and directing the City Manager to execute a lease agreement and any amendments thereto of a nonsubstantive nature, subject to the approval of the City Attorney, with 207 Church Street LLC for the premises located at 190 Walnut Avenue; and Resolution No. NS-28,270 was adopted appropriating funds and amending the Fiscal Year 2011 Budget in the amount of \$110,000 for parking enforcement staff office relocation costs and Church Street parking lot preparation costs and for repayment of these costs to the Parking Fund from the General Fund from the future parking lot revenues, and to record the exchange of 190 Walnut Street for 212 Church Street.

Consent Agenda (continued)

7. Pacific Station – Extension of Memorandum of Understanding with Santa Cruz Metropolitan Transit District. (ED)

Resolution No. NS-28,271 was adopted authorizing the City Manager to execute an extension of the Memorandum of Understanding with the Santa Cruz Metropolitan Transit District, in a form approved by the City Attorney, for staff services in connection with the development of a mixed-use project at 425 Front Street to be known as Pacific Station.

8. Year-End Budget Adjustments for FY 2010. (FN)

Resolution No. NS-28,272 was adopted amending the FY 2010 budget in the total amount of \$7,694,913 as detailed in the table attached to the agenda report, where expenditures have exceeded appropriations, as recommended by the Finance Director.

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

Councilmembers Beiers and Madrigal recorded no votes on item (b).

Motion carried to reject liability claims a) Jesse Henri, and b) Dana Landig based upon staff investigation.

10. City's Classification and Compensation Plans and FY11 Budget Personnel Complement – Economic Development/Redevelopment. (HR)

Resolution No. NS-28,273 was adopted amending the Classification and Compensation Plans to combine two (2) .50 FTE Management Analyst positions into one (1) 1.0 FTE Management Analyst position.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

11. Halloween 2010 Safety Enhancement Zone. (PD)

Action

Councilmember Lane moved, seconded by Councilmember Mathews, to approve Resolution No. NS-28,274 establishing a safety enhancement zone Downtown from 6:00 p.m. October 30 - 3:00 a.m. November 1, 2010. The motion carried by the following vote:

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

Action

Councilmember Lane moved, seconded by Councilmember Mathews, to adopt Resolution No. NS-28,279 appropriating funds and amending the FY 2011 budget in the amount of \$60,000 to fund the local and allied law enforcement overtime, lighting, restrooms and equipment. The motion carried unanimously (Vice Mayor Coonerty absent).

12. Proposition 84 Urban Greening Grant Application for the Seabright Area Plan. (PL)

Resolution No. NS-28,275 was adopted authorizing the City Manager to submit a grant application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and to prepare an Urban Greening Plan (Seabright Area Plan) per the grant requirements.

13. FY/2011 Environmental Enhancement and Mitigation Program Grant Application (PW)

Resolution No. NS-28,276 was adopted authorizing and directing the City Manager to submit an application, in a form approved by the City Attorney, to the FY/2011 Environmental Enhancement and Mitigation Program for the funding of Phase 1 of the Resource Management Plan of the Arana Gulch Master Plan.

Consent Agenda (continued)

14. Wastewater Treatment Facility 54" Effluent Pump Pipeline Repair Project (M409659) - Contract Change Order and Notice of Completion. (PW)

Motion carried authorizing the City Manager to execute Contract Change Order Number 1 and file a Notice of Completion with D. W. Nicholson Corporation, Hayward, CA, for the Wastewater Treatment Facility 54" Effluent Pump Pipeline Repair Project.

15. Binational Health Week – Resolution of Support. (CN)

Resolution No. NS-28,277 was adopted supporting Binational Health Week and urging the Santa Cruz community to join the City Council in observing and participating in Binational Health Week from October 2-15, 2010.

End Consent Agenda

Public Hearing

16. Ordinance 2010-18 Camping Ordinance Amendment. (CA)

Mayor Rotkin opened the public hearing at 4:20 p.m.

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

Steve Pleich

Mayor Rotkin closed the public hearing at 4:23 p.m.

Action

Councilmember Lane moved, seconded by Councilmember Mathews, to pass Ordinance No. 2010-18 for final adoption. The motion carried unanimously (Vice Mayor Coonerty absent).

General Business

17. Council Meeting Calendar

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

JOINT CITY COUNCIL/
 REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 28, 2010
 3:00 P.M. SESSION

General Business (continued)

18. City Attorney Oral Report on Closed Session.

This item was taken out of agenda order.

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

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

Council received status reports 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. Habitat and Watershed Caretakers v. City of Santa Cruz, Santa Cruz County Superior Court Case No. CV 168697.

Council received status reports and took no reportable action.

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

1. Claimant: Jesse Henri
2. Claimant: Dana Landig
3. Claimant: Jerry and Sylvia Soper
4. Claimant: Pasatiempo Golf Club, Inc.

Claims Against: City of Santa Cruz

Claims 1 and 2 were rejected in open session; claims 3 and 4 were authorized for settlement.

General Business (continued)

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

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

Initiation of Litigation by City_Government Code §54956.9(c)).

1 case was discussed. Council took no reportable action.

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

190 Walnut Avenue/212 Church Street Property Exchange
(City of Santa Cruz -190 Walnut Owner; 207 Church Street LLC –
212 Church Street Owner)

Bonnie Lipscomb – City Negotiator

190 Walnut Ave. APN 005-072-26

212 Church St. APN 005-048-12

Council received a status report and instructed the negotiator.

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

49A Municipal Wharf – Carniglia’s Restaurant

Bonnie Lipscomb – City Negotiator

Council received a status report, and instructed the negotiator.

19. Council Memberships in City Groups and Outside Agencies.

Councilmember Mathews gave a brief report on the League of California Cities meeting.

Councilmember Madrigal reported that he has been elected Vice Chair of the Latino Electeds Caucus for Northern California for 2011.

At 4:25 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**

SEPTEMBER 28, 2010

7:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 7:05 p.m. in Council Chambers.

Roll Call

Present: Councilmembers/Members Lane (arrived 7:06 p.m.), Mathews, Beiers, Madrigal, Robinson; Mayor/Chair Rotkin.

Absent: Vice Mayor/Vice Chair Coonerty.

Staff: City Manager M. Bernal, Assistant City Attorney A. Condotti, Director of Planning and Community Development J. Rebagliati, Principal Planner E. Marlatt, Senior Planner D. Lauritson, Associate Planner J. Lum, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Joint City Council/Redevelopment Agency Oral Communications

David James Howell invited Councilmembers and members of the public to a fundraiser for Community TV on Friday October 1st at 816 Pacific Ave., downtown Santa Cruz at 6:00 p.m.

Ed Porter invited Councilmembers and members of the public to a conference on personal rapid transit, and passed out invitations.

Reed Searle encouraged Council to take up a vacation rental ordinance.

Cynthia Mathews encouraged Councilmembers and members of the public to vote yes on Proposition 22.

Tony Madrigal announced a free Immigration and Citizenship Forum on October 17, 2010 at Star of the Sea Hall.

Public Hearing

20. 335 Union Street Appeal. (PL)

Mayor Rotkin opened the public hearing at 7:14 p.m.

Associate Planner J. Lum presented an oral report and responded to Council's questions.

APPELLANT'S/APPLICANT'S PRESENTATION:

Architect Stephanie Barnes-Castro and Appellant/Applicant Jeremy Neuner presented oral reports and responded to Council's questions.

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

Mark Primack
Jeffrey Correa
Mary Miller

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

Joe Michalak
Nicholas Peter-Humy
Judy Steen
David Lavo
Elizabeth Jonassen
An unidentified man

APPELLANT'S/APPLICANT'S REBUTTAL:

Appellant/Applicant Jeremy Neuner presented oral comments and responded to Council's questions.

Mayor Rotkin closed the public hearing at 8:12 p.m.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
7:00 P.M. SESSION

Public Hearing (continued)

20. 335 Union Street Appeal. (continued)

Action

Councilmember Mathews moved, seconded by Councilmember Madrigal, to adopt Resolution No. NS-28,278 upholding the appeal, thereby approving the Historic Alteration Permit with conditions, and approving the Design Permit. The motion carried unanimously (Vice Mayor Coonerty absent).

Adjournment — At 8:51 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of September 28, 2010 to the next regularly scheduled meeting on October 12, 2010, for a closed litigation session at 1:30 p.m., in the Courtyard Conference Room, followed by open sessions at the approximate hours of 3:00 p.m. and 7:00 p.m. in Council Chambers.

Adjournment — At 8:51 p.m., the City Council adjourned from the regularly scheduled meeting of September 28, 2010, to the next regularly scheduled meeting on October 12, 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

SEPTEMBER 28, 2010

3:00 P.M. SESSION

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

Roll Call

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

Absent: Vice Mayor/Vice Chair Coonerty.

Staff: City Manager M. Bernal, Assistant City Attorney A. Condotti, Director of Economic Development and Redevelopment B. Lipscomb, Director of Finance J. Dilles, Chief of Fire R. Oliver, Deputy Fire Marshall G. Parker, Administrative Assistant K. Kumec, Director of Human Resources L. Sullivan, Director of Parks and Recreation D. Shoemaker, Director of Planning and Community Development J. Rebagliati, Acting Chief of Police R. Martinez, Police Officer J. Hernandez, Police Officer J. Garcia, Principal Management Analyst Z. Friend, Director of Public Works M. Dettle, Director of Water B. Kocher, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Pledge of Allegiance

Presentation – Mayor’s Proclamation in Recognition of October 2-15, 2010 as Binational Health Week, accepted by David Figueroa-Ortega, Consul General of Mexico.

Presentation - Mayor's Proclamation to Ken Kimes.

Presentation - Mayor's Proclamation in Recognition of Fire Prevention Week - October 3 through 9.

Presentation - PRIDE Program - Officers J. Hernandez and J. Garcia.

Presentation - Fire and EMA Cost Recovery – **This item was deleted by staff.**

Presiding Officer's Announcements

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Statements of Disqualification – Councilmember Mathews disqualified herself from acting on item 6.

Additions and Deletions – None.

Joint City Council/Redevelopment Agency Oral Communications

Pat Kittle spoke about finite limits, ecological limits, and immigration limits.

Ed Davidson spoke about the process Council used to adopt the rental inspection ordinance, and said Council had left itself open to a lawsuit.

Mike Tomasi spoke about peace and freedom.

Lynn Robinson announced a benefit for Ken Kimes on October 1, 2010.

Consent Agenda

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

Ed Davidson asked Council to direct staff to note his objections to the process in which Council adopted the rental inspection ordinance in the minutes of September 7, 2010 and September 14, 2010, and to present his comments in those in summary form instead of action form.

Items 1, 2 and 11 were removed from the Consent Agenda.

Councilmember Beiers moved, seconded by Councilmember Madrigal, to direct staff to present summary minutes as they pertain to the rental inspection ordinance for both for items 1 and 2. The motion FAILED by the following vote:

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

Action

Councilmember Lane moved, seconded by Councilmember Robinson, to continue items 1 and 2 to the meeting of October 12, 2010, and to approve the remaining items on the Consent Agenda. The motion carried unanimously (Vice Mayor Coonerty absent, Councilmember Mathews disqualified from acting on Item 6).

1. Minutes of the September 7, 2010 Special and September 14, 2010 Regular City Council Meetings. (CC)

This item was continued to the October 12, 2010 meeting.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

2. Minutes of the September 14, 2010 Regular Redevelopment Agency Meeting. (CC)

This item was continued to the October 12, 2010 meeting.

3. Review and Amendment of the City's Conflict of Interest Code. (CC)

Resolution No. NS-28,266 was adopted to amend and approve the Conflict of Interest Code.

4. Inclusionary Housing Affordability Preservation Program. (ED)

City Council Resolution No. NS-28,267 was adopted authorizing and directing the City Manager to establish an Inclusionary Housing Affordability Preservation Program and to execute a cooperative loan agreement with the Redevelopment Agency, in a form to be approved by the City Attorney, in the amount of \$500,000 to the Affordable Housing Trust Fund to fund the Inclusionary Housing Affordability Preservation Program; and City Council Resolution No. NS-28,268 was adopted appropriating funds and amending the FY 2011 budget in the amount of \$503,000 to fund the Inclusionary Housing Affordability Preservation Program and the related interest expense; and Redevelopment Agency Resolution No. 1506 was adopted authorizing and directing the Executive Director to enter into a cooperative loan agreement with the City of Santa Cruz, in a form approved by the Agency Attorney, in the amount of \$500,000 to fund the the Inclusionary Housing Affordability Preservation Program as part of the Affordable Housing Trust Fund; and Redevelopment Agency Resolution No. 1507 was adopted appropriating funds and amending the FY 2011 budget in the amount of \$503,000 from the Redevelopment Agency Low and Moderate Income Housing Set-Aside Fund balance to fund the Inclusionary Housing Affordability Preservation Program and related interest revenue as part of the Affordable Housing Trust Fund.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

5. 207 Church Street, LLC Owner Participation Agreement. (ED)

Redevelopment Agency Resolution No. 1508 was adopted authorizing and directing the Executive Director to enter into an Owner Participation Agreement which includes a forgivable loan with 207 Church Street, LLC in an amount up to \$122,500 to assist with the public infrastructure improvements of the site rehabilitation and to execute such documents as may be necessary to carry out the Owner Participation Agreement and forgivable loan in forms approved by the Agency Attorney; and Redevelopment Agency Resolution No. 1509 was adopted amending the FY 2011 budget to appropriate an amount up to \$122,500 for a forgivable loan to 207 Church Street, LLC to financially assist with certain public infrastructure improvements at the site.

6. 190 Walnut Avenue and 212 Church Street – Property Exchange between the City of Santa Cruz and 207 Church Street LLC. (ED/PW)

Councilmember Mathews disqualified herself from acting on this item.

Resolution No. NS-28,269 was adopted 1) authorizing and directing the City Manager to execute any and all documents necessary for the property exchange, in a form approved by the City Attorney, with 207 Church Street LLC to accomplish the exchange of 190 Walnut Avenue (APN 005-072-26) with 212 Church Street (APN 005-048-12); 2) declaring City-owned property known as 190 Walnut Avenue exempt from the surplus land clearance process pursuant to California Government Code 54221(b); 3) accepting Planning Commission report that the property exchange is in conformity with the General Plan of the City; and 4) authorizing and directing the City Manager to execute a lease agreement and any amendments thereto of a nonsubstantive nature, subject to the approval of the City Attorney, with 207 Church Street LLC for the premises located at 190 Walnut Avenue; and Resolution No. NS-28,270 was adopted appropriating funds and amending the Fiscal Year 2011 Budget in the amount of \$110,000 for parking enforcement staff office relocation costs and Church Street parking lot preparation costs and for repayment of these costs to the Parking Fund from the General Fund from the future parking lot revenues, and to record the exchange of 190 Walnut Street for 212 Church Street.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

7. Pacific Station – Extension of Memorandum of Understanding with Santa Cruz Metropolitan Transit District. (ED)

Resolution No. NS-28,271 was adopted authorizing the City Manager to execute an extension of the Memorandum of Understanding with the Santa Cruz Metropolitan Transit District, in a form approved by the City Attorney, for staff services in connection with the development of a mixed-use project at 425 Front Street to be known as Pacific Station.

8. Year-End Budget Adjustments for FY 2010. (FN)

Resolution No. NS-28,272 was adopted amending the FY 2010 budget in the total amount of \$7,694,913 as detailed in the table attached to the agenda report, where expenditures have exceeded appropriations, as recommended by the Finance Director.

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

Councilmembers Beiers and Madrigal recorded no votes on item (b).

Motion carried to reject liability claims a) Jesse Henri, and b) Dana Landig based upon staff investigation.

10. City's Classification and Compensation Plans and FY11 Budget Personnel Complement – Economic Development/Redevelopment. (HR)

Resolution No. NS-28,273 was adopted amending the Classification and Compensation Plans to combine two (2) .50 FTE Management Analyst positions into one (1) 1.0 FTE Management Analyst position.

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

Consent Agenda (continued)

11. Halloween 2010 Safety Enhancement Zone. (PD)

Action

Councilmember Lane moved, seconded by Councilmember Mathews, to approve Resolution No. NS-28,274 establishing a safety enhancement zone Downtown from 6:00 p.m. October 30 - 3:00 a.m. November 1, 2010. The motion carried by the following vote:

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

Action

Councilmember Lane moved, seconded by Councilmember Mathews, to adopt Resolution No. NS-28,279 appropriating funds and amending the FY 2011 budget in the amount of \$60,000 to fund the local and allied law enforcement overtime, lighting, restrooms and equipment. The motion carried unanimously (Vice Mayor Coonerty absent).

12. Proposition 84 Urban Greening Grant Application for the Seabright Area Plan. (PL)

Resolution No. NS-28,275 was adopted authorizing the City Manager to submit a grant application for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and to prepare an Urban Greening Plan (Seabright Area Plan) per the grant requirements.

13. FY/2011 Environmental Enhancement and Mitigation Program Grant Application (PW)

Resolution No. NS-28,276 was adopted authorizing and directing the City Manager to submit an application, in a form approved by the City Attorney, to the FY/2011 Environmental Enhancement and Mitigation Program for the funding of Phase 1 of the Resource Management Plan of the Arana Gulch Master Plan.

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 28, 2010
 3:00 P.M. SESSION

Consent Agenda (continued)

14. Wastewater Treatment Facility 54" Effluent Pump Pipeline Repair Project (M409659) - Contract Change Order and Notice of Completion. (PW)

Motion carried authorizing the City Manager to execute Contract Change Order Number 1 and file a Notice of Completion with D. W. Nicholson Corporation, Hayward, CA, for the Wastewater Treatment Facility 54" Effluent Pump Pipeline Repair Project.

15. Binational Health Week – Resolution of Support. (CN)

Resolution No. NS-28,277 was adopted supporting Binational Health Week and urging the Santa Cruz community to join the City Council in observing and participating in Binational Health Week from October 2-15, 2010.

End Consent Agenda

Public Hearing

16. Ordinance 2010-18 Camping Ordinance Amendment. (CA)

Mayor Rotkin opened the public hearing at 4:20 p.m.

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

Steve Pleich

Mayor Rotkin closed the public hearing at 4:23 p.m.

Action

Councilmember Lane moved, seconded by Councilmember Mathews, to pass Ordinance No. 2010-18 for final adoption. The motion carried unanimously (Vice Mayor Coonerty absent).

General Business

17. Council Meeting Calendar

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

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
3:00 P.M. SESSION

General Business (continued)

18. City Attorney Oral Report on Closed Session.

This item was taken out of agenda order.

A. Labor Negotiations (Government Code §54956.6).

Lisa Sullivan—Negotiator

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

Council received status reports 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. Habitat and Watershed Caretakers v. City of Santa Cruz, Santa Cruz County Superior Court Case No. CV 168697.

Council received status reports and took no reportable action.

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

1. Claimant: Jesse Henri
2. Claimant: Dana Landig
3. Claimant: Jerry and Sylvia Soper
4. Claimant: Pasatiempo Golf Club, Inc.

Claims Against: City of Santa Cruz

Claims 1 and 2 were rejected in open session; claims 3 and 4 were authorized for settlement.

REDEVELOPMENT AGENCY MEETING
 SEPTEMBER 28, 2010
 3:00 P.M. SESSION

General Business (continued)

18. City Attorney Oral Report on Closed Session (continued)
- D. Conference with Legal Counsel – Anticipated Litigation (Government Code §54956.9).
 Initiation of Litigation by City_Government Code §54956.9(c).
 1 case was discussed. Council took no reportable action.
- E. Conference with Real Property Negotiator- Real Property Negotiations (Government Code §54956.8).
 190 Walnut Avenue/212 Church Street Property Exchange
 (City of Santa Cruz -190 Walnut Owner; 207 Church Street LLC –
 212 Church Street Owner)
 Bonnie Lipscomb – City Negotiator
 190 Walnut Ave. APN 005-072-26
 212 Church St. APN 005-048-12
 Council received a status report and instructed the negotiator.
- F. Conference with Real Property Negotiator- Real Property Negotiations (Government Code §54956.8).
 49A Municipal Wharf – Carniglia’s Restaurant
 Bonnie Lipscomb – City Negotiator
 Council received a status report, and instructed the negotiator.
19. Council Memberships in City Groups and Outside Agencies.
 Councilmember Mathews gave a brief report on the League of California Cities meeting.
 Councilmember Madrigal reported that he has been elected Vice Chair of the Latino Electeds Caucus for Northern California for 2011.

At 4:25 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 REGULAR REDEVELOPMENT AGENCY MEETING

SEPTEMBER 28, 2010

7:00 P.M. SESSION

Mayor/Chair Rotkin called the meeting to order at 7:05 p.m. in Council Chambers.

Roll Call

Present: Councilmembers/Members Lane (arrived 7:06 p.m.), Mathews, Beiers, Madrigal, Robinson; Mayor/Chair Rotkin.

Absent: Vice Mayor/Vice Chair Coonerty.

Staff: City Manager M. Bernal, Assistant City Attorney A. Condotti, Director of Planning and Community Development J. Rebagliati, Principal Planner E. Marlatt, Senior Planner D. Lauritson, Associate Planner J. Lum, City Clerk L. Brewer, Deputy City Clerk T. Graves.

Joint City Council/Redevelopment Agency Oral Communications

David James Howell invited Councilmembers and members of the public to a fundraiser for Community TV on Friday October 1st at 816 Pacific Ave., downtown Santa Cruz at 6:00 p.m.

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Reed Searle encouraged Council to take up a vacation rental ordinance.

Cynthia Mathews encouraged Councilmembers and members of the public to vote yes on Proposition 22.

Tony Madrigal announced a free Immigration and Citizenship Forum on October 17, 2010 at Star of the Sea Hall.

JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING
SEPTEMBER 28, 2010
7:00 P.M. SESSION

Public Hearing

20. 335 Union Street Appeal. (PL)

Mayor Rotkin opened the public hearing at 7:14 p.m.

Associate Planner J. Lum presented an oral report and responded to Council's questions.

APPELLANT'S/APPLICANT'S PRESENTATION:

Architect Stephanie Barnes-Castro and Appellant/Applicant Jeremy Neuner presented oral reports and responded to Council's questions.

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

Mark Primack
Jeffrey Correa
Mary Miller

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

Joe Michalak
Nicholas Peter-Humy
Judy Steen
David Lavo
Elizabeth Jonassen
An unidentified man

APPELLANT'S/APPLICANT'S REBUTTAL:

Appellant/Applicant Jeremy Neuner presented oral comments and responded to Council's questions.

Mayor Rotkin closed the public hearing at 8:12 p.m.

Public Hearing (continued)

20. 335 Union Street Appeal. (continued)

Action

Councilmember Mathews moved, seconded by Councilmember Madrigal, to adopt Resolution No. NS-28,278 upholding the appeal, thereby approving the Historic Alteration Permit with conditions, and approving the Design Permit. The motion carried unanimously (Vice Mayor Coonerty absent).

Adjournment — At 8:51 p.m., the Redevelopment Agency adjourned from the regularly scheduled meeting of September 28, 2010 to the next regularly scheduled meeting on October 12, 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

Michael Rotkin
Chair

Attest

Bonnie Lipscomb
Executive Director



CITY COUNCIL AGENDA REPORT

DATE: September 30, 2010

AGENDA OF: October 12, 2010

DEPARTMENT: City Clerk

SUBJECT: Update and Revision of Council Policy 1.1 (CC)

RECOMMENDATION: Motion to update and revise Council Policy 1.1, Council Procedure on Appeals.

BACKGROUND: In May of this year, Council directed the City Clerk to update and revise Council Policy 1.1, Council Procedure on Appeals, which had not been updated since November 17, 1998.

DISCUSSION: Council Policy 1.1 has been revised to include changes in allotted time for appellants and opponents, and updated with the words, "Presiding Officer" instead of the word, "Mayor," in keeping with similar Council policies.

FISCAL IMPACT: None.

Prepared by:
Tom Graves
Deputy City Clerk

Submitted by:
Lorrie Brewer
City Clerk

Approved by:
Martín Bernal
City Manager

Attachments: Council Policy 1.1

POLICY TITLE: COUNCIL PROCEDURE ON APPEALS

POLICY STATEMENT:

In order to ensure a reasonable and fair hearing to all interested persons, the following rules must be adhered to on appeals to the Council from administrative actions and appeals pursuant to Chapter 23 (the subdivision ordinances) and Chapter 24 (the zoning ordinances) of the Santa Cruz Municipal Code.

1. Record of Proceedings
 - (a) A record of the original proceedings, containing all documentary evidence and minutes of the oral evidence, will be filed with the Council as a part of its record;
 - (b) A written staff report outlining the proceedings before the decision-making party, and the basis of its decision, will be filed with the Council as a part of its record;

2. Appeal Procedures
 - (a) Staff will present its report before other evidence is heard by the Council;
 - (b) The appellant, having the burden of proof, will be permitted to present evidence in support of the appeal (~~20~~ 10 minutes);
 - (c) Opponents will present their evidence (~~20~~ 10 minutes);
 - (d) Appellant will be permitted to rebut issues raised by opponents, but may not raise new issues in their rebuttal (~~10~~ 5 minutes);
 - (e) The Council will hear from other members of the public (up to ~~5~~ 3 minutes per speaker);
 - (f) The hearing will be closed and the matter will be before the Council for deliberation and action.

3. The ~~Mayor~~ Presiding Officer may limit the number of witnesses for the appellant and opponents, or may set a time limit for the presentation of evidence by each side.

4. As a result of the hearing, the Council may reverse or affirm, wholly or partly, or modify, the order, requirements, decision or determination appealed from, and may make such order, requirements, decision, or determination as should be

COUNCIL PROCEDURE ON APPEALS - continued
POLICY NUMBER 1.1

made. The Council may take the matter under submission, and refer the application back to the department or advisory body, for the taking of further evidence, or the making of further recommendations before arriving at its decision.

5. The ~~Mayor~~ Presiding Officer shall have the power to vary the order of proceedings, or the presentation of proof, or the allotted time, in the interest of justice.

AUTHORIZATION: Council Policy Manual Update of November 17, 1998
Revised October 12, 2010

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CITY COUNCIL AGENDA REPORT

DATE: October 5, 2010

AGENDA OF: October 12, 2010
DEPARTMENT: City Manager
SUBJECT: Revised AMBAG By-Laws Approval – Resolution of Support. (CM)

RECOMMENDATION: Resolution supporting the approval of the revised Association of Monterey Bay Area Governments (AMBAG) By-Laws.

BACKGROUND: The AMBAG Board of Directors recently approved By-Law revisions. These revisions reflected the work and recommendations of the By-Laws Subcommittee and a unanimous vote of the Board of Directors. The By-Law amendments reflect current practices and staff titles and were for the most part non-substantive changes.

DISCUSSION: The current (effective By-Laws) require approval of a majority of the member agencies to become effective. The most substantive change to the By-Laws relates to Section 16, which currently requires approval by a majority of the member agencies. As recommended, amendments would no longer be subject to a majority approval by the City Councils/Board of Supervisors. Instead, amendments would require a 2/3 vote of members present provided that a copy of the proposed amendments are mailed to each member agency a minimum of fifteen (15) days in advance. The AMBAG Board of Directors is hopeful that you will agree that this is a far more effective means of amending By-Laws.

Attached is a copy of the Board-approved By-Laws for your review and consideration.

FISCAL IMPACT: The approval of this recommendation has no fiscal impact.

Submitted by:

Martín Bernal
City Manager

Attachments: AMBAG By-Laws
Resolution

**BY-LAWS
of the
ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS
(AMBAG)**

Section 1. PURPOSE

The purpose of the Association of Monterey Bay Area Governments is to:

- A. Exercise the authority delegated to it under federal and state laws as the Metropolitan Planning Organization (MPO) for the AMBAG region encompassing Monterey, San Benito and Santa Cruz Counties;
- B. Qualify eligible agencies for programming of federal, state and local transportation projects contained in the Transportation Improvement Program;
- C. Provide technical assistance to Member Agencies;
- D. Serve as the regional clearinghouse for local project applications, environmental documents and census data; and
- E. Engage in regional cooperative comprehensive planning, programming, education and, where authorized, implementation.

Section 2. VOTING

Voting on matters before the Board of Directors is established by the Joint Powers Agreement (Section 3), except as follows:

- A. The Joint Powers Agreement (Section 3c) requires that a population weighted vote procedure be set forth in the By-Laws. Pursuant to this requirement, the following population weighted vote shall be conducted upon request of any one official representative present or at the discretion of the presiding officer. When used, this weighted vote shall take precedence over a vote or votes taken in any other manner on the question.
- B. The population used for each agency in determining the population vote weight shall be that population certified by the State Department of Finance or the U.S. Census Bureau, whichever is more recent, effective the first day of April immediately preceding.

1) Cities

<u>Population</u>	<u>Weighted Vote</u>
0 - 9,999	1
10,000 - 24,999	2
25,000 - 44,999	3
45,000 - 79,999	4

80,000 – 109,999	5
110,000 – 149,000	6
Over 150,000	7

2) Counties (1)

<u>Population</u>	<u>Weighted Vote</u>
25,000 – 44,999	3
45,000 - 79,999	4
80,000 – 109,999	5
110,000 – 149,000	6
Over 150,000	7

(1) Where two members of the Board of Directors representing a County are present, each shall be entitled to one-half of the votes allotted to that County.

C. The President of the Association shall have the right to vote on all matters before the Board of Directors, whether the vote is by ballot or by voice.

Section 3. OFFICE

The office of the Association shall be located within one of the three counties (Monterey, San Benito and Santa Cruz) constituting the AMBAG region.

Section 4. OFFICERS AND TERMS

- A. The officers of the Association shall be the President, Vice President, Second Vice President, and Secretary.
- B. The President, Vice President, and Second Vice President shall be elected for one (1) year terms no later than the January meeting of the Board. The Executive Director of the Association shall serve as Secretary to the Board and each standing committee.
- C. At least 45-days in advance of the January meeting, the President shall appoint a nominating committee consisting of at least three Board Members. The Committee shall include a representative from within each of the three counties of the AMBAG region. The committee shall nominate candidates for the positions of President, Vice President and Second Vice President no later than the January meeting of the Board. Additional candidates may be nominated at the same meeting by any Member provided the nomination is seconded.

Section 5. DUTIES OF OFFICERS

- A. The President shall preside over Board meetings and the Executive, Finance and Personnel Committee meetings and have general supervision of Board and committee

affairs. The President shall sign official documents when directed to do so by the Board.

- B. The Vice President shall perform the duties of the President in his or her absence.
- C. The Second Vice President shall perform the duties of the President in the absence of the President and Vice President.
- D. In the event of absence of the three officers of the Board, the immediate past President may preside or in the alternative, a quorum of the members present may select a President Pro Tempore to preside over that meeting.
- E. The Secretary to the Board shall be responsible for all mandated functions necessary to conduct public business of the Board of Directors. The Secretary shall be the Executive Director. The Secretary to the Board is not a member of the Board.

Section 6. EXECUTIVE DIRECTOR AND STAFF

- A. The Executive Director, who is the Association's Chief Administrative Officer, shall be appointed by and serve at the pleasure of the Board of Directors.
- B. Other employees of the Association shall be appointed by and serve at the pleasure of the Executive Director subject to the AMBAG Personnel Rules.

Section 7. COMPENSATION OF THE BOARD OF DIRECTORS

Except as otherwise provided, each member of the Board of Directors shall be compensated fifty dollars (\$50.00) for each monthly meeting of the Association attended. In addition, any member of the Board of Directors may be reimbursed for necessary expenses connected with activities of the Association, as determined and approved by the Board of Directors.

Section 8. MEETINGS

A. Regular Meetings:

The Board of Directors shall meet regularly each month with the exception of July and December at a date, time and place to be determined by the Executive Director. Meetings are generally conducted on the second Wednesday of each month and shall be held within one of the three counties constituting the AMBAG region.

B. Special Meetings:

A Special Meeting may be called by the President, or by request in writing of any five (5) members of the Board of Directors (Section 7 of Joint Powers Agreement). Only those items set forth in the Notice of the Meeting may be acted upon at a Special Meeting.

C. General Assembly:

On special occasions, a general assembly meeting may be arranged by the President to invite all elected officials and key staff of the member agencies as well as

representatives from other public agencies to discuss items of major concern to the region.

D. Notice of Regular Meetings:

Notice of the date, time and place of all Regular Meetings shall be given by the Executive Director. The agenda for a regular meeting shall be posted at the AMBAG office and on the AMBAG website no less than five (5) days before the meeting date.

E. Notice of Special Meetings:

Notice of date, time and place of a special meeting shall be provided via regular mail, e-mail, facsimile or hand delivery to each Board member no less than 72-hours prior to the meeting. The agenda shall be posted at the AMBAG office and on the AMBAG website no less than 72-hours before the meeting.

F. Rules of Order:

Except as otherwise provided herein or at the discretion of the presiding officer, with approval of the Board of Directors all proceedings of the Association shall be governed by the current edition of Robert's Rules of Order Newly Revised.

Section 9. FINANCING

A. Fiscal Year:

The fiscal year of the Association shall commence on July 1st.

B. Budget:

A draft budget of the Association shall be submitted by the Executive Director to the Executive, Finance and Personnel Committee on or before the regular April Committee meeting. The Executive, Finance and Personnel Committee shall forward a final draft budget to the full Board by the regular June meeting.

The Board of Directors shall review the final draft budget and no later than its regular meeting in June of each year and shall approve a final fiscal year budget no later than June 30th. As part of the budget, the Board of Directors shall also determine the dues and assessments for each Member. Dues and assessments may be established annually to support the Association's operations. Such dues shall be apportioned as follows:

- 1) One-half of the dues shall be apportioned according to the population of each member agency; and
- 2) One-half of the dues shall be apportioned according to the assessed valuation of each member agency based upon the current available tax role of the Assessor of the County in which the jurisdiction is located.

All dues and assessments shall be payable no later than August 31st each fiscal year. Any member agency whose current and payable dues and assessments have not been paid shall not be entitled to vote.

C. Gifts, Contributions and Grants:

The Association shall have, as a Joint Powers Authority, the power to accept gifts, contributions, grants and other payments, whether in the form of money, services, real or personal property, or any other form.

Section 10. ACCOUNTING OF FUNDS

- A. The Executive Director shall cause a record of all financial transactions of the Association to be made and shall prepare such reports as the Board of Directors may require.
- B. All contracts or other legal documents authorized by the Board of Directors committing the Association to expenditure of funds shall be signed by the Executive Director and by the President, or by the Vice President in the absence of the President.
- C. The Association's Finance Officer shall be designated as Association Treasurer (The President of the Board, Executive Director and Finance Officer shall be authorized to sign two-party disbursement checks). The Board of Directors shall annually adopt a resolution designating additional Board and staff members who are also authorized to sign two-party disbursement checks.

Section 11. LIABILITY INSURANCE

The Executive Director shall ensure that the Association has and maintains adequate liability insurance including appropriate errors and omissions coverage.

Section 12. ANNUAL AUDIT

The Board of Directors shall cause an annual audit of financial affairs of the Association to be made at the end of each fiscal year, in accordance with Section 6505, Government Code. The Audit report shall be made public and available to all Association members within one hundred eighty (180) days after the close of each fiscal year.

Section 13. ADVISORY COMMITTEE STRUCTURE

The following committees are hereby established, with duties and membership as stated:

A. Executive Committee

- 1) The Executive Committee of the Board of Directors shall be composed of the President, Vice President, and Second Vice President, the most recent Past President still serving on the Board of Directors and such other members as may be appointed by the President with the consent of the Board of Directors.

- 2) The Executive Committee shall transact routine business between meetings of the Board of Directors to expedite administration of established policies and programs, make recommendations to the Board on Association policies, and act on such other matters as may be delegated to it by the Board.
- 3) The President and Vice President of the Association shall be Chairperson and Vice-Chairperson, respectively, of the Executive Committee.

B. Finance Committee

- 1) The Executive Committee shall also serve as the Finance Committee.
- 2) The Finance Committee shall:
 - a. Assist and advise the Executive Director in developing an annual budget for review and approval by the Board.
 - b. Review and evaluate on a continuing basis the financial management practices of the Association.
 - c. Evaluate potential financial problems and recommend alternatives for responding to these problems.
 - d. Submit periodic reports as appropriate to the Board on the Association's financial affairs and management system.

C. Personnel Committee

- 1) The Executive Committee shall also serve as the Personnel Committee.
- 2) The Personnel Committee shall:
 - a. Assist and advise the Executive Director in developing and revising Personnel Rules and employee salaries and benefits.
 - b. Serve as appeal board for grievances and other actions as specified in the AMBAG Personnel Rules.
 - c. Assist the Board in the annual review of the Executive Director.

Section 14. OTHER COMMITTEES

- A. The President may, from time to time, appoint an ad hoc subcommittee to advise or assist the Board of Directors in its function. Members shall be appointed by the President with the consent of the Board of Directors.
- B. Each Committee shall, at its first meeting, choose a Presiding Officer and such other Officers as it deems necessary, except as otherwise provided in Section 13, above.
- C. The Executive Director shall be ex-officio, a member of all Committees, both standing and special, but shall have no vote.

Section 15. PROCEDURES AND APPOINTMENTS

As provided elsewhere in these By-Laws, the President is authorized to make appointments to all committees and to external boards and commissions to which AMBAG is entitled representation. Such appointments shall be effective upon the formal motion by the President, subject to the consent of a majority of the Board of Directors. Appointments are to be made annually no later than the regular meeting in February and at such other times as may be required. Unless otherwise stipulated or agreed to, any resignation of a Board Member from any appointment, either internal or external, shall be effective as of the date of the resignation and the office or appointment shall be vacant.

Section 16. AMENDMENTS

These By-Laws may be amended at any regular or special meeting of the Board of Directors by a 2/3 majority of the Board of Directors present and voting, provided; however, that a copy of the proposed amendment has been mailed to each Member Agency at least fifteen (15) days prior to the meeting which the vote to amend is taken.

The By-Laws and any subsequent amendments shall be adopted by resolution of the Board of Directors.

RESOLUTION NO. NS-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
APPROVING THE REVISED ASSOCIATION OF MONTEREY BAY AREA
GOVERNMENTS (AMBAG) BY-LAWS

WHEREAS, the AMBAG Board of Directors recently approved By-Law revisions, which reflect the work and recommendations of the By-Laws Subcommittee and a unanimous vote of the Board of Directors; and

WHEREAS, the By-Law amendments reflect current practices and staff titles and were for the most part non-substantive changes; and

WHEREAS, the current (effective By-Laws) require approval of a majority of the member agencies to become effective.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby approves the revised AMBAG By-Laws.

BE IT FURTHER RESOLVED that the Mayor is directed to transmit a copy of the resolution to AMBAG.

PASSED AND ADOPTED this 12th day of October, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Economic Development

SUBJECT: Public Art - Beach Area Roundabouts. (ED)

RECOMMENDATION: Motion to approve the plans and specifications for the Roundabout Public Art Project (a510907) and authorize staff to execute an agreement in the amount of \$187,000 with Mid-Ocean Studio, in a form approved by the City Attorney, for fabrication and installation.

BACKGROUND: In 2006, Public Works staff approached the Public Art Committee to gauge interest in facilitating a public art project to be integrated into the two planned beach area roundabouts. The Public Art Committee recognized an opportunity to develop dynamic, ecologically-focused public art that would create a strong visual link between downtown Santa Cruz, the Wharf, the Beach Area and the Monterey Bay National Marine Sanctuary (MBNMS) Exploration Center. The project was put on hold as eligible funding for design and construction of the art component was not available at that time. In 2008, Water Department staff agreed to fund an ecologically-focused Roundabouts Public Art Project through the 2% for Public Art Water Enterprise Fund. Project goals are to develop comprehensive and integrated public artworks that:

- Provide a visual link/axis, that connects the viewer to and from the MBNMS Exploration Center, Municipal Wharf, Beach Area and downtown commercial district;
- Reflect the City's commitment to protecting water resources and water conservation efforts;
- Effectively engage the public in a dynamic and elegant visual place-making experience;
- Highlight the area's natural beauty and ecological diversity; and
- Enhance the viewer's experience of the City of Santa Cruz as an ecological gateway to the Monterey Bay National Marine Sanctuary.

Following City Council approval to proceed, a request for qualifications (RFQ) was released in February 2009. 116 proposals were received. A panel of stakeholders and arts professionals selected eight semi-finalists for interviews. Following interviews, three finalists were selected to develop and present conceptual proposals. The selection panel made a unanimous recommendation, approved by the Arts Commission at its August 2009 meeting, to select Mid-Ocean Studio for this project. A schematic design was developed and approved by the Arts Commission at its January 2010 meeting.

DISCUSSION: The intent of the project is to successfully integrate the public art with the overall Roundabouts construction timeline. Due to the American Recovery and Reinvestment Act (ARRA) funding requirements the Center/Pacific (Depot) Intersection Roundabout is planned for construction this fall. Public Works staff is currently negotiating an agreement with Union Pacific on the railroad crossing gates to allow the Pacific/Beach (Wharf) Intersection Roundabout project to move forward, which staff estimates will be resolved soon. Despite the delay, staff is confident the Wharf Intersection Roundabout will be built, and therefore recommends moving forward with a contract for both Roundabouts at this time. The goal is to time installation of both sculptures for next fall. Given the context of the overall construction project, Public Works has agreed to construct the sculpture foundations and pads as shown in the attached proposal. Furthermore, Public Works will provide an electrical feed, weather proof housing for transformers and install lighting fixtures and landscaping. The artist will purchase the transformers and fixtures as detailed in the design.

Design plans and specifications are posted at <http://bit.ly/9UNMbf> and available for review at the front desk of Economic Development and Redevelopment.

FISCAL IMPACT: Funding for the public art component of the Roundabouts is available in the Water Enterprise Public Art Fund. There is no impact to the General Fund.

Prepared by:	Submitted by:	Approved by:
Crystal Birns	Bonnie Lipscomb	Martin Bernal
Arts Program Manager	Director of Economic Development	City Manager

ATTACHMENTS: None



CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Economic Development

SUBJECT: City Arts FY10 Annual Report and FY11 Work Plan. (ED)

RECOMMENDATION: Motion to accept the FY 2010 Annual Report and approve the FY 2011 Work Plan.

Resolution appropriating funds and amending the FY 2011 budget in the amount of \$34,485 for additional appropriations to the Roundabout Public Art Project and Public Art Repair and Education Fund.

BACKGROUND: City Arts is a program of the Department of Economic Development and Redevelopment and guided by the Arts Commission, which serves the City Council as policy advisors and proponents for a vibrant cultural environment in Santa Cruz. City Arts implements the City Public Art Program pursuant to Chapter 12.80 of the City's Municipal Code, the Redevelopment Agency Matching Grant Mural Program and cultural policy projects and initiatives that help the city achieve its cultural goals as outlined in the General Plan and City Arts Master Plan.

DISCUSSION: The City's 2% for Public Art Ordinance (Municipal Code Chapter 12.80) calls for a prioritized list of public art projects, the "annual public art plan," developed by the Arts Commission and approved by the City Council. City Arts traditionally provides an annual report and work plan to the Council detailing cultural policy initiatives and mural projects as well as public art projects. The enclosed document combines both the FY10 Annual Report and the FY11 Work Plan.

The following budget adjustments described below were approved by the Arts Commission and contributing departments and are further described in the FY11 Work Plan:

- Roundabouts - Increases the appropriation by \$31,985 from the Public Art Water fund balance toward successful integration of the public art project into the Roundabouts construction project;
- Public Art Repair and Education - Increases the appropriation by \$1,500 from the Public Art fund balance toward funding ongoing public art inventory repair and education projects;
- Traffic Signal Cabinets – Increases the appropriation by \$1,000 from the Redevelopment Eastside Debt Service Area toward a Graphic Traffic box in the Eastside Business Improvement District; and

- Public Art Administrative Fees – Increases the appropriation by \$6,125 from the Public Art Water fund balance and increases the revenue by \$3,675 in the Public Art Program Administration project and \$2,450 in the Public Art Maintenance project based on the Public Art Water funding approved in the FY11 Adopted Budget.

FISCAL IMPACT: The attached budget adjustment amend the approved FY 2011 public art budget to incorporate changes and additions in the current plan included in the report. The additional appropriations are budgeted from available fund balances. There are no impacts to the General Fund.

Prepared by:
Crystal Birns
Arts Program Manager

Submitted by:
Bonnie Lipscomb
Director of Economic Development

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:
Budget Adjustment
FY10 Annual Report & FY11 Work Plan



Economic
Development and
Redevelopment
Department

CITY ARTS FY10 ANNUAL REPORT & FY11 WORK PLAN



City Arts is a program of the City Arts Commission and the Department of Economic Development and Redevelopment, which encompasses the 2% public art program, matching grant mural program and other cultural policy initiatives that support and encourage a healthy arts sector.

The Arts Master Plan, adopted by City Council in 2008, serves as a primary planning tool for setting annual objectives, with recommendations aimed at supporting the health of the arts sector and for utilizing arts as a tool for economic development in Santa Cruz. Projects are aimed not only at visually enhancing and enlivening the city for the enjoyment of residents, but at furthering economic and redevelopment goals, leveraging community support and volunteer expertise and supporting the arts and arts-related businesses in Santa Cruz.

City Arts strategic focus this past year has been:

- Expanded partnerships and program visibility
- Continued successful public art project management
- Reactivation of the mural program
- Dovetailing arts with broader City plans and objectives

FY10 ANNUAL REPORT – Completed Projects

Matching Grant Mural Program

Initiated in 1994, one of the Redevelopment Agency's most visible programs is the Mural Matching Grant Program, which enhances the streetscape and incorporates our community's culture and history into the built environment through providing matching grant incentives to business and property owners and community partners.

In response to Arts Master Plan recommendations in 2009 the mural program integrated two public art best practices: including local arts professionals in mural selection processes and including design as a key element in the project budget. A mural artist registry initiated in February 2009 now contains more than thirty pre-selected mural artists. Three matching grant mural projects were completed in FY10.

Old School Shoes Mural



Artist Brian Barneclo was selected from the Mural Artist Registry to design and paint this homage to Santa Cruz past, present and future. Co-sponsored by Old School Shoes this mural was part of a larger façade improvement project which included lighting as a sidewalk safety feature and to add to the mural's visibility at night.

820 Swift Street Mural



Initiated by Westside neighbor David Terrazas the Swift Street mural was a true community collaboration, with artist Marvin Plummer's grayscale depiction of Steamer's

Lane selected by a panel of neighbors and City representatives. The funding match was contributed by David Terrazas and other fundraised neighbor donations. A video of the mural-in-progress was screened for the opening reception, and can be viewed online at www.youtube.com/watch?v=L9pC-99zL94.

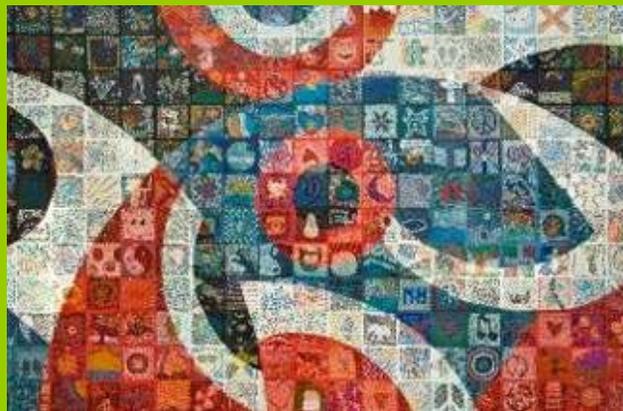
1111 Soquel Avenue Mural



In 2008 the Redevelopment Agency began renovating the Eastside parking lot at 1111 Soquel Avenue. At the time there was a deteriorating mural on the back parking lot wall that had been created by a community group. Because Redevelopment funds can't be used for maintenance restoring the existing mural was not a feasible option. However, the Agency was interested in commissioning a new mural for that site which would reflect the community-based spirit of the former piece.



Santa Cruz artist and 2009 California art teacher of the year Kathleen Crocetti, a member of the City Mural Artist Registry, was selected to facilitate a community mosaic mural. About 3000 students from eleven schools citywide designed and created individual tiles in their classrooms throughout the 2009-2010 school year. This spring Kathleen also hosted community days at the site, where the community-at-large was invited to make tiles for the mural.



From the street, a dynamic geometric design (composed from three students' winning designs) is articulated by the grout. Up close, the viewer can see 3224 unique tiles that together make up the mural. Thanks to Rinaldi Tile, Howard Watts, Penny Waller and the Cultural Council of Santa Cruz County.

Volunteer Participation and Recognition

More than 2000 volunteer hours were dedicated towards City Arts activities in FY 2010. Volunteers David Terrazas and Shelby Graham were publicly recognized by City Council in FY10 as outstanding volunteers and civic members. Other volunteers of note include former Arts Commissioners Nancy Meyberg, Gabriel Harrison and Kathleen Hilger who continue to devote enormous amounts of time to City Arts programs and projects. Many volunteers also participated in one-time opportunities such as selection panels.

Santa Cruz De Tenerife Sister City Cultural Exchange



As a volunteer with the City of Santa Cruz UCSC Sesnon Gallery curator and photographer Shelby Graham facilitated "Cielo/Sky" a cultural exchange project between the cities of Santa Cruz, CA and Santa Cruz de Tenerife, Spain.

Part one of the exhibition series "Cielo/Sky" was launched in November 2009 with three Santa Cruz venues and was curated by digital media artist Miriam Durango from Tenerife and organized by Shelby. The second part of the exchange was launched in Tenerife, curated by Shelby and featured the work of Santa Cruz artists and UCSC faculty members working with the same theme of sky.

A reprise exhibit was held at UCSC in April 2010, featuring the work of Santa Cruz artists and UCSC faculty initially shown in Tenerife. Shelby Graham received a volunteer-of-the-year award April 13, 2010 from City Council for her work on this project.

2010 UCSC Student Graphic Traffic Box



For four consecutive years City Arts and the UCSC Art Department have partnered on public art projects, including a kinetic public art project as part of the 2009 Amgen Festivities and a temporary sculpture constructed at the landfill. The students in Dee Hibbert-Jones' Spring 2010 public art class submitted proposals for artwork for the Traffic Signal Cabinet on the corner of Bay and High Streets. Chris Cheek's proposal, depicting the view from campus as seen from the viewpoint of the iconic Banana Slug was selected by the panel and completed by the artist before the close of the spring quarter.

Arts Leadership

The Arts Master Plan calls for the City to “embrace a leadership role in creating strategic alliances with community partners in the arts sector.” The following activities were completed by City Arts in FY10:

- Staff invited to speak to the Los Gatos Arts Commission regarding Santa Cruz’ public art program.
- Staff invited to speak to artists at the Sausalito ITC regarding “Applying for Public Art Projects”.
- Staff took the lead in planning and implementing a Social Media training produced through the Cultural Council Associates and attended by more than 30 members of the local arts community.
- Administrated the first Public Art Academy (see description below)
- Planned and implemented Leadership Santa Cruz’ Arts and Culture Day (see below)

Staff was honored with a Special recognition Award in June 2010 by the Cultural Council of Santa Cruz County, “in recognition and appreciation for...tireless support for our local arts, artists, and arts organizations”.

Banners

The City banner program is an important marketing platform for arts and other special events. In FY10 the Redevelopment Agency provided matching funding to National Dance Week and the Cabrillo Festival of Contemporary Music to design and print banners for the Pacific Avenue corridor.



Public Art Academy

In FY09 City Arts partnered with the public art programs of the Cities of San Jose, San Francisco and Oakland and the Cultural Council of Santa Cruz County to create the first Northern California Public Art Academy. 52 Bay area artists (including nine Santa Cruz artists) were accepted into the program, which was implemented in six sessions in FY10. City Arts administrated the program. The curriculum was intended for emerging public artists and followed a design-based trajectory, from application to concept development, schematic, fabrication, and contracts. Due to the success of the training a webinar is being developed to be hosted and available nationally through Americans for the Arts in FY11.

FY11 WORK PLAN - Continuing Projects

Leadership Santa Cruz – Arts & Culture Day

For the second consecutive year, City Arts produced Leadership Santa Cruz’ Arts and Culture Day 2010, which introduced this year’s class of emerging leaders to the Tannery Arts Center, Ray Brown, Shakespeare Santa Cruz, the Kuumbwa Jazz Center, the

Cabrillo Festival of Contemporary Music and much more. City Arts has been asked to reprise this role in FY11.



ArtWORKS Awards

In November 2009 City Arts hosted the third annual ArtWORKS Awards ceremony to recognize outstanding business support of the Arts. The 2009 ArtWORKS award winners were:

- Good Times Santa Cruz (Sustaining Business Award; pictured)
- Annieglass (Sustaining Business Award)
- Carolyn Hyatt (Individual Business Leadership)

Ceil Cirillo was also recognized for her work in bringing the Tannery Arts Center to fruition. City Arts is actively planning ArtWORKS2010, to be held November 18, 2010 at 5:30pm at the Museum of Art and History.

Public Art Gift - Boaz Vaadia Sculpture

In May 2008 public art staff was approached by a West Cliff resident interested in purchasing and donating 'Asa and Yehoshefat' a sculpture created by renowned artist Boaz Vaadia. Staff and subcommittee guided this proposal through the public art gifts policy process and the gift proposal was approved by City Council April 22, 2009. Unfortunately the donation has not yet come through. The Arts Commission plans to consider this item at its September 2010 meeting and may bring a recommendation to City Council to rescind acceptance of this gift.

Safeway Mural



In 2009 Safeway approached the Redevelopment Agency with interest in producing a mural for their Mission Street location. Artist Bob Von Elgg's proposed acorn design (pictured) was selected by a selection panel for its historic reference combined with its contemporary aesthetic. Implementation is planned for fall 2010.

Public Art Collection – Education and Outreach

In fall 2010 thousands of downtown public art walking tour brochures were designed, printed and distributed countywide via Certified Folder service. A partner website is currently in development, to be launched in Fall 2010, along with production of new plaques for a number of public artworks in the City collection, with a goal of furthering pedestrian knowledge and enjoyment of the City's public art collection.



Positive City Arts coverage in all of the local papers culminated in downtown public art winning the Santa Cruz Weekly gold, silver and bronze 'Best Public Art In Santa Cruz' awards. City Arts' bimonthly e-newsletter informed 337 subscribers of ongoing projects, announcements and meetings. Additionally City Arts now has a Facebook fan page with a growing fan base (currently 157 fans). City Arts visibility in the community continues to yield skilled Arts Commission applicants as well as a broad pool of extremely talented volunteers.

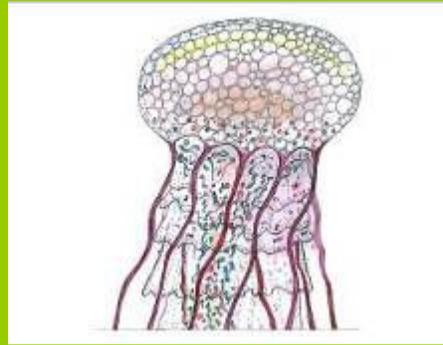
Student Art Exhibits in City Hall

In fall 2010 the Santa Cruz City Arts Commission and Cultural Council of Santa Cruz County propose to launch a rotating Student Art Exhibition in City Council Chambers. The purpose of this program will be:

- To celebrate the youth in our community
- To give children, parents, and teachers the opportunity to come together and engage in civic life
- To give children the experience of being recognized and celebrated by parents, teachers, and most importantly, elected officials
- To give children the opportunity to publicly display their work
- To demonstrate the City's commitment to nurturing the creativity of Santa Cruz youth
- To beautify City Council Chambers
- To give the City Council, the Arts Commission, the Cultural Council of Santa Cruz County, and the community an opportunity to experience the creativity of children.

The rotation is currently planned biannually, with the opening reception scheduled for October 26th, 2010

Roundabouts Public Art



In 2006, Public Works staff approached the Public Art Committee to gauge interest in facilitating a public art project to be integrated into the two planned beach area roundabouts. The Public Art Committee recognized an opportunity to commission dynamic, ecologically-focused public art that could create a strong visual link between downtown Santa Cruz, the wharf and beach area and the Monterey Bay National Marine Sanctuary Exploration Center. The project was put on hold as eligible funding for design and construction of the art component was not available at that time. In 2008, Water Department staff agreed to fund an ecologically-focused Roundabouts Public Art project through the 2% for Public Art Water Enterprise Fund. Project goals were to develop comprehensive and integrated public artworks that:

- Provide a visual link/axis, that connects the viewer to and from the MBNMS Visitor Center, the wharf, beach area and downtown commercial district;
- Reflect the City's commitment to protecting water resources and water conservation efforts;
- Effectively engage the public in a dynamic and elegant visual place-making experience;
- Highlight the area's natural beauty and ecological diversity; and
- Enhance the viewer's experience of the City of Santa Cruz as an ecological gateway to the Monterey Bay National Marine Sanctuary.

A request for qualifications (RFQ) was released in February 2009, and 116 proposals were received. An advisory panel and selection panel of stakeholders and arts professionals was assembled and eight semi-finalists were selected for interviews. Following interviews, three finalists were selected to develop and present conceptual proposals. The selection panel made a unanimous recommendation, approved by the Arts Commission at its August 2009 meeting to select Mid-Ocean Studio for this project, based on the concept proposed and its ability to meet the project goals. A schematic design was approved by the Arts Commission at its January 2010 meeting and is planned to be brought to City Council for approval this fall.

Graphic Traffic

In winter 2011 City Arts plans to invite local artists to submit proposals for new artwork for five traffic signal cabinets in the Graphic Traffic program. Selection and fabrication to occur in spring 2011.

SculpTOUR



SculpTOUR is a rotating public art exhibit in downtown Santa Cruz, conceived as a cost-effective way to beautify downtown and reflect the creative culture of Santa Cruz in the streetscape. A partnership between Santa Cruz City Arts, the Sunrise Rotary Club of Santa Cruz County and the Downtown Association (as well as many City departments), the first installation was completed successfully in November 2008. Artist Michael McLaughlin's "The Boys of Summer" was installed in November 2009, featuring nine bronze penguins migrating down Pacific Avenue between Cathcart and Elm Streets. Plans for FY11 include expansion of the exhibit through commissioning a site-specific installation for the roof of the Saturn Café, the first private site to be utilized for a SculpTOUR installation, thanks to the willingness of the property owners and tenant and visibility of the location.

The five year SculpTOUR goal is to support the creation of a vibrant and successful outdoor art exhibit expanding from north Pacific to the wharf. This vision stands on the belief that public art can be a key element in the revitalization of the lower Pacific Avenue corridor, and help to integrate beach and downtown pedestrian traffic. The exhibit curators are all volunteers, with 20+ years of professional exhibit planning and curating between them. The FY11 SculpTOUR installation will be funded through Refuse and Redevelopment public art funds with a matching grant from the Santa Cruz Sunrise Rotary Club.



Jazz Alley Mural



This spring, the City Redevelopment Agency partnered with Kuumbwa Jazz and City Arts to produce a new mural along the wall of the 'Royal Apartments' building at 811 Pacific Avenue with a dual goal of increasing the streetscape visibility of Kuumbwa Jazz and adding to the City's successful downtown Mural Alley program. Four local artists, all members of the City's mural artist registry, were invited to develop a jazz-themed mural

design. Marvin Plummer's Blue Note-inspired proposal was selected by a committee of stakeholders. The image of musicians who have played at the Kuumbwa over the course of the past three decades references the aesthetic of renowned jazz label 'Blue Note Records'. In addition, Marvin's composition is aimed at drawing the eye from Pacific Avenue down the alley, perhaps capturing the viewer's curiosity to discover where 'Jazz Alley' leads. The mural is being incorporated into a façade improvement project and planned to be completed in mid-October.

Marine Sanctuary Public Art



The Monterey Bay National Marine Sanctuary Visitor Center will be located in the heart of Santa Cruz's tourist beach area, directly across the street from the municipal wharf and a few blocks from the Santa Cruz Boardwalk. The Visitor Center will be a cornerstone project for redevelopment efforts currently focused on reconnecting the beach area and downtown. Additional efforts to enliven this area include murals, streetlights, way-finding, street trees and roundabouts. These improvements will encourage tourists, workers and residents to experience this corridor as a culturally rich, safe and pedestrian-friendly linkage between the City's primary outdoor and cultural destinations. The public art component offers an important opportunity to enliven the Visitor Center streetscape and increase the project's interpretive visibility. Funding for the 2% for public art for this project was included in the FY10 Agency Budget. In consultation with project staff and staff from NOAA, a project subcommittee has prioritized two distinct public art project opportunities and budgets for this site. The overall project goals are to commission public artwork that:

- Brings the interpretive intent of the Visitor Center into the streetscape/building exterior.
- Inspires and engages the broad-based community that will use the site.
- Enlivens the entryway and creates a dynamic "gathering" area.
- Integrates the site with its surroundings, and serves to further activate the pedestrian corridor between the beach area and downtown.
- Is durable and able to withstand the elements with ongoing maintenance.

An RFQ was released April 2010, with 174 eligible submissions. Art and stakeholder panel meetings yielded seven finalists, who are currently developing concept proposals. Interviews and final selection is scheduled for fall 2010. Staff and the project subcommittee are working to integrate any commissioned public art into the construction timeline.

Union/Locust



In 2008 the City Water Department moved to the first commercial LEED certified building in Santa Cruz, at 212 Locust St. The Water Department asked City Arts to facilitate a public art project that would help customers paying their water bill find the site, and make the Water Department's ecological focus visible on the building exterior. The Library requested a public art project that would add a playful and vibrant addition to the Union Street entrance.

The Arts Commission selected LMNO Arts to create a railing that referenced the City Hall railing, while distinguishing itself both visually and thematically. Cristie Thomas and Scott Linberg of LMNO Arts developed a wave-inspired design for the site. The fabricated steel railing was completed and installed in early spring.



Rolling Bay Arts was selected for the library entrance, with a design that references the imaginary world that can be accessed through reading and books. Installation is planned for Fall 2010.

Refuse Facility

In FY11 City Arts plans to release an RFP to local artists for a \$10,000 public art project at the newly renovated 'Outpost' educational building at the Resource Recovery Facility. This project has been conceived in response to conversations with Refuse staff

regarding their ideas for maximizing 2% refuse funding to best support their departmental goals. A budget adjustment for this project is attached to this report.

2% Administrative Procedure

With a strong commitment to continually improving public art program administration, staff continues work to fine-tune the public art 2% administrative procedure.

David Anderson Gift Panel



Original proposal



Revised proposal

In July 2009 Santa Cruz artist David Kimball Anderson submitted a proposal to gift his steel sculpture, "Astronomy and Tides" to the City of Santa Cruz, to be sited in the median on Woodrow Avenue (pictured). A lecturer at Santa Cruz State University and nationally exhibited studio artist, David Anderson's proposal was considered by a selection panel which unanimously recommended acceptance of the artwork to the Arts Commission. A subsequent public outreach effort made the neighbors preference for a low median evident. The artist's recommendation of an alternate site in neighboring Bethany park has been met with strong support. This proposal is scheduled to be brought to City Council for approval Fall 2010.

Santa Cruz Civic Auditorium – Planning Grant

The Arts Master Plan calls for cultural facility planning, to include dedicating staff resources to research and develop facility options during this current economic downturn. In Spring 2010 the City & Cabrillo Festival of Contemporary Music partnered to seek funding for a planning grant for the Civic Auditorium, with a shared goal of keeping the Civic multi-use and planning for improvements which will halt its movement toward becoming a liability for the City. A letter of interest to the National Endowment for the Arts was denied. A letter of interest to FORD for a LINC grant has not as of yet received a response.

Public Art Collection - Repair and Maintenance

City Arts is looking into hiring a conservator to survey the public art collection and provide recommendations that will help us to prioritize maintenance and repair. In September 2009 the Arts Commission recommended deaccessioning the sculpture "Shiva's Heaven". This recommendation is planned to be brought to City Council this fall.

Partners

In all of the activities detailed below City Arts worked cooperatively with Council members, City staff and community partners, including Santa Cruz Sunrise Rotary Club, the Downtown Association, John Hope Lighting, UCSC Art Department, the Cultural Council of Santa Cruz County, Leadership Santa Cruz County, the Museum of Art and History, Cabrillo Festival of Contemporary Music, Lynn Piquett Design, Coyote Construction, Old School Shoes, Kuumbwa Jazz, and more than 100 individual volunteers who contributed time, energy and professional expertise to City Arts programs and projects this year.

**TABLE ONE:
Summary of the relationship between
Arts Master Plan Goals and City Arts Programs and Projects**

	GOAL ONE: A proud and visible identity as an arts and cultural community.	GOAL TWO: A mix of cultural facilities that support and encourage the community's vibrant range of art creation and presentation.	GOAL THREE: A City government that recognizes the value of the arts to the City's quality of life and economic stability, and takes a leadership role in guiding the arts sector to success.	GOAL FOUR: A diversified base of funding and incentives for the arts in Santa Cruz that leverages the sector's contributions to the City's economic development and quality of life.
Matching Grant Mural Program	X			X
Sister City Cultural Exchange	X		X	
UCSC Public Art Projects	X		X	
Public Art Academy			X	
Social Media Training			X	
Public Art Brochure and Website	X			
SculpTOUR	X			
Graphic Traffic Boxes	X			
2% Public Art Projects	X			
ArtWORKS Awards	X		X	X
Public Art Repair and Maintenance	X			
Civic Auditorium Planning Grant		X		
Public Art Gifts	X		X	

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

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

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

Date: 08/24/2010

<u>ACCOUNT</u>	REVENUE EDEN ACCOUNT TITLE	
313-00-00-0000-46903	Public Art Administrative Fees	\$3,675.00
a510901 106	Public Art Program Administration	
313-00-00-0000-46903	Public Art Administrative Fees	2,450.00
a510902 106	Public Art Maintenance	
TOTAL REVENUE		\$6,125.00

<u>ACCOUNT</u>	EXPENDITURE EDEN ACCOUNT TITLE	
714-51-81-9920-57990	Water Public Art Fund: Other capital outlay	\$31,985.00
a510907 100 2020 0	Public Art Roundabout Project	
313-51-81-9920-54990	CIP Public Art Fund: Misc supplies and services	1,500.00
a510902 100 2020 0	Public Art Repair & Education Project	
486-52-80-5590-54990	Redevelopment Eastside 2% Arts Debt Service	1,000.00
c309150 100 2020 261	Traffic Signal Cabinets	
714-00-00-0000-56903	Water Public Art Administrative Fees	6,125.00
TOTAL EXPENDITURE		\$40,610.00

NET: \$ (34,485.00)

Purpose: To amend Public Art fund budgets for projects included in the FY11 Work Plan for projects a510907, a510902 and c309150 and to amend Public Art fund budgets based on the approved FY11 Budget for projects a510901 and a510902.

PREPARED BY	DEPARTMENT HEAD APPROVAL	ACCOUNTING APPROVAL	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Kathryn L. Mintz <small>Digitally signed by Kathryn L. Mintz DN: cn=Kathryn L. Mintz, o=City of Santa Cruz, ou=City of Santa Cruz, email=kmintz@cityofsantacruz.com, c=US Date: 2010.09.07 16:18:19 -0700</small>	Bonnie Lipscomb <small>Digitally signed by Bonnie Lipscomb DN: cn=Bonnie Lipscomb, o=City of Santa Cruz, ou=City of Santa Cruz, email=blipscomb@cityofsantacruz.com, c=US Date: 2010.09.28 11:08:02 -0700</small>	Patty Haymond <small>Digitally signed by Patty Haymond DN: cn=Patty Haymond, o=City of Santa Cruz, ou=City of Santa Cruz, email=phaymond@cityofsantacruz.com, c=US Date: 2010.09.28 16:19:47 -0700</small>	Jack Dilles <small>Digitally signed by Jack Dilles DN: cn=Jack Dilles, o=City of Santa Cruz, ou=City of Santa Cruz, email=jdilles@cityofsantacruz.com, c=US Date: 2010.09.28 16:19:47 -0700</small>	
9/7/10		9/30/10		

Revised December 2009



CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Human Resources

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

RECOMMENDATION: Motion to reject liability claims a) Beverly Quaye, b) Christopher Hester and c) Joseph Trabert, based upon staff investigation.

BACKGROUND:

- a. Claimant: Beverly Quaye
Date of occurrence: 02/08/2010
Date of claim: 07/30/2010
Amount of claim: \$2,000,000.00

Claimant alleges duty to protect by Santa Cruz Police Department associated with the alleged wrongful death of her son, Benjamin Quaye.

Represented by Beitchman & Zekian, Encino, CA

- b. Claimant: Christopher Hester
Date of occurrence: 07/03/2010
Date of claim: 08/10/2010
Amount of claim: \$389.00

Claimant alleges personal vehicle was towed from a private parking lot after mistakenly believed they were parked in the Depot public lot.

Represented by himself.

- c. Claimant: Joseph Trabert
Date of occurrence: 06/09/2010
Date of claim: 06/16/2010
Amount of claim: \$242.58

Claimant alleges City vehicle hit and damaged gate-opening eye to apartment complex.

Represented by himself.

DISCUSSION: None.

FISCAL IMPACT: None.

Prepared by:
Kris Kamandulis
Risk & Safety Manager

Submitted by:
Lisa Martinez Sullivan
Director of Human Resources

Approved by:
Martin Bernal
City Manager

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Human Resources

SUBJECT: Modification of the Classification and Compensation Plans by reclassifying one 1.0 FTE and one .50 FTE Courier Driver positions currently assigned to Outreach Services to a new classification of Bookmobile Library Assistant. (HR)

RECOMMENDATION: Resolution modifying the Classification and Compensation Plans by reclassifying one 1.0 FTE and one .50 FTE Courier Driver positions currently assigned to Outreach Services to a new classification of Bookmobile Library Assistant.

BACKGROUND: The Human Resources Department conducted a classification study of the Courier Drivers and Library Clerk in the Outreach/Bookmobile assignment at the request of their union (Service Employees') and with agreement of the Director of Libraries. The study was completed July, 2009.

Specific to the Courier Driver positions assigned to the Bookmobile, the study revealed that more than half of the duties performed were out of scope and at a higher level from the classification specification. The higher level duties include: all circulation functions in the bookmobile, checking materials in and out, tracking overdue materials, and processing requests and interlibrary loan items; readers' advisory functions including material selection; lead worker functions in training drivers and assigning work to other staff; assisting in site decisions; and producing and designing flyers and displays. These duties are similar in scope and responsibility to the typical duties of the Library Assistant classification.

To address the assumption of these higher level duties by the Courier Driver, the Human Resources Department provided three recommendations. Two recommendations involved re-organizing assigned duties among existing classifications and staff, as follows: 1) Re-classify the Courier Driver – Outreach to Library Assistant while adding the assignment of Outreach to the Library Assistant classification; and 2) Re-assign the Courier Driver in Outreach to the Access Services division thus eliminating the Outreach assignment, add the Outreach assignment to the Library Assistant classification and assign a Library Assistant to Outreach. The third recommendation maintained the current organization and assigned duties by creating a new Bookmobile Library Assistant classification, defining the unique and varied responsibilities of the Outreach assignment, and re-classifying incumbents to the new classification.

For the Library Clerk – Outreach position, the study revealed that the assigned duties of reader services, being performed slightly more than half of the time, was at a higher level and being

performed out of class. The remaining duties were being performed in class. Subsequent to the preliminary findings of the study, the Library underwent significant budget staffing reductions and as a result, this full time Library Clerk position was reduced to part time. This resulted in the removal of the higher level duties of reader services and since then this position has been performing duties within its classification.

DISCUSSION: Following a consultative model, HR presented and reviewed the study findings and recommendations with the Director of Libraries. For operational and organizational reasons, the Director of Libraries prefers, and HR recommends, implementing the third recommendation of reclassifying the Courier Driver – Outreach position to a new Bookmobile Library Assistant classification. This outcome serves the library and its patrons most effectively because the bookmobile related duties and requirements are more specialized than those of the Library Assistant classification. It is common and oftentimes expected that incumbents within the same classification be able to rotate assignments within a department. Because of the unique and varied nature of the bookmobile duties, it is not feasible or realistic for Library Assistants to rotate into and out of the specialized Bookmobile assignment.

Therefore it is recommended that the Courier Driver - Outreach position assignments and incumbents be re-classified to a new classification of Bookmobile Library Assistant. Human Resources recommends the salary range for the new classification be set at parity with the Library Assistant at \$2,613 - \$3,861 per month given the preponderance of similar duties and scope.

A copy of the new Bookmobile Library Assistant class specification is attached. Human Resources will also update the Courier Driver class specification and remove associated bookmobile assignment information.

No actions are recommended for the Library Clerk – Outreach position. Since the position has been reduced to part time and the higher level duties have been removed the position has been working within its classification.

The Service Employees’ union representatives have reviewed these recommendations.

FISCAL IMPACT: The fiscal impact to the Library Fund for the FY 2011 budget is an annual cost increase of approximately \$18,250 and is included in the FY 2011 budget. Fiscal impact figures include furlough savings and no additional budget appropriations are needed.

Prepared by:
Cathy Bonino
Principal HR Analyst

Submitted by:
Lisa Martinez Sullivan
Director of Human Resources

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:
Resolution
Position Specification

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
MODIFYING THE CLASSIFICATION AND COMPENSATION PLANS AND THE FY11
BUDGET PERSONNEL COMPLEMENT – LIBRARY BY ADDING A NEW
CLASSIFICATION OF BOOKMOBILE LIBRARY ASSISTANT AND RE-CLASSIFYING
ONE (1) .50 FTE COURIER DRIVER POSITION INTO ONE (1) .50 FTE BOOKMOBILE
LIBRARY ASSISTANT POSITION AND RE-CLASSIFYING ONE (1) 1.0 FTE
COURIER DRIVER POSITION INTO ONE (1) 1.0 FTE BOOKMOBILE
LIBRARY ASSISTANT POSITION

WHEREAS, staff has recommended certain modifications to the Library.

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

That, effective October 16, 2010, the City of Santa Cruz Classification and Compensation Plans be modified to:

DELETE:

<u>Class No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u>
132 - 003	3417	Courier Driver (.50 FTE)	\$2,448/mo - \$3,617/mo
132- 005	3417	Courier Driver (1.00 FTE)	\$2,448/mo - \$3,617/mo

ADD:

<u>Position No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u>
264 -	3417	Bookmobile Library Assistant (.05 FTE)	\$2,613/mo - \$3,861/mo
264 -	3417	Bookmobile Library Assistant (1.00 FTE)	\$2,613/mo - \$3,861/mo

PASSED AND ADOPTED this 12th day of October, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



**CITY OF SANTA CRUZ
BOOKMOBILE LIBRARY ASSISTANT**

Reports to: Librarian
Supervises: Non-supervisory
Bargaining Unit: Service

BASIC FUNCTION

Under supervision, drives, operates and maintains bookmobile or van on various assigned routes in order to provide library materials and resources to the public; performs public outreach services such as circulation, readers' advisory, reference and routine library technical services; and operates and maintains the bookmobile communication system.

TYPICAL DUTIES *(Duties may include, but are not limited to the following):*

- Drives bookmobile or other Outreach fleet vehicle on assigned routes.
- Opens and closes bookmobile facility and operates specialized equipment such as electric stairs, wheelchair lift, leveler system and generator.
- Assesses vehicle safety and operability and coordinates vehicle maintenance and repairs.
- Operates and troubleshoots the bookmobile computer system including all of the computer hardware and software.
- May assist in evaluating outreach site locations.
- Prepares bookmobile schedule.
- Performs all circulation functions.
- Assists in providing reader services such as book discussion groups, story hours, book talks, displays, flyers, etc.
- Assists with the selecting the collection materials for the bookmobile.
- Assists with planning and performing outreach programs.
- Provides orientations to the bookmobile and public library services.
- Answers routine questions and assists patrons in use of the bookmobile facility and resources.
- May perform lead and training duties.
- Keeps various records as required.
- Loads and unloads library material and supplies onto vehicle.
- Other duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge:

- Safe driving practices and vehicle operation.
- Safe lifting and carrying techniques.

**City of Santa Cruz
Bookmobile Library Assistant**

- Library routines, procedures and services.
- General knowledge of and interest in a range of books and media.
- Basic computer operations.

Ability to:

- Safely drive a van or large vehicle for extended periods of time.
- Read maps and determine alternate routes.
- Lift and carry materials of up to 50 lbs. frequently, using proper lifting techniques.
- Push a handcart containing material weighing up to 150 lbs.
- Exercise discretion and judgment in caring for materials transported.
- Follow oral and written directions.
- Learn library routines, procedures, and services.
- Maintain accurate records.
- Convey information clearly and accurately.
- Establish and maintain effective working relationships with others contacted in the course of work.
- Provide effective customer service.
- Willingness to work other than 8:00 a.m. to 5:00 p.m. working hours.

Education and Experience

Any combination of education and experience that provides the above 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:

- High school graduation or tested equivalent; and
- One year of work experience driving a motor vehicle or delivering supplies; and
- Two years of library or related clerical public service experience.

Licenses

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

DESIRABLE QUALIFICATIONS

- Ability to speak, read, and write Spanish

Classification No. 264
Date of Issue: 10/10
Supersedes: New



CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Parks and Recreation

SUBJECT: Assembly Bill 240 (Delaveaga Park). (PK)

RECOMMENDATION: Motion to authorize and direct the City Manager to execute a Memorandum of Understanding (MOU) and any amendments, thereto of a non-substantive nature, in a form acceptable to the City Attorney, between the City of Santa Cruz and the State Department of Military to promulgate Assembly Bill 240 property conveyances: Delaveaga Park.

BACKGROUND: On October 12, 2009, Governor Schwarzenegger signed into law Assembly Bill 240 (“AB 240”) authored by Assemblymember Bill Monning (attached). This culminates a 10-year effort by the City of Santa Cruz to obtain necessary legislative action which authorizes the State of California Department of Military to implement its 1967 contractual commitment to convey by grant deed to the City of Santa Cruz certain real property located in the City’s DeLaveaga Park comprising of a portion of the DeLaveaga Golf Course. Pursuant to the 1967 contract, the state agreed to lease that property to the City and committed itself to subsequently convey ownership of the property to the City prior to the termination of the 50-year lease agreement. The DeLaveaga Golf Course was developed shortly thereafter. In exchange the City similarly leased nearby City-owned property (currently the Disc Golf Course) to the State.

The State has historically taken the position that it does not have the authority to honor its contractual commitment absent an enabling statute. AB 240 represents the third such enabling statute which has been presented to the legislature over the last ten years, the two prior bills having been authored by State Senator McPherson in 1999 (Senate Bill 770) which was signed into legislation but was not brought to fruition, and (Assembly Bill 1438) authored by Assemblymember Laird in 2007 which was not signed by the Governor.

DISCUSSION: AB 240 revises the terms of the previous authorized exchange of DeLaveaga Park parcels. Specifically this measure:

1. Describes the portion of real property within DeLaveaga Park leased to the State as comprising approximately 40 acres, referred to as the “Armory Site”.
2. Authorizes the State to convey approximately 83 acres in the DeLaveaga Park/Golf Course property to the City.
3. Authorizes the State to give the City the first right to acquire all or part of the armory site, subject to the condition that it is used for public recreational purposes in perpetuity.
4. Authorizes the State to sell, lease, or exchange the armory site to any entity if the city declines to purchase the property, subject to it being used for public recreational purposes only.

5. Explicitly states that the State of California conveyance of real property to the City shall be subject to mutually agreed upon terms between the State and City.

The City began facilitating meetings with the State Department of General Services (DGS) to execute the property transfer soon after January 1, 2010 (the effective date of the bill). Representatives from the Department of Military, DGS, and the City negotiated in good faith to create the attached MOU which has been approved to form by the City Attorney.

The MOU identifies required maintenance, land surveys, and associated title reports that must be completed and/or prepared before the property is transferred to the City.

FISCAL IMPACT: Approximately \$200,000 will be spent to complete the agreed upon terms in the MOU. The funding is budgeted in the Parks and Recreation Departments' Capital Improvement budget for FY 2011 and 2012.

Prepared by:
Steve Hammack
Parks and Recreation, Park Superintendent

Submitted by:
Dannettee Shoemaker
Parks and Recreation, Director

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:
Memorandum of Understanding
Assembly Bill 240

MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF SANTA CRUZ, ET AL, AND THE
STATE OF CALIFORNIA
September 7, 2010

WHEREAS AB 240, enacted as Chapter 422 of Statutes 2009, provides that the State of California, Department of General Services ("DGS") in consultation with the Adjutant General ("AG"), hereinafter referred to as "State", may convey to the City of Santa Cruz ("City") approximately 83 acres of land presently leased to the City and used as a public recreation area, if the City simultaneously quitclaims any interest it has in the 40 acre armory site described in subdivision (a) of Section 2 of the act, for continued use as a camp of instruction for the National Guard.

WHEREAS it is understood and agreed that any such conveyance would be consistent with a true and accurate, professionally prepared land survey and a complete policy of title insurance both subject to any deed restrictions that, except for the armory site, be used for public recreational and other public purposes as further described in said legislation and subject to reversion to the State if violated; and,

WHEREAS the City and State, in pursuit of these objectives, have met and have agreed that prior to and as a condition to such conveyances of land, the city will perform or agree to perform within 18 months certain maintenance work at the armory site as part of the mutually agreed upon terms and consistent with the legislation and as further detailed below and as generally depicted on the attached Exhibit 'A' site plan; and,

WHEREAS State agrees when practical, to allow City to conduct community events at the armory site subject to all Military uses and reasonable costs; and,

WHEREAS the City and State at this time wish to memorialize their preliminary negotiations in this Memorandum of Understand ("MOU"), and that the conveyances will take place at a later date on a timely basis subject to the City presenting to the State a title report and land survey as further defined below, and that the State and City recognize the necessity to mutually review and ameliorate any title and map exceptions or irregularities in said documents.

WHEREAS in order to facilitate effective and timely transfer of titles, the State will deposit the deed and this MOU into escrow and the City will simultaneously deposit a quitclaim deed into escrow, and the parties shall prepare joint escrow instructions directing the escrow holder to record the deeds when the city has completed the property improvements as described in this MOU.

NOW THEREFORE, the City and the Stte agree to all of the following points:

- (1) State and City have met in good faith to prepare for the potential conveyances and other appropriate actions as required by the legislation,

policy and laws, of the property generally known as DeLaveaga Park in the City of Santa Cruz.

- (2) State has requested and City has agreed during preliminary negotiations and under mutually agreed upon terms to certain maintenance work to be performed by the City on the armory site for the benefit of the STATE and as good stewards of the public's assets. The work will be completed prior to any conveyances and as required below at the sole expense of the City under the direction of the AG's local representative. All work is to be completed in accordance with all of current laws, regulations, and building codes and by licensed and bonded contractors unless city personnel are used. The mutually agreed upon maintenance work is as follows:
- a. Armory Painting. City agrees to paint the entire exterior of the armory building. The color shall be selected and approved by the AG's local representative. The painting shall include reasonable sanding or a thorough cleaning of all exterior surfaces, walls, doors, trim, downspouts and gutters. A primer coat will be applied followed by a good quality, industrial quality finishing coat(s). All painting and preparations to be designed to last at least 12 years or longer with a minimum replacement warranty of 5 years against all defects that include peeling, fading, or other product failures.
 - b. Parking lot repair. City to completely repair the parking lot surfaces from the approximate point of the armory access road and cover all presently paved surfaces excluding sidewalks as shown on the attached Exhibit 'A'. All work to be completed in accordance with quality work specifications to be provided by the city engineer but not less than Caltrans specifications. The parking lot project shall, include grading and finish work under the design and inspection of a state licensed civil engineer including city personnel, and include correction of drainage and soils erosion issues such as water ponding in accordance with industry standards, replacement and onsite reuse when practical of worn or damaged parking lot surfaces, and any specialized paving as necessary to meet the needs of the specialized equipment stored and used at the site. The city shall repaint parking stalls and include code required handicapped accessibility ("ADA") spaces excepting ADA signage. All such parking lot repairs shall be completed as follows: at least 50% of the work during but no later than City's fiscal year that ends on June 30, 2011, and the remainder work during 2012 but no later than June 30, 2012. City may accelerate schedule with the concurrence of the AG's local representative. City agrees to provide minor repairs and preventative maintenance of the parking lot and access road thereafter subject to funding.
 - c. Water Pump. City agrees to inspect and provide routine maintenance to the water pump as shown on Exhibit 'A', excluding pump or parts replacement unless agreed to by CITY.
 - d. Landscape Maintenance. City agrees to mow as necessary the lawn areas at least weekly as shown on Exhibit 'A', to provide reasonable weed abatement,

and to perform sprinkler system maintenance on only one occasion so as to bring the sprinkler system up to an operational standard.

- e. Fire Protection. Pursuant to a letter from the City Fire Department dated March 16, 2010, the City agrees at its sole cost to remove the wooden water storage tank as shown on Exhibit 'A', and to install or revise the existing water pipes that feed fire hydrants to city served water pipes.

(3) Access Roads. City agrees to own, maintain and provide unhindered access to the armory site and roads known as "Upper Park Road" and Delaveaga Park Drive up to Isbel Drive. City to also provide access to any existing emergency access or fire roads at or near the armory site for the armory sites emergency use.

(4) Land Survey and ALTA Title Insurance. City shall provide to State two copies of a new ALTA Preliminary Title Report and a recent ALTA Land Record of Survey at city's sole cost and with the appropriate monumentation on the entire property. There will be two boundary surveys that depict (1) the armory site and all supporting utilities easements and equipment such as the water pump with pipes, and other necessary details, and (2) the remainder site for the city. All parties to the agreement understand and agree that the surveys and title policy may present items that require resolution prior to the land reconveyances. State has no knowledge of the facts about property lines or information contained in a current ALTA policy of title insurance. State shall cooperate with the City to attempt resolution to any such title or survey issues. It is further understood and agreed that any work listed in item #2 above shall be at the sole risk of the City if the land reconveyances are delayed beyond State's control.

- (intentionally left blank)

NOW THEREFORE, the parties agree to work in a timely manner and in good faith towards the completion of all of the requirements as herein described that are the products of the preliminary negotiations towards the land transfers.

STATE of California:

CITY of Santa Cruz

Director of the Department of General Services

By:

By:

James Martin, Chief
Real Estate Services Section
Real Estate Services Division

Martin Bernal
City Manager
City of Santa Cruz

Concur:

Department of the Military

By: _____
Thomas E. Clarke, CW3

Recommend Approval:

Geoffrey McLennan
Associate Construction Analyst
Real Estate Services Section

Attached: Exhibit 'A'.

APPROVED AS TO FORMS
9-21-10

CITY ATTORNEY

2

EXHIBIT A

Approximately 52 Acres

Water Pump Station

Landfill

Amofo

parking

parking

Sealed

ROAD

3

4



BILL NUMBER: AB 240 CHAPTERED
BILL TEXT

CHAPTER 422
FILED WITH SECRETARY OF STATE OCTOBER 11, 2009
APPROVED BY GOVERNOR OCTOBER 11, 2009
PASSED THE SENATE SEPTEMBER 9, 2009
PASSED THE ASSEMBLY SEPTEMBER 11, 2009
AMENDED IN SENATE SEPTEMBER 3, 2009
AMENDED IN SENATE JULY 23, 2009
AMENDED IN SENATE MAY 4, 2009

INTRODUCED BY Assembly Member Monning

FEBRUARY 10, 2009

An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.

LEGISLATIVE COUNSEL'S DIGEST

AB 240, Monning. Conveyances: DeLaveaga Park.

Existing law requires all real property within the DeLaveaga Park Property owned by the state, other than that portion leased to the City of Santa Cruz, to be used for a National Guard camp of instruction and, if that use is determined by the Adjutant General to be no longer necessary for that purpose, requires the Department of General Services to reconvey the real property to the city, to be used in perpetuity for public recreational purposes. The department is also directed to convey to the city its fee interest in that portion of the DeLaveaga Park Property leased to the city to be used as a municipally owned public golf course, if the city simultaneously conveys in fee to the state the portion of the property that is leased to the state.

This bill would describe the portion of real property within the DeLaveaga Park Property owned by the state and comprised of approximately 40 acres to be referred to as "the armory site," and make various conforming changes.

The bill would delete the provisions requiring the Department of General Services to reconvey the real property to the city if the Adjutant General determines the property to be no longer necessary for the purpose of a camp of instruction for the National Guard, and would instead authorize the department, in that instance, to dispose of the armory site, subject to specified conditions.

The bill would also delete the provisions requiring the city to simultaneously convey in fee to the state the portion of the DeLaveaga Park Property that is leased to the state, and instead require the city to simultaneously quitclaim any interest it has in the armory site, subject to terms and conditions that the department deems is in the best interest of the state. The bill would authorize, rather than direct, the department to convey its fee interest to the City of Santa Cruz, but would require consultation with the Adjutant General.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2 of Chapter 188 of the Statutes of 1999 is

amended to read:

Sec. 2. (a) All real property within the DeLaveaga Park Property owned in fee by the State of California, constituting approximately 122 acres, other than that portion currently leased to the City of Santa Cruz, constituting approximately 83 acres, shall be used by the state exclusively for a camp of instruction for the National Guard. This real property used by the state for a camp of instruction, comprising approximately 40 acres, shall be referred to as the armory site for purposes of this section. If, however, the Adjutant General determines that the armory site, or portions thereof, within the foreseeable future, will no longer be necessary for a National Guard camp of instruction and notifies the Department of General Services of that determination, the Department of General Services may sell, lease, exchange, or otherwise convey the armory site.

(b) (1) The disposal of the armory site shall be pursuant to Section 11011.1 of the Government Code, except that the City of Santa Cruz shall have the first right to acquire, before other local agencies, in fee or by leasehold, as determined by the Department of General Services, all or part of the armory site.

(2) Any lease, exchange, or other conveyance of the armory site to the City of Santa Cruz pursuant to this subdivision shall be subject to the condition that the real property be used in perpetuity for public recreational purposes, affordable housing, or other local governmental uses. However, nothing in this section shall be construed to preclude the continued use of the armory building for the provision of services, including, but not limited to, shelter services, to homeless persons.

(c) Notwithstanding any other provision of law that limits reversionary rights to real property, including, but not necessarily limited to, Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code, title to the armory site described in subdivision (a) shall revert to the possession, control, and ownership of the state if any of the conditions for the use of the armory site are violated. If the armory site is sold, leased, exchanged, or otherwise conveyed, any conditions for the use of the armory site prescribed in subdivision (a) shall be incorporated in the instrument conveying the property.

SEC. 2. Section 3 of Chapter 188 of the Statutes of 1999 is amended to read:

Sec. 3. (a) The Department of General Services, in consultation with the Adjutant General, may convey to the City of Santa Cruz, subject to mutually agreed upon terms, its fee interest in that portion of the DeLaveaga Park Property that the state is currently leasing to the city, comprising approximately 83 acres, and that the city is currently using as part of the DeLaveaga Golf Course, if the city simultaneously quitclaims any interest it has in the armory site described in subdivision (a) of Section 2 of this act. The state's conveyance to the city shall be subject to terms and conditions that the director of the Department of General Services, with the concurrence of the Adjutant General, deems is in the best interests of the state and shall include the requirement that the real property shall be used as a municipally owned public golf course for as long as the city determines and thereafter used, in perpetuity, as a municipally owned public recreational area.

(b) Notwithstanding any other provision of law that limits reversionary rights to real property, including, but not necessarily limited to, Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code, title to the property described in subdivision (a) shall revert to the possession, control, and ownership of the state if any of the conditions for the use of

▲ that real property are violated. If the property is conveyed to the City of Santa Cruz, any conditions for the use of that property prescribed in subdivision (a) shall be incorporated in the instrument conveying the property to the City of Santa Cruz.



CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Water

SUBJECT: Water Year 2011 Hydrologic Services. (WT)

RECOMMENDATION: Motion authorizing the City Manager to execute an Agreement with Balance Hydrologics, Inc., (Berkeley, CA) in the amount of \$200,474 for hydrologic services during water year 2011 (October 1, 2010 to September 30, 2011).

BACKGROUND: The City has been monitoring a variety of environmental parameters associated with drinking water operations for many years. For example, the Water Department currently operates 13 stream gaging stations including the two USGS San Lorenzo River gages. In addition, the Department recently began monitoring sediment transport and bed conditions in the North Coast streams due to concerns about sediment management associated with operations in those diversions.

Understanding the effects of City operations on instream flows and sediment conditions is critical to understanding potential effects on aquatic habitat. This information is necessary for water resource planning, Endangered Species Act and California Fish and Game code regulatory purposes, and tracking the effects of other watershed stakeholders' operations on water resources and aquatic habitat. For instance, the monitoring at Liddell Spring has been instrumental in protecting the City against impacts of quarry operations on that source. Additionally, monitoring in Laguna and Majors Creeks has been invaluable in documenting the effects of the non-City private diversions on instream flows (and thereby, aquatic habitat) in those City drinking water source streams.

This is an annual work program which may vary from year to year slightly, but will likely be required for the foreseeable future to meet environmental regulatory compliance and water resources management needs. It is anticipated that the scope of this work will be refined and formalized in the next several years upon successful completion of the City's Section 10 Endangered Species Act (i.e., Habitat Conservation Planning or HCP) permitting.

DISCUSSION: The work proposed for FY 2011 includes support for stream gaging at several sites on Laguna and Liddell Creeks, as well as continued sediment transport and bed monitoring on Majors and Laguna Creeks. This scope is somewhat reduced from last year – particularly at Liddell Spring, where some quarry-related monitoring is less necessary than in years past. Staff conducts much of the regulatory-related monitoring for the City. However, given the complexity of the issues of concern on these creeks, the Department has secured the support of Balance Hydrologics, Inc., who have years of experience with the City's operations and working in Santa

Cruz mountain streams, as well as professional credibility within the environmental regulatory field. Balance Hydrologics, Inc. has estimated the cost of this year's proposed work plan at \$200,474.

FISCAL IMPACT: Funds for this contract are available in the Water Department, Water Resources activity FY 2011 operating budget.

Submitted by:
Bill Kocher
Water Director

Approved by:
Martín Bernal
City Manager

ATTACHMENTS: Agreement

**PROFESSIONAL SERVICES AGREEMENT FOR
Water Year 2011 Hydrologic Services**

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

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

Salary expenses include the actual pay of personnel assigned to the project plus payroll taxes, insurance, sick leave, holidays, vacation, other fringe benefits, overhead costs, and fees. Chargeable time does not include time for meals or other personal time. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, shipping and reproduction costs, equipment rental, services of subconsultants and subcontractors, and other direct, identifiable project related expenses. Markups shall not be charged for non-salary expenses, subconsultants or subcontractors.

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

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

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

"I hereby certify as principal of the firm of (Insert Firm Name), that the charge of (Insert invoice amount) as summarized above and shown in detail on the attachments is a fair and reasonable use of public funds, 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 sum specified in Appendix Two 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.

The schedule for completion of the work shall be as shown upon Appendix Three. 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 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

Consultant 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 occurrence; \$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 Consultant 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

Consultant 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 services set forth in Appendix One. Such authority is retained solely by the City Council. 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

The term of the contract shall commence upon notification of award and continue for a period of one year, plus any extensions granted by the City.

Contract Renewal. At the option of the City, this contract may be renewed for two additional one year terms under the same contractual terms and conditions and at the same price or price basis. On each anniversary date, the Consultant will be allowed to increase prices. Increases may not exceed increases in the San Francisco-Oakland Consumer Price Index for all urban consumers or (add percentage) increases in Consultant's published prices, whichever is lower. In all cases, the City may cancel the contract if a requested price increase is not acceptable.

Termination of Contract. If, for any reason, Consultant fails to fulfill in a timely and proper manner his or her obligations under the contract, or if Consultant violates any of the provisions of this contract, then the City may terminate this contract by giving written notice to Consultant 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 Consultant under this contract may, at the option of the City, become the City's property and Consultant 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 Consultant of any liability to City for damages sustained by City because of any breach of contract by Consultant, and City may withhold any payments to Consultant for the purpose of set-off until such time and the exact amount of damages due City from Consultant is determined.

SECTION 154 Miscellaneous Provisions

1. Project Manager. Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. Consultant Services Only. Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. Licensure. Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. Other Agreements. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.
5. City Property. Upon payment for the work performed, or any portion, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement, or any other work

product of Consultant, are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.

6. Consultant's Records. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. Independent Contractor. In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
8. Conflicts of Interest. Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
9. MacBride Principles/Peace Charter. The City Council of the City of Santa Cruz approved Resolution No. NS-19,378 on the 24th day of July 1990, endorsing the MacBride Principles and the Peace Charter and encourages all companies doing business in Northern Ireland to abide by the MacBride Principles and the Peace Charter.
11. 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:

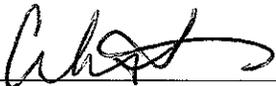
CITY

Martín Bernal, City Manager
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

CONSULTANT

Balance Hydrologics, Inc
800 Bancroft Way
Berkeley, CA 94710-2251

Approved As To Form:



Date: 10.1.10

John G. Barisone, City Attorney

Department Approval by:

Bill Kocher, Water Director

CONSULTANT

By _____
Name

Date _____

CITY

By _____
Martín Bernal, City Manager

Date _____

APPENDIX ONE
Scope of Services

Outlined below is the requested scope of work for combined hydrologic services to be furnished to the City of Santa Cruz Water Department for Water Year 2011 by Balance Hydrologics staff. This combined scope of work represents hydrologic services which will be conducted under three major service headers: (1) Laguna Creek and EBLC stream gaging and storm monitoring, (2) Liddell Spring gaging and storm monitoring, and (3) Sediment processes monitoring of Majors and Laguna Creeks. In prior years these scopes of work were provided individually, for water year 2011 they have been combined to facilitate more efficient project and budget management. The proposed fee for our services is provided in our standard Budget Tables 1, 2, and 3 which have been provided as attachments to this document.

Project Scope by Task

Task 1: Laguna and EBLC Gaging Services

Task 1.1: Monthly maintenance visits and measurements

Balance Hydrologics (Balance) staff will visit Upper, Lower and Anadromous Laguna and East Branch of Liddell once a month from October 1, 2010 through September 30, 2011 for a total of 12 maintenance visits to each of the four stations during water year 2009. During the first maintenance visit of water year 2011, we will clean instrumentation of any sediment and organic debris. Balance Hydrologics has found that routine cleaning of site instrumentation is crucial to instrumentation performance. During each maintenance visit, Balance will measure flow, specific conductance and water temperature, make several observations of stage, record high water-marks or note other morphologic changes at the gaging station, and download the datalogger and change desiccant as needed.

Task 1.2: Storm monitoring for managed gages

During winter storms, our policy is to work in pairs to ensure field safety. As a result, we have budgeted for two staff to conduct 5 "storm runs" to the four stations mentioned under Task 1 during water year 2011. This year we propose continuation of bedload transport analysis at EBLC. Depending on the number and magnitude of storms we will collect at least 5 bedload samples for analysis and sediment-transport rating curve development.

Task 1.3: Storm monitoring assistance for City run gages

Under Task 1.3, Balance will provide storm monitoring assistance to the City of Santa Cruz Water Department. We have budgeted for assistance during four (4) winter storms and anticipate that we will be responsible for conducting the four storm visits to Upper and Anadromous Majors and Anadromous Liddell. The arrangement makes logistical sense given that Balance will be responsible for the three Laguna gages and East Branch of Liddell. As such, we anticipate conducting these visits in association with visits to the Laguna gages and the Liddell gage to help keep costs to a minimum, and these visits would be completed by a second Balance storm monitoring team mobilized out of Berkeley.

Task 1.4: Data, database management and record audits

Balance staff will manage station data and their associated databases for the four stations mentioned under Task 1.1. As a part of Task 1.4, we anticipate the following general management components to be completed for each station:

- a. Make annual corrections to station records for daylight savings time,
- b. Update station observers log after each site visit,

- c. Upload recently downloaded station data to their respective databases for cursory inspection to assess proper functioning of instrumentation immediately after each station is serviced and downloaded,
- d. Calculate discharge measurements and update rating curve tables immediately after each station is visited, and
- e. Calibrate records of stage and pressure immediately after each station is visited to avoid problems related to erroneous field observations.
- f. Provide the City with monthly provisional data by the 10th of each month.
- g. Routine quarterly record audits by a Balance hydrologist not associated with the day to day data management for the project

Task 1.5: Rating curve, stage shifts, forms, tables and figures

Under Task 1.5, Balance staff will be responsible for continued development of station rating curves, applying stage shifts to the record of stage to adjust for trends in bed elevation at the gages, develop records of flow and develop figures, tables and other forms necessary for the water year data reports. Finally, some time has been allocated under this task to conduct at least one indirect measurement/calculation of a peak flow (i.e., survey). These surveys will be completed during our monthly download visit or as soon after the storm as they can be scheduled.

Task 1.6: Water report

Under Task 1.6, Balance will prepare a Draft and Final water year 2011 data report for the three Laguna gages and East Branch of Liddell. The three Laguna gages will be reported under one report cover as was completed for all previous water years. The East Branch of Liddell Creek will be reported under a separate report cover.

Project Staff for Task 1

As during previous water years, Barry Hecht will serve as the Senior Principal Hydrologist for the project. Shawn Chartrand will serve as the Principal-in-charge for the work and Mark Strudley will be the day to day project manager. Jonathan Owens will serve as the project hydrologist providing direction with rating curve development, and support during winter storm measurement planning. Several other Balance staff members will provide assistance with field measurements and database management.

Report Deadline for Task 1

We propose to have the WY2011 Laguna and EBLC data reports to the City of Santa Cruz no later than July 1, 2012, provided reviews are received in a timely fashion from both Balance Principals and City staff.

Task 2: Liddell Spring Gaging Services

Task 2.1: Liddell Spring routine station visits

In conjunction with routine site visits made to the East Branch of Liddell Creek gaging station, we will make manual measurements of specific conductance and water temperature at Liddell Spring, will record instantaneous values of Spring discharge and turbidity, and note any anomalies which we observe. We have budgeted for 12 routine site visits to the Liddell Spring during WY2011. When possible, we will also conduct field measurements of turbidity using one of our field ready turbidimeters.

Task 2.2: Sediment monitoring

We will collect a total of 5 samples of Liddell Spring discharge to be analyzed for suspended sediment concentration during the rainy season (3 samples) and the dry season (2 samples). These samples and their results will build upon the already existing suspended sediment concentrations database for Liddell Spring (presently built from data collected during WY2005 through WY2010)

and we will specifically attempt to collect one sample during the first karst flushing storm of the season. The samples will be collected using a standard DH-48 sampler and will be delivered to Soil Control Laboratories for analysis and reporting under the standard chain-of-custody procedures. We will also record turbidity using a portable turbidimeter upon sampling suspended sediment. Bedload samples will also be collected at the EBLC station. We will target 5 samples, conditions permitting of course.

Task 2.3: Data management

We will manage (a) specific conductance, (b) water temperature, (c) turbidity, and (d) springflow data which is collected at 15-minute intervals for Liddell Spring. Except for the specific conductance/water temperature probe and the Campbell Scientific datalogger housed in spring control building, the City will be responsible for maintaining the turbidity and in-pipe flow instrumentation for Liddell Spring as the instrumentation was originally installed by the City. For QA/QC purposes, the City will provide Balance with records of maintenance at the Spring so that the flow record may be adjusted to account for maintenance related anomalies. If problems arise or if instrumentation require mid-season calibrations, we will to the best of our abilities seek repairs, calibrations or work with City staff to remedy the situation.

Task 2.4: Preparation of WY2011 data report for Liddell Spring

We will prepare a standard data report for Liddell Spring for WY2011 including daily average and maximum turbidity, springflow, specific conductance and water temperature (figures and tables where applicable), suspended sediment rating curves and annual load records (figures and tables). We will use the same format report as developed for WY's 2005-2010.

Project Staff for Task 2

As during previous water years, Barry Hecht will serve as the Senior Principal Hydrologist for the project. Shawn Chartrand will serve as the Principal-in-charge for the work and Mark Strudley will be the day to day project manager. Several other Balance staff members will provide assistance with field measurements and database management.

Report Deadline for Task 2

We propose to have the WY2011 Liddell Spring data reports to the City of Santa Cruz no later than July 1, 2012, provided reviews are received in a timely fashion from both Balance Principals and City staff.

Task 3: Sediment Processes Monitoring Majors and Laguna Creeks

Task 3.1: Field prep of all monitoring locations and equipment

Under Task 3.1, Balance staff will field inspect, repair and/or re-monument all points which will be used to conduct the V*, riffle texture survey and topographic survey work during WY2011. Because 6 months have passed since our last round of monitoring, we need to assess whether all monumented monitoring locations are still in working fashion as they were last winter. The work will be conducted by Dr. Mark Strudley out of our Santa Cruz office. We would like to note that we may add a few more monumented monitoring locations to facilitate more efficient and repeatable measurements during this upcoming winter season. Newly added locations will be mapped onto the basemaps developed last year.

Task 3.2: Develop operational scenarios with City

Under Task 3.2, Shawn Chartrand will work with Balance staff to identify up to three alternative testing scenarios for operation of the sediment bypass valves on both Majors and Laguna Creeks. These alternatives would then be shared with City staff and one, perhaps two alternatives selected for

implementation during WY2011. These alternatives would not include closure of the bypass valves as that alternative was monitored during WY2010.

Task 3.3: Bed Conditions Monitoring: V*, Riffle Texture, Topographic Surveys and PhotoPoints
All bed conditions monitoring conducted during WY2011 will be consistent with what was completed as part of our WY2010 work and we will monitor 3 sequential sediment transport events, as was accomplished during WY2010. In general monitoring events will occur just prior to a predicted sediment transporting event, with the fourth data collection effort completed after the third sequential storm. Sediment transport monitoring at Majors and Laguna Creeks will continue to be conducted by Balance staff and incorporated into this project but under a separate contract with the City.

Balance will monitor pool sedimentation conditions following the V* protocol (an index of fine-sediment fill in pools) developed by Tom Lisle and Sue Hilton, with minor adaptations for local conditions and for the purposes of this study. We will monitor pool V* conditions at the same 10 pools on Majors Creek that were monitored during WY2010, and presently for no pools on Laguna Creek. V* Monitoring will be conducted by Brian Hastings, PG, and Sarah Richmond.

Balance will monitor riffle surficial textural conditions following a modified version of the Sampling Frame and Template Procedure (SFT; Bunte et al, 2009). The SFT protocol was developed to reduce operator variability and bias from particle selection and size measurement conducted under different methodologies (i.e., Wolman). This modified version can be considered a proxy for embeddedness (Cover et al, 2008) and will provide a more robust view of riffle textural conditions versus standard pebble count methods. Riffle texture measurements will be conducted along at least 3 monumented cross-sections per monitored riffle, with sampling extending from bankfull to bankfull. As with WY2010, we will monitor riffle surficial sediment conditions at 6 riffles total, 3 on Majors Creek and 3 on Laguna Creek; Monitoring will be conducted by Travis Baggett and Jason Parke.

Balance will monitor bed elevation conditions at fixed locations with cross-sections and longitudinal ("thalweg") profiles. Longitudinal profiles will be surveyed on both Majors and Laguna Creeks over reaches approximately 1000 feet long; these will extend from the upstream-most monitored cross-section to the downstream-most monitored cross-section. The profile will record morphologic changes in the bed and will depict pool and riffle structure. We will monitor 12 cross-sections in total, 6 on Majors Creek and 6 on Laguna Creek. All monitoring cross-sections are located at V* pools; the longitudinal profiles will be used to document riffle dynamics through the course of the program. All bed elevation surveys will be shot with a laser level and referenced to an arbitrary benchmark established in the vicinity of the diversion dams. Standard geomorphic surveying techniques will be utilized. To document stream conditions at the times of each survey, upstream and downstream photographs will be taken at each cross-section location and archived with respective cross-section data. Photographs will also be taken of log jam conditions, and video may be used if conditions warrant such documentation. Surveying will be completed by Jon Owens and Dr. Mark Strudley.

Task 3.4: Draft and Final Reporting

Generally following the report format prepared for WY2010, Balance will prepare the Draft and Final WY2011 sediment transport processes monitoring report. We will utilize templates and standards developed during WY2010 to help expedite report preparation and to facilitate expansion of provided data analysis. If data warrants, our report will provide recommendations for modifying sediment management protocols at Majors and Laguna diversions, reflecting cumulative attitudes and opinions generated throughout the work by both Balance and City staff. Our draft report will go

through stringent internal review and review by City staff; once comments have been addressed, a final report will be submitted. Electronic copies of all worked-up data, field notes and photographs/video will be provided with the Final report submittal.

Project Staff for Task 3

Mr. Shawn Chartrand will serve as Principal-in-charge for the project and will be supported by a field team of 4 experienced geomorphologists from the Balance staff. The field team will be led by Jon Owens and will consist of Brian Hastings, Dr. Mark Strudley, and Sarah Richmond. All data work-up and analysis will be led by Dr. Mark Strudley with QA/QC completed by Shawn Chartrand and Jon Owens. Mr. Barry Hecht will serve as Senior Principal and technical advisor for the project focused on streambed conditions monitoring methods application, review of data interpretation, and formulation of management protocol recommendations. Many Balance staff have asked to be 'on reserve' for this project.

Report Deadline for Task 3

We propose to have the Draft WY2011 Sediment processes report to the City of Santa Cruz no later than April 30, 2011. The Final report will be delivered within 3 weeks of receiving City and Agency comments.

Task 4: Project Administration and Management

Under Task 4, we have proposed a nominal number of hours for project administration and management related to items such as contracting, budget management, and invoicing.

APPENDIX TWO
Fees and Payments

Table 2. Estimated Costs

211014 City of Santa Cruz WY2011 Hydrologic Services

Professional Fees	Rate	Hours	Allocation
Sr. Principal	\$185	29	\$5,365.00
Principal	\$155	159	\$24,645.00
Senior Professional	\$135	110	\$14,850.00
Project Professional	\$125	0	\$0.00
Senior Staff Professional	\$110	549	\$60,390.00
Staff Professional	\$100	328	\$32,800.00
Assistant Professional	\$85	484	\$41,140.00
Junior Professional	\$70	56	\$3,920.00
GIS Senior Analyst	\$88	0	\$0.00
GIS/CADD Specialist	\$80	6	\$480.00
Graphics Specialist	\$70	0	\$0.00
Senior Project Administrator	\$70	24	\$1,680.00
Senior Report Specialist	\$70	16	\$1,120.00
Technical Typist	\$58	0	\$0.00
Hydrologic Technician	\$60	0	\$0.00
Labor Subtotal (Table 1)			\$186,390.00
Expenses			
Direct Expenses			
Mileage	3000 miles @	\$0.55	\$1,650.00
Mileage, 4-Wheel Drive*	30 miles @	\$0.58	\$17.40
Vehicle Rental			\$0.00
Equipment Costs (see Table 3)			\$1,330.00
Per Diems	6 @	\$180	\$1,080.00
Reimbursable Costs			
Other Travel, Subsistence	trips @		\$0.00
Express Mail, Deliveries			\$250.00
Maps and Aerial Photos			\$0.00
Outside Copying, Blueprint			\$0.00
Outside Consultants			\$0.00
Analytical Laboratory Fees	5 suspended sediment samples @ \$42 each		\$210.00
Materials and Supplies			\$0.00
Permits, Licenses or Agency Inspection fees	client responsibility		\$0.00
Printing [†]			\$0.00
Other			\$0.00
Expenses Subtotal			\$4,537.40
ESTIMATED TOTAL			\$190,927.40
5% Contingency			\$9,546.37
TOTAL w/ CONTINGENCY			\$200,473.77

Notes

* 4WD rates apply only if required by site conditions. See Balance policy re 4WD.
 †Plotting costs vary according to complexity of design
 Project-related expenses will be bill at cost plus 10%; including work by outside consultants and analytical or testing laboratories.

**APPENDIX THREE
Work Schedule**

Task	Deliverable	Date
1 – Laguna and EBLC Gaging	Water Year Reports	July 1, 2012
2 – Liddell Spring Gaging	Water Year Report	July 1, 2012
3 – Sediment Processes – Laguna and Majors Creeks	Water Year Report Draft	April 30, 2011
	Water Year Report Final	Within 3 weeks of receipt of City comments on draft



CITY COUNCIL AGENDA REPORT

DATE: October 5, 2010

AGENDA OF: October 12, 2010
DEPARTMENT: City Council
SUBJECT: Resolution supporting Proposition 25 on the November 2010 General Election Ballot – State Budget Reform. (CN)

RECOMMENDATION: Resolution supporting the November 2010 California Ballot Measure Proposition 25, which will effect State budget reform through the reduction of the budget approval threshold from a two-thirds supermajority to a simple majority, and, urging the voters of Santa Cruz to vote in support of Proposition 25.

BACKGROUND: The State of California's budget process is notorious for its perpetual state of impasse, as illustrated by the Legislature's failure to meet the June 15 constitutional passage deadline for 25 of the last 30 years. This delay is due to partisan disagreement over budgetary policy, which creates gridlock when it comes to the budget vote. The structural enabler of this gridlock is the two-thirds supermajority approval threshold for budget adoption. This approval threshold is rare, with only two other states in the country joining California (Arkansas and Rhode Island). Most U.S. states require a simple majority for passage.

DISCUSSION: The two-thirds supermajority threshold is practically unattainable and empowers a minority of legislators to stall passage of the State's most important legislation each year. Year after year, the ill effects of a delayed budget sweep across California: pink slips for state workers, abrupt office closures and the stoppage of state funding for crucial health programs and services.

Proposition 25 will rebalance the legislative power in the State Capitol and help deliver an on-time budget that is not at the whim of a minority of elected officials. Further, to encourage a timely budget, Proposition 25 will effect a reduction in lawmakers' pay and daily living allowance for each day the budget is not approved.

FISCAL IMPACT: There is no fiscal impact.

Submitted by:
Mike Rotkin
Mayor

Attachments:
Resolution
Voter Pamphlet for Proposition 25

CHANGES LEGISLATIVE VOTE REQUIREMENT TO PASS BUDGET AND BUDGET-RELATED LEGISLATION FROM TWO-THIRDS TO A SIMPLE MAJORITY. RETAINS TWO-THIRDS VOTE REQUIREMENT FOR TAXES. INITIATIVE CONSTITUTIONAL AMENDMENT.

- Changes the legislative vote requirement necessary to pass the state budget and spending bills related to the budget from two-thirds to a simple majority.
- Provides that if the Legislature fails to pass a budget bill by June 15, all members of the Legislature will permanently forfeit any reimbursement for salary and expenses for every day until the day the Legislature passes a budget bill.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- In some years, the contents of the state budget and related legislation could be changed due to the lower legislative vote requirements in this measure. The extent of these changes would depend on a number of factors, including the state’s financial circumstances, the composition of the Legislature, and its future actions.
- In any year the Legislature has not sent a budget to the Governor on time, there would be a reduction in state legislator compensation costs of about \$50,000 for each late day.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Process for Passing a Budget. The State Constitution gives the Legislature the power to appropriate (that is, allow the spending of) state funds. The annual state budget is the Legislature’s primary method of authorizing state expenses for a fiscal year (which runs from July 1 to June 30). The Constitution requires that the Governor propose a budget by January 10 for the next fiscal year. Each of the two houses of the Legislature (the State Assembly and the State Senate) then is required to pass the annual budget bill by June 15 and send it to the Governor. The Governor may either sign the budget approved by the Legislature or veto (reject) all or a part of it. By a two-thirds (67 percent) vote in each house of the Legislature, a veto by the Governor may be overridden. While the Constitution has a date by which the Legislature must *pass* a budget, it does not have a specific date by which a final budget must be *put into law*.

Two-Thirds Vote Requirement for Passage of State Budget. The Constitution requires a two-thirds vote of each house of the Legislature for the passage of “urgency” measures that take effect immediately, bills that increase state tax revenues, and General Fund appropriations (except appropriations for public schools). Because the state budget includes General Fund appropriations and needs to take effect immediately, it requires a two-thirds vote for passage. Certain budget actions, such as a decision to change the services that a state department is mandated to provide, require changing state law. These changes often are included in “trailer bills” that accompany passage of the budget each year. In general, bills passed by the Legislature take effect on January 1 of the next year. In order for trailer bills to take effect immediately, however, they must be passed by a two-thirds vote of each house of the Legislature.

Late Budgets. Since 1980, the Legislature has met its June 15 constitutional deadline for sending a budget to the Governor five times. During that same period, a final budget—passed by the Legislature and approved by the Governor—was in place prior to the July 1 start of the fiscal year on ten occasions, including three times since 2000. When a fiscal year begins without a state budget in place, some state expenses are not paid as scheduled. For example, state elected officials (such as the Governor and Members of the Legislature) have not received salaries after July 1 until a final budget is in place. Salary payments withheld from these officials have been paid in full when the final budget goes into effect.

PROPOSAL

Lowers Legislative Vote Requirements for the Budget Bill and Related Legislation. This measure amends the Constitution to lower the vote requirement necessary for each house of the Legislature to pass a budget bill and send it to the Governor. Specifically, the vote requirement would be lowered from two-thirds to a majority (50 percent plus one) of each house of the Legislature. The lower vote requirement also would apply to trailer bills that appropriate funds and are identified by the Legislature “as related to the budget in the budget bill.” Both the budget bill and these trailer bills would take effect immediately after being signed by the Governor (or on a later date specified in the bill). A two-thirds vote of the Legislature would still be required to override any veto by the Governor. This measure’s constitutional provisions do not specifically address the legislative vote requirement for increasing state tax revenues, but the measure states that its intent is not to change the existing two-thirds vote requirement regarding state taxes.

Loss of Pay and Reimbursements by Legislators. In any year when the Legislature has not sent a budget bill to the Governor by June 15, this measure would prohibit Members of the Legislature from collecting any salary or reimbursements for travel or living expenses. This prohibition would be in effect from June 15 until the day that a budget is presented to the Governor. These salaries and expenses could not be paid to legislators at a later date.

FISCAL EFFECTS

State Budget May Be Easier to Approve. This measure could make it easier for the Legislature to send a state budget bill to the Governor. That is because it would lower the voting requirement for the budget from two-thirds to a majority of each house of the Legislature. Given the current composition of each house, this would allow members of the Legislature’s majority political party to approve a budget bill without the support of any members of the minority party. Currently, some members of the minority party must support a budget to reach the two-thirds vote requirement.

In some years, the lower vote requirement could affect the content of the budget and bills identified by the Legislature as related to the budget. Spending priorities in a given budget could be different. The extent of these changes would depend on a number of factors—including the state’s financial circumstances, the composition of the Legislature, and its future actions. Accordingly, the exact changes that would occur in future state budgets cannot be estimated.

Some Legislative Pay May Be Lost. In years when the Legislature does not send a budget bill to the Governor by the June 15 deadline, Members of the Legislature would lose portions of their annual salaries and reimbursements for living and travel expenses. In such cases, the measure would reduce state costs by around \$50,000 per day until a budget bill was sent to the Governor.

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
SUPPORTING PROPOSITION 25 WHICH WILL EFFECT NEEDED REFORM TO THE
STATE OF CALIFORNIA'S BUDGET APPROVAL PROCESS

WHEREAS, Proposition 25 reforms California's badly broken State budget process so schools, services, and taxpayers are protected, while legislators are held accountable if they fail to pass the budget on time; and

WHEREAS, Proposition 25 is an efficient budget reform that breaks legislative gridlock and returns democracy to the State budget process by allowing a simple majority of legislators to approve the budget; and

WHEREAS, California is one of but three states in the nation that require a two-thirds legislative vote to pass a budget; and

WHEREAS, late budgets cost taxpayers millions of dollars, hurt schools and services, damage California's credit rating, and favor interest groups at the expense of ordinary citizens; and

WHEREAS, under the current system, a small group of legislators can hold the budget hostage for billions in tax breaks for narrow corporate interests, or special favors for themselves, and funding for schools, public safety, and home health care services for seniors and the disabled becomes a bargaining chip; and

WHEREAS, more than 16,000 teachers were laid off last year and 26,000 pink slips were issued this year because of the budget deadlock; and

WHEREAS, Proposition 25 will allow schools and social services agencies to plan their budgets responsibly by letting them know what they can expect from the State; and

WHEREAS, Proposition 25 breaks the budget deadlock by allowing a majority of legislators to approve the State budget.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby supports Proposition 25 on the November 2010 Ballot and urges the voters of Santa Cruz to join the City in supporting the measure.

BE IT FURTHER RESOLVED that the Mayor is directed to transmit a copy of the resolution to State Senator Simitian, Assemblymember Monning and to the League of California Cities.

RESOLUTION NO. NS-

PASSED AND ADOPTED this 12th day of October, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 10/6/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Economic Development

SUBJECT: Monterey Bay National Marine Sanctuary - Exploration Center
Construction Bid Protest. (ED)

RECOMMENDATION: Motion to deny/overrule the bid protest received on September 27, 2010 from UA Local Number 62 concerning the Notice of Intent to Award the contract for the Monterey Bay National Marine Sanctuary – Exploration Center to Bogard Construction, Inc. (Santa Cruz, CA) in the amount of \$5,180,500 and direct the Executive Director to proceed with the award of the contract to the lowest bidder, Bogard Construction, Inc.

BACKGROUND: On September 22, 2010 and September 23, 2010, the City conducted the bid opening for the construction contract for the Monterey Bay National Marine Sanctuary Exploration Center. Six prequalified firms submitted bids, and the apparent responsive low bidder was Bogard Construction, Inc. with a bid of \$5,180,500. The Notice of Intent to Award the contract was issued on September 27, 2010.

On September 27, 2010, the City Clerk received a bid protest from an attorney representing UA Local Number 62. While the bid protest did not specify this, staff understands the organization represented by the attorney to be formally known as Local 62 of the United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada. A copy of the bid protest is attached. No other bid protests were received during the bid protest period.

DISCUSSION: The bid protest contends that the City did not follow the established bidding procedures based on the Bidding Documents as modified through Addendum No. 3. Specifically, the bid protest states that the Designations of Subcontractors were not received and opened until Thursday, September 23, 2010. The bid protest further states that the opening of the Designation of Subcontractors on Thursday, September 23, 2010 was in direct violation of the established bidding procedures. However, Addendum No. 3 was not the final addendum issued during the bidding process for the subject project. The City issued Addendum No. 4 on September 17, 2010 which established the bidding procedures including the submittal and opening of the Designation of Subcontractors. The bidding procedures established in the Bidder Instructions as well as the BID Submittals Checklist both stated the process and timing for the submittal and opening of all bid documents. All bidder submissions complied with the bidding requirements as modified through this final addendum.

Article 7 of the Instructions to Bidders for the project, in accordance with the Santa Cruz City Municipal Code §3.08.250, states:

“Any contractor who unsuccessfully bids on a city contract awarded by the city council in accordance with the provisions of this chapter or any trade association representing workers who would have potentially been employed by such a contractor may file a protest. The bid protest shall be in writing and filed with the city clerk within five (5) days of the date of the city’s written notice of intention to award the bid. The city council shall hear the bid protest prior to adopting a resolution authorizing the city manager’s execution of the contract. The protesting party may protest the bid award for the city’s or successful bidder’s failure to comply with the requirements of this chapter, the bid documents, or any other applicable provision of this code. The bid protest shall clearly set forth the basis for the bid protest. Grounds not set forth in the written protest may not be considered by the city council at the bid protest hearing. The city council shall sustain a bid protest if the protesting party demonstrates by clear and convincing evidence that, as specified above, the city would act improperly in awarding the bid. The decision of the city council shall be final.”

In summary, the September 27, 2010 bid protest letter submitted on behalf of the UA Local 62 fails to cite a valid basis upon which the City may sustain the bid protest. It is staff’s recommendation that the bid protest be denied/overruled and the City Manager or his designee be directed to proceed with the award of the contract to the lowest bidder, Bogard Construction, Inc.

FISCAL IMPACT: The total cost of the contract is \$5,180,500 with the funding awarded through grants from the National Oceanic and Atmospheric Administration. Funds have been appropriated in the Agency's FY 11 budget for this purpose.

Submitted by:
Bonnie Lipscomb
Director of Economic
Development

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:
Bid Protest Letter

Dal Bon & Margain, APC

28 NORTH 1ST SUITE 210
SAN JOSE, CA 95113
TEL (408) 297-4729
FAX (408) 297-4728

James Dal Bon, Esq.

Tomas E. Margain, Esq.

Via Facsimile & U.S. Mail

September 27, 2010

RECEIVED

SEP 29 2010

REDEVELOPMENT
AGENCY

City of Santa Cruz
Economic Development and
Redevelopment Department
337 Locust Street
Santa Cruz, CA 95060

Lorrie Brewer
City Clerk
809 Center Street, Room 9
Santa Cruz, California 95060

Re: BID PROTEST
MBNMS Exploration Center

Dear City of Santa Cruz and Economic Development and Redevelopment Department:

I am writing this letter on behalf of UA Local Number 62 a trade organization which represents workers who would have potentially been employed by a wining contractor on the above project.

This letter serves as a Bid Protest pursuant to section 7 of the Monterey Bay National Marine Sanctuary Exploration Center Bid and Contractual Documents Project Manual of August 18, 2010 and the Santa Cruz City Municipal Code Chapter 3.08.205.

The three purported wining bids on the above project did not timely submit Designations of Subcontractors as required by the Bid Submittals Checklist found at section 00420 of the MBNMS Project Manual. The designation of Subcontractors is found as section A subsection 3 which is one of the nine required documents to be "fully completed" by the Bidder and submitted in the Bidder's sealed bid-proposal envelope by the due date of the closed bids.

It has come to our attention that by the 3:00 p.m. deadline of September 22, 2010¹ the Designations of Subcontractors were not included in the bids submitted by Bogard Construction, Devcon Construction and XL Construction.

The Designations of Subcontractors were not received and opened until Thursday September 23, 2010.

This is in direct violation of the established bidding procedures. The Designations of Subcontractors were due on September 22, 2010 with the full Bid Packet as modified by Addendum No. 3.

This is not a minor omission or a harmless error. The reality is that once the pecking order for the winning bids was established, the General Contractors has 24 hours to show the bid to various

¹ Bid Addendum No. 3 at 3-2 changed the bid date from September 15, 2010 to September 22, 2010 but did not make any other changes to the bidding requirements.

subcontractors and solicit or shop around for subcontractor bids. This turns the concept of closed bidding on its head. By this procedure, subcontractors are approached to match or underbid other subcontractors from the winning and alternative General Contractors. This leads to exactly the type of collusion which the public contracting code attempts to regulate by closed bidding procedures.

My understanding is that a Notice of Intention to Award has not yet been issued. We request that the entire project be re-bid with all nine Bid Checklist requirements due on one day and at one time.

Under Article 7 of the Project manual, the City Council shall act on the bid protest. Please be on notice that UA Local #62 intends to file an action for Writ of Mandate if the public contracting code is flaunted. As such, please keep me informed of the process.

Sincerely,



Tomas Margain

Cc:

Bonnie Lipscomb, Executive Director
City of Santa Cruz
Economic Development and Redevelopment Department

Robert Silva
UA Local #62
Tel: (831)633-6091
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CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Fire

SUBJECT: Adoption of Findings for Modification of the International Fire Code and Adoption and Amendment of the 2009 International Fire Code and the 2010 Edition of the California Fire Code and Fire Code Standards, Including Annual Supplements and State Amendments and Errata. (FD)

RECOMMENDATION: Resolution making findings for modification of the International Fire Code, 2009 Edition, relating to automatic fire sprinkler systems.

Introduce for publication an ordinance revising and amending Title 19 of the City of Santa Cruz Municipal Code, in order to adopt and amend the 2009 edition of the International Fire Code, the 2010 edition of the California Fire Code and Fire Code Standards, including annual supplements and State amendments and errata.

BACKGROUND: The proposed ordinance will adopt the International Fire Code, 2009 edition, and the California Fire Code, 2010 Edition with amendments. The California Health and Safety Code identifies a specific process for adoption of the Fire Code locally with specific actions and timelines. The California Building Standards Commission is charged with developing the minimum building standards for the State of California on a three-year cycle or when a new model code is available. With each code cycle the City is required to update its own ordinance and adopt the current model code with amendments.

Members of the Santa Cruz County Fire Prevention Officers have collectively prepared the ordinance text. By working cooperatively, we have been able to bring forth a fire code that is substantially consistent throughout the county. The Santa Cruz County Fire Chiefs' and Fire Prevention Officers' Associations recognize that regulatory consistency between the various fire agencies minimizes confusion and lessens the impact on the public. While there may be a few minor differences based on individual needs or other ordinances that are already in place, on the whole, the proposed code meets this goal.

DISCUSSION: The proposed revision to Title 19 of the Santa Cruz Municipal Code includes the 2009 edition of the International Fire Code (I.F.C.) and the City of Santa Cruz local amendments to the model Fire Code. This International Fire Code model has been successfully adopted and utilized throughout the Western United States and is now being used by the California State Fire Marshal.

The draft ordinance that you have before you contains the amended code sections. The document tracks changes in the columns.

The following is a list of the significant changes:

- Chapter 1 is amended to reflect our current Ordinance and to clarify the scope of the fire code.
- The violations/penalties contained in Chapter 1 are a carry-over from our previous codes and place them in the enabling chapter of the fire code.
- Chapter 2 is devoted to definitions. We have reduced the number of definitions that were in previous versions for a number of reasons, primarily because the IFC has done a better job in providing those definitions that previously were lacking.
- Chapter 3 is General Precautions Against Fire. There are a number of items that no longer are addressed in the model code. One of great significance is vegetation management. In light of the devastating fires that occur annually in California, we felt that it was important to bolster vegetation management. The State of California, through the Public Resources Code, has made significant changes to the required clearances or defensible space. However, those requirements were only applicable within State Responsibility Area. We felt that the same defensible space standards should be applied to the Local Responsibility Area.
- Open Flame cooking devices has been deleted. Citizens may barbeque on decks throughout the City.
- Section 903 looks like a complete new section but it is not. Section 903 is the fire sprinkler ordinance that has been in place county-wide since 1989. There are no changes to the City of Santa Cruz's current sprinkler ordinance.
- Sections 2205.1 through 2210 are amended to reflect the future of motor vehicle fuels, specifically bio-diesel. Bio-diesel is new and the regulations have not caught up to the industry. The changes contained in Chapter 22 address the needs of blended Class IIIA and IIIB fuels.
- The majority of Chapter 33 has been struck because the regulation of fireworks and explosives are found in Title 19 of California Code of Regulations. Fireworks are illegal in the City of Santa Cruz.

In conclusion, the Fire Department is recommending that the City Council adopt the 2009 International Fire Code and the 2010 California Fire Code as submitted per the attached Ordinance. This action will not only update our local Fire Code, but will put us in compliance with the State-mandated code adoption process.

FISCAL IMPACT: Cost of updated code books and staff training is included in the FY 2010/2011 base budget.

Prepared by:
Mark Ramos
Fire Division Chief

Submitted by:
Ron Oliver
Chief of Fire

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:
Resolution
2010 Ordinance
2010 Redlined Ordinance

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An ordinance of the City of Santa Cruz adopting the 2009 edition of the International Fire Code and the 2010 edition of the California Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Santa Cruz providing for the issuance of permits and collection of fees therefore; repealing Ordinance 2007-18 of the City of Santa Cruz and all other ordinances and parts of the ordinances in conflict therewith. Ordinance 2007-18 was subsequently repealed and replaced in its entirety by Ordinance 2010-~~XX~~.

PART 1

The City Council of the City of Santa Cruz does ordain as follows:

That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapters B, C and J published by the International Code Council not included in the California Building Standards Code, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Santa Cruz, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Santa Cruz are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Part 2 of this ordinance.

PART 2

Title 19 of the City of Santa Cruz is hereby repealed and a new Title 19 is hereby added to read as follows:

International Fire Code Adopted.

That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapters B, C and J published by the International Code Council not included in the California Building Standards Code, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Santa Cruz for the purpose of regulating and governing the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, the operation, installation, construction, location, safeguarding and

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maintenance of attendant equipment, the installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees therefore.

Section 101.1 is amended – Title.

Section 101.1 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Santa Cruz, hereinafter referred to as “this code.”

Section 102.9 amended - Matters Not Provided For.

Section 102.9 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

102.9 - Matters Not Provided For. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

The Fire Chief is authorized to render interpretations of this code and to make and enforce rules, supplemental regulations and standards in order to carry out the application and intent of its provisions. Such interpretations, rules, regulations and standards shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours. Those standards promulgated by the Santa Cruz County Fire Chiefs Association shall be deemed as prima facie evidence of compliance with this code.

Section 105.1 amended – General.

Section 105 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

105.1 - General. Permits shall be in accordance with Sections 105.1.1. through 105.7.13 or other provisions of this code as required by the jurisdiction having authority.

Section 105.1.1 amended - Permit Required.

Section 105.1.1 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

105.1.1 – Permit Required. When required by the fire code official, a permit shall be obtained. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

Section 105.2 amended - Application.

Section 105.2 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

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105.2 – Application. Application for a permit, when required by the fire code official, shall be made in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

Section 109.3 is amended – Violation penalties.

Section 109.3 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

109.3 – Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or of a permit or certificate used under provisions of this code, shall be guilty of an infraction.

Acts denominated as infractions shall not be punishable by imprisonment. Every violation determined to be an infraction is punishable by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within one year;
3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within one year.

A person charged with an infraction shall not be entitled to a trial by jury. A judgment that a person convicted of an infraction be punished by fine may also provide for the payment to be made within a specified time or in specified installments, contingent upon the person giving his written promise to either pay the fine as provided or to appear in court on the due date. Any person who willfully violates any such written promise is guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 is amended – Failure to comply.

Section 111.4 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

111.4 Failure to comply. It is unlawful for any person, firm or corporation to violate or fail to comply with any lawful order of the fire code official; fail to comply with an order by the Board of Appeals; or, fail to comply with an order of the court of competent jurisdiction within the time fixed therein. Every such violation shall be deemed a misdemeanor and shall be punishable by a fine of not more than \$500.00 plus court assigned fees or by imprisonment not exceeding 1 year in the county jail, or both such fine and imprisonment.

Section 202 is amended – Definition of Building Area.

Definition of Building Area in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after British Thermal Unit to read as follows:

BUILDING AREA. The area included within surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

Section 202 is amended – Definition of De Novo.

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Definition of De Novo in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Deluge System to read as follows:

DE NOVO. adj. Latin for "anew," which means starting over, as in a trial de novo. For example, a decision in a small claims case may be appealed to a local trial court, which may try the case again, de novo.

“D” Definitions -- Add Driveway after Draft Stop

Driveway. DRIVEWAY is vehicular ingress and egress routes that serve no more than 2 residential buildings or structures, not including accessory structures, on one parcel, containing no more than 3 dwelling units.

(a) All driveways shall provide a minimum unobstructed width of 12 feet and minimum unobstructed vertical clearance of 13 feet 6 inches. Exception: Driveways serving parcels which are not considered a flag lot by the City Planning Department may be 10 feet wide when approved by the Fire Code Official.

(b) All curb cuts at entrances to driveways or other private ways shall be of sufficient width to permit safe travel by emergency vehicles at all times of the year.

(c) Turnouts shall be designed and constructed every 400 feet along the driveway's length or at the midpoint when the driveway is over 400 but not more than 800 feet in length.

(d) A turnaround shall be provided at all building or structure sites on driveways over 300 feet in length and shall be at 50 feet from the structure.

(e) In addition, where applicable, all driveways shall conform with N.F.P.A. Standard 1141, the standard for planned building groups.

Section 202 is amended – Definition of Fire Chief.

Definition of Fire Chief in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is amended to read as follows:

FIRE CHIEF. The Chief of the City of Santa Cruz.

Section 202 is amended – Definition of Hazardous Fire Area.

Definition of Hazardous Fire Area in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Handrail to read as follows:

HAZARDOUS FIRE AREA. Land that is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. The declaration of a hazardous fire area shall be made by the chief for purposes of this code and shall not contradict with hazardous fire areas as defined by the California Public Resources Code.

Section 202 is amended – Definition of Imposed Loads.

Definition of Imposed Loads in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Impairment Coordinator to read as follows:

IMPOSED LOADS OF APPARATUS is a minimum of 40,000 pounds for a fire engine and 60,000 pounds for an aerial ladder fire truck.

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Section 202 is amended – Definition of Public Nuisance.

Definition of Public Nuisance in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Proximate Audience to read as follows:

PUBLIC NUISANCE. The unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience, danger or damage to others, either to individuals and/or to the general public. Nuisances may include, but not be limited to noxious smells, noise, burning, unauthorized collections or storage of hazardous materials.

Section 202 is amended – Definition of Stage.

Definition of Stage in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Spraying Space to read as follows:

STAGE. A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound. Stage area shall be measured to include the entire performance area and adjacent backstage and support areas not separated from the performance area by fire-resistance rated construction. Stage height shall be measured from the lowest point on the stage floor to the highest point of the roof or floor deck above the stage.

Section 202 is amended – Definition of State Responsibility Area (SRA).

Definition of State Responsibility Area (SRA) in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Stage to read as follows:

STATE RESPONSIBILITY AREA (SRA) shall mean lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State of California.

Section 202 is amended – Yard.

Definition of Yard in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after State Responsibility Area (SRA) to read as follows:

YARD. An open space, other than a court, unobstructed from the ground to the sky on the lot on which a building is situated.

Section 304.1.2 is amended – Vegetation.

Section 304.1.2 of Chapter 3 of the Fire Code of the City of Santa Cruz is amended to read as follows:

304.1.2 – Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be maintained around and adjacent to buildings and structures. A firebreak shall be made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure.

When required by state law, or local ordinance, rule or regulation, an additional fire protection zone or firebreak may be made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.

No owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the city shall permit weeds to remain upon said premises or public sidewalk, or street or alleys between said premises and the centerline of any public street or alley after May 15th.

Whenever any such weeds are growing upon any private property or properties or in any street or alley within the city, the chief of the fire department shall give notice to the owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the city, that unless such nuisance be abated without delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the city authorities, and the cost thereof assessed upon the lots and lands from which weeds shall have been destroyed or removed.

Method of Abatement

- (a) The chief of the fire department shall cause weeds to be abated through mowing, cutting, discing, removal or any other approved method except spraying.
- (b) When the chief determines that total removal of weed growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Designated areas shall be cleared of combustible vegetation to establish fuel breaks.
- (c) The chief of the fire department, and its deputies, assistants, employees, contracting agents, or other representatives are hereby expressly authorized to enter upon private property for the purpose of destroying weeds.
- (d) Any property owner shall have the right to abate such weeds themselves, or have the same abated at their own expense provided that such weeds shall have been destroyed or removed prior to May 15th and the arrival of the chief of the fire department or his/her agents or representative to abate them.
- (e) Combustible rubbish which hampers or otherwise obstructs city weed abatement efforts may also be removed by the chief of the fire department or his/her agents or authorized representative at the owner's expense under the reimbursement and collection provisions of this chapter.

Section 307.2 - Open Burning and Recreational Fires.

Section 307.2 of Chapter 3 of the Fire Code of the City of Santa Cruz Fire Protection District is amended to read as follows:

307.2 Permit required.

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When required by the fire chief, permit shall be obtained prior to kindling a fire for recognized agricultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

The open burn season for Santa Cruz County is unless otherwise declared shall be December 1st through April 30th of the calendar year. The dates may only be changed by Monterey Bay Area Unified Air Pollution Control District.

Exceptions:

1. During the “Declared open burn season” (As declared by the Monterey Bay Area Unified Air Pollution Control District) pile burning is allowed, at the discretion of the Fire Chief, when the “Guidelines for Pile Burning” (published by the California Department of Forestry and Fire Protection or Monterey Bay Area Unified Air Pollution Control District) are strictly adhered to.

Section 308.1.4 is deleted – Open-Flame cooking devices.

Section 308.1.4 of Chapter 3 of the Fire Code of the City of Santa Cruz is hereby deleted:

Section 311.5 is amended – Placards.

Section 311.5 of Chapter 3 of the Fire Code of the City of Santa Cruz is amended to read as follows:

311.5 – Placards. When required by the fire code official, any building or structure determined to be unsafe pursuant to Section 110 of this code shall be marked as required by Sections 311.5 through 311.5.5.

Table 405.2 Footnote ‘a’ is amended - Fire and Evacuation Drill Frequency and Participation

Footnote ‘a’ to Table 405.2 of Chapter 4 of the Fire Code of the City of Santa Cruz is amended to read as follows:

- a. The frequency in all school levels shall be allowed to be modified in accordance with Section 408.3.2. Secondary level schools need only conduct evacuation drills twice each school year.

Section 502.1 is amended – Definitions.

Section 502.1 of Chapter 5 of the Fire Code of the City of Santa Cruz is amended adding the definition of All Weather Surface to read as follows:

ALL WEATHER SURFACE. An all weather surface shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No Grade shall be allowed to exceed 20%.

Section 507.1 is amended – Required Water Supply.

Section 507.1 of Chapter 5 of the Fire Code of the City of Santa Cruz is amended to read as follows:

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507.1 - Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

The minimum water supply for all new dwellings within State Responsibility Areas (SRA) shall be capable of supplying a flow of 500 gallons per minute for 20 minutes (10,000 gallons) for each parcel. Privately owned water that is not supplied by a licensed water purveyor shall: (1) serve no more than two dwellings and no more than 10,000 square feet of habitable dwelling space, and (2) be provided pursuant to a recorded covenant that runs with the land if the water supply originates from another parcel. If a water purveyor supplies the water, the applicant must submit with the building plan written verification from the licensed purveyor that the water supply meets the flow requirement.

Exceptions:

1. A 2% reduction will be allowed for flow supplied by approved stationary water tanks, to account for the nominal standardized capacity of such tanks.
2. The Fire Chief may reduce the flow requirement to 250 gallons per minute for 20 minutes by substituting approved enhanced access, defensible space, and/or ignition-resistant material requirements.

Section 508.5.7 is added – Painting.

Section 508.5.7 of Chapter 5 of the Fire Code of the City of Santa Cruz is added to read as follows:

508.5.7 – Painting. When required by the fire code official, fire hydrants shall be painted in accordance with NFPA 291.

Section 605.11 is added – Alternate Power Sources.

Section 605.12 of Chapter 6 of the Fire Code of the City of Santa Cruz is added to read as follows:

Section 605.11 - Alternate Power Sources. All permanent installations of electrical generators, wind generators, solar cell, or other power sources shall be approved by the building code official. All applicable provisions of the National Electrical Code, the Uniform Fuel Gas Code, the California Building Code, and this Code shall be followed for any such installation. Permanent engraved and affixed signage, red in color, reading ‘WARNING – This premise is provided with an Alternate Power Source. Disconnection of commercial power may not disable the electrical power source’. Lettering shall be contrasting to the background and shall be a minimum of ½” tall and shall be permanently affixed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.

IFC Sections 903.1 through 903.2.10.1 are Deleted – Automatic Sprinkler Systems

Sections 903.1 through 903.2.10.1 of Chapter 9 of the Fire Code of the City of Santa Cruz are deleted and replaced to read as follows:

903.1 General. Automatic sprinkler systems shall comply with this section.

903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with

Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized 'by the applicable standard and approved by the fire code official.

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

903.2.1 New Structures. An automatic fire sprinkler system shall be provided in all new occupancies as defined in Chapter 3 of the California Building Code, regardless of type of construction and/or floor area, unless otherwise pre-empted by the California Health and Safety Code. Any occupancy not specifically mentioned shall be included in the group that it most nearly resembles based on the proposed life and fire hazard.

EXCEPTIONS: 1. Private garages, carports, sheds not more than 1,000 square feet (93 m²) of total floor area shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.

2. Sheds exceeding 1,000 square feet, (93 m²) but not exceeding 3,000 square feet (278 m²) shall not require fire sprinklers at the discretion of the Fire Chief when the applicant demonstrates that the applicant's proposal does not increase the fire hazard or fire load.

3..Agricultural buildings as defined in Appendix Chapter C, of the California Building Code not exceeding 2,000 square feet (186 m²), not exceeding 25 feet (7620 mm) in height, having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, or as exempted by the Fire Chief, shall not require fire sprinklers.

Additionally, agricultural buildings exceeding 2,000 square feet (186 m²) but not exceeding 5,000 square feet, not exceeding 25 feet (7620 mm) in height, having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, shall not require fire sprinklers at the discretion of the Fire Chief when the applicant demonstrates the applicant's proposal does not increase the fire hazard or fire load.

4. Group B and Group M Occupancies not more than 500 square feet (46.5 m²) shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code, Table 508.3.3.

5. Greenhouses of non-combustible construction shall not require fire sprinklers.

903.2.2 Existing Structures. An automatic sprinkler system shall be provided in existing structures when, after the effective date of this code, a building permit is issued to allow additions to be made to existing structures which either:

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1. Are already six thousand (6,000) square feet or greater in total floor area; or
2. Will increase the total floor area of a structure by 10% or more; or
3. When there is a change in the character of the occupancy or use of any building which in the opinion of the fire chief increases or may cause to increase the hazard of fire or threat to life or safety.
4. When additions are made to a structure which contains an existing fire sprinkler system. The fire sprinkler system shall be augmented, thus, creating fire sprinkler protection in the entire structure.

Exceptions:

1. Group U occupancies not more than one thousand (1,000) square feet
2. Group B and Group M occupancies not more than five hundred (500) square feet
3. Group R-3 dwellings where additions do not increase the total existing square footage by more than 50%.
4. Group A-2 occupancies not more than five thousand (5,000) square feet

903.2.3 During construction. Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with Section 1413.

903.2.4 Other hazards. Automatic sprinkler protection shall be provided for the hazards indicated in Sections 903.2.4.1 through 903.2.4.8.

903.2.4.1 Windowless stories in all occupancies. An automatic sprinkler system shall be installed in the locations set forth in Sections 903.2.4.1.1 through 903.2.4.1.4.

Exception: Group R-3 and Group U.

903.2.4.1.1 Stories and basements without openings. An automatic sprinkler system shall be installed in every story or basement of all buildings where the floor area exceeds 1,500 square feet (139.4m²) and where there is not provided at least one of the following types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.
2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m²) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.

903.2.4.1.2 Opening dimensions and access. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

903.2.4.1.3 Openings on one side only. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system or openings as specified above shall be provided on at least two sides of the story.

903.2.4.1.4 Basements. Where any portion of a basement is located more than 75 feet (22 860

mm) from openings required by Section 903.2.4.1.1, the basement shall be equipped throughout with an approved automatic sprinkler system.

903.2.4.2 Rubbish and linen chutes. An automatic sprinkler system shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Chute sprinklers shall be accessible for servicing.

903.2.4.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

Exceptions:

1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.

903.2.4.4 Ducts conveying hazardous exhausts. Where required by the California Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhausts, flammable or combustible materials.

Exception: Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).

903.2.4.5 Commercial cooking operations. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904.

903.2.4.6 Change of hazard. The fire code official may require the installation of an automatic fire system when there is a change in the character of the occupancy or use of any building which increases or may cause to increase the hazard of fire or threat to life or safety.

903.2.4.7 Change in access. The fire code official may require the installation of an automatic fire system when any alteration or change in the use of a building or portion thereof changes access to property so as to impede the fire department's ability to control a fire.

903.2.4.8 Other required suppression systems. In addition to the requirements of Section 903.2, the provisions indicated in Table 903.2.4.8 also require the installation of a suppression system for certain buildings and areas.

TABLE 903.2.4.8
ADDITIONAL REQUIRED FIRE-EXTINGUISHING SYSTEMS

SECTION	SUBJECT
914.2.1	Covered malls
914.3.1	High rise buildings
914.4.1	Atriums
914.5.1	Underground structures
914.6.1	Stages
914.7.1	Special amusement buildings
914.8.2, 914.8.5	Aircraft hangars

914.9	Flammable finishes
914.10	Drying rooms
1025.6.2.3	Smoke-protected seating
1208.2	Dry cleaning plants
1208.3	Dry cleaning machines
1504.2	Spray finishing in Group A, E, I or R
1504.4	Spray booths and spray rooms
1505.2	Dip-tank rooms in Group A, I or R
1505.4.1	Dip tanks
1505.9.4	Hardening and tempering tanks
1803.10	HPM facilities
1803.10.1.1	HPM work station exhaust
1803.10.2	HPM gas cabinets and exhausted enclosures
1803.10.3	HPM exit access corridor
1803.10.4	HPM exhaust ducts
1803.10.4.1	HPM noncombustible ducts
1803.10.4.2	HPM combustible ducts
1907.3	Lumber production conveyor enclosures
1908.7	Recycling facility conveyor enclosures
2106.1	Class A and B ovens
2106.2	Class C and D ovens
2209.3.2.6.2	Hydrogen motor fuel-dispensing area canopies
Table 2306.2	Storage fire protection
2306.4	Storage
2703.8.4.1	Gas rooms
2703.8.5.3	Exhausted enclosures
2704.5	Indoor storage of hazardous materials
2705.1.8	Indoor dispensing of hazardous materials
2804.4.1	Aerosol warehouses
2806.3.2	Aerosol display and merchandising areas
2904.5	Storage of more than 1,000 cubic feet of loose combustible fibers
3306.5.2.1	Storage of smokeless propellant
3306.5.2.3	Storage of small arms primers

3404.3.7.5.1	Flammable and combustible liquid storage rooms
3404.3.8.4	Flammable and combustible liquid storage warehouses
3405.3.7.3	Flammable and combustible liquid Group H-2 or H-3 areas
3704.1.2	Gas cabinets for highly toxic and toxic gas
3704.1.3	Exhausted enclosures for highly toxic and toxic gas
3704.2.2.6	Gas rooms for highly toxic and toxic gas

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3704.3.3	Outdoor storage for highly toxic and toxic gas
4106.2.2	Exhausted enclosures or gas cabinets for silane gas
4204.1.1	Pyroxylin plastic storage cabinets
4204.1.3	Pyroxylin plastic storage vaults
4204.2	Pyroxylin plastic storage and manufacturing

Section 903.3.1.3 is amended – NFPA 13D Sprinkler Systems.

Section 903.3.1.3 of Chapter 9 of the Fire Code of the City of Santa Cruz is amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one and two-family dwellings shall be installed throughout in accordance with NFPA 13D, and installation guidelines as promulgated by the Santa Cruz County Fire Chiefs Association.

Section 903.6.1 is amended – Pyroxylin plastics.

Section 903.6.1 of Chapter 9 of the Fire Code of the City of Santa Cruz is amended to read as follows:

903.6.1 Pyroxylin plastics. An automatic sprinkler system shall be provided in all existing buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg). Vaults located within buildings for the storage of raw pyroxylin shall be protected with an approved automatic sprinkler system capable of discharging 1.66 gallons per minute per square foot (68 L/min/m²) over the area of the vault.

Section 2205.1 is amended – Tank filling operations for Class I, II or IIIA liquids.

Section 2205.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2205.1 Tank filling operations for Class I, II or III liquid fuels. Delivery operations to tanks for Class I, II or III liquid fuels shall comply with Sections 2205.1.1 through 2205.1.3 and the applicable requirements of Chapter 34.

Section 2205.1.1 is amended – Delivery vehicle location.

Section 2205.1.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2205.1.1 Delivery vehicle location.

Where liquid delivery to above-ground storage tanks is accomplished by positive-pressure operation, tank vehicles shall be positioned a minimum of 25 feet (7620 mm) from tanks receiving Class I liquids and 15 feet (4572 mm) from tanks receiving Class II and III liquid fuels.

Section 2206.2 is amended – Method of storage.

Section 2206.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2 Method of storage. Approved methods of storage for Class I, II and III liquid fuels at motor fuel-dispensing facilities shall be in accordance with Sections 2206.2.1 through 2206.2.5.

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Section 2206.2.1 is amended – Underground tanks.

Section 2206.2.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.1 Underground tanks. Underground tanks for the storage of Class I, II and III liquid fuels shall comply with Chapter 34.

Section 2206.2.2 is amended – Aboveground tanks located inside buildings.

Section 2206.2.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.2 Aboveground tanks located inside buildings. Aboveground tanks for the storage of Class I, II and III liquid fuels are allowed to be located in buildings. Such tanks shall be located in special enclosures complying with Section 2206.2.6, in a liquid storage room or a liquid storage warehouse complying with Chapter 34, or shall be listed and labeled as protected aboveground tanks.

Section 2206.2.3 is amended – Aboveground tanks located outside, above grade.

Section 2206.2.3 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.3 Aboveground tanks located outside, above grade. Aboveground tanks shall not be used for the storage of Class I, II or III liquid motor fuels except as provided by this section.

1. Above-ground tanks used for outside, above-grade storage of Class I, II or III liquid fuels shall be listed and labeled as protected aboveground tanks and be in accordance with Chapter 34. Such tanks shall be located in accordance with Table 2206.2.3.
2. Tanks containing fuels shall not exceed 12,000 gallons (45 420 L) in individual capacity or 48,000 gallons (181 680 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).
3. Tanks located at farms, construction projects, or rural areas shall comply with Section 3406.2.

Section 2206.2.4 is amended – Aboveground tanks located in above-grade vaults or below-grade vaults.

Section 2206.2.4 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.4 Aboveground tanks located in above-grade vaults or below-grade vaults. Aboveground tanks used for storage of Class I, II or III liquid motor fuels are allowed to be installed in vaults located above grade or below grade in accordance with Section 3404.2.8 and shall comply with Sections 2206.2.4.1 and 2206.2.4.2. Tanks in above-grade vaults shall also comply with Table 2206.2.3.

Section 2206.2.4.2 is amended – Fleet vehicle motor fuel-dispensing facilities.

Section 2206.2.4.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

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2206.2.4.2 Fleet vehicle motor fuel-dispensing facilities. Tanks storing Class II and Class III liquid fuels at a fleet vehicle motor fuel-dispensing facility shall be limited to a maximum individual capacity of 20,000 gallons (75 700 L) and an aggregate capacity of 80,000 gallons (302 800 L).

Section 2206.2.5 is amended – Portable tanks.

Section 2206.2.5 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.5 Portable tanks. Where approved by the fire code official, portable tanks are allowed to be temporarily used in conjunction with the dispensing of Class I, II or III liquid fuels into the fuel tanks of motor vehicles or motorized equipment on premises not normally accessible to the public. The approval shall include a definite time limit.

Section 2206.2.6 is amended – Special enclosures.

Section 2206.2.6 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.6 Special enclosures. Where installation of tanks in accordance with Section 3404.2.11 is impractical, or because of property or building limitations, tanks for liquid motor fuels are allowed to be installed in buildings in special enclosures in accordance with all of the following:

1. The special enclosure shall be liquid tight and vapor tight.
2. The special enclosure shall not contain backfill.
3. Sides, top and bottom of the special enclosure shall be of reinforced concrete at least 6 inches (152 mm) thick, with openings for inspection through the top only.
4. Tank connections shall be piped or closed such that neither vapors nor liquid can escape into the enclosed space between the special enclosure and any tanks inside the special enclosure.
5. Means shall be provided whereby portable equipment can be employed to discharge to the outside any vapors which might accumulate inside the special enclosure should leakage occur.
6. Tanks containing Class I, II or III liquids inside a special enclosure shall not exceed 6,000 gallons (22 710 L) in individual capacity or 18,000 gallons (68 130 L) in aggregate capacity.
7. Each tank within special enclosures shall be surrounded by a clear space of not less than 3 feet (910 mm) to allow for maintenance and inspection.

Section 2206.6.2 is amended – Piping, valves, fittings and ancillary equipment for aboveground tanks for Class I, II and IIIA liquids.

Section 2206.6.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.6.2 Piping, valves, fittings and ancillary equipment for aboveground tanks for Class I, II and III liquid fuels. Piping, valves, fittings and ancillary equipment for aboveground tanks shall comply with Sections 2206.6.2.1 through 2206.6.2.6.

Section 2206.7.6 is amended – Fuel delivery nozzles.

Section 2206.7.6 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

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2206.7.6 Fuel delivery nozzles. A listed automatic-closing-type hose nozzle valve with or without a latch-open device shall be provided on island-type dispensers used for dispensing Class I, II or III liquid fuels.

Overhead-type dispensing units shall be provided with a listed automatic-closing-type hose nozzle valve without a latch-open device.

Exception: A listed automatic-closing-type hose nozzle valve with latch-open device is allowed to be used on overhead-type dispensing units where the design of the system is such that the hose nozzle valve will close automatically in the event the valve is released from a fill opening or upon impact with a driveway.

Section 2206.7.6.1 is amended – Special requirements for nozzles.

Section 2206.7.6.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.7.6.1 Special requirements for nozzles. Where dispensing of Class I, II or III liquid fuels is performed, a listed automatic-closing-type hose nozzle valve shall be used incorporating all of the following features:

1. The hose nozzle valve shall be equipped with an integral latch-open device.
2. When the flow of product is normally controlled by devices or equipment other than the hose nozzle valve, the hose nozzle valve shall not be capable of being opened unless the delivery hose is pressurized. If pressure to the hose is lost, the nozzle shall close automatically.

Exception: Vapor recovery nozzles incorporating insertion interlock devices designed to achieve shutoff on disconnect from the vehicle fill pipe.

3. The hose nozzle shall be designed such that the nozzle is retained in the fill pipe during the filling operation.
4. The system shall include listed equipment with a feature that causes or requires the closing of the hose nozzle valve before the product flow can be resumed or before the hose nozzle valve can be replaced in its normal position in the dispenser.

Section 2210.1 is amended – General.

Section 2210.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.1 General. The construction of marine motor fuel-dispensing facilities shall be in accordance with the International Building Code and NFPA 30A. The storage of Class I, II or III liquid fuels at marine motor fuel-dispensing facilities shall be in accordance with this chapter and Chapter 34.

Section 2210.2 is amended – Storage and handling.

Section 2210.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.2 Storage and handling. The storage and handling of Class I, II or III liquid fuels at marine motor fuel-dispensing facilities shall be in accordance with Sections 2210.2.1 through 2210.2.3.

Section 2210.2.1 is amended – Class I, II or III liquid fuel storage.

Section 2210.2.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.2.1 Class I, II or III liquid fuel storage. Class I, II or III liquid fuels stored inside of buildings used for marine motor fuel-dispensing facilities shall be stored in approved containers or portable tanks. Storage of Class I liquids shall not exceed 10 gallons (38 L).
Exception: Storage in liquid storage rooms in accordance with Section 3404.3.7.

Section 2210.2.2 is amended – Class II or IIIA liquid storage and dispensing.

Section 2210.2.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.2.2 Class II or IIIA liquid fuel storage and dispensing. Class II or III liquid fuels stored or dispensed inside of buildings used for marine motor fuel-dispensing facilities shall be stored in and dispensed from approved containers or portable tanks. Storage of Class II and III liquids shall not exceed 120 gallons (454 L).

Section 2210.2.3 is amended – Heating equipment.

Section 2210.2.3 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.2.3 Heating equipment. Heating equipment installed in Class I, II or III liquid storage or dispensing areas shall comply with Section 2201.6.

Section 2210.3.2 is amended – Supervision.

Section 2210.3.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.3.2 Supervision. Marine motor fuel-dispensing facilities shall have an attendant or supervisor who is fully aware of the operation, mechanics and hazards inherent to fueling of boats on duty whenever the facility is open for business. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I, II or III liquids or flammable gases.

Section 2210.3.3 is amended – Hoses and nozzles.

Section 2210.3.3 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.3.3 Hoses and nozzles. Dispensing of Class I, II or III liquid fuels into the fuel tanks of marine craft shall be by means of an approved-type hose equipped with a listed automatic-closing nozzle without a latch-open device.

Hoses used for dispensing or transferring Class I, II or III liquid fuels, when not in use, shall be reeled, racked or otherwise protected from mechanical damage.

Section 2210.3.4 is amended – Portable containers.

Section 2210.3.4 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.3.4 Portable containers. Class I, II or III liquid fuels shall not be dispensed into a portable container unless such container is approved.

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Section 2210.5.2 is amended – Spills.

Section 2210.5.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.5.2 Spills. Spills of Class I, II or III liquid fuels at or on the water shall be reported immediately to the fire department and jurisdictional authorities.

Section 3003.5.3 is amended – Securing compressed gas containers, cylinders and tanks.

Section 3003.5.3 of Chapter 30 of the Fire Code of the City of Santa Cruz is amended to read as follows:

3003.5.3 Securing compressed gas containers, cylinders and tanks. Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods:

1. Securing containers, cylinders and tanks to a fixed object with two or more non-combustible restraints.
2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks.
3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in seller's warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress.
4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use.

Exception: Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.

Chapter 33 – Explosives and Fireworks

IFC Chapter 33 is deleted in entirety. The following shall become Chapter 33.

3301.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations.

3301.1.2 – Fireworks. Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

3302 – Display Fireworks

3302.1 Permit Restrictions. The fire code official is authorized to limit the quantity of fireworks permitted at a given location. No person, possessing a permit for storage of fireworks at any place, shall keep or store an amount greater than authorized in such permit.

3302.2 – Financial Responsibility. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors. The permit holder shall comply with all provisions of Title 19 California Code of Regulations, Chapter 6.

3302.3 – Special Effects and other Proximate Displays. The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with all provisions of Title 19 California Code of Regulations, Chapter 6.

Section 3804.2 is amended – Maximum Capacity.

Section 3804.2 of Chapter 38 of the Fire Code of the City of Santa Cruz is amended to read as follows:

3804.2 - Maximum Capacity - For the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 50 –(Reserved for future)

Chapter 51 – (Reserved for future)

Chapter 52 is added – Suppression and Control of Hazardous Fire Areas.

Chapter 52 of the Fire Code of the City of Santa Cruz is added to read as follows:

5201— SCOPE. The unrestricted use of grass-, grain-, brush- or forest-covered land in hazardous fire areas is a potential menace to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire that might be caused by recreational, residential, commercial, industrial or other activities shall be in accordance with Chapter 52.

5202— DEFINITIONS. For the purpose of this chapter, certain terms are defined as follows:
TRACER is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which results in fire or heat.
TRACER CHARGE is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

5203— PERMITS. The fire chief is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the fire code official.

5204 — RESTRICTED ENTRY. The fire chief shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the hazardous fire area is closed to entry, is prohibited.

- EXCEPTIONS:
1. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or being upon their lands.
 2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

5205 — TRESPASSING ON POSTED PROPERTY.

5205.1 General. When the fire chief determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

5205.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to Appendix II-A shall be placed on every closed area.

5205.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

EXCEPTION: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

5206— SMOKING. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in hazardous fire areas is prohibited.

EXCEPTION: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

5207— SPARK ARRESTERS. Chimneys used in conjunction with fireplaces, barbecues, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within 200 feet (60 960 mm) of hazardous fire areas, shall be provided with a spark arrester constructed with heavy wire mesh or other noncombustible material with openings not to exceed $\frac{1}{2}$ inch (12.7 mm).

5208 — TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL AIRCRAFT. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas.

Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across hazardous fire areas.

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5209 — APIARIES. Lighted and smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the fire chief.

5210 — OPEN-FLAME DEVICES. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon hazardous fire areas, except by permit from the fire chief.

EXCEPTION: Use within habited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon hazardous fire areas.

EXCEPTION: The proper use of fuses at the scenes of emergencies or as required by standard railroad operating procedures.

5211 — OUTDOOR FIRES. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas, except by permit from the fire chief.

EXCEPTION: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from a grass-, grain-, brush- or forest-covered area.

Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person age 17 or over is not present at all times to watch and tend such fire, or
3. When public announcement is made that open burning is prohibited.

Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

5212 — INCINERATORS AND FIREPLACES. Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in hazardous fire areas without prior approval of the fire chief.

Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

EXCEPTION: When approved, unprotected openings in barbecues and grills necessary for proper functioning.

5213 — CLEARANCE OF BRUSH AND VEGETATIVE GROWTH FROM ELECTRICAL TRANSMISSION LINE

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5213.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 5213.

EXCEPTION: Section 5213 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

5213.2 Support Clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the fire chief.

EXCEPTION: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

5213.3 Electrical Distribution and Transmission Line Clearances.

5213.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section 5213.3.

5213.3.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table 5213-A should be provided. The radial clearances shown below are minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

EXCEPTION: The fire chief is authorized to establish minimum clearances different than those specified in Table 5213-A when evidence substantiating such other clearances is submitted to the fire code official and approved.

5213.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table 5213-B shall be maintained during such periods of time as designated by the fire code official. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree's location in proximity to the high voltage lines.

EXCEPTION: The fire code official is authorized to establish minimum clearances different than those specified by Table 5213-B when evidence substantiating such other clearances is submitted to the fire code official and approved.

TABLE 5213-A—MINIMUM CLEARANCES
BETWEEN VEGETATION AND ELECTRICAL
LINES AT TIME OF TRIMMING

LINE VOLTAGE	MINIMUM CLEARANCE CONDUCTOR (feet)	RADIAL FROM
		× 304.8 mm

2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

TABLE 5213-B—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
	× 25.4 mm
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30 ¹ / ₂
230,001-500,000	115

5213.3.4 Electrical power line emergencies. During emergencies, the utility company shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 5213-B.

5213.4 Correction of Condition. The fire chief is authorized to give notice to the owner of the property on which conditions regulated by Section 5213 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

5214 — CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES

5214.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall:

5214.1.1 Clearance. Maintain an effective firebreak through clearance of brush and vegetation in accordance with Section 304.1.2.

5214.1.2 Trees and Deadwoods. Maintain trees adjacent to or overhanging a building free of deadwood.

5214.2 Corrective Actions. The executive body is authorized to instruct the fire chief to give notice to the owner of the property upon which conditions regulated by Section 5214.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

5215 — CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM ROADWAYS. The fire chief is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

EXCEPTION: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

5216 — UNUSUAL CIRCUMSTANCES. If the fire chief determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 5213, 5214 or 5215 of Chapter 51 undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

5217 — DUMPING. Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon hazardous fire areas or in, upon or along trails, roadways or highways in hazardous fire areas.

EXCEPTION: Approved public and private dumping areas.

5218 — DISPOSAL OF ASHES. Ashes and coals shall not be placed, deposited or dumped in or upon hazardous fire areas.

EXCEPTIONS:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from combustible vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (304.8 mm) of mineral earth not less than 25 feet (7620 mm) from combustible vegetation or structures.

5219 — USE OF FIRE ROADS AND FIREBREAKS. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

EXCEPTION: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

5220 — USE OF MOTORCYCLES, MOTOR SCOOTERS AND MOTOR VEHICLES. Motorcycles, motor scooters and motor vehicles shall not be operated within hazardous fire

areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

5221 — TAMPERING WITH FIRE DEPARTMENT LOCKS, BARRICADES AND SIGNS. Locks, barricades, seals, cables, signs and markers installed within hazardous fire areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the fire chief shall not be unlocked.

5222 — LIABILITY FOR DAMAGE. The expenses of fighting fires which result from a violation of this chapter shall be a charge against the person whose violation caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the fire chief in the same manner as in the case of an obligation under a contract, expressed or implied.

Chapter 53 is added – Marinas.

Chapter 53 of the Fire Code of the City of Santa Cruz is added to read as follows:

5301— SCOPE. Marina facilities shall be in accordance with Chapter 53 and all other applicable requirements of this code.

5302— PLANS AND APPROVALS. Plans for marina fire-protection facilities shall be approved prior to installation. The work shall be subject to final inspection and approval after installation.

5303— PERMITS. Permits are required to use open-flame devices for maintenance or repair on vessels, floats, piers or wharves.

Permits are also required to use portable barbecues, braziers or cooking devices on vessels, floats, piers or wharves.

5304— DEFINITIONS. For the purpose of this chapter, certain terms are defined as follows:

FLOAT is a floating structure normally used as a point of transfer for passengers and goods, or both, for mooring purposes.

MARINA is any portion of the ocean or inland water, either naturally or artificially protected, for the mooring, servicing or safety of vessels and shall include artificially protected works, the public or private lands ashore, and structures or facilities provided within the enclosed body of water and ashore for the mooring or servicing of vessels or the servicing of their crews or passengers.

PIER is a structure built over the water, supported by pillars or piles, and used as a landing place, pleasure pavilion or similar purpose.

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VESSEL is watercraft of any type, other than seaplanes on the water, used or capable of being used as a means of transportation. Included in this definition are non-transportation vessels such as houseboats and boathouses.

WHARF is a structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and piers or floats to be anchored to.

5305 — FIRE PREVENTION

Combustible Debris. Combustible debris and rubbish shall not be deposited or accumulated on land beneath marina structures, piers or wharves.

Sources of Ignition. Open-flame devices used for lighting or decoration on the exterior of a vessel, float, pier or wharf shall be approved.

Flammable or Combustible Liquid Spills. Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities.

Rubbish Containers. Containers with tight-fitting or self-closing lids shall be provided for the temporary storage of combustible trash or rubbish.

Electrical Equipment. Electrical equipment shall be installed and used in accordance with the Electrical Code as required for wet, damp and hazardous locations.

5306 — FIRE-PROTECTION EQUIPMENT

5306.1 General. Piers, wharves, floats with facilities for mooring or servicing five or more vessels, and marine motor vehicle fuel-dispensing stations shall be equipped with fire-protection equipment in accordance with 5306.

5306.2 Standpipes.

5306.2.1 General. Portions of floats more than 250 feet (76 200 mm) from fire apparatus access and marine motor vehicle fuel-dispensing stations shall be provided with an approved Class II wet standpipe system installed in accordance with Section 905 of this code and NFPA 14.

5306.2.2 Hose stations. Hose stations shall be spaced to provide protection to all portions of floats or floating vessels. Hoses shall be mounted on a reel or rack and enclosed within an approved cabinet. Hose stations shall be labeled FIRE HOSE—EMERGENCY USE ONLY. Listed equipment shall be used.

5306.2.3 Fire department inlet connection. At the shore end, the waterline shall be equipped with not less than a two-way 2-1/2-inch (63.5 mm) fire department inlet connection.

5306.2.4 Areas subject to freezing. Waterlines shall normally be dry where subject to freezing temperatures.

5306.3 Access and Water Supply. Piers and wharves shall be provided with fire apparatus access roads and water-supply systems with on-site fire hydrants when required by the chief.

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Such roads and water systems shall be provided and maintained in accordance with Chapter 5 of this code.

5306.4 Portable Fire Extinguishers. One fire extinguisher having a minimum rating of 2A, 20-B: C shall be provided at each required hose station.

5307 — Transmission of Alarms. Means shall be available for the immediate notification of the fire department.

5308 — Marine Motor Vehicle Fuel-Dispensing Stations. Marine motor vehicle fuel-dispensing stations shall be in accordance with section 2210.6.4 of this code.

PART 3

The geographic limits referred to in certain sections of the Fire Code of the City of Santa Cruz are hereby established as follows:

Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited. The limits referred to in Section 3506.2 of the Fire Code of the City of Santa Cruz in which storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as the political boundary of the City of Santa Cruz.

- Exceptions:
1. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-2 Zone with a Conditional Use Permit issued by the Planning Department.
 2. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-3 Zone.

Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited. The limits referred to in Sections 3404.2.9.5.1 and 3406.2.4.4 of the Fire Code of the City of Santa Cruz in which the storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is restricted are hereby established as the incorporated area of the political boundary of the City of Santa Cruz.

Exceptions: Such use is allowed in the following zoning districts:

1. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in A or A-1 Zones;
2. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in M-1, M-2 or M-3 Zones;
3. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in NR Zones.

PART 4

That Ordinance No. 2007-18 of the City of Santa Cruz entitled “Title 19 Fire Prevention Code” of the City of Santa Cruz and all other ordinances and parts of the ordinances in conflict herewith are hereby repealed.

PART 5

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That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Santa Cruz City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PART 6

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

PART 7

That the Fire Chief of the City of Santa Cruz is hereby ordered and directed to cause a notice of this ordinance to be published in a newspaper in general circulation in accordance with Section 6066 of the California Government Code.

PART 8

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2011 pursuant to Health and Safety Code Section 18941.5. This Ordinance shall remain in full force and effect until a subsequent superseding ordinance becomes effective.

PASSED AND ADOPTED this day of , 2010, by the Santa Cruz City Council.

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 2010-

PASSED FOR FINAL ADOPTION this day of, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2010-
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz

City Clerk

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
MAKING EXPRESS FINDINGS FOR THE MODIFICATION AND ADOPTION OF THE
2009 EDITION OF THE INTERNATIONAL FIRE CODE AND THE 2010 CALIFORNIA
FIRE CODE AND FIRE CODE STANDARDS, RELATING TO AUTOMATIC FIRE
SPRINKLER SYSTEMS, INCLUDING ANNUAL SUPPLEMENTS AND STATE
AMENDMENTS AND ERRATA

WHEREAS,

A. The City of Santa Cruz proposes to adopt the 2009 edition of the International Fire Code, the 2010 edition of the California Fire Code and Fire Code Standards, including annual supplements and State amendments and errata; and

B. The City proposes to make certain changes in the requirements of the 2009 International Fire Code which changes and will affect all occupancies and be more restrictive than State Law; and,

C. California Health and Safety Code Section 17958.5 requires the City to make certain findings before adopting such changes, and Section 17958.7 requires that such findings be filed with the California Building Standards Commission.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that insofar as Ordinance No. 2010-~~XX~~ of the Santa Cruz City Fire Department may change or modify the State Housing Standards adopted pursuant to Health and Safety Code Section 17922, as to the requirement for installation of an automatic sprinkler system in all new buildings, the Santa Cruz City Council, after duly noticed and held public meeting, expressly finds that such change or modification to Sections 903 through 903.2.10.1 of Part 9 of the California Building Standards Code is reasonably necessary because of local conditions as more specifically set forth as follows:

1. The provisions relating to automatic sprinkler systems, proposed to be adopted by the City Council as changes to the 2009 edition of the International Fire Code and 2010 edition of the California Fire Code, relating to automatic sprinkler systems, are reasonably necessary because of local conditions, as set forth in this resolution.

2. The City of Santa Cruz places a high value on protection of human life against hazards of fire. Sprinkler systems have been found to be highly effective systems for the protection of human life and should be used whenever feasible.

3. The water supply in the Santa Cruz area makes extensive use of automatic sprinkler systems feasible. The Santa Cruz area is favored with many sources of high quality water. These sources include springs, wells and surface streams. The watersheds of the Santa Cruz Mountains produce abundant quantities of good water in periods of normal rainfall. The Santa Cruz Water Treatment Plant built in 1961 has a rated capacity of 24 million gallons per day, and has completed a modernization project in 1988. The City of Santa Cruz owns and maintains Loch Lomond Water Storage Reservoir as its principal raw water storage reservoir.

Most of the City is ideally located below the Bay Street reservoir, which operates as gravity flow water system with storage capacity in excess of 10 million gallons. Many of our fire service

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installations maintain static pressures in excess of 100 pounds per square inch and residual flows in excess of 60 pounds per square inch. The City of Santa Cruz water distribution system is a major contributing factor toward the fire suppression capabilities of the City of Santa Cruz Fire Department. There are jurisdictions within the State, which have difficulty providing required water flows for automatic fire sprinkler systems, making the operation of such sprinkler systems less feasible than in the City of Santa Cruz.

4. The City of Santa Cruz is also subject to certain dangers, making the use of automatic sprinkler systems a more significant factor in fire suppression. The City of Santa Cruz is located in seismic zone #4. Seismic zones are determined according to the proximity to certain major fault systems. The City of Santa Cruz is located adjacent to one of the most active fault systems in the United States. Major damage corresponding to intensity 8 and higher of the Modified Marcella Intensity Scale can be expected. Severe seismic action would place extreme demands on the limited resources of our small fire department. Communications would be disrupted. Damage to gas and water mains is to be expected. As previously mentioned, the City of Santa Cruz water system is the key to sprinkler supply. However, entire system failure due to earthquake is more unlikely than a partial failure. Automatic fire sprinkler systems will operate on much less pressure than normally available in Santa Cruz. The City of Santa Cruz water system is constructed in a grid to reduce the effect of a single pipe or area of pipes breaking. Automatic fire sprinklers would control or extinguish fires and thus reduce the demand on the fire department over unsprinklered buildings. Although sprinklers may only partially control a fire, this would be especially important to reduce the fire problem or delayed response that may be created by broken communications and obstructed access. Automatic fire sprinkler systems would therefore reduce demands on firefighting forces during emergency earthquake conditions.

5. Floods are another hazard to which the City of Santa Cruz is subject. Flood in the central (low areas) of the City of Santa Cruz would reduce the movement of fire apparatus. Two large fires at the same time during flood conditions would be disastrous. Automatic fire sprinklers may be the only fire control inside buildings within the flood area. Any delay in structural firefighting could allow a fire on our many wood shake or wood shingled structures to quickly involve a number of buildings. Additional fire apparatus and equipment from other communities responding on a mutual aid request may not be able to reach some fire areas. Access could be obstructed due to flooded streets and/or damaged bridges. Additional demands on the fire department for rescue and first aid would deplete available fire personnel to the point that the only protection in some buildings against fire would be automatic fire sprinkler systems. Automatic fire sprinkler systems would reduce demands on firefighting forces and protect buildings which may be otherwise inaccessible to the fire department during flood conditions.

6. The experience of efficiency of automatic fire sprinkler systems within the City of Santa Cruz exceed those of the National Fire Protection Association which indicate that automatic fire sprinkler systems have established an efficiency record of approximately 96% satisfactory performance in the United States since 1925. The local statistics show that all fires have been extinguished with fewer than 2 fire sprinkler heads activating, and that no further fire suppression was necessary upon arrival of fire suppression forces.

7. The local climatic conditions affect acceleration, intensity and size of fire in the community. Times of little or no rainfall create extremely hazardous conditions when a fire is introduced to

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the environment. Fires in structures can easily spread to the wildland as well as a fire in the wildland into a structure.

8. For the above reasons, it is imperative that developers and builders provide for built-in fire protection within buildings covered by the City of Santa Cruz Sprinkler Ordinance. Unless fires are kept in their incipient stages (and automatic fire sprinkler systems do that), the fire department as presently staffed and equipped cannot function effectively against large or numerous fires. Further, the City of Santa Cruz is a tourist oriented community and it is common for 35,000 to 60,000 people to visit Santa Cruz on an average summer weekend. This impacts emergency call volume dramatically.

Since the early 1970s our emergency responses have increased from approximately 500 calls per year to over 6,800 calls per year. An alternative fire protection solution would be to hire many additional firefighters, resulting in continuous cost increases each year. Due to increasing budget constraints, this additional cost would pose an economic hardship on the City's general fund. Tax revenues are not sufficient to support a large fire department.

Therefore, the only solution to maintain reasonable fire and life safety for building occupants is to install built-in fire protection wherever possible. Since 1988, when the City's fire sprinkler ordinance was first adopted, there have been over 52 documented sprinkler activations, resulting in millions of dollars in property value saved. This approach to fire safety has proven to be an unequivocal success.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 2010-~~XX~~

An ordinance of the City of Santa Cruz adopting the ~~2006-2009~~ edition of the International Fire Code and the ~~2007-2010~~ edition of the California Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Santa Cruz providing for the issuance of permits and collection of fees therefore; repealing Ordinance ~~2007-18 No. 02-40~~ of the City of Santa Cruz and all other ordinances and parts of the ordinances in conflict therewith. Ordinance ~~2007-18 02-40~~ was subsequently repealed and replaced in its entirety by Ordinance ~~200710-XX~~.

PART 1

The City Council of the City of Santa Cruz does ordain as follows:

That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, ~~2006-2009~~ Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, ~~2006-2009~~ Edition, including Appendix Chapters B, ~~C~~ and ~~E~~ published by the International Code Council not included in the California Building Standards Code, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Santa Cruz, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Santa Cruz are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Part 2 of this ordinance.

PART 2

Title 19 of the City of Santa Cruz is hereby repealed and a new Title 19 is hereby added to read as follows:

International Fire Code Adopted.

That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, ~~2006-2009~~ Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, ~~2006-2009~~ Edition, including Appendix Chapters B, ~~C~~ and ~~E~~ published by the International Code Council not included in the California Building Standards Code, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Santa Cruz for the purpose of regulating and governing the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy

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and use of buildings and premises, the operation, installation, construction, location, safeguarding and maintenance of attendant equipment, the installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees therefore.

Section 101.1 is amended – Title.

Section 101.1 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Santa Cruz, hereinafter referred to as “this code.”

Section 102.~~8~~9 amended - Matters Not Provided For.

Section 102.~~8~~9 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

102.~~8~~9 - Matters Not Provided For. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

The Fire Chief is authorized to render interpretations of this code and to make and enforce rules, supplemental regulations and standards in order to carry out the application and intent of its provisions. Such interpretations, rules, regulations and standards shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours. Those standards promulgated by the Santa Cruz County Fire Chiefs Association shall be deemed as prima facie evidence of compliance with this code.

~~Section 104.10 amended – Organization of the Fire Investigation Unit.~~

~~Section 104.10 of Chapter 1 of the Fire Code of the City of Santa Cruz is added to read as follows:~~

~~104.10.2 IFC Section 104.10.2 added – Organization of the Fire Investigation Unit.~~

~~———— The chief and designated members of the fire department shall have the powers of a police officer in ————— performing their duties under this code. When requested to do so by the chief, the chief of police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.~~

~~Section 104.12 added – Permit Fees~~

~~Section 104.12 of Chapter 1 of the Fire Code of the City of Santa Cruz is added to read as follows:~~

~~104.12 ——— IFC Section 104.12 added – Permit Fees.~~

~~The fire chief shall charge and receive such fees and charges for services and permits relating to Fire Prevention as set by resolution of the city council.~~

Section 105.1 amended – ~~Scope~~General.

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Section ~~102.8~~105 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

105.1 ~~--Scope~~General. Permits shall be in accordance with Sections 105.1.1. through 105.7.13 or other provisions of this code as required by the jurisdiction having authority.

Section 105.1.1 amended - Permit Required.

Section ~~102.8~~105.1.1 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

105.1.1 – Permit Required. When required by the fire code official, a permit shall be obtained. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

Section 105.2 amended - Application.

Section 105.2 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

105.2 – Application. Application for a permit, when required by the fire code official, shall be made in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

Section 109.3 is amended – Violation penalties.

Section 109.3 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

109.3 –Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or of a permit or certificate used under provisions of this code, shall be guilty of an infraction.

Acts denominated as infractions shall not be punishable by imprisonment. Every violation determined to be an infraction is punishable by:

1. A fine not exceeding one hundred dollars for a first violation;

2. A fine not exceeding two hundred dollars for a second violation of the same provision of this code within one year;

3. A fine not exceeding five hundred dollars for each additional violation of the same provision of this code within one year.

A person charged with an infraction shall not be entitled to a trial by jury. A judgment that a person convicted of an infraction be punished by fine may also provide for the payment to be made within a specified time or in specified installments, contingent upon the person giving his written promise to either pay the fine as provided or to appear in court on the due date. Any person who willfully violates any such written promise is guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

~~109.3.2 – Enforcement. The fire code official and her/his delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a~~

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~~person without a warrant whenever they have reasonable cause to believe that the person has committed a violation of any of the provisions of this Code in their presence. Upon making such an arrest, the fire code official or her/his delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this Section.~~

Section 111.4 is amended – Failure to comply.

Section 111.4 of Chapter 1 of the Fire Code of the City of Santa Cruz is amended to read as follows:

111.4 Failure to comply. It is unlawful for any person, firm or corporation to violate or fail to comply with any lawful order of the fire code official; fail to comply with an order by the Board of Appeals; or, fail to comply with an order of the court of competent jurisdiction within the time fixed therein. Every such violation shall be deemed a misdemeanor and shall be punishable by a fine of not more than \$500.00 plus court assigned fees or by imprisonment not exceeding 1 year in the county jail, or both such fine and imprisonment.

~~Section 202 is amended – Definition of Agricultural Building.~~

~~Definition of Agricultural Building in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after agent to read as follows:~~

~~AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or sold. Nor shall it be a place used by the public.~~

Section 202 is amended – Definition of Building Area.

Definition of Building Area in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after British Thermal Unit to read as follows:

BUILDING AREA. The area included within surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

Section 202 is amended – Definition of De Novo.

Definition of De Novo in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Deluge System to read as follows:

DE NOVO. adj. Latin for "anew," which means starting over, as in a trial de novo. For example, a decision in a small claims case may be appealed to a local trial court, which may try the case again, de novo.

“D” Definitions -- Add Driveway after Draft ~~Curtain~~ **Stop**

Driveway. DRIVEWAY is vehicular ingress and egress routes that serve no more than 2 residential buildings or structures, not including accessory structures, on one parcel, containing no more than 3 dwelling units.

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- (a) All driveways shall provide a minimum unobstructed width of 12 feet and minimum unobstructed vertical clearance of 13 feet 6 inches. Exception: Driveways serving parcels which are not considered a flag lot by the City Planning Department may be 10 feet wide when approved by the Fire Code Official.
- (b) All curb cuts at entrances to driveways or other private ways shall be of sufficient width to permit safe travel by emergency vehicles at all times of the year.
- (c) Turnouts shall be designed and constructed every 400 feet along the driveway's length or at the midpoint when the driveway is over 400 but not more than 800 feet in length.
- (d) A turnaround shall be provided at all building or structure sites on driveways over 300 feet in length and shall be at 50 feet from the structure.
- (e) In addition, where applicable, all driveways shall conform with N.F.P.A. Standard 1141, the standard for planned building groups.

Section 202 is amended – Definition of Fire Chief.

Definition of Fire Chief in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is amended to read as follows:

FIRE CHIEF. The Chief of the City of Santa Cruz.

Section 202 is amended – Definition of Hazardous Fire Area.

Definition of Hazardous Fire Area in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Handrail to read as follows:

HAZARDOUS FIRE AREA. Land that is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. The declaration of a hazardous fire area shall be made by the chief for purposes of this code and shall not contradict with hazardous fire areas as defined by the California Public Resources Code.

Section 202 is amended – Definition of Imposed Loads.

Definition of Imposed Loads in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Impairment Coordinator to read as follows:

IMPOSED LOADS OF APPARATUS is a minimum of 40,000 pounds for a fire engine and 60,000 pounds for an aerial ladder fire truck.

Section 202 is amended – Definition of Public Nuisance.

Definition of Public Nuisance in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Proximate Audience to read as follows:

PUBLIC NUISANCE. The unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience, danger or damage to others, either to individuals and/or to the general public. Nuisances may include, but not be limited to noxious smells, noise, burning, unauthorized collections or storage of hazardous materials.

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Section 202 is amended – Definition of Stage.

Definition of Stage in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Spraying Space to read as follows:

STAGE. A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound. Stage area shall be measured to include the entire performance area and adjacent backstage and support areas not separated from the performance area by fire-resistance rated construction. Stage height shall be measured from the lowest point on the stage floor to the highest point of the roof or floor deck above the stage.

Section 202 is amended – Definition of State Responsibility Area (SRA).

Definition of State Responsibility Area (SRA) in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after Stage to read as follows:

STATE RESPONSIBILITY AREA (SRA) shall mean lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State of California.

Section 202 is amended – Yard.

Definition of Yard in Section 202 of Chapter 2 of the Fire Code of the City of Santa Cruz is added after State Responsibility Area (SRA) to read as follows:

YARD. An open space, other than a court, unobstructed from the ground to the sky on the lot on which a building is situated.

Section 304.1.2 is amended – Vegetation.

Section 304.1.2 of Chapter 3 of the Fire Code of the City of Santa Cruz is amended to read as follows:

304.1.2 – Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be maintained around and adjacent to buildings and structures. A firebreak shall be made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure.

When required by state law, or local ordinance, rule or regulation, an additional fire protection zone or firebreak may be made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent

erosion. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.

No owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the city shall permit weeds to remain upon said premises or public sidewalk, or street or alleys between said premises and the centerline of any public street or alley after May 15th.

Whenever any such weeds are growing upon any private property or properties or in any street or alley within the city, the chief of the fire department shall give notice to the owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the city, that unless such nuisance be abated without delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the city authorities, and the cost thereof assessed upon the lots and lands from which weeds shall have been destroyed or removed.

Method of Abatement

- (a) The chief of the fire department shall cause weeds to be abated through mowing, cutting, discing, removal or any other approved method except spraying.
- (b) When the chief determines that total removal of weed growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Designated areas shall be cleared of combustible vegetation to establish fuel breaks.
- (c) The chief of the fire department, and its deputies, assistants, employees, contracting agents, or other representatives are hereby expressly authorized to enter upon private property for the purpose of destroying weeds.
- (d) Any property owner shall have the right to abate such weeds themselves, or have the same abated at their own expense provided that such weeds shall have been destroyed or removed prior to May 15th and the arrival of the chief of the fire department or his/her agents or representative to abate them.
- (e) Combustible rubbish which hampers or otherwise obstructs city weed abatement efforts may also be removed by the chief of the fire department or his/her agents or authorized representative at the owner's expense under the reimbursement and collection provisions of this chapter.

[Section 307.2 - Open Burning And Recreational Fires.](#)

[Section 307.2 of Chapter 3 of the Fire Code of the City of Santa Cruz Fire Protection District is amended to read as follows:](#)

[307.2 Permit required.](#)

[When required by the fire chief, permit shall be obtained prior to kindling a fire for recognized agricultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.](#)

[The open burn season for Santa Cruz County is unless otherwise declared shall be December 1st through April 30th of the calendar year. The dates may only be changed by Monterey Bay Area Unified Air Pollution Control District.](#)

Exceptions:

1. During the “Declared open burn season” (As declared by the Monterey Bay Area Unified Air Pollution Control District) pile burning is allowed, at the discretion of the Fire Chief, when the “Guidelines for Pile Burning” (published by the California Department of Forestry and Fire Protection or Monterey Bay Area Unified Air Pollution Control District) are strictly adhered to.

Section 308.1.4 is deleted – Open-Flame cooking devices.

Section 308.1.4 of Chapter 3 of the Fire Code of the City of Santa Cruz is hereby deleted:

Section 311.5 is amended – Placards.

Section 311.5 of Chapter 3 of the Fire Code of the City of Santa Cruz is amended to read as follows:

311.5 – Placards. When required by the fire code official, any building or structure determined to be unsafe pursuant to Section 110 of this code shall be marked as required by Sections 311.5 through 311.5.5.

Table 405.2 Footnote ‘a’ is amended - Fire and Evacuation Drill Frequency and Participation

Footnote ‘a’ to Table 405.2 of Chapter 4 of the Fire Code of the City of Santa Cruz is amended to read as follows:

- a. The frequency in all school levels shall be allowed to be modified in accordance with Section 408.3.2. Secondary level schools need only conduct evacuation drills twice each school year.

Section 502.1 is amended – Definitions.

Section 502.1 of Chapter 5 of the Fire Code of the City of Santa Cruz is amended adding the definition of All Weather Surface to read as follows:

ALL WEATHER SURFACE. An all weather surface shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No Grade shall be allowed to exceed 20%.

Section ~~508~~507.1 is amended – Required Water Supply.

Section ~~508~~507.1 of Chapter 5 of the Fire Code of the City of Santa Cruz is amended to read as follows:

~~508~~507.1 - Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

The minimum water supply for all new dwellings within State Responsibility Areas (SRA) shall be capable of supplying a flow of 500 gallons per minute for 20 minutes (10,000 gallons) for each parcel. Privately owned water that is not supplied by a licensed water purveyor shall: (1) serve no more than two dwellings and no more than 10,000 square feet of habitable dwelling space, and (2) be provided

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pursuant to a recorded covenant that runs with the land if the water supply originates from another parcel. If a water purveyor supplies the water, the applicant must submit with the building plan written verification from the licensed purveyor that the water supply meets the flow requirement.

Exceptions:

1. A 2% reduction will be allowed for flow supplied by approved stationary water tanks, to account for the nominal standardized capacity of such tanks.
2. The Fire Chief may reduce the flow requirement to 250 gallons per minute for 20 minutes by substituting approved enhanced access, defensible space, and/or ignition-resistant material requirements.

Section 508.5.7 is added – Painting.

Section 508.5.7 of Chapter 5 of the Fire Code of the City of Santa Cruz is added to read as follows:

508.5.7 – Painting. When required by the fire code official, fire hydrants shall be painted in accordance with NFPA 291.

Section 605.11 is added – Alternate Power Sources.

Section 605.12 of Chapter 6 of the Fire Code of the City of Santa Cruz is added to read as follows:

Section 605.11 - Alternate Power Sources. All permanent installations of electrical generators, wind generators, solar cell, or other power sources shall be approved by the building code official. All applicable provisions of the National Electrical Code, the Uniform Fuel Gas Code, the California Building Code, and this Code shall be followed for any such installation. Permanent engraved and affixed signage, red in color, reading ‘WARNING – This premise is provided with an Alternate Power Source. Disconnection of commercial power may not disable the electrical power source’. Lettering shall be contrasting to the background and shall be a minimum of ½” tall and shall be permanently affixed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.

~~Section 605.3.1.1 is added – Alternate Power Sources.~~

~~Section 605.3.1.1. of Chapter 6 of the Fire Code of the City of Santa Cruz is added to read as follows:~~

~~Section 605.3.1.1 – Alternate Power Sources. All permanent installations of electrical generators, wind generators, solar cell, or other power sources shall be approved by the building code official. All applicable provisions of the National Electrical Code, the Uniform Fuel Gas Code, the California Building Code, and this Code shall be followed for any such installation. Permanent engraved and affixed signage, red in color, reading ‘WARNING – This premise is provided with an Alternate Power Source. Disconnection of commercial power may not disable the electrical power source’. Lettering shall be contrasting to the background and shall be a minimum of ½” tall and shall be permanently affixed on each electrical panel subject to back feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.~~

IFC Sections 903.1 through 903.2.10.~~3-1~~ are Deleted – Automatic Sprinkler Systems

Sections 903.1 through 903.2.10.~~3-1~~ of Chapter 9 of the Fire Code of the City of Santa Cruz are deleted and replaced to read as follows:

903.1 General. Automatic sprinkler systems shall comply with this section.

903.1.1 Alternative Protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized 'by the applicable standard and approved by the fire code official.

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

903.2.1 New Structures. An automatic fire sprinkler system shall be provided in all new occupancies as defined in Chapter 3 of the California Building Code, regardless of type of construction and/or floor area, unless otherwise pre-empted by the California Health and Safety Code. Any occupancy not specifically mentioned shall be included in the group that it most nearly resembles based on the proposed life and fire hazard.

EXCEPTIONS: 1. Private garages, carports, sheds not more than 1,000 square feet (93 m²) of total floor area shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.

2. —Sheds exceeding 1,000 square feet, (93 m²) but not exceeding 3,000 square feet (278 m²) shall not require fire sprinklers at the discretion of the Fire Chief when the applicant demonstrates that the applicant's proposal does not increase the fire hazard or fire load.

3. —Agricultural buildings as defined in Appendix Chapter C, of the California Building Code not exceeding 2,000 square feet (186 m²), not exceeding 25 feet (7620 mm) in height, having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, or as exempted by the Fire Chief, shall not require fire sprinklers.

Additionally, agricultural buildings exceeding 2,000 square feet (186 m²) but not exceeding 5,000 square feet, not exceeding 25 feet (7620 mm) in height, having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, and located within an Agricultural zoned district, as defined in the Santa Cruz County Planning Code, shall not require fire sprinklers at the discretion of the Fire Chief when the applicant demonstrates the applicant's proposal does not increase the fire hazard or fire load.

4. Group B and Group M Occupancies not more than 500 square feet (46.5 m²) shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code, Table 508.3.3.

5. Greenhouses of non-combustible construction shall not require fire sprinklers.

903.2.2 Existing Structures. An automatic sprinkler system shall be provided in existing structures when, after the effective date of this code, a building permit is issued to allow additions to be made to existing structures which either:

1. Are already six thousand (6,000) square feet or greater in total floor area; or
2. Will increase the total floor area of a structure by 10% or more; or
3. When there is a change in the character of the occupancy or use of any building which in the opinion of the fire chief increases or may cause to increase the hazard of fire or threat to life or safety.
4. When additions are made to a structure which contains an existing fire sprinkler system. The fire sprinkler system shall be augmented, thus, creating fire sprinkler protection in the entire structure.

~~1. are already six thousand (6,000) square feet or greater in total floor area; or
2. will increase the total floor area of a structure by 10% or more; or
3. In Group A, Group B, Group E, Group F, Group H, Group I, Group M, Group R, Group S, and Group U Occupancies, as defined in the California Building Code, where alterations or repairs to any building or portion thereof exceed one third of the current building valuation; or
4. In R-3 single-family dwellings and multiple residential occupancies containing less than four units where alterations or repairs exceed three-quarters or 75% of the current building valuation.
Note: It is the intent of #3 and #4 to require the installation of automatic fire sprinklers where a complete rehabilitation of a structure occurs, including but not necessarily limited to the removal of wall and ceiling surfaces, repair of structural defined deficiencies, replacement of electrical wiring, replacement of plumbing, replacement of mechanical systems and roofing.~~

~~5. When there is a change in the character of the occupancy or use of any building which in the opinion of the fire chief increases or may cause to increase the hazard of fire or threat to life or safety.
6. When additions are made to a structure which contains an existing fire sprinkler system. The fire sprinkler system shall be augmented, thus, creating fire sprinkler protection in the entire structure.~~

Exceptions:

1. Group U occupancies not more than one thousand (1,000) square feet
2. Group B and Group M occupancies not more than five hundred (500) square feet
3. Group R-3 dwellings where additions do not increase the total existing square footage by more than 50%.
- 4. Group A-2 occupancies not more than five thousand (5,000) square feet

903.2.3 During construction. Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with Section 1413.

903.2.4 Other hazards. Automatic sprinkler protection shall be provided for the hazards indicated in Sections 903.2.4.1 through 903.2.4.8.

903.2.4.1 Windowless stories in all occupancies. An automatic sprinkler system shall be installed in the locations set forth in Sections 903.2.4.1.1 through 903.2.4.1.4.

Exception: Group R-3 and Group U.

903.2.4.1.1 Stories and basements without openings. An automatic sprinkler system shall be installed in every story or basement of all buildings where the floor area exceeds 1,500 square feet (139.4m²) and where there is not provided at least one of the following types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.
2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m²) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.

903.2.4.1.2 Opening dimensions and access. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

903.2.4.1.3 Openings on one side only. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system or openings as specified above shall be provided on at least two sides of the story.

903.2.4.1.4 Basements. Where any portion of a basement is located more than 75 feet (22 860 mm) from openings required by Section 903.2.4.1.1, the basement shall be equipped throughout with an approved automatic sprinkler system.

903.2.4.2 Rubbish and linen chutes. An automatic sprinkler system shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Chute sprinklers shall be accessible for servicing.

903.2.4.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

Exceptions:

1. Airport control towers.

2. Open parking structures. 3. Occupancies in Group F-2.

903.2.4.4 Ducts conveying hazardous exhausts. Where required by the California Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhausts, flammable or combustible materials.

Exception: Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).

903.2.4.5 Commercial cooking operations. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904.

903.2.4.6 Change of hazard. The fire code official may require the installation of an automatic fire system when there is a change in the character of the occupancy or use of any building which increases or may cause to increase the hazard of fire or threat to life or safety.

903.2.4.7 Change in access. The fire code official may require the installation of an automatic fire system when any alteration or change in the use of a building or portion thereof changes access to property so as to impede the fire department's ability to control a fire.

~~903.2.4 Other hazards. Automatic sprinkler protection shall be provided for the hazards indicated in Sections 903.2.4.1 through 903.2.4.4.~~

~~903.2.4.1 Ducts conveying hazardous exhausts. Where required by the California Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhausts, flammable or combustible materials.~~

~~Exception: Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).~~

~~903.2.4.2 Commercial cooking operations. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904.~~

~~903.2.4.3 Change of hazard. The fire code official may require the installation of an automatic fire system when there is a change in the character of the occupancy or use of any building which increases or may cause to increase the hazard of fire or threat to life or safety.~~

~~903.2.4.4 Change in access. The fire code official may require the installation of an automatic fire system when any alteration or change in the use of a building or portion thereof changes access to property so as to impede the fire department's ability to control a fire.~~

903.2.5-4.8 Other required suppression systems. In addition to the requirements of Section 903.2, the provisions indicated in Table 903.2.5-2.4.8 also require the installation of a suppression system for certain buildings and areas.

TABLE 903.2.54.8

ADDITIONAL REQUIRED FIRE-EXTINGUISHING SYSTEMS

SECTION	SUBJECT
914.2.1	Covered malls
914.3.1	High rise buildings
914.4.1	Atriums
914.5.1	Underground structures
914.6.1	Stages
914.7.1	Special amusement buildings
914.8.2, 914.8.5	Aircraft hangars
914.9	Flammable finishes
914.10	Drying rooms
1025.6.2.3	Smoke-protected seating
1208.2	Dry cleaning plants
1208.3	Dry cleaning machines
1504.2	Spray finishing in Group A, E, I or R
1504.4	Spray booths and spray rooms
1505.2	Dip-tank rooms in Group A, I or R
1505.4.1	Dip tanks
1505.9.4	Hardening and tempering tanks
1803.10	HPM facilities
1803.10.1.1	HPM work station exhaust
1803.10.2	HPM gas cabinets and exhausted enclosures
1803.10.3	HPM exit access corridor
1803.10.4	HPM exhaust ducts
1803.10.4.1	HPM noncombustible ducts
1803.10.4.2	HPM combustible ducts
1907.3	Lumber production conveyor enclosures
1908.7	Recycling facility conveyor enclosures
2106.1	Class A and B ovens
2106.2	Class C and D ovens
2209.3.2.6.2	Hydrogen motor fuel-dispensing area canopies
Table 2306.2	Storage fire protection
2306.4	Storage
2703.8.4.1	Gas rooms
2703.8.5.3	Exhausted enclosures
2704.5	Indoor storage of hazardous materials
2705.1.8	Indoor dispensing of hazardous materials
2804.4.1	Aerosol warehouses

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2806.3.2	Aerosol display and merchandising areas
2904.5	Storage of more than 1,000 cubic feet of loose combustible fibers
3306.5.2.1	Storage of smokeless propellant
3306.5.2.3	Storage of small arms primers

3404.3.7.5.1	Flammable and combustible liquid storage rooms
3404.3.8.4	Flammable and combustible liquid storage warehouses
3405.3.7.3	Flammable and combustible liquid Group H-2 or H-3 areas
3704.1.2	Gas cabinets for highly toxic and toxic gas
3704.1.3	Exhausted enclosures for highly toxic and toxic gas
3704.2.2.6	Gas rooms for highly toxic and toxic gas
3704.3.3	Outdoor storage for highly toxic and toxic gas
4106.2.2	Exhausted enclosures or gas cabinets for silane gas
4204.1.1	Pyroxylin plastic storage cabinets
4204.1.3	Pyroxylin plastic storage vaults
4204.2	Pyroxylin plastic storage and manufacturing

Section 903.3.1.3 is amended – NFPA 13D Sprinkler Systems.

Section 903.3.1.3 of Chapter 9 of the Fire Code of the City of Santa Cruz is amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one - and two-family dwellings shall be installed throughout in accordance with NFPA 13D, and installation guidelines as promulgated by the Santa Cruz County Fire Chiefs Association.

Section 903.6.1 is amended – Pyroxylin plastics.

Section 903.6.1 of Chapter 9 of the Fire Code of the City of Santa Cruz is amended to read as follows:

903.6.1 Pyroxylin plastics. An automatic sprinkler system shall be provided in all existing buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg). Vaults located within buildings for the storage of raw pyroxylin shall be protected with an approved automatic sprinkler system capable of discharging 1.66 gallons per minute per square foot (68 L/min/m²) over the area of the vault.

~~Section 904.11.7 is added – Existing commercial cooking systems.~~

~~Section 904.11.7 is added to Chapter 9 of the Fire Code of the City of Santa Cruz to read as follows:~~

~~904.11.7 Commercial cooking systems. Existing commercial cooking systems which are protected with a pre-engineered automatic dry or wet chemical extinguishing systems which is not in compliance with~~

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~~UL 300 and listed and labeled for the intended application shall install an automatic fire extinguishing system as required by Section 904.11. The new automatic fire extinguishing system must be installed no later than the second required service of the existing automatic fire extinguishing system after January 1, 2008.~~

~~Section 905.5.3 is deleted — Class II system 1 inch hose.~~

~~—— Section 905.5.3 is deleted from Chapter 9 of the Fire Code of the City of Santa Cruz as follows:~~

~~Section 907.3.2 is amended — Single and multiple station smoke alarms.~~

~~—— Section 907.3.2 of Chapter 9 of the Fire Code of the City of Santa Cruz is amended to read as follows:~~

~~907.3.2 Single and multiple station smoke alarms. Single and multiple station smoke alarms shall be installed in existing Group R occupancies, one and two family dwellings and townhouses in accordance with Sections 907.3.2.1 through 907.3.2.3.~~

~~907.3.2.1 General. Existing Group R occupancies, one and two family dwellings and townhouses not already provided with single station smoke alarms shall be provided with approved single station smoke alarms. Installation shall be in accordance with Section 907.2.10, except as provided in Sections 907.3.2.2 and 907.3.2.3.~~

Section 2205.1 is amended – Tank filling operations for Class I, II or IIIA liquids.

Section 2205.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2205.1 Tank filling operations for Class I, II or III liquid fuels. Delivery operations to tanks for Class I, II or III liquid fuels shall comply with Sections 2205.1.1 through 2205.1.3 and the applicable requirements of Chapter 34.

Section 2205.1.1 is amended – Delivery vehicle location.

Section 2205.1.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2205.1.1 Delivery vehicle location.

Where liquid delivery to above-ground storage tanks is accomplished by positive-pressure operation, tank vehicles shall be positioned a minimum of 25 feet (7620 mm) from tanks receiving Class I liquids and 15 feet (4572 mm) from tanks receiving Class II and III liquid fuels.

Section 2206.2 is amended – Method of storage.

Section 2206.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2 Method of storage. Approved methods of storage for Class I, II and III liquid fuels at motor fuel-dispensing facilities shall be in accordance with Sections 2206.2.1 through 2206.2.5.

Section 2206.2.1 is amended – Underground tanks.

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Section 2206.2.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.1 Underground tanks. Underground tanks for the storage of Class I, II and III liquid fuels shall comply with Chapter 34.

Section 2206.2.2 is amended – Aboveground tanks located inside buildings.

Section 2206.2.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.2 Aboveground tanks located inside buildings. Aboveground tanks for the storage of Class I, II and III liquid fuels are allowed to be located in buildings. Such tanks shall be located in special enclosures complying with Section 2206.2.6, in a liquid storage room or a liquid storage warehouse complying with Chapter 34, or shall be listed and labeled as protected aboveground tanks.

Section 2206.2.3 is amended – Aboveground tanks located outside, above grade.

Section 2206.2.3 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.3 Aboveground tanks located outside, above grade. Aboveground tanks shall not be used for the storage of Class I, II or III liquid motor fuels except as provided by this section.

1. Above-ground tanks used for outside, above-grade storage of Class I, II or III liquid fuels shall be listed and labeled as protected aboveground tanks and be in accordance with Chapter 34. Such tanks shall be located in accordance with Table 2206.2.3.

2. Tanks containing fuels shall not exceed 12,000 gallons (45 420 L) in individual capacity or 48,000 gallons (181 680 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

3. Tanks located at farms, construction projects, or rural areas shall comply with Section 3406.2.

Section 2206.2.4 is amended – Aboveground tanks located in above-grade vaults or below-grade vaults.

Section 2206.2.4 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.4 Aboveground tanks located in above-grade vaults or below-grade vaults. Aboveground tanks used for storage of Class I, II or III liquid motor fuels are allowed to be installed in vaults located above grade or below grade in accordance with Section 3404.2.8 and shall comply with Sections 2206.2.4.1 and 2206.2.4.2. Tanks in above-grade vaults shall also comply with Table 2206.2.3.

Section 2206.2.4.2 is amended – Fleet vehicle motor fuel-dispensing facilities.

Section 2206.2.4.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.4.2 Fleet vehicle motor fuel-dispensing facilities. Tanks storing Class II and Class III liquid fuels at a fleet vehicle motor fuel-dispensing facility shall be limited to a maximum individual capacity of 20,000 gallons (75 700 L) and an aggregate capacity of 80,000 gallons (302 800 L).

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Section 2206.2.5 is amended – Portable tanks.

Section 2206.2.5 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.5 Portable tanks. Where approved by the fire code official, portable tanks are allowed to be temporarily used in conjunction with the dispensing of Class I, II or III liquid fuels into the fuel tanks of motor vehicles or motorized equipment on premises not normally accessible to the public. The approval shall include a definite time limit.

Section 2206.2.6 is amended – Special enclosures.

Section 2206.2.6 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.2.6 Special enclosures. Where installation of tanks in accordance with Section 3404.2.11 is impractical, or because of property or building limitations, tanks for liquid motor fuels are allowed to be installed in buildings in special enclosures in accordance with all of the following:

1. The special enclosure shall be liquid tight and vapor tight.
2. The special enclosure shall not contain backfill.
3. Sides, top and bottom of the special enclosure shall be of reinforced concrete at least 6 inches (152 mm) thick, with openings for inspection through the top only.
4. Tank connections shall be piped or closed such that neither vapors nor liquid can escape into the enclosed space between the special enclosure and any tanks inside the special enclosure.
5. Means shall be provided whereby portable equipment can be employed to discharge to the outside any vapors which might accumulate inside the special enclosure should leakage occur.
6. Tanks containing Class I, II or III liquids inside a special enclosure shall not exceed 6,000 gallons (22 710 L) in individual capacity or 18,000 gallons (68 130 L) in aggregate capacity.
7. Each tank within special enclosures shall be surrounded by a clear space of not less than 3 feet (910 mm) to allow for maintenance and inspection.

Section 2206.6.2 is amended – Piping, valves, fittings and ancillary equipment for aboveground tanks for Class I, II and IIIA liquids.

Section 2206.6.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.6.2 Piping, valves, fittings and ancillary equipment for aboveground tanks for Class I, II and III liquid fuels. Piping, valves, fittings and ancillary equipment for aboveground tanks shall comply with Sections 2206.6.2.1 through 2206.6.2.6.

Section 2206.7.6 is amended – Fuel delivery nozzles.

Section 2206.7.6 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.7.6 Fuel delivery nozzles. A listed automatic-closing-type hose nozzle valve with or without a latch-open device shall be provided on island-type dispensers used for dispensing Class I, II or III liquid fuels.

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Overhead-type dispensing units shall be provided with a listed automatic-closing-type hose nozzle valve without a latch-open device.

Exception: A listed automatic-closing-type hose nozzle valve with latch-open device is allowed to be used on overhead-type dispensing units where the design of the system is such that the hose nozzle valve will close automatically in the event the valve is released from a fill opening or upon impact with a driveway.

Section 2206.7.6.1 is amended – Special requirements for nozzles.

Section 2206.7.6.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2206.7.6.1 Special requirements for nozzles. Where dispensing of Class I, II or III liquid fuels is performed, a listed automatic-closing-type hose nozzle valve shall be used incorporating all of the following features:

1. The hose nozzle valve shall be equipped with an integral latch-open device.
2. When the flow of product is normally controlled by devices or equipment other than the hose nozzle valve, the hose nozzle valve shall not be capable of being opened unless the delivery hose is pressurized. If pressure to the hose is lost, the nozzle shall close automatically.

Exception: Vapor recovery nozzles incorporating insertion interlock devices designed to achieve shutoff on disconnect from the vehicle fill pipe.

3. The hose nozzle shall be designed such that the nozzle is retained in the fill pipe during the filling operation.
4. The system shall include listed equipment with a feature that causes or requires the closing of the hose nozzle valve before the product flow can be resumed or before the hose nozzle valve can be replaced in its normal position in the dispenser.

Section 2210.1 is amended – General.

Section 2210.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.1 General. The construction of marine motor fuel-dispensing facilities shall be in accordance with the International Building Code and NFPA 30A. The storage of Class I, II or III liquid fuels at marine motor fuel-dispensing facilities shall be in accordance with this chapter and Chapter 34.

Section 2210.2 is amended – Storage and handling.

Section 2210.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.2 Storage and handling. The storage and handling of Class I, II or III liquid fuels at marine motor fuel-dispensing facilities shall be in accordance with Sections 2210.2.1 through 2210.2.3.

Section 2210.2.1 is amended – Class I, II or III liquid fuel storage.

Section 2210.2.1 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

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2210.2.1 Class I, II or III liquid fuel storage. Class I, II or III liquid fuels stored inside of buildings used for marine motor fuel-dispensing facilities shall be stored in approved containers or portable tanks. Storage of Class I liquids shall not exceed 10 gallons (38 L).

Exception: Storage in liquid storage rooms in accordance with Section 3404.3.7.

Section 2210.2.2 is amended – Class II or IIIA liquid storage and dispensing.

Section 2210.2.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.2.2 Class II or IIIA liquid fuel storage and dispensing. Class II or III liquid fuels stored or dispensed inside of buildings used for marine motor fuel-dispensing facilities shall be stored in and dispensed from approved containers or portable tanks. Storage of Class II and III liquids shall not exceed 120 gallons (454 L).

Section 2210.2.3 is amended – Heating equipment.

Section 2210.2.3 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.2.3 Heating equipment. Heating equipment installed in Class I, II or III liquid storage or dispensing areas shall comply with Section 2201.6.

Section 2210.3.2 is amended – Supervision.

Section 2210.3.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.3.2 Supervision. Marine motor fuel-dispensing facilities shall have an attendant or supervisor who is fully aware of the operation, mechanics and hazards inherent to fueling of boats on duty whenever the facility is open for business. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I, II or III liquids or flammable gases.

Section 2210.3.3 is amended – Hoses and nozzles.

Section 2210.3.3 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.3.3 Hoses and nozzles. Dispensing of Class I, II or III liquid fuels into the fuel tanks of marine craft shall be by means of an approved-type hose equipped with a listed automatic-closing nozzle without a latch-open device.

Hoses used for dispensing or transferring Class I, II or III liquid fuels, when not in use, shall be reeled, racked or otherwise protected from mechanical damage.

Section 2210.3.4 is amended – Portable containers.

Section 2210.3.4 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.3.4 Portable containers. Class I, II or III liquid fuels shall not be dispensed into a portable container unless such container is approved.

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Section 2210.5.2 is amended – Spills.

Section 2210.5.2 of Chapter 22 of the Fire Code of the City of Santa Cruz is amended to read as follows:

2210.5.2 Spills. Spills of Class I, II or III liquid fuels at or on the water shall be reported immediately to the fire department and jurisdictional authorities.

Section 3003.5.3 is amended – Securing compressed gas containers, cylinders and tanks.

Section 3003.5.3 of Chapter 30 of the Fire Code of the City of Santa Cruz is amended to read as follows:

3003.5.3 Securing compressed gas containers, cylinders and tanks. Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods:

1. Securing containers, cylinders and tanks to a fixed object with two or more non-combustible restraints.
2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks.
3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in seller's warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress.
4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use.

Exception: Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.

Chapter 33 – Explosives and Fireworks

IFC Chapter 33 is deleted in entirety. The following shall become Chapter 33.

3301.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations.

3301.1.2 – Fireworks. Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

3302 – Display Fireworks

3302.1 Permit Restrictions. The fire code official is authorized to limit the quantity of fireworks permitted at a given location. No person, possessing a permit for storage of fireworks at any place, shall keep or store an amount greater than authorized in such permit.

3302.2 – Financial Responsibility. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors. The permit holder shall comply with all provisions of Title 19 California Code of Regulations, Chapter 6.

3302.3 – Special Effects and other Proximate Displays. The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with all provisions of Title 19 California Code of Regulations, Chapter 6.

~~Section 3301.1.3 is amended—Fireworks.~~

~~Section 3301.1.3 of Chapter 33 of the Fire Code of the City of Santa Cruz is amended to read as follows:~~

~~3301.1.3—Fireworks. Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.~~

~~—Exceptions:~~

- ~~1. The use of fireworks for display as allowed in Section 3308.~~
- ~~2. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with, CPSC 16 CFR, Parts 1500 and 1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.~~

~~Section 3301.2.4.2 is amended—Fireworks Display.~~

~~Section 3301.2.4.2 of Chapter 33 of the Fire Code of the City of Santa Cruz is amended to read as follows:~~

~~3301.2.4.2—Fireworks Display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire code official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors. The permit holder shall comply with all provisions of Title 19 California Code of Regulations, Chapter 6.~~

~~Section 3308 is amended—Fireworks Display.~~

~~Section 3308 of Chapter 33 of the Fire Code of the City of Santa Cruz is amended to read as follows:~~

~~Exception:~~

- ~~1. This provision shall not apply to pyrotechnic special effects and displays using Division 1.4G materials before a proximate audience in accordance with NFPA 1126.~~

~~3308.1 General. The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with all provisions of Title 19 California Code of Regulations, Chapter 6.~~

Section 3804.2 is amended – Maximum Capacity.

Section 3804.2 of Chapter 38 of the Fire Code of the City of Santa Cruz is amended to read as follows:

3804.2 - Maximum Capacity - For the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

~~Chapter 50 is added – Life Safety Requirements for Existing Buildings Other Than High Rise. Chapter 50 of the Fire Code of the City of Santa Cruz is added to read as follows:~~

~~SECTION 5001 – General~~

~~5001.1 Purpose. The purpose of Chapter is to provide a reasonable degree of safety to persons occupying existing buildings by providing for alterations to such existing buildings which do not comply with the minimum requirements of the California Building Code.~~

~~EXCEPTION: Group U Occupancies and occupancies regulated by Chapter 51 of this code; and Group R, Division 3 Occupancies, except that Group R, Division 3 Occupancies shall comply with Section 5006 of this Chapter.~~

~~5001.2 Effective Date. Within 18 months after the effective date of this code, plans for compliance shall be submitted and approved, and within 18 months thereafter the work shall be completed or the building shall be vacated until made to conform.~~

~~SECTION 5002 – MEANS OF EGRESS~~

~~5002.1 Number of Means of Egress. Every floor above the first story used for human occupancy shall have access to at least two separate means of egress, one of which may be an exterior fire escape complying with Section 5002.4. Subject to the approval of the chief, an approved ladder device may be used in lieu of a fire escape when the construction feature or location of the building on the property makes the installation of a fire escape impracticable.~~

~~EXCEPTION: In all occupancies, second stories with an occupant load of 10 or less may have one means of egress.~~

~~An exit ladder device when used in lieu of a fire escape shall comply with the Building Code and the following:~~

- ~~1. Serves an occupant load of 10 or less or a single dwelling unit or guest room.~~
- ~~2. The building does not exceed three stories in height.~~
- ~~3. The access is adjacent to an opening as specified for emergency egress or rescue or from a balcony.~~
- ~~4. Shall not pass in front of any building opening below the unit being served.~~
- ~~5. The availability of activating the device for the ladder is accessible only from the opening or balcony served.~~
- ~~6. So installed that it will not cause a person using it to be within 6 feet (1829 mm) of exposed electrical wiring.~~

~~5002.2 Stair Construction. All required stairs shall have a minimum run of 9 inches (229 mm) and a maximum rise of 8 inches (203 mm) and shall have a minimum width of 30 inches (762 mm), exclusive of handrails. Every stairway shall have at least one handrail. A landing having a minimum 30-inch (762 mm) run in the direction of travel shall be provided at each point of access to the stairway.~~

~~EXCEPTION: Fire escapes as provided for in Section 5002.4.~~

~~Exterior stairs shall be of noncombustible construction.~~

~~EXCEPTION: On buildings of Types III, IV and V construction provided the exterior stairs are constructed of wood not less than 2 inch (51 mm) nominal thickness.~~

~~5002.3 Corridors. Corridors of Groups A; B; E; F; H; I; M; R, Division 1; and S Occupancies serving an occupant load of 30 or more shall have walls and ceilings of not less than one-hour fire-resistive construction as required by the California Building Code. Existing walls surfaced with wood lath and plaster in good condition or $\frac{1}{2}$ -inch (12.7 mm) gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies, or solid wood doors not less than $1\frac{3}{4}$ -inches (45 mm) thick. Where the existing frame will not accommodate the $1\frac{3}{4}$ -inch-thick (45 mm) door, a $1\frac{3}{8}$ -inch thick (35 mm) solid bonded wood core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic-closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with the California Building Code or shall be covered with a minimum of $\frac{3}{4}$ -inch (19.1 mm) plywood or $\frac{1}{2}$ -inch (12.7 mm) gypsum wallboard or equivalent material on the room side.~~

~~EXCEPTION: Existing corridor walls, ceilings and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout.~~

~~5002.4 Fire Escapes.~~

- ~~1. Existing fire escapes which in the opinion of the chief comply with the intent of Section 5002.4 may be used as one of the required means of egress. The location and anchorage of fire escapes shall be of approved design and construction.~~
- ~~2. Fire escapes shall comply with the following:~~

~~Access from a corridor shall not be through an intervening room.~~

~~All openings within 10 feet (3048 mm) shall be protected by three fourths hour fire assemblies. When located within a recess or vestibule, adjacent enclosure walls shall not be of less than one-hour fire-resistive construction.~~

~~Egress from the building shall be by a clear opening having a minimum dimension of not less than 29 inches (737 mm). Such openings shall be opened from the inside without the use of a key or special knowledge or effort. The sill of an opening giving access shall not be more than 30 inches (762 mm) above the floor of the building or balcony.~~

~~Fire escape stairways and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot (4.78 kN/m²) and shall be provided with a top and intermediate handrail on each side. The pitch of the stairway shall not exceed 60 degrees with a minimum width of 18 inches (457 mm). Treads shall not be less than 4 inches (102 mm) in width and the rise between treads shall not exceed 10 inches (254 mm). All stair and balcony railings shall support a horizontal force of not less than 50 pounds per lineal foot (729.5 N/m) of railing.~~

~~Balconies shall not be less than 44 inches (1118 mm) in width with no floor opening other than the stairway opening greater than $\frac{5}{8}$ inch (16 mm) in width. Stairway openings in such balconies shall not be less than 22 inches by 44 inches (599 mm by 1118 mm). The balustrade of each balcony shall not be less than 36 inches (914 mm) high with not more than 9 inches (229 mm) between balusters.~~

~~Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with less than 4 units vertical in 12 units horizontal (33.3% slope). Fire escape ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m); each rung shall support a concentrated load of 500 pounds (2224 N) placed anywhere on the rung. All ladders shall be at least 15 inches (381 mm) wide, located within 12 inches (305 mm) of the building and shall be placed flat wise relative to the face of the building. Ladder rungs shall be $\frac{3}{4}$ inch (19 mm) in diameter and shall be located 12 inches (305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm).~~

~~The lowest balcony shall not be more than 18 feet (5486 mm) from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.~~

~~Fire escapes shall not take the place of stairways required by the codes under which the building was constructed.~~

~~Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.~~

~~5002.5 Exit and Fire Escape Signs. Exit signs shall be provided as required by the California Building Code.~~

~~EXCEPTION: The use of existing exit signs may be continued when approved by the chief.~~

~~All doors or windows providing access to a fire escape shall be provided with fire escape signs.~~

~~Section 5003—Enclosure of Vertical Shafts.~~

~~5003.1 Enclosure of Vertical Shafts. Interior vertical shafts, including but not limited to stairways, elevator hoist ways, and service and utility shafts, shall be enclosed by a minimum of one-hour fire-resistive construction. All openings into such shafts shall be protected with one-hour fire assemblies that shall be maintained self-closing or be automatic closing by smoke detection. All other openings shall be fire protected in an approved manner. Existing fusible link type automatic door closing devices may be permitted if the fusible link rating does not exceed 135°F (57.2°C).~~

~~EXCEPTIONS: 1. In other than Group I Occupancies, an enclosure will not be required for openings serving only one adjacent floor.~~

~~2. Stairways need not be enclosed in a continuous vertical shaft if each story is separated from other stories by one-hour fire-resistive construction or approved wired glass set in steel frames. In addition, all corridors shall be sprinklered and the openings between the corridor and occupant space shall have at least one sprinkler head above the openings on the tenant side. The sprinkler system may be supplied from the domestic water supply if of adequate volume and pressure.~~

~~3. Vertical openings need not be protected if the building is protected by an approved automatic sprinkler system.~~

~~SECTION 5004—Basement Access or Sprinkler Protection~~

~~5004.1 Sprinkler Protection. An approved automatic sprinkler system shall be provided in basements or stories exceeding 1,500 square feet (139.3 m²) in area and not having a minimum of 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50-lineal feet (15-240 mm) or fraction thereof of exterior wall on at least one side of the building. Openings shall have a minimum clear dimension of 30 inches (762 mm).~~

~~If any portion of a basement is located more than 75 feet (22-860 mm) from required openings, the basement shall be provided with an approved automatic sprinkler system throughout.~~

~~SECTION 5005—Standpipes~~

~~5005.1 General. Any buildings over four stories in height shall be provided with an approved Class I or III standpipe system.~~

~~SECTION 5006—Smoke Detectors~~

~~5006.1 General. Dwelling units and hotel or lodging houseguest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.~~

~~5006.2 Power Source. Smoke detectors may be battery operated or may receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without disconnecting switches other than those required for over current protection.~~

~~5006.3 Locations within Dwelling Units. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. Detectors shall also be installed in basements of dwelling units having stairways that open from the basement into the dwelling. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.~~

~~5006.4 Location in Efficiency Dwelling Units and Hotels. In efficiency dwelling units, hotel suites and in hotel sleeping rooms, detectors shall be located on the ceiling or wall of the main room or hotel sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit, hotel suite or sleeping room in which it is located.~~

~~SECTION 5007 — Separation of Occupancies~~

~~5007.1 General. Occupancy separations shall be provided as specified in the Building Code. When approved by the chief, existing wood lath and plaster in good condition or ⁺1/2-inch (12.7 mm) gypsum wallboard may be acceptable where one hour occupancy separations are required.~~

~~Chapter 51 is added — Life Safety Requirements for Existing High Rise Buildings.~~

~~Chapter 51 of the Fire Code of the City of Santa Cruz is added to read as follows:~~

~~SECTION 5101 — SCOPE~~

~~5101.1 Scope. These provisions apply to existing high rise buildings constructed prior to the adoption of this code and which house Group B offices or Group R, Division 1 Occupancies, each having floors used for human occupancy located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access.~~

~~SECTION 5102 — GENERAL~~

~~5102.1 General. Existing high rise buildings as specified in Section 1 shall be modified to comply with not less than the minimum provisions specified in Table 51 and as further enumerated within Chapter 51.~~

~~The provisions of Chapter 51 shall not be construed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in conformance with previously adopted codes.~~

~~SECTION 5103 — COMPLIANCE DATA~~

~~5103.1 Compliance. After adoption of this code, the fire code official shall duly notify the owners whose buildings are subject to the provisions of Chapter 51. Upon receipt of such notice, the owner shall, subject to the following time limits, take necessary actions to comply with the provisions of Chapter 51.~~

~~Plans and specifications for the necessary alterations shall be filed with the fire code official within the time period established by the local jurisdiction after the date of owner notification. Work on the required alterations to the building shall commence within 30 months of the date of owner notification and such work shall be completed within five years from the date of owner notification.~~

~~The fire code official shall grant necessary extensions of time when it can be shown that the specified time periods are not physically practical or pose an undue hardship. The granting of an extension of time for compliance shall be based on the showing of good cause and subject to the filing of an acceptable systematic progressive plan of correction with the fire code official.~~

~~SECTION 5104 — AUTHORITY OF THE CHIEF~~

~~5104.1 General. For the purpose of applying the provisions of this chapter, the fire code official shall have the authority to consider alternative approaches and grant necessary deviations from this chapter as follows:~~

- ~~1. Allow alternate materials or methods of compliance if such alternate materials or methods of compliance will provide levels of fire and life safety equal to or greater than those specifically set forth in Chapter 51.~~
- ~~2. Waive specific individual requirements if it can be shown that such requirements are not physically possible or practical and that a practical alternative cannot be provided.~~

~~SECTION 5105 — SPECIFIC PROVISIONS AND ALTERNATES~~

~~5105.1 Specific Provisions. The following provisions shall apply when required by Table 51:~~

~~5105.1.1. Type of construction. Buildings classified as Type II-b, III-b or V-b construction shall be equipped with an approved automatic sprinkler system installed in accordance with the Chapter 9 of this code.~~

~~EXCEPTION: Installation of meters or backflow prevention devices for the connection to the water works system need not be provided unless required by other regulations of the authority having jurisdiction.~~

~~5105.1.2. Automatic sprinklers. All required corridors, stairwells, elevator lobbies, public assembly areas occupied by 100 or more persons and commercial kitchens shall be protected by an approved automatic sprinkler system. A minimum of one sprinkler shall be provided on the room side of every corridor opening.~~

~~EXCEPTION: Sprinklers may be omitted in stairwells of noncombustible construction.~~

~~5105.1.3. Fire department communication system. When it is determined by test that the portable fire department communication equipment is ineffective, a communication system acceptable to the fire department shall be installed within the existing high-rise building to permit emergency communication between fire suppression personnel.~~

~~5105.1.4. Single station smoke detectors. Single station smoke detectors shall be installed within all dwelling units or guest rooms in accordance with the manufacturer's installation instructions. In dwelling units, the detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area. When sleeping rooms are located on an upper level, the detector shall be installed at the center of the ceiling directly above the stairway within the unit. In efficiency dwelling units, hotel suites and in hotel guest rooms, detectors shall be located on the ceiling or wall of the main room or hotel sleeping room. When actuated, the detector shall provide an audible alarm in the sleeping area of the dwelling unit, hotel suite or guest room in which it is located. Such detectors may be battery operated.~~

~~5105.1.5. Manual fire alarm system. An approved manual fire alarm system connected to a central, proprietary or remote station service, or an approved manual fire alarm system that will provide an audible signal at a constantly attended location shall be provided.~~

~~5105.1.6. Occupant voice notification system. An approved occupant voice notification system shall be provided. Such system shall provide communication from a location acceptable to the fire department and shall permit voice notification to at least all normally occupied areas of the building.~~

~~The occupant voice notification system may be combined with a fire alarm system provided the combined system has been approved and listed for such use. The sounding of a fire alarm signal in any given area or floor shall not prohibit voice communication to other areas or floors. Combination systems shall be designed to permit voice transmission to override the fire alarm signal, but the fire alarm shall not terminate in less than three minutes.~~

~~5105.1.7. Vertical shaft enclosures. Openings through two or more floors except mezzanine floors that contain a stairway or elevator shall be provided with vertical shaft enclosure protection as specified herein. Such floor openings, when not enclosed by existing shaft enclosure construction, shall be protected by one-hour fire-resistive-rated shaft enclosure construction. For floor openings that are enclosed by existing shaft enclosure construction having fire-resistive capabilities similar to wood lath and plaster in good condition, $\frac{1}{2}$ -inch (12.7 mm) gypsum wallboard or approved $\frac{1}{4}$ -inch thick (6.4 mm) wired glass is acceptable. Wired glass set in a steel frame may be installed in existing shaft enclosure walls but shall be rendered inoperative and be fixed in a closed position.~~

~~Openings through two or more floors for other than stairways or elevators, such as openings provided for piping, ducts, gas vents, dumbwaiters, and rubbish and linen chutes, shall be provided with vertical shaft enclosure protection as specified for stairways and elevators.~~

~~EXCEPTION: Openings for piping, ducts, gas vents, dumbwaiters, and rubbish and linen chutes of copper or ferrous construction are permitted without a shaft enclosure provided the floor openings are effectively fire-stopped at each floor level.~~

~~5105.1.8. Shaft enclosure opening protection. Openings other than those provided for elevator doors in new vertical shaft enclosures constructed of one-hour fire-resistive construction shall be equipped with approved fire assemblies having a fire protection rating of not less than one hour. Openings other than those provided for elevator doors in existing vertical shaft enclosures shall be~~

~~equipped with approved 20-minute-rated fire assemblies, 1³/₄-inch (44 mm) solid wood doors or the _____ equivalent thereto. Doors shall be either self-closing or automatic-closing and automatic latching.~~

~~All elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building as is required for corridor construction in the Building Code, unless the building is protected throughout by a sprinkler system.~~

~~5105.1.9. Manual shutoff of HVAC systems. Heating, ventilating and air conditioning systems shall be equipped with manual shutoff controls installed at an approved location when required by the fire department.~~

~~5105.1.10—Automatic elevator recall system. Elevators shall be equipped with an approved automatic recall system as required by the California Elevator Code.~~

~~5105.1.11. Unlocked stairway doors. Exit doors into exit stairway enclosures shall be maintained unlocked from the stairway side on at least every fifth floor level. All unlocked doors shall bear a sign stating ACCESS ONTO FLOOR THIS LEVEL.~~

~~Stairway doors may be locked, subject to the following conditions:~~

~~5105.1.11.1—Stairway doors which are to be locked from the stairway side shall have the capability of being unlocked simultaneously without unlatching upon a signal from an approved location.~~

~~5105.1.11.2 A telephone or other two-way communications system connected to an approved emergency service which operates continuously shall be provided at not less than every fifth floor in each required stairway.~~

~~5105.1.12. Stair shaft ventilation. Stair shaft enclosures which extend to the roof shall be provided with an approved manually openable hatch to the exterior having an area of not less than 16 square feet (1.486 m²) with a minimum dimension of 2 feet (610 mm).~~

~~EXCEPTIONS: 1. Stair shaft enclosures complying with the requirements for pressurized enclosures.
2. Stair shaft enclosures pressurized as required for mechanically operated pressurized enclosures to a minimum of 0.15-inch (3.8 mm) and a maximum of 0.50-inch (125 kPa) water column.~~

~~5105.1.13. Elevator shaft ventilation. Elevator shaft enclosures that extend to the roof shall be vented to the outside with vents whose area shall not be less than 3¹/₂-percent of the area of the elevator shaft, with a minimum of 3 square feet (0.278 m²) per elevator.~~

~~EXCEPTION: When energy conservation or hoist-way pressurization requires that the vents be normally closed, automatic venting by actuation of an elevator lobby detector or power failure may be accepted.~~

~~5105.1.14. Posting of elevators. A permanent sign shall be installed in each elevator cab adjacent to the floor status indicator and at each elevator call station on each floor reading IN FIRE EMERGENCY, DO NOT USE ELEVATOR USE EXIT STAIRS, or similar wording approved by the fire code official.~~

~~EXCEPTION: Sign may be omitted at the main entrance floor level call station.~~

~~5105.1.15. Exit stairways. All buildings shall have a minimum of two approved exit stairways.~~

~~5105.1.16. Corridor construction. Corridors serving as an exit access for an occupant load of 30 or more shall have walls and ceilings of not less than one hour fire resistive construction as required by the Building Code. Existing walls may be surfaced with wood lath and plaster in good condition or $\frac{1}{2}$ -inch (12.7 mm) gypsum wallboard for corridor walls and ceilings and occupancy separations when approved.~~

~~5105.1.17. Corridor openings. Openings in corridor walls and ceilings shall be protected by not less than $1\frac{3}{8}$ -inch (35 mm) solid bonded wood core doors, approved $\frac{1}{4}$ -inch thick (6.4 mm) wired glass, approved fire dampers conforming to the Building Code or by equivalent protection in lieu of any of these items. Transoms shall be fixed closed and covered with $\frac{1}{2}$ -inch (12.7 mm) Type-X gypsum wallboard or equivalent material installed on both sides of the opening.~~

~~5105.1.18. Corridor door closers. Exit doors into corridors shall be equipped with self-closing devices or shall be automatic closing by actuation of a smoke detector. When spring hinges are used as the closing device, not less than two such hinges shall be installed on each door leaf.~~

~~5105.1.19. Corridor dead ends. The length of dead end corridors serving an occupant load of more than 30 shall not exceed 20 feet (6096 mm).~~

~~5105.1.20. Interior finish. The interior finish in corridors, exit stairways and extensions thereof shall comply with the Building Code~~

~~5105.1.21. Exit stairway illumination. When the building is occupied, exit stairways shall be illuminated with lights having an intensity of not less than 1 foot-candle (10.8 lux) at the floor level. Such lighting shall be equipped with an independent alternate source of power such as a battery pack or on-site generator.~~

~~5105.1.22. Corridor illumination. When the building is occupied, corridors shall be illuminated with lights having an intensity of not less than 1 foot-candle (10.8 lux) at the floor level. Such lighting shall be equipped with an independent alternate source of power such as a battery pack or on-site generator.~~

~~5105.1.23. Exit stairway exit signs. The location of exit stairways shall be clearly indicated by illuminated exit signs. Such exit signs shall be equipped with an independent alternate source of power such as a battery pack or an on-site generator or shall be of an approved self-illuminating type.~~

~~5105.1.24. Exit signs. Illuminated exit signs shall be provided in all exit ways and located in such a manner as to clearly indicate the direction of egress. Such exit signs shall be equipped with an independent alternate source of power such as a battery pack or an on-site generator or shall be of an approved self-illuminating type.~~

~~5105.1.25. Emergency plan. The management for all buildings shall establish and maintain a written fire and life safety emergency plan that has been approved by the fire code official. The fire code official shall develop written criteria and guidelines upon which all plans shall be based.~~

~~5105.1.26. Posting of emergency plan and exit plans. Copies of the emergency plan and exiting plans, including elevator and stairway placarding, shall be posted in locations approved by the fire code official.~~

~~5105.1.27. Fire drills. The management of all buildings shall conduct fire drills for their staff and employees at least every 120 days. The fire department shall be advised of such drills at least 24 hours in advance. A written record of each drill shall be maintained in the building management office and made available to the fire department for review.~~

~~5105.2 Sprinkler Alternatives. The requirements of Table 51 may be modified as specified by the following for existing high rise buildings of Type I, II a., III a, IV or V a construction when an approved automatic sprinkler system is installed throughout the building in accordance with Chapter 9 of this code.~~

~~Item 5 Manual fire alarm system shall not be required.~~

~~Item 6 Occupant voice notification system shall not be required; however, if the building is equipped with a public address system, the public address system shall be available for use as an occupant voice notification system.~~

~~Item 7 Vertical shaft enclosures may be of non-rated construction for required exit stairway enclosures. Vertical shaft enclosures of openings in floors provided for elevators, escalators and supplemental stairways shall not be required, provided such openings are protected by an approved curtain board and water curtain sprinkler system.~~

~~Item 8 Protection of openings in vertical shaft enclosures may be non-rated but shall not be less than a 1³/₄-inch (44 mm) solid wood door or the equivalent thereto. Closing and latching hardware shall be provided.~~

~~Item 10 An automatic elevator recall system shall not be required.~~

~~Item 12 Stair shaft ventilation shall not be required.~~

~~Item 16 Existing corridor construction need not be altered.~~

~~Item 17 Door openings into corridors may be protected by assemblies other than those specified in Section 6.1, provided an effective smoke barrier is maintained. Closing and latching hardware shall be provided. Protection of duct penetrations is not required.~~

~~Item 19 The length of existing corridor dead ends shall not be limited.~~

~~Item 20 Interior finish in a means of egress may be reduced by one classification but shall not be less than Class III.~~

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~~Installation of meters or backflow prevention devices for the connection to the water works system need not be provided unless required by other regulations of the authority having jurisdiction.~~

TABLE 51— OCCUPANCY CLASSIFICATION AND USE¹

ITEM REQUIRED	GROUP R, DIVISION 1						GROUP B OFFICE		
	Apartment			Hotel			1	2	3
	Height Zones ²								
	1	2	3	1	2	3	1	2	3
1. Automatic sprinklers in buildings of Type II-N, III-N or V-N construction. See Section 6.1, Item 1.	R	R	—	R	R	—	R	R	—
2. Automatic sprinklers in corridors, stairways, elevator lobbies, public assembly areas, kitchens and at doors opening to corridors. See Section 6.1, Item 2.	R	R	R	R	R	R	R	R	R
3. Fire department communication system or radios. See Section 6.1, Item 3.	R	R	R	R	R	R	R	R	R
4. Single station smoke detectors. See Section 6.1, Item 4.	R	R	R	R	R	R	N	N	NR
5. Manual fire alarm system. See Section 6.1, Item 5.	R	R	R	R	R	R	R	R	R
6. Occupant voice notification system. See Section 6.1, Item 6.	N	R	R	N	R	R	N	N	NR
7. Vertical shaft enclosure walls of one-hour fire resistance. See Section 6.1, Item 7.	R	R	R	R	R	R	R	R	R
8. Protection of openings in vertical shaft enclosures by 20-minute-rated assemblies. See Section 6.1, Item 8.	R	R	R	R	R	R	R	R	R
9. Manual shutoff of HVAC systems. See Section 6.1, Item 9.	R	R	R	R	R	R	R	R	R
10. Automatic elevator recall system. See Section 6.1, Item 10.	R	R	R	R	R	R	R	R	R
11. Unlocked stairway doors every fifth floor. See Section 6.1, Item 11.	R	R	R	R	R	R	N	R	R
12. Stair shaft ventilation. See Section 6.1, Item 12.	R	R	R	R	R	R	R	R	R
13. Elevator shaft ventilation. See Section 6.1, Item 13.	R	R	R	R	R	R	R	R	R
14. Posting of elevators as not intended for exiting purposes. See Section 6.1, Item 14.	R	R	R	R	R	R	R	R	R
15. Minimum of two exit stairways. See Section 6.1, Item 15.	R	R	R	R	R	R	R	R	R
16. Corridor wall construction. See Section 6.1, Item 16.	R	R	R	R	R	R	R	R	R
17. Protected corridor openings with 20-minute-rated assemblies or 1 ³ / ₄ -inch (44 mm) solid wood door. See Section 6.1, Item 17.	R	R	R	R	R	R	N	N	NR
18. Corridor doors equipped with self-closing devices. See Section 6.1, Item 18.	R	R	R	R	R	R	N	N	NR
19. Corridor dead ends limited to 20 feet (6096 mm) maximum. See Section 6.1, Item 19.	R	R	R	R	R	R	N	N	NR

20. Interior finish controlled in corridors, exit stairways and extensions thereof. See Section 6.1, Item 20.	R									
21. Exit stairway illumination. See Section 6.1, Item 21.	R									
22. Corridor illumination. See Section 6.1, Item 22.	R	N	N	NR						
23. Exit stairway exit signs. See Section 6.1, Item 23.	R									
24. Exit signs. See Section 6.1, Item 24.	R									
25. Emergency planning. See Section 6.1, Item 25.	R									
26. Posting of emergency instructions. See Section 6.1, Item 26.	R									
27. Fire drills. See Section 6.1, Item 27.	N	N	N	R	R	R	R	N	N	NR

¹R indicates provisions are required.

NR indicates provisions are not required.

²Height zones are established based on a building having a floor as measured to the top of the floor surface used for human occupancy located within the ranges of heights above the lowest level of the fire department vehicle access in accordance with the following:

Height Zone No. 1: More than 75 feet (22 860 mm) but not in excess of 149 feet (45 415 mm).

Height Zone No. 2: More than 149 feet (45 415 mm) but not in excess of 399 feet (121.6 m).

Height Zone No. 3: More than 399 feet (121.6 m).

Chapter 50 –(Reserved for future)

Chapter 51 – (Reserved for future)

Chapter 52 is added – Suppression and Control of Hazardous Fire Areas.

Chapter 52 of the Fire Code of the City of Santa Cruz is added to read as follows:

5201— SCOPE. The unrestricted use of grass-, grain-, brush- or forest-covered land in hazardous fire areas is a potential menace to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire that might be caused by recreational, residential, commercial, industrial or other activities shall be in accordance with Chapter 52.

5202— DEFINITIONS. For the purpose of this chapter, certain terms are defined as follows:

TRACER is any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke or other means which results in fire or heat.

TRACER CHARGE is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

5203— PERMITS. The fire chief is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the fire code official.

5204 — RESTRICTED ENTRY. The fire chief shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the hazardous fire area is closed to entry, is prohibited.

- EXCEPTIONS:
1. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or being upon their lands.
 2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

5205 — TRESPASSING ON POSTED PROPERTY.

5205.1 General. When the fire chief determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

5205.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to Appendix II-A shall be placed on every closed area.

5205.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

EXCEPTION: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

5206— SMOKING. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in hazardous fire areas is prohibited.

EXCEPTION: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

5207— SPARK ARRESTERS. Chimneys used in conjunction with fireplaces, barbecues, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within 200 feet (60 960 mm) of hazardous fire areas, shall be provided with a spark arrester constructed with heavy wire mesh or other noncombustible material with openings not to exceed $\frac{1}{2}$ inch (12.7 mm).

5208 — TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL AIRCRAFT. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas.

Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across hazardous fire areas.

5209 — APIARIES. Lighted and smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the fire chief.

5210 — OPEN-FLAME DEVICES. Welding torches, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon hazardous fire areas, except by permit from the fire chief.

EXCEPTION: Use within habited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon hazardous fire areas.

EXCEPTION: The proper use of fuses at the scenes of emergencies or as required by standard railroad operating procedures.

5211 — OUTDOOR FIRES. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas, except by permit from the fire chief.

EXCEPTION: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from a grass-, grain-, brush- or forest-covered area.

Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person age 17 or over is not present at all times to watch and tend such fire, or
3. When public announcement is made that open burning is prohibited.

Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

5212 — INCINERATORS AND FIREPLACES. Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in hazardous fire areas without prior approval of the fire chief.

Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

EXCEPTION: When approved, unprotected openings in barbecues and grills necessary for proper functioning.

5213 — CLEARANCE OF BRUSH AND VEGETATIVE GROWTH FROM ELECTRICAL TRANSMISSION LINE

5213.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 5213.

EXCEPTION: Section 5213 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

5213.2 Support Clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the fire chief.

EXCEPTION: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

5213.3 Electrical Distribution and Transmission Line Clearances.

5213.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section 5213.3.

5213.3.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table 5213-A should be provided. The radial clearances shown below are minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

EXCEPTION: The fire chief is authorized to establish minimum clearances different than those specified in Table 5213-A when evidence substantiating such other clearances is submitted to the fire code official and approved.

5213.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table 5213-B shall be maintained during such periods of time as designated by the fire code official. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree's location in proximity to the high voltage lines.

EXCEPTION: The fire code official is authorized to establish minimum clearances different than those specified by Table 5213-B when evidence substantiating such other clearances is submitted to the fire code official and approved.

TABLE 5213-A—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMMING

LINE VOLTAGE	MINIMUM CLEARANCE FROM CONDUCTOR (feet)	RADIAL FROM
	× 304.8 mm	
2,400-72,000	4	
72,001-110,000	6	
110,001-300,000	10	
300,001 or more	15	

TABLE 5213-B—MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
	× 25.4 MM
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30 ¹ / ₂
230,001-500,000	115

5213.3.4 Electrical power line emergencies. During emergencies, the utility company shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 5213-B.

5213.4 Correction of Condition. The fire chief is authorized to give notice to the owner of the property on which conditions regulated by Section 5213 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

5214 — CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES

5214.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall:

5214.1.1 Clearance. Maintain an effective firebreak through clearance of brush and vegetation in accordance with Section 304.1.2.

5214.1.2 Trees and Deadwoods. Maintain trees adjacent to or overhanging a building free of deadwood.

5214.2 Corrective Actions. The executive body is authorized to instruct the fire chief to give notice to the owner of the property upon which conditions regulated by Section 5214.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

5215 — CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM ROADWAYS. The fire chief is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

EXCEPTION: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

5216 — UNUSUAL CIRCUMSTANCES. If the fire chief determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 5213, 5214 or 5215 of Chapter 51 undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

5217 — DUMPING. Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon hazardous fire areas or in, upon or along trails, roadways or highways in hazardous fire areas.

EXCEPTION: Approved public and private dumping areas.

5218 — DISPOSAL OF ASHES. Ashes and coals shall not be placed, deposited or dumped in or upon hazardous fire areas.

EXCEPTIONS: 1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from combustible vegetation or structures.

3. Where such ashes or coals are buried and covered with 1 foot (304.8 mm) of mineral earth not less than 25 feet (7620 mm) from combustible vegetation or structures.

5219 — USE OF FIRE ROADS AND FIREBREAKS. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

EXCEPTION: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

5220 — USE OF MOTORCYCLES, MOTOR SCOOTERS AND MOTOR VEHICLES. Motorcycles, motor scooters and motor vehicles shall not be operated within hazardous fire areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

5221 — TAMPERING WITH FIRE DEPARTMENT LOCKS, BARRICADES AND SIGNS. Locks, barricades, seals, cables, signs and markers installed within hazardous fire areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the fire chief shall not be unlocked.

5222 — LIABILITY FOR DAMAGE. The expenses of fighting fires which result from a violation of this chapter shall be a charge against the person whose violation caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the fire chief in the same manner as in the case of an obligation under a contract, expressed or implied.

Chapter 53 is added – Marinas.

Chapter 53 of the Fire Code of the City of Santa Cruz is added to read as follows:

5301— SCOPE. Marina facilities shall be in accordance with Chapter 53 and all other applicable requirements of this code.

5302— PLANS AND APPROVALS. Plans for marina fire-protection facilities shall be approved prior to installation. The work shall be subject to final inspection and approval after installation.

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5303— PERMITS. Permits are required to use open-flame devices for maintenance or repair on vessels, floats, piers or wharves.

Permits are also required to use portable barbecues, braziers or cooking devices on vessels, floats, piers or wharves.

5304— DEFINITIONS. For the purpose of this chapter, certain terms are defined as follows:

FLOAT is a floating structure normally used as a point of transfer for passengers and goods, or both, for mooring purposes.

MARINA is any portion of the ocean or inland water, either naturally or artificially protected, for the mooring, servicing or safety of vessels and shall include artificially protected works, the public or private lands ashore, and structures or facilities provided within the enclosed body of water and ashore for the mooring or servicing of vessels or the servicing of their crews or passengers.

PIER is a structure built over the water, supported by pillars or piles, and used as a landing place, pleasure pavilion or similar purpose.

VESSEL is watercraft of any type, other than seaplanes on the water, used or capable of being used as a means of transportation. Included in this definition are non-transportation vessels such as houseboats and boathouses.

WHARF is a structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and piers or floats to be anchored to.

5305 — FIRE PREVENTION

Combustible Debris. Combustible debris and rubbish shall not be deposited or accumulated on land beneath marina structures, piers or wharves.

Sources of Ignition. Open-flame devices used for lighting or decoration on the exterior of a vessel, float, pier or wharf shall be approved.

Flammable or Combustible Liquid Spills. Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities.

Rubbish Containers. Containers with tight-fitting or self-closing lids shall be provided for the temporary storage of combustible trash or rubbish.

Electrical Equipment. Electrical equipment shall be installed and used in accordance with the Electrical Code as required for wet, damp and hazardous locations.

5306 — FIRE-PROTECTION EQUIPMENT

5306.1 General. Piers, wharves, floats with facilities for mooring or servicing five or more vessels, and marine motor vehicle fuel-dispensing stations shall be equipped with fire-protection equipment in accordance with 5306.

5306.2 Standpipes.

5306.2.1 General. Portions of floats more than 250 feet (76 200 mm) from fire apparatus access and marine motor vehicle fuel-dispensing stations shall be provided with an approved Class II wet standpipe system installed in accordance with Section 905 of this code and NFPA 14.

5306.2.2 Hose stations. Hose stations shall be spaced to provide protection to all portions of floats or floating vessels. Hoses shall be mounted on a reel or rack and enclosed within an approved cabinet. Hose stations shall be labeled FIRE HOSE—EMERGENCY USE ONLY. Listed equipment shall be used.

5306.2.3 Fire department inlet connection. At the shore end, the waterline shall be equipped with not less than a two-way 2-1/2-inch (63.5 mm) fire department inlet connection.

5306.2.4 Areas subject to freezing. Waterlines shall normally be dry where subject to freezing temperatures.

5306.3 Access and Water Supply. Piers and wharves shall be provided with fire apparatus access roads and water-supply systems with on-site fire hydrants when required by the chief. Such roads and water systems shall be provided and maintained in accordance with Chapter 5 of this code.

5306.4 Portable Fire Extinguishers. One fire extinguisher having a minimum rating of 2A, 20-B: C shall be provided at each required hose station.

5307 — Transmission of Alarms. Means shall be available for the immediate notification of the fire department.

5308 — Marine Motor Vehicle Fuel-Dispensing Stations. Marine motor vehicle fuel-dispensing stations shall be in accordance with section 2210.6.4 of this code.

PART 3

The geographic limits referred to in certain sections of the Fire Code of the City of Santa Cruz are hereby established as follows:

Establishment of limits of districts in which storage of flammable cryogenic fluids in stationary containers is to be prohibited. The limits referred to in Section ~~3506.2~~ ~~3204.3.1.1~~ of the Fire Code of the City of Santa Cruz in which storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as the political boundary of the City of Santa Cruz.

Exceptions: 1. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-2 Zone with a Conditional Use Permit issued by the Planning Department.

2. The storage of flammable cryogenic fluids in stationary containers is allowed in an M-3 Zone.

Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited. The limits referred to in Sections [3404.2.9.5.1 and 3406.2.4.4](#) ~~3404.2.9.5.1 and 3406.2.4.4~~ of the Fire Code of the City of Santa Cruz in which the storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is restricted are hereby established as the incorporated area of the political boundary of the City of Santa Cruz.

Exceptions: Such use is allowed in the following zoning districts:

1. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in A or A-1 Zones;
2. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in M-1, M-2 or M-3 Zones;
3. The storage of Class I flammable liquids or Class II combustible liquids in aboveground tanks outside of buildings is allowed in NR Zones.

PART 4

That Ordinance No. ~~96-16~~[2007-18](#) of the City of Santa Cruz entitled “Title 19 Fire Prevention Code” of the City ~~of Santa Cruz and all other ordinances and parts of the ordinances in conflict therewith repealing Ordinance No. 84-15, Ordinance 88-03, Ordinance 92-07, Ordinance 96-16, and Ordinance 02-40 of the City~~ of Santa Cruz and all other ordinances and parts of the ordinances in conflict herewith are hereby repealed.

PART 5

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Santa Cruz City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PART 6

That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

PART 7

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That the Fire Chief of the City of Santa Cruz is hereby ordered and directed to cause a notice of this ordinance to be published in a newspaper in general circulation in accordance with Section 6066 of the California Government Code.

PART 8

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, ~~2008~~ 2011 pursuant to Health and Safety Code Section 18941.5. This Ordinance shall remain in full force and effect until a subsequent superseding ordinance becomes effective.

PASSED AND ADOPTED this day of , 2010, by the Santa Cruz City Council.

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: 10/5/2010

AGENDA OF: 10/12/2010

DEPARTMENT: Public Works

SUBJECT: Ordinance Amending Section 16.08.110 of the Santa Cruz Municipal Code Pertaining to Wastewater Discharges into the City Sewer System. (PW)

RECOMMENDATION: Introduction of an ordinance for publication amending Section 16.08.110 of the Santa Cruz Municipal Code Pertaining to Wastewater Discharges into the City Sewer System.

BACKGROUND: The City of Santa Cruz wastewater treatment plant discharges approximately one mile offshore into the Pacific Ocean. Federal Regulations require that treatment plants develop numeric limits (Local Limits) for pollutants discharged from industries and other users to our sewer systems. By setting limits, the City can ensure that our facility is capable of treating the type of wastewater received. These Local Limits are expressed in the Santa Cruz Municipal Code Section 16.08.110, and were last reviewed for the City of Santa Cruz in 2002.

This amendment will establish new Local Limits, including new first time limits for trace organic compounds. They will also reflect changes to the numeric limits of other pollutants due to the changes in the number of industrial dischargers and the performance of our wastewater treatment facility.

DISCUSSION: The need to revise the discharge limits for industrial users of the wastewater treatment plant at the City of Santa Cruz arises from changes in the composition of the discharge received from the industrial users, and the development of analytical data on plant performance and discharge into the receiving waters. Staff has worked with a reputable engineering firm to develop new numeric limits and update the list in Municipal Code at Section 16.09.110.

These updated and new limits will allow the City to meet its obligations to: protect the receiving waters; to protect the wastewater collections system staff and infrastructure; and to ensure the plant can properly treat wastewater it receives, before it is discharged into the Pacific Ocean.

Staff recommends that the City Council approve the revision of the Local Limits by this ordinance to amend Section 16.08.110 of the Santa Cruz Municipal Code pertaining to wastewater discharges into the City Sewer System.

FISCAL IMPACT: There are no fiscal impacts at this time.

Prepared by:
Akin Babatola
WWTF Laboratory/Environmental
Compliance Manager

Submitted by:
Mark R. Dettle
Director of Public Works

Approved by:
Martin Bernal
City Manager

ATTACHMENTS: Ordinance

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING SECTION 16.08.110 OF THE SANTA CRUZ MUNICIPAL CODE
PERTAINING TO WASTEWATER DISCHARGES INTO THE CITY SEWER SYSTEM

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1: Section 16.08.110 of the Santa Cruz Municipal Code is hereby amended to read as follows:

16.08.110 PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES.

(a) General Prohibitions on Wastewater Discharges. No person shall introduce, discharge, convey, or permit or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of such character or quantity that will:

- (1) Interfere with the process or efficiency of the wastewater treatment system or not be susceptible to treatment.
- (2) Constitute a slug loading.
- (3) Cause a pass through or interference to occur at the POTW, either alone or in combination with a discharge(s) from other sources.
- (4) Be at a discharge flow rate that would exceed the carrying capacity of the sanitary sewer.
- (5) Violate state or federal pretreatment standards.
- (6) Inhibits the processing, use, or disposal of sludge.
- (7) Violate any of the provisions of this chapter.

(b) Specific Prohibitions on Wastewater Discharges. No person shall discharge or cause or allow to be discharged into POTW any wastewater which contains the following:

- (1) Flammables and Explosives.
 - (A) Explosive mixtures, liquids, solids, or gases that are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to any persons, the wastewater treatment system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. When calibrating explosion hazard meters, the meter shall be calibrated using a representative standard of the combustibles expected to be present in the wastewater discharge. If a methane standard is used, the meter alarm shall be set at the lowest LEL for those combustibles expected to be present in the wastewater discharge.
 - (B) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flash point of less than 60°C or 140°F using test methods specified in 40 CFR 261.21.

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(2) Corrosive Wastes. Pollutants that cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.0

(3) Solid or Viscous Pollutants. Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW or interfere with the proper operation of the wastewater treatment system.

(4) Flow Rate and/or Pollutant Concentration. Any pollutant, including oxygen-demanding pollutants (BOD, TOC, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(5) Temperature. Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40°C (104°F).

(6) Oil and Grease. Petroleum oil, cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(7) Gases, Vapors, Fumes. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Transported Pollutants. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(9) Noxious Materials. Noxious or malodorous solids, liquids or gases, which, whether singly or by interaction with other wastes, are capable of creating an odor nuisance or hazard to life, or are sufficient to prevent entry into a sewer for its maintenance and repair.

(10) Toxic Substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Clean Water Act. Also included are any chemical elements or compounds, or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater treatment system, or that will pass through the POTW, or that will accumulate to toxic levels in marine waters, sediments or biota.

(11) Radioactive Wastes. Except as allowed in this chapter, no user shall discharge or permit to be discharged any radioactive waste into the public sewer.

(12) Waste Radiator Coolant. Waste radiator coolant or any radiator flushing wastewater generated from auto, truck, or equipment maintenance.

(13) Discolored Material. Wastes with objectionable color not removable by the wastewater treatment system, which cause discoloration of the POTW effluent such that receiving water quality requirements established by law cannot be met.

(14) Engine and Vehicle Parts Cleaning Wastes. Wastewater or other wastes from the cleaning of engines, undercarriages or vehicle parts. Such wastes must be either recycled in a closed-loop recycling system or hauled off-site for proper disposal.

(15) Hazardous Waste. Hazardous waste as defined by the California Code of Regulations (CCR) at 22 CCR 66261.3.

(c) Specific Limitations on Wastewater Discharges. The following are the maximum concentrations of pollutants allowable in wastewater discharges to the wastewater treatment system, unless state or federal limits are lower in which case those limits shall control. Dilution of any wastewater discharge for the purpose of satisfying these pretreatment standards or any applicable pretreatment standards shall be considered a violation of this chapter and is prohibited.

Grab samples must be used for pH, cyanide, oil and grease, sulfide, and volatile organic compounds. Composite samples for 24 hours or other time period approved by the director are required for all other parameters, using flow-proportional techniques where feasible.

Pollutant	Concentration
Arsenic	0.21 mg/l
Cadmium	1.57 mg/l
Chromium, total	35.65 mg/l
Chromium, hexavalent	5.26 mg/l
Copper	2.17 mg/l
Cyanide	0.08 mg/l
Lead	6.04 mg/l
Mercury	0.32 mg/l
Nickel	1.15 mg/l
Selenium	96.28 mg/l
Silver	0.71 mg/l
Sulfide (dissolved)	0.20 mg/l – Monthly Average; 1.0 mg/l – Maximum
Suspended solids	3000 mg/l
Zinc	25.23 mg/l
pH	5.0 to 10.0 units
Total petroleum hydrocarbons	100 mg/l
Temperature	≤104°F (40°C)
Oil or grease of animal or vegetable origin	300 mg/l (unless exempt by Section 16.08.190)
MTBE	1.0 mg/l
TTO*	1.0 mg/l
Phenols, total**	150 mg/l
Phenols, chlorinated***	0.60 mg/l
Chlordane	1.48x10 ⁻⁵ mg/l
DDT, o,p'	0.011 mg/l
dieldrin	9.40 x10 ⁻⁵ mg/l
endosulfan I	0.006 mg/l
endrin	0.002 mg/l
heptachlor	0.00014 mg/l
heptachlor epoxide	1.39 x10 ⁻⁵ mg/l

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hexachlorobenzene	23.50 mg/l
Naphthalene	2350 mg/l
Phenanthrene/Anthracene, C1 -	2349.99 mg/l
Anthracene	2422.68 mg/l
Fluoranthene	123.38 mg/l
8 - PCB	0.000138859 mg/l
2,3,7,8-TCDD	2.53 x10 ⁻⁹ mg/l

* TTO is defined as the sum of all individual compounds listed in the Code of Federal Regulations (CFR) at 40 CFR433.11e with quantifiable concentrations greater than 0.01 mg/l when measured using test methods approved under 40 CFR 136 or other methods approved for NPDES monitoring, and other toxic organic compounds as determined by the director.

** Phenols, total, by EPA Method 420.1.

*** Phenols, chlorinated, is defined as the sum of 2-chlorophenol, 2,4-dichlorophenol, pentachlorophenol, 2,4,6-trichlorophenol and 4-chloro-3-methylphenol (p-choloro-m-cresol). (Ord. 2002-24 § 2 (part), 2002).

Section 2. This Ordinance shall be in force and take effect thirty (30) days after final adoption.

PASSED FOR PUBLICATION this day of , 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk



CITY COUNCIL AGENDA REPORT

DATE: September 27, 2010

AGENDA OF: October 12, 2010

DEPARTMENT: City Clerk

SUBJECT: Planning Commission Appointment (One Opening, with a Term Expiration of 1/1/14) (CC)

RECOMMENDATION: Motion to appoint a Planning Commissioner.

DISCUSSION:

The following people are seeking appointment to the Planning Commission:

Cook, Peter J.
Duckworth, Brian
Goncharoff, Tim
Holman, Brian David
Smolke, Anthony
Spellman, Peter
Whatley, Melissa

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



CITY COUNCIL AGENDA REPORT

DATE: October 4, 2010

AGENDA OF: October 12, 2010

DEPARTMENT: City Clerk

SUBJECT: Water Commission (One Opening, with a Term Expirations of 1/1/12)
(CC)

RECOMMENDATION: Motion to appoint a Water Commissioner.

DISCUSSION:

The following people are seeking appointment to the Water Commission:

Beek, Barton
Bentley, James
Cook, Peter J.
Duckworth, Brian
Feldman, Cliff
Hilger, Charles
Holman, Brian David
LeVan, David
Mead IV, George W.

FISCAL IMPACT: None.

Prepared by:
Rosemary Balsley
Administrative Assistant II

Submitted by:
Lorrie Brewer
City Clerk

ATTACHMENTS: None.



City Council Meeting Calendar October 5, 2010

Date	Time	Location	Topic
October 25, 2010	10:00 a.m.	Courtyard Conf. Room	Special Closed Session
October 26, 2010	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
November 9, 2010	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
November 23, 2010	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
December 14, 2010	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
Holiday Break – No Second Meeting in December			
January 11, 2011	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
January 18, 2011	7:00 p.m.	Council Chambers	Special Council Meeting – Advisory Body Interviews
January 25, 2011	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
February 8, 2011	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
February 22, 2011	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
March 8, 2011	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions
March 22, 2011	1:30 p.m. 3:00 p.m. and 7:00 p.m.	Courtyard Conf. Room Council Chambers	Regular Council/Agency Closed Session Regular Council/Redevelopment Agency Open Sessions

Council Membership in City Groups and Outside Agencies

Councilmembers will have the opportunity to present oral updates to Council and the public. Councilmembers may provide direction, request additional information or that a topic raised be agendized for future Council action. The Presiding Officer may request oral updates from Council ad hoc Committees.

The Presiding Officer will ask representatives of each entity if there is any oral update.

Name of Agency/Organization	Currently Serving
Association of Monterey Bay Area Governments (AMBAG)	L. Robinson, T. Madrigal (alternate)
City of Santa Cruz/Soquel Creek Water District (SqCWD) Desalination Project	D. Lane, M. Rotkin, R. Coonerty (Alt.)
City Schools Committee (Ad Hoc)	C. Mathews, T. Madrigal, R. Coonerty
Community Action Board	T. Madrigal, David Sweet (alternate)
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.