



Water Department

**Water Commission Agenda**  
**Regular Meeting**  
**7:00 p.m. – Monday, January 6, 2014**  
**Council Chambers**  
**809 Center Street, Santa Cruz**

**Agenda**

**Call to Order**

**Roll Call**

**Presentation** *Organized groups may make presentations to the Water Commission. Presentations that require more than three minutes should be scheduled in advance with Water Department staff.*

**Statements of Disqualification** *Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.”*

*The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that no person shall make or participate in a governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.*

**Oral Communications** No action shall be taken on this item.

**Announcements** No action shall be taken on this item.

**Approval of Minutes** ☆ (Pages 4-8)

Recommendation: Motion to approve the December 2, 2013 Water Commission Minutes.

**Consent Agenda** (Pages 9-142)

*Items on the consent agenda are considered to be routine in nature and will be acted upon in one motion. Specific items may be removed by members of the advisory body or public for separate consideration and discussion.*

1. Three-month Calendar ☆ (accept info) (Page 9)
2. City Council Items Affecting Water ☆ (accept info) (Pages 10-139)
3. Correspondence from A.J. Elliot dated 12/12/2013 (accept info) (Pages 140-142)

**Items Removed from the Consent Agenda**

**General Business** (Pages 143-151)

*Any document related to an agenda item for the General Business of this meeting distributed to the Water Commission less than 72 hours before this meeting is available for inspection at the Water Administration Office, 212 Locust Street, Suite A, Santa Cruz, California. These documents will also be available for review at the Water Commission meeting with the display copy at the rear of the Council Chambers.*

1. Water Supply Community Engagement ☆ (Pages 143-146)

Recommendation: Discuss and provide feedback for the role of the Water Commission in the Water Supply Advisory Committee Process.

2. Major Projects Update and Basis of Cost Estimates ☆ (Pages 147-151)

Recommendation: None. Receive Information Only.

**Subcommittee/Advisory Body Oral Reports** No items.

**Director's Oral Report** No action shall be taken on this item.

1. Monthly Status of Water Supply (to be distributed at meeting)
2. Water Supply Project Update

**Information Items** (Pages 152- 154) No action shall be taken on this item.

1. Training Opportunities for Commissioners (Page 152)
2. Changes to Brown Act - Effective January 1, 2014 (Page 153)
3. Written Materials Provided by Members of the Public (Page 154)

**Media Articles** (Pages 155-169) No action shall be taken on this item.

1. News Article – Santa Cruz Sentinel 11-26-13 ☆ (Page 155-157)
2. News Article – SantaCruz.com 11-27-13 ☆ (Page 158)
3. News Article – Santa Cruz Sentinel 11-27-13 ☆ (Pages 159-160)
4. News Article – Good Times 12-04-13 ☆ (Pages 161-162)
5. News Article – Santa Cruz Sentinel 12-7-13 ☆ (Pages 163-164)
6. News Article – Santa Cruz Sentinel 11-13-13 ☆ (Pages 165-167)
7. News Article – SantaCruz.com 12-17-13 ☆ (Pages 168-169)

**Documents for Future Meetings** No action shall be taken on this item.

*The following document is being included in this agenda packet in order to provide ample review time. It will be an item of business and will include a staff report at a future meeting.*

1. New City Council Procedural Rules for Motions and Debate Pages (170-189)

**Items Initiated by Members for Future Agendas**

**Adjournment** The next meeting of the Water Commission is scheduled for February 3, 2014 at 7:00 p.m. in Council Chambers.

★Denotes written materials included in packet

**APPEALS** - Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk.

Other - Appeals must be received by the City Clerk within ten (10) calendar days following the date of the action from which such appeal is being taken. An appeal must be accompanied by a fifty dollar (\$50) filing fee.

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, please attend the meeting fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call Water Administration at 831-420-5200 at least five days in advance so that arrangement can be made. The Cal-Relay system number: 1-800-735-2922.



Water Department

**Water Commission**  
**DRAFT**  
**7:00 p.m. – Monday, December 2, 2013**  
**Council Chambers**  
**809 Center Street, Santa Cruz**

### **Draft Minutes of a Water Commission Meeting**

**Call to Order** – Vice Chair D. Baskin called the meeting to order at 7:00 p.m. in the City Council Chambers.

#### **Roll Call**

**Present:** D. Baskin, G. Mead, D. Meyers, D. Stearns, W. Wadlow, and L. Wilshusen.

**Absent:** A. Schiffrin (with notification)

**Staff:** L. Almond, Interim Water Director; T. Goddard, Water Conservation Manager; H. Luckenbach, Deputy Director/Engineering Manager; N. Dennis, Principal Management Analyst; L. Rossiter, Management Analyst, R. Coletta, Administrative Assistant II; and G. Rudometkin, Administrative Assistant III.

**Others:** Approximately seven members of the public.

**Presentation** There were no presentations.

**Statements of Disqualification** There were no statements of disqualification.

#### **Oral Communications**

Oral and written communications were made by S. McGilvray. Oral communications were made by P. Pethoe. All written materials provided to the Commission will be included in the official file.

**Announcements** There were no announcements.

#### **Approval of Minutes**

Commissioner D. Baskin asked that a minor correction be made; to remove his middle name from the minutes.

Commissioner L. Wilshusen moved approval of the November 4, 2013 Water Commission minutes. Commissioner D. Stearns seconded.

VOICE VOTE: MOTION CARRIED

AYES: D. Baskin, G. Mead, D. Stearns, W. Wadlow, and L. Wilshusen.

NOES: None.

ABSTAINED: D. Meyers due to absence from the November 4 meeting.

ABSENT: A. Schiffrin

## **Consent Agenda**

Item 1 - Three-month Calendar was pulled for discussion.

Commissioner G. Mead moved for approval of Consent Agenda. Commissioner L. Wilshusen seconded.

VOICE VOTE: MOTION CARRIED

AYES: D. Baskin, G. Mead, D. Meyers, D. Stearns, W. Wadlow, and L. Wilshusen.

NOES: None.

ABSENT: A. Schiffrin

## **Items Removed from Consent Agenda**

1. Three-month Calendar

Interim Water Director L. Almond responded to Commission questions.

Oral communications were made by S. McGilvray.

Commission Discussion/Comments:

- There was direction provided to the staff about the presentations for the parade of projects.
- Requested an update report on the HCP negotiations at a future meeting.
- Requested a report on Loch Lomond ADA Study at a future meeting. .
- Requested more advertisement and public notice for the Water Conservation Master Plan and Water Transfer Presentation

Commissioner D. Meyers moved for the approval Consent Agenda item 1 - Three-month Calendar. Commissioner L. Wilshusen seconded.

VOICE VOTE: MOTION CARRIED

AYES: D. Baskin, G. Mead, D. Meyers, D. Stearns, W. Wadlow, and L. Wilshusen.

NOES: None.

ABSENT A. Schiffrin

## **General Business**

1. West Side Recreation Feasibility Analysis for Loch Lomond Recreation Area – Scope of Work

Management Analyst L. Rossiter provided the staff report and responded to Commission questions.

Oral communications were made by P. Pethoe.

Commission Discussion/Comments:

- Concern expressed about the environmental impact on the expanded use of Loch Lomond as a Recreation Area
- Requested feasibility criteria regarding the access issue pertaining to the LLRA at a future meeting.

2. Water Commission Work Plan

L. Almond introduced the Water Departments new Deputy Director/Engineering Manager: H. Luckenbach. H. Luckenbach provided an oral report and with L. Almond responded to Commission questions.

Oral communications were made by S. McGilvray.

Commission Discussion/Comments:

- Emphasized the importance of Operations and Maintenance perspective
- Emphasized during the Community Engagement Reset Process the importance of accurate scientific information which needs to come from staff and the committee.
- Requested an explanation of the draft EIR; specifically what is the current timeline for both Santa Cruz and Soquel Creek to report back to City Council and the Board of Directors and instructions on how to proceed at a future meeting..
- Confirmed that members of the public have access to an RFP or an RFQ just by submitting a request.
- Requested an explanation on how the conservation flows effect our system in certain ways under certain conditions (HCP).

3. Community Engagement for Drought Solutions

Interim Water Director L. Almond responded to Commission questions.

Oral communications were made by S. McGilvray.

Commission Discussion/Comments:

- Discussion of composition/membership of the proposed advisory body.
- Consider the Water Department's role or lack of role in this committee structure.
- Requested an actual written plan to understand the objective of this new committee and what it hopes to accomplish so as to engage in the discussion if the Water Commission belongs.
- Discussion of drafting letter to the City Council; concluded not to do so at this time.
- Suggests that receiving a report from Tina Shull is preferred in order to have a more informed discussion.
- Suggests the role of the Commission is to provide realistic input and advise the advisory body and offer some of the infrastructure necessary (staff, technical information, etc.) to support the kind of decisions that this group is going to have to make.

- Confirmed it is important that the Council fund and complete the EIR, it is the government method of fact finding and evaluating alternatives to a project.
- Would like to ensure the work of the Commission and the Water Department's scientific analysis over the last two decades isn't lost during this reset process.

**Subcommittee/Advisory Body Oral Reports**      No items.

**Director's Oral Report**      No action shall be taken on this item.

1. Monthly Status of Water Supply

Oral Communications were made by T. Goddard, Water Conservation Manager along with photos of Loch Lomond regarding the monthly water supply.

2. Water Supply Project Update

There was no report.

**Media Articles** (Pages 33-53) No action was taken on this item.

1. News Article – Santa Cruz Sentinel 10-29-13 ☆ (Page 33-34)
2. News Article – Santa Cruz Sentinel 11-2-13 ☆ (Pages 35-37)
3. News Article – Santa Cruz Sentinel 11-2-13 ☆ (Pages 38-39)
4. News Article – Santa Cruz Sentinel 11-3-13 ☆ (Pages 40-41)
5. News Article – Santa Cruz Sentinel 11-5-13 ☆ (Pages 42-43)
6. News Article – Good Times 11-13-13 ☆ (Pages 44-46)
7. News Article – Santa Cruz Sentinel 11-16-13 ☆ (Pages 47-48)
8. News Article – Santa Cruz Sentinel 11-19-13 ☆ (Pages 49-50)
9. News Article – Santa Cruz Sentinel 10-24-13 ☆ (Pages 51-53)

**Documents for Future Meetings**      There were no documents for future meetings.

**Items Initiated by Members for Future Agenda**

- Requested more advertisement and public notice for the Water Conservation Master Plan and Water Transfer Presentation.
- Provide definitions of “Replacement Cost of Water” to be part of T. Goddards conservation item at a future meeting.

**Adjournment**

The meeting was adjourned by 8:40 p.m. until the next meeting of the Water Commission that is scheduled for January 6, 2014 at 7:00 p.m. in Council Chambers.

Respectfully submitted,

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Staff



## WATER COMMISSION REPORT

DATE: January 6, 2014  
TO: Water Commission  
FROM: Interim Water Director  
SUBJECT: Water Commission Meeting Schedule and Upcoming Agenda Items (Subject to Change)

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### February 3, 2014

- Election of Officers
- Initial Water Supply Outlook
- Long-Term Financial Impact of Capital Improvement Program
- Water Conservation Mast Plan – Evaluation of Conservation Measures

### March 3, 2014

- Revised Water Supply Outlook
- Draft Capital Improvement Program Budget

### April 7, 2014

- Final Water Supply Outlook
- Training Opportunities for Water

### Unscheduled Items

- Operating Budget Overview
- HCP Negotiations Update
- West Side Feasibility Analysis - Access Feasibility Criteria
- Municipal Code Revisions
- Desalination Project Financial Analysis (tentative)
- Water Rate Study
- Water Transfer – Presentation by County
- Water Supply Reliability Public Awareness and Participation Plan - Scope of Work
- Economic Analysis of No Project - Scope of Work (tentative)
- Water Commission Work Plan Update (quarterly item)
- Training Opportunities for Water Commissioners (quarterly item)
- Next Year's Water Commission Calendar



## WATER COMMISSION REPORT

DATE: January 6, 2014  
TO: Water Commission  
FROM: Interim Water Director  
SUBJECT: City Council Items Affecting Water

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### **City Council Meeting of November 26, 2013:**

#### Community Engagement for Drought Solutions (CM)

**Motion carried** to direct staff to explore and develop recommendations for the City Council regarding the repeal of the San Lorenzo River's recreation prohibitions, as a means to activate about community engagement and educate about the watershed as well as provide environmentally responsible recreational opportunities.

**Motion carried** to accept the framework for an extensive community engagement effort for water supply, with the purpose of encouraging exploring options for long-term stable, secure, reliable, and environmentally sustainable water supply.

**Motion carried** to establish an Advisory Committee for the purpose of analyzing and formulating recommendations for the City Council regarding water supply options, with the Committee to achieve its work in twelve months and membership to be solicited and compiled by a nominating committee comprising Mayor-elect Robinson, Vice Mayor-elect Lane, and Councilmember Posner and returned to the Council for final acceptance, and authorizing staff to pursue a Request for Proposals process to select a neutral third-party facilitator.

### **City Council Meeting of December 10, 2013:**

#### Bay Street Reservoir Replacement Project - Phase 2 Construction - Contract Change Order No. 18 (WT)

**Motion carried** to authorize the City Manager to execute Contract Change Order No. 18 with Gateway Pacific Contractors, Inc. (Sacramento, CA) in the amount of \$67,882 for accelerated construction timeline and realignment of the inlet pipeline.



## CITY COUNCIL AGENDA REPORT

DATE: November 12, 2103

AGENDA OF: November 26, 2013

DEPARTMENT: City Manager

SUBJECT: Community Engagement for Drought Solutions (CM)

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**RECOMMENDATION:** Motion to accept the framework for an extensive community engagement effort centered on water supply, with the purpose of encouraging community exploration of the options for stable, secure and reliable supply in times of drought.

Motion to establish a Drought Solutions Citizen Advisory Committee for the purpose of analyzing and formulating recommendations for the City Council regarding water supply options, with the Committee to sunset in twelve months and membership to be solicited and compiled by the Mayor and returned to the Council for final acceptance, and authorizing staff to initiate a Request for Proposal process to select a neutral third-party facilitator.

Motion to direct staff to explore and develop recommendations for the City Council regarding the repeal of the San Lorenzo River's recreation prohibitions, as a means to activate community engagement and educate about the watershed.

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**BACKGROUND:** This August, the City Manager and Mayor recommended that the City pursue a modified path toward a water supply solution, which was to feature extensive community participation. At its October 8, 2013 meeting, the Santa Cruz City Council took up the issue and heard from more than 40 individuals and group representatives about the proposal to expand community engagement on water supply issues. The formal, unanimous Council action was direction for staff "to bring back a more detailed Community Engagement Program and work on a program and budget plan for future consideration along with a range of choices for the City's approach on the Environmental Impact Report (EIR)." The Council also offered support of Councilmember Lane's general principles of a community examination of water supply issues.

With that direction in hand, City staff immediately set to work to explore, learn and develop a community engagement plan that would meet the goal of conducting a truly collaborative process. Given the magnitude and universality of the challenge facing the Santa Cruz region-sufficient, safe and reliable water supply-staff understands that this effort must be comprehensive in content, authentic, cooperative and reach deep into our community for vigorous engagement.

From hours of interviews with interested stakeholders and exploration of other regional community engagement efforts that occurred over the past 20 years on a variety of significant

issues, staff gleaned a set of strong best practices. Further, the City received numerous community-generated submittals recommending scope, workplan and process for the community-led committee. Recognizing the Water Commission's extensive experience and leadership on all water issues, staff specifically solicited input from Commissioners as well. The total set of ideas were carefully reviewed and synthesized with the best practices and the principles discussed on October 8<sup>th</sup> to create the proposed engagement strategy. In sum, the plan presented on the following pages is a collective of City research, staff ideas and ideas contributed from those most knowledgeable and engaged in our water supply issues within our community. Staff are grateful for the time individuals and groups dedicated to thinking about and sharing ideas to create a strong interactive process.

While working aggressively to develop the community engagement process, staff concurrently began to address the Environmental Impact Report-related Council direction, which called for the presentation of different options. Examination of options for the environmental review process, its scope, cost and duration, involves a number of complex factors and close coordination with the City's partner, the Soquel Creek Water District. The discussion requires further analysis of a few key issues with our partner and additional details on the timeline and scope of the community engagement process coming out of this meeting. It is important to deliver a set of options for Council consideration that is carefully analyzed, accurate to the greatest extent possible and thoroughly discussed with our partner beforehand. Accordingly, we did not wish to rush the analysis and intend to bring this issue back to the Council early in 2014 for deliberation.

**DISCUSSION:** Before delving into the mechanics of the City's proposed community engagement strategy, it is helpful to set the context with a discussion of the intent and goals of this effort.

The City Council and City staff heard from the community and understands that our water supply future is an issue that commands a careful exploration interwoven with maximum participation from all dimensions of our community. To that end, the City aimed to develop a path in which the City will partner with the public and other community stakeholders in the development of options and the identification of preferred solutions. Moreover, the City will ask for the direct advice of these partners and to the maximum extent possible, incorporate that advice into the decision-making process. Thus, the City's baseline approach will be one of integration and collaboration with the public.

The City also carefully thought about the principles suggested by Councilmember Lane and embraced by the Council on October 8<sup>th</sup>. They are (paraphrased):

- Achieve clarity on the arithmetic of our water situation and water needs.
- Examine the issue of how much our water supply needs are driven by growth and development.
- Understand the impacts during a drought of a blended water strategy that includes strengthened conservation efforts with a modest water supply increase.
- Achieve an understanding of the seriousness of the salt water intrusion problem for the City system.

- Ensure that many water supply options, ideas and proposals will be considered or reconsidered to determine: 1) their viability and feasibility; 2) the quantity of water each can provide; and 3) the cost associated with each alternative.
- Make sure we are getting the most from our conservation efforts.
- Acknowledge the seriousness of the critique of desalination and examine that critique thoroughly.
- Create and implement community and City processes that will move quickly to allow the community to make an informed decision on our water supply approach in the year 2016.
- Act carefully in relation to Soquel Creek Water District recognizing the challenging situation they face.

The City drew a few themes from this set of principles:

- 1) There needs to be a hearty examination of the City's present and future water landscape, looking at demands, supply and potential threats;
- 2) Future water supply options, including desalination, should undergo extensive exploration within the construct of feasibility, adequacy and cost;
- 3) Conservation is a cornerstone of our water profile and should be maximized; and
- 4) The City should act in careful consideration of its partnership with the Soquel Creek Water District and its need for timely, definitive solutions.

Informed by these principles, the proposed strategy as developed is collaborative, multi-faceted and layered. A citizen advisory committee features prominently at the core of the effort. The advisory committee will engage in a methodical and topical discussion that addresses all of the major issues related to our water supply planning. Wrapped around the core of the advisory committee is a layer of community engagement for those stakeholders and individuals most accessible: those who are already engaged, be it to a minor or major degree. Then, the final layer of engagement efforts will be those directed to currently disengaged groups and individuals, with the intent of activating their participation in the discussion.

Each layer of the engagement requires different tools and resources and is discussed in turn:

### **CITIZEN ADVISORY COMMITTEE**

The touchstone of the community engagement around water supply planning is a citizen advisory committee. Comprising major interests and stakeholder groups, the Committee both will establish the framework for a deliberate examination of all issues and will be tasked with formulating recommendations to the City Council for drought water supply options. The Committee is envisioned as a sophisticated body that will dive deeply into increasingly complex data and information as it proceeds through its workplan. Given its charge to develop water supply option recommendations for the City Council, the Committee's work is consequential and will be extremely time- and labor-intensive.

The following is an initial sketch of the committee framework, to be expanded and finalized upon the Committee's formation:

Proposed Name:	Drought Solutions Citizen Advisory Committee
Purpose:	To explore, through an iterative, fact-based process, the City’s water profile, including supply, demand and future threats, and analyze potential solutions to deliver a safe, adequate, reliable and sustainable water, and develop drought strategy recommendations for City Council consideration.
Objectives:	<ul style="list-style-type: none"> <li>a) Lead the community engagement process via a methodical review of the major elements of the City water system and regional water supply challenges</li> <li>b) Analyze the results of the Habitat Conservation Plan, Master Conservation Plan and Economic Impact Analysis</li> <li>c) Serve as the clearinghouse for exploration and discovery of viable solutions</li> <li>d) Develop recommendations for strategies that meet threshold requirements</li> </ul>
Milestones:	<ul style="list-style-type: none"> <li>1) Agree on definitions and basic principles of problem, purpose, process and workplan</li> <li>2) Achieve advanced understanding of the City’s water supply profile, including historical and predicted hydrologic cycles, water production and delivery, regional concerns such as saltwater intrusion, climate change threats, demands, conservation and environmental and regulatory considerations.</li> <li>3) Agree on clear criteria for a viable water supply solution</li> <li>4) Explore a broad array of potential solutions</li> <li>5) Develop recommendations for City Council consideration</li> </ul>
Timeline:	Total duration of approximately 12-months, with meeting length and frequency, to be determined.
Workplan:	The workplan is envisioned to proceed along a logical arc that links education about the City’s watershed and demand and supply issues with analysis of a spectrum of options, many of which were queried during the Draft EIR comment period and, finally, recommendations for a water strategy that protects the City and remains attuned to the water supply issues facing the Soquel Creek Water District and other agencies as appropriate.

Membership: 19 Members – representing a broad array of our community. As water supply is universally relevant, the membership should be diverse.

Proposed Membership

- 2 City Councilmembers
- 2 Water Commissioners
- 1 Education
- 2 Business
- 2 City Residents
- 1 Hotels/Tourism
- 1 Santa Cruz Desal Alternatives
- 1 Sustainable Water Coalition
- 1 Recreation
- 1 Industry/Manufacturing
- 3 Environmental Organizations
- 1 Real Estate/Development
- 1 County Resident

The foregoing composition was scaled to provide a wide variety of perspectives, but is intentionally generic to allow the Council to identify the groups or individuals to fulfill the roles.

Selection is suggested to proceed along two paths. First, if organizations exist that represent an interest, the Mayor, on behalf of the Council, would extend an invitation to the group to nominate its own representative. Second, for interests that do not have a defined group or organization, at-large applications will be solicited. For example, the City Resident representatives may be best identified through an application process. The Mayor would compile the applications, develop a potential set of members, and return it to the Council for deliberation and acceptance.

Procedurally, the Committee will be subject to the Brown Act as a standing Council/citizen committee. Meetings will be open to the public and there will be opportunity for public comment. The Committee will appoint a Chair and Vice Chair to lead meetings. A neutral professional facilitator will choreograph the Committee’s work. Periodically, the Committee will report out to the City Council and Water Commission, particularly around policy choices and major decision points. The regional nature of water supply security also calls for close coordination with the Soquel Creek Water District and regulators, and open channels of communication will be maintained. Finally, the Committee will be supported with a website as its information clearinghouse and will be active within new media channels.

To steer the work and progress of the committee, the City proposes to obtain the services of an impartial, professional facilitator. Successful community engagement models elsewhere featured a neutral, dedicated facilitator and advice given to the City nearly uniformly was that this component was essential to our efforts. A professional facilitator will marshal the talents and efforts of this large committee, develop agendas and resources, liaise with technical experts and

consultants, facilitate presentations, and moderate, when needed, discussions to allow for effective conversations.

The City does not have the resources to solely support such an effort internally, and with water supply figuring as the most significant issue facing the City in decades, staff recommends that we do not shortchange the effort. Rather, we support this effort as entirely worthy of investment.

Staff discussions with other organizations that have facilitated similar efforts suggest that the scope of the facilitation work could require an expense of \$150,000 to \$300,000. Without issuing a Request for Proposals, it is difficult to know the exact range, but our estimates indicate that our year-long effort, with a large and diverse membership, wide scope and critical final recommendations, requires intensive planning, coordination and integration with other engagement components. Accordingly, if the City Council accepted the Committee structure, staff would issue a Request for Proposals for professional facilitation services. Then, at a future Council meeting, staff would return for a budget appropriation and acceptance of the contract.

The preceding paragraphs describe the cost of the facilitation services but another equally important cost is that of conducting the analytical work associated with various water supply options. Various options have been identified and explored at some level in the Draft EIR; however, staff's expectation is that the degree of analysis required to satisfy community concern and interest and allow the Committee to compile the best water strategy, is more intensive than what is currently available. Staff expects that studies, modeling and analysis will be necessary to inform the Committee's work, and this work will come at a cost, which could approach \$500,000 - \$700,000. With the refinement of the workplan, staff will be able to develop a budget and return to the City Council for discussion.

## **COLLABORATION WITH ENGAGED STAKEHOLDERS**

The Drought Solutions Citizen Advisory Committee is the kernel of the broader engagement efforts, driving the topics and content discussed over the course of the next year. The proposed plan links that work to the larger community, so that all can follow the work, learn and participate.

Moving from the Committee to the broader community will proceed in two components: (1) linkage to stakeholders who are already attentive and engaged; and (2) linkage to the general population and stakeholders who are not engaged.

For the former group, the engaged stakeholders, the plan is built upon the precept that these groups are attuned and understand the importance of creating sustainable water solutions. Accordingly, the engagement is about highlighting the work of the Committee via programming to directly link these active stakeholders to the process as it continues along its arc. This entails producing engagement strategies that are tailored and relevant to each stakeholder group. The City will identify liaisons within each sector and develop communication pathways to deliver relevant opportunities for involvement.

The collection of engaged stakeholders for which we develop tailored engagement opportunities could include:

- Business Organizations
- Environmental Organizations
- Conservation Groups
- Real Estate/Development Sector
- Green Industry
- Large Water Users
- Media
- County and Local Governments
- Regulators
- Hotels and Tourism
- USCS, Cabrillo, Schools
- City Council
- Water Commission

### **ACTIVATION OF UNENGAGED STAKEHOLDERS**

The second phase of the activation is for those who are not closely following the water supply discussion and who have limited time and attention. These stakeholders require extra attention and effort to bring the engagement and content to them. Accordingly, in step with the work of the Committee, the City will develop programming to synthesize and summarize data to a digestible and relevant level and in all respects lower any barriers to engagement. This work will require soliciting the help of local leaders and organizations to keep engagement constant.

The collection of stakeholders to further engage could include:

- Agriculture
- Residents
- Business
- Neighborhood Groups
- Service Organizations
- Health and Human Services
- Labor
- Recreation and Events
- Faith Community

### **SAN LORENZO RIVER EDUCATIONAL & RECREATIONAL OPPORTUNITIES**

A final and related concept is one step toward educating about our watershed and opening recreational opportunities. Within Chapter 9.66 of the Santa Cruz Municipal Code “Regulation of Ocean Water Sports” is a prohibition against boats on the San Lorenzo River unless specifically authorized by the Director of Parks and Recreation.

The Coastal Watershed Council and City Water Department staff led a guided paddle tour of the lower reaches of the San Lorenzo River on October 12, 2013. This overwhelmingly successful event has catalyzed further exploration of easing the restrictions on river access. Since that time,

staff met internally and with stakeholders to discuss river access options and potential challenges. Considerations include, but are not limited to user safety, operational impacts, concessionaire opportunities, parking, and enforcement. Additionally, the City may need to acquire state and/or federal regulatory approval prior to opening river access.

Staff formed an internal task force, with representatives from Parks and Recreation, Water, Planning, Public Works, Fire, Police and the City Attorney's Office, with City Manager's Office leading the effort. With the Council's support to move forward, this group will meet with community stakeholders such as the Coastal Watershed Council, further analyze options and potential impacts, and develop policy recommendations for City Council review in 2014.

FISCAL IMPACT: There is no fiscal impact at this time.

As discussed in the foregoing section, professional facilitation services of this magnitude and scope could range from \$150,000 to \$300,000. With City Council endorsement of this approach, the City will solicit bids and interview facilitators. Staff will return to the Council with a budget adjustment to appropriate funds.

Further, consultant services to conduct the study and analysis of water supply options will be required for the thorough completion of the Committee's work. Estimates will be developed and will be returned as recommended future appropriations.

Submitted by:

Tina Shull  
Assistant City Manager

Approved by:

Martín Bernal  
City Manager

Attachments:

None.

# COMMUNITY ENGAGEMENT FOR DROUGHT SOLUTIONS

Presented to:

Santa Cruz  
City Council  
11.26.13

# HOW WE GOT HERE

- **August 2013** – City Manager and Mayor recommend expanded community engagement before final decisions on water supply
- **October 2013** – City Council receives public testimony, deliberates the community engagement process, and directs staff to return with refined plan and develop options for the EIR approach
- **Today** – Discussion of community engagement plan
- **Early 2014** – Discussion of EIR options

# OCTOBER 2013 PRINCIPLES

- Arithmetic of our water situation and water needs.
- How much of our water supply needs are driven by growth and development.
- Impacts during a drought of strengthened conservation efforts with a modest water supply increase.
- Understand the seriousness of the salt water intrusion problem for the City.
- Acknowledge and examine the critique of desalination.
- Ensure we are getting the most from our conservation efforts.
- Consider or reconsider many water supply options, ideas and proposals for: 1) viability and feasibility; 2) quantity; and 3) cost.
- Implement community and City processes that will move quickly to allow the community to make an informed decision on our water supply approach in the year 2016.
- Act carefully in relation to Soquel Creek Water District recognizing the challenging situation they face.

# DEVELOPING THE DRAFT ENGAGEMENT PLAN

- City Manager, Assistant City Manager, Interim Water Director conducted hours of interviews:
  - To learn from similar processes:
    - General Plan Advisory Committee
    - Vision Santa Cruz
    - Monterey County Water Supply
    - Soquel Creek Water District Water Planning Process
  - To learn from stakeholders
- Gleaned best practices
- Synthesized with feedback and principles



# PROPOSED COMMUNITY ENGAGEMENT STRUCTURE



# ADVISORY COMMITTEE

- Proposed Name:

## **Drought Solutions Citizen Advisory Committee**

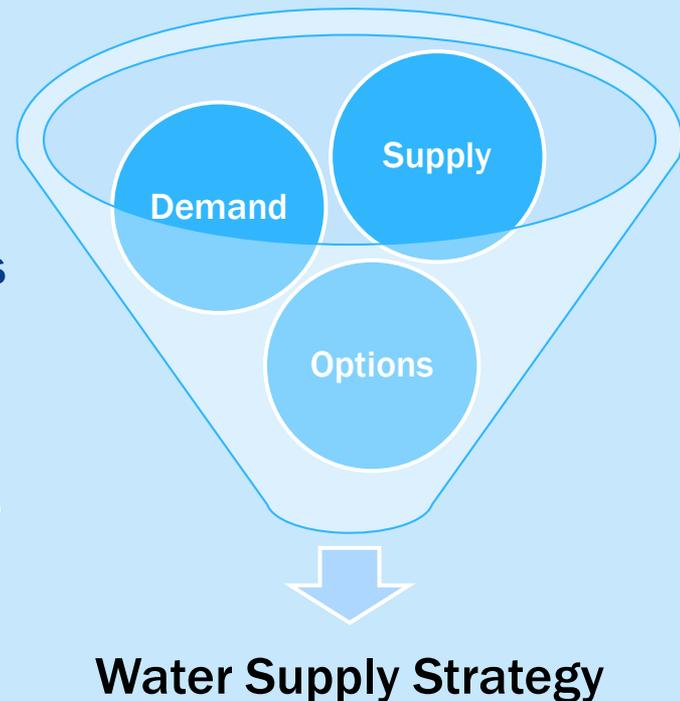
- Purpose:

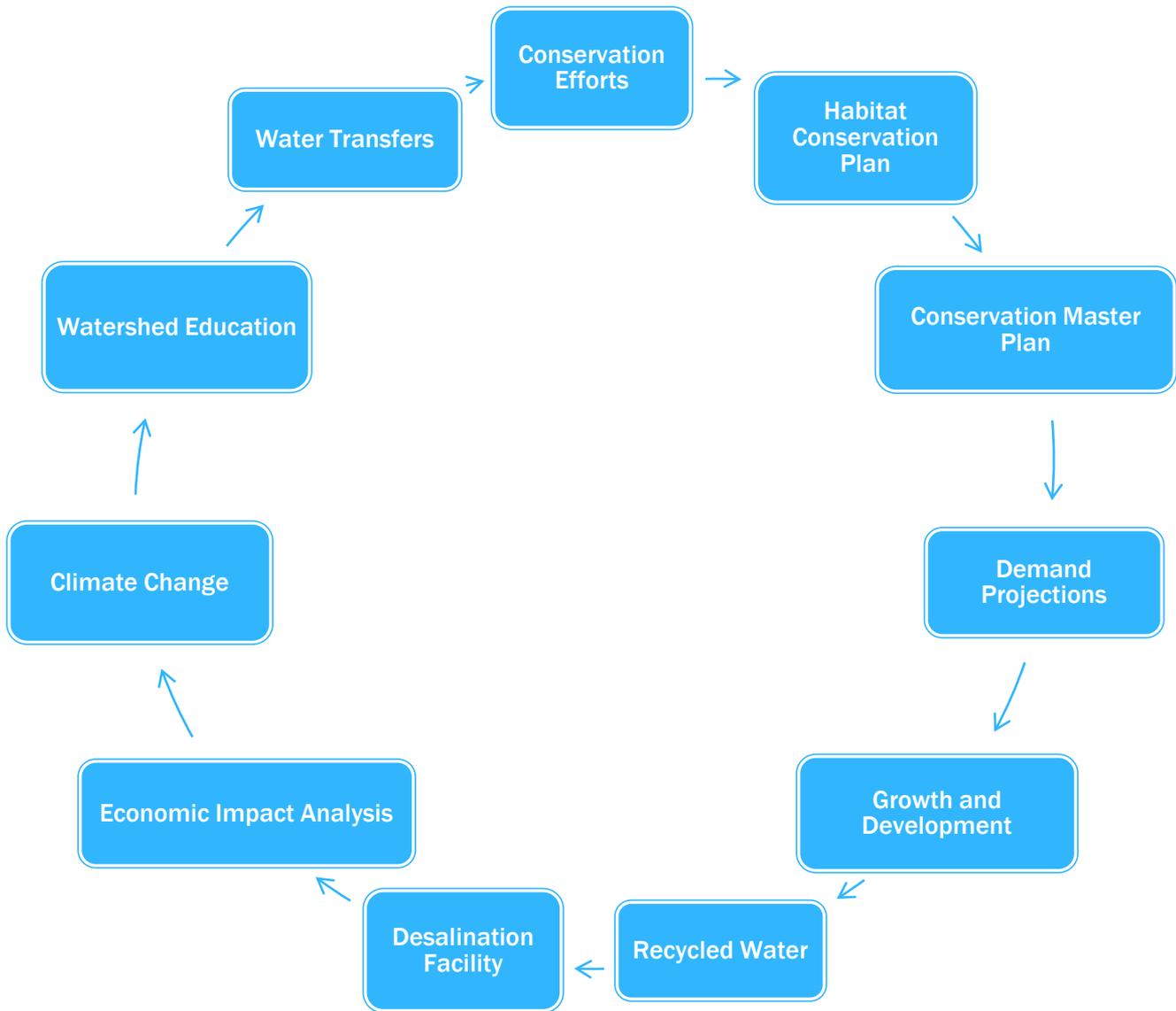
*To explore, through an iterative, fact-based process, the City's water profile, including supply, demand and future threats, and analyze potential solutions to deliver a safe, adequate, reliable and sustainable water supply, and develop drought strategy recommendations for City Council consideration.*

# ADVISORY COMMITTEE

## ■ OBJECTIVES → WORKPLAN

Comprehensive and methodical examination of the major elements influencing our water demand, Supply, and potential solutions under the lens of safety, adequacy, reliability, cost and sustainability





## COMMITTEE TOPICS

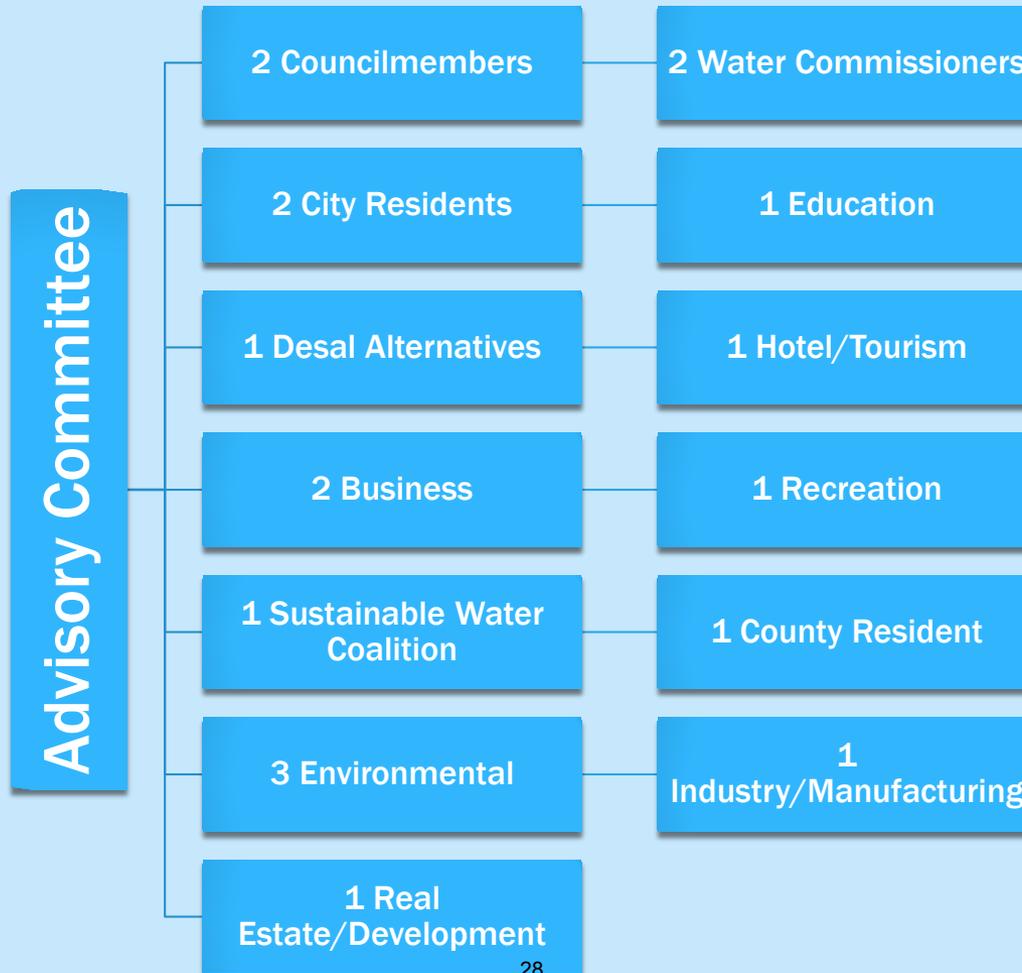
To be determined . . . with facilitator, committee and staff input

Intent is for expansive examination of water issues

# COMMITTEE FRAMEWORK

- **Brown Act Committee**
  - Public Noticing
  - Public Participation
  - Chair and Vice Chair
- Professional Facilitator recommended
- Duration - 12 months
- Membership - Broad community participation

# PROPOSED COMMITTEE MEMBERSHIP



Committee is the core of the broader engagement efforts, driving the topics and content discussed over the course of the next year.



## BROADER COMMUNITY OUTREACH

**Collaboration  
with  
Engaged  
Stakeholders**

**Activating  
Unengaged  
Stakeholders**

Link  
stakeholders to  
the process  
through  
tailored  
engagement  
opportunities

Lower barriers  
to participation

## SAN LORENZO RIVER – EDUCATION & ENGAGEMENT EFFORTS

Explore the  
repeal of  
boating  
prohibition on  
the San  
Lorenzo River

Opportunity to  
educate about  
the watershed  
and pursue  
greater  
recreation

- Chapter 9.66 of the Santa Cruz Municipal Code “Regulation of Ocean Water Sports” prohibits boating on the San Lorenzo River unless specifically authorized by the City.
- The Costal Watershed Council and City partnered on October 12, 2013 to open up the River to three hours of paddling.
- Extremely successful with positive outcomes



- **Significant community interest in looking into expanding public uses of the San Lorenzo River**
  
- **With Council support, City staff will meet with community stakeholders such as the Coastal Watershed Council, further analyze options and potential impacts, and develop policy recommendations for City Council review in 2014**
  
- **Considerations:**
  - Safety
  - City operational impacts
  - Environmental
  - Parking
  - Enforcement
  - Concessionaire opportunities
  - Regulatory

## **SAN LORENZO RIVER – EDUCATION & ENGAGEMENT EFFORTS**

Explore the repeal of boating prohibition on the San Lorenzo River

Opportunity to educate about the watershed and pursue greater recreation

# RECOMMENDATIONS

**1. Motion to accept the framework** for an extensive community engagement effort centered on water supply, with the purpose of encouraging community exploration of the options for stable, secure and reliable supply in times of drought.

**2. Motion to establish a Drought Solutions Citizen Advisory Committee** for the purpose of analyzing and formulating recommendations for the City Council regarding water supply options, with the Committee to sunset in twelve months and membership to be solicited and compiled by the Mayor and returned to the Council for final acceptance, and authorizing staff to initiate a Request for Proposal process to select a neutral third-party facilitator.

# RECOMMENDATIONS

**3. Motion to direct staff to explore and develop recommendations for the City Council regarding the repeal of the San Lorenzo River's recreation prohibitions, as a means to activate community engagement and educate about the watershed.**

## Rosemary Balsley

---

**From:** paul gratz <pauljg45@pacbell.net>  
**Sent:** Wednesday, November 13, 2013 8:06 AM  
**To:** Bren Lehr  
**Cc:** Don Lane; Hilary Bryant; Lynn Robinson; David Terrazas; Andy Schiffrin; Pamela Comstock; Cynthia Mathews; Micah Posner; George Mead; Donna Meyers; City Council; David Baskin; Walter Wadlow; "grandjury@co.santa-cruz.ca.us"; david stearns; CityMgr@cityofsantacruz.com  
**Subject:** Nov. 26, 2013 City Council Mtg. Agenda Packet -- Questions: Overall life-to-date cost of the Santa Cruz desalination project  
**Attachments:** DesalProjectConsultants9.2013.pdf

Dear Ms. Lehr,

With regard to the Nov. 26, 2013 City Council meeting's agenda item "Community Engagement Plan on Water Issues and EIR Work Plan Approaches" please include in the agenda packet my Nov. 7, 2013 email letter with attachment sent to Mr. Bernal along with his response.

Sincerely,  
Paul Gratz

**From:** paul gratz <pauljg45@pacbell.net>  
**To:** ""mbernal@cityofsantacruz.com"" <mbernal@cityofsantacruz.com>  
**Cc:** david stearns <DavidStearns5@gmail.com>; D. Lane <dlane@cityofsantacruz.com>; h.bryant <hbryant@cityofsantacruz.com>; L.robinson <lrobinson@cityofsantacruz.com>; d.terrazas <dterrazas@cityofsantacruz.com>; Andy Schiffrin <BDS030@co.santa-cruz.ca.us>; "pcomstock@cityofsantacruz.com" <pcomstock@cityofsantacruz.com>; cynthia mathews <cmathews@cityofsantacruz.com>; micah posner <mposner@cityofsantacruz.com>; George Mead <cenozoicgeo@sbcglobal.net>; Donna Meyers <conservecollab@gmail.com>; city clerk <citycouncil@cityofsantacruz.com>; David Baskin <dgaskin@baskinggrant.com>; Walter Wadlow <walt.wadlow@acwd.com>; "grandjury@co.santa-cruz.ca.us" <grandjury@co.santa-cruz.ca.us>  
**Sent:** Thursday, November 7, 2013 8:51 AM  
**Subject:** Questions: Overall life-to-date cost of the Santa Cruz desalination project

Dear Mr. Bernal,

As a result of my CPRA request, I received on November 4, 2013 the attached "Water Supply Project - Consultant/Service Provider Information" spreadsheet. In order for the public, elected officials and the news media to have a transparent and comprehensive understanding of the overall life-to-date cost of the work conducted by the City on desalination water-supply enhancement, I am submitting the following set of questions:

- What are the amounts that pre-dated 2005 such as the Carollo Engineers report (2000), the 2003 IWP, and any associated City labor costs?
- What work products were delivered?
- What performance reviews and product evaluations exist for the consultants work?
- What remaining contract work is in progress?
- What is pending payment status for any contract work in progress?
- Spreadsheet indicates a encumbered balance of \$917K. Are these contracts now frozen or will the consultants continue working, even though the desalination project is frozen?
- Are the staff costs fully-burdened labor costs (benefits, travel, etc.) and how were these amounts arrived at and are there related work products?
- How were the IT/administrative costs arrived at?

- Where are the CalDesal membership and related staff costs along with expenses associated with City-only desalination activities conducted outside of the scwd2 project?

Since the City Council will consider the Community Engagement Plan on Water Issues and EIR Work Plan Approaches on November 26, I hope you will provide answers to these questions well in advance of the important meeting.

Sincerely,  
Paul Gratz

Cc: City Council  
Water Commission  
County Grand Jury  
News media outlets

**Water Supply Project - Consultant/Service Provider Information**

As of: 9/30/2013

Notes: Information includes agreements entered into by the city or on behalf of the City and the District. It does not include District-only expenditures. Subcontractor expenditures are not itemized.

Consultant	Scope of Work	Purchase Order Starting Fiscal Year	Expenditure	Balance
<b>Integrated Water Planning</b>				
EDAW Inc	IWP Program EIR	2005	186,804	
	IWP Program EIR	2006	23,599	
Quantec LLC	Confluence modeling for IWP Program EIR	2005	3,520	
Black & Veatch Corp	Preliminary engineering for IWP Program EIR	2005	239,932	
Hopkins Groundwater Consultant	Groundwater Consultation for IWP Program EIR	2005	32,500	
	Response to IWP EIR comments	2006	8,889	
Remy Thomas Moose and Manley LLP	Legal Services	2004	625	
<b>SWRO Pilot Plant</b>				
Black & Veatch Corp	Engineering support for Prop 50 grant	2006	10,573	
Kestrel Consulting Inc	Prop 50 Grant Application, SWRO Pilot Plant	2006	44,558	
	Prop 50 Grant Administration, SWRO Pilot Plant	2008	30,097	
Camp Dresser & McKee Inc	SWRO Pilot plant design and construction	2006	675,179	
	SWRO pilot plant operation	2006	3,631,611	
	Structural design phase II	2010	15,492	
UC Regents	Plan review and inspection fees for pilot plant	2007	8,000	
Geo H Wilson Inc	Relocation of gas lines/ meters for pilot plant construction	2007	70,621	
	Hot taps for utility service to pilot plant	2008	941	
HP Inspections	Concrete inspection services, post pilot plant construction	2010	8,283	
Michael Petti Painting	Painting of temporary trailer	2008	750	
Dynamic Consultants, Inc	Special Inspections, SWRO Pilot Plant Construction	2008	3,889	
BCI Builders	Post pilot facility modifications construction	2010	237,511	
Archibald Consulting	Watershed sanitary survey	2007	198,303	
<b>Intake Studies</b>				
Tenera Environmental Inc	Entrainment Study	2009	603,785	5,533
	Intake effects work	2014		27,500
Gregor Cailliet	Entrainment study technical working group	2009	3,600	
Eco Systems Management	Offshore geophysical survey	2009	482,023	
Eli Silver	Geophysical survey technical advisor	2009	2,400	
Kinnetic Laboratories Inc	Mammal monitoring for offshore geophysical survey	2009	18,814	
<b>Project EIR</b>				
URS Corporation	Project EIR	2010	1,646,119	66,829
Entomological Consulting Services	Butterfly survey for project EIR	2012	4,911	
	Butterfly survey for project EIR	2013	4,500	
	Butterfly survey for project EIR	2013	4,004	
Remy Moose Manley LLP	Legal assistance with project EIR	2010	45,246	69,754
Strelow Consulting	Environmental consulting EIR	2010	44,665	4,045
<b>Design of Project</b>				
Camp Dresser & McKee Inc	Desal Plant preliminary design	2011	1,330,026	104,195
Akel Engineering Group Inc	Gravity storage replacement scenarious	2009	9,960	
	Desalination plant hydraulic modeling analysis	2011	118,370	
Brown and Caldwell	Brine dilution analysis	2009	55,538	
	State Lands Commission permitting assistance	2011	4,809	191

**Water Supply Project - Consultant/Service Provider Information**

As of: 9/30/2013

Notes: Information includes agreements entered into by the city or on behalf of the City and the District. It does not include District-only expenditures. Subcontractor expenditures are not itemized.

Consultant	Scope of Work	Purchase Order Starting Fiscal Year	Expenditure	Balance
	State Water Resources Control Board assistance	2013	7,500	
CH2M Hill	Energy minimization and greenhouse gas reduction plan, Phase 1	2009	110,190	
Water & Energy Consulting (Dr. Lon Ho	Desal energy technical working group	2012	5,448	
<b>Program Support</b>				
City Labor	City staff cost	2007	1,337,887	
Kennedy Jenks Consultants Inc	scwd2 Program/Technical advisor services	2008	244,594	
	Technical advisor services	2009	273,315	
	Technical advisor services	2010	299,999	
	Technical advisor services	2012	634,208	
	Technical advisor services	2013	158,206	207,794
Brent M Haddad	Develop operational agreement for scwd2 task force	2009	89,257	
Dietrich Consulting Group LLC	Water supply project SWRO tech advisor	2010	29,260	
	Water supply project SWRO tech advisor	2011	21,696	
	Water supply project SWRO tech advisor	2012	44,480	5,275
Gene Bregman and Associates	Public survey	2011	35,000	
Tom Burns	Desalination siting advisor	2012	7,500	
	Desalination siting advisor	2013	6,900	11,100
Dudek	Permitting advisor	2012	9,395	
	Permitting advisor	2013	194,111	286,589
Gary Fiske & Associates	Confluence modeling	2013	25,935	
	Financial impact analysis modeling	2013	6,090	3,570
Stewart Title Co	Property title searches	2013	2,400	4,200
Raftelis Financial	Financial impact analysis	2013	33,973	60,572
Miller Maxfield Consulting	Communications consulting	2013	14,088	55,588
Central Desktop Inc	Online project managment software	2011	4,800	
	Online project managment software	2012	5,040	
	Online project managment software	2013	5,292	
	Online project managment software	2014	5,557	
Lexnet Consultng Group Inc	Online project managment software admin	2011	2,850	4,350
Salesforce.com	Online project managment software admin	2011	3,000	
	Online project managment software admin	2012	3,000	
	Online project managment software admin	2013	3,000	
	Online project managment software admin	2014	3,000	
Misc Expenses/Adjustments			(174,665)	
<b>TOTAL EXPENSES</b>			<b>13,262,753</b>	<b>917,085</b>
	Prop 50 State of CA Grant, SWRO Pilot Plant		1,982,601	
	Prop 50 State of CA Grant, Intake Work		611,000	
	Reimbursement from Soquel Creek Water District		4,668,060	
<b>TOTAL REVENUE</b>			<b>7,261,661</b>	
<b>NET CITY COST</b>			<b>6,001,092</b>	<b>917,085</b>

## Rosemary Balsley

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**From:** Dell Elliott <dell\_elliott@hotmail.com>  
**Sent:** Monday, November 18, 2013 3:40 PM  
**To:** City Council  
**Cc:** Don Miller; Jim (J. M.) Brown  
**Subject:** A Rational Plan for Solving Our Water Problem  
**Attachments:** Desal letter to the editor and SC R9.doc

I request that my attached "Rational Plan for Solving Our Water Problem" be included in the Nov. 26 meeting agenda packet.

A J Elliott, MSCE, PE

## A Rational Plan for Solving Our Water Problem

The Santa Cruz City Council has not provided a detailed technical trade study (trade-off between alternatives) that addresses our local water problem. Despite what some Council members believe, the recently released environmental impact report (EIR), on one desalination alternative, does not address our local water problem and is not a substitute for a detailed technical trade study. A trade study provides at least two alternatives to solving a problem with associated cost, risk, and schedule. It includes defining the problem, validating the problem, identifying alternatives, and providing an evaluation of each alternative based on rational validated selection criteria. A trade study is routinely considered part of any major investment in infrastructure, and the desalination alternative, with an estimated current cost of \$129,000,000 and rising with extreme energy costs, is major. The recommendation for a trade study has been made by me and others to the City Council. Nothing has been done.

Our water problem is different for the following areas:

- For Santa Cruz City, the primary source of water is surface water. Every hundred years the recent EIR estimates a 29% shortfall, which means residents would have to let yards die and Pasatiempo and DeLaveaga golf courses would dry up.
- For Soquel, Aptos, Capitola, Rio Del Mar, Seascapes, and Le Selva Beach, all served by Soquel Creek Water District, and the Seascapes golf course with their own wells, the only source of water is from an aquifer adjacent to the Bay. This aquifer water level is decreasing. It will soon become permanently unsuitable for irrigation and drinking by seawater intrusion, which would end this areas only source of water.
- For Scotts Valley, the only source of water is from an aquifer far from the Bay. The aquifer is being pumped dry during normal rainfall and severe water restrictions would have to be implemented.

For our water problem, there are at least three major alternatives. These include:

1. Some combination of the following:

A Refill the aquifers by in-lieu recharge. This means well-based water districts will cease to use their wells, and the aquifers, almost immediately, will have additional water. This provides underground reservoirs of water for use by all areas for drought protection. This may be accomplished by some combination of the following:

- Implement the Santa Cruz County conjunctive use and water transfer plan (final report now due for release in December). This incorporates some features of the following.
- During the *rainy* season, extract and treat, for turbidity, excess water from Zayante Creek and/or San Lorenzo River and pump to Loch Lomond and a quarry: Hansen or Olympia. Transfer water from the quarry to Loch Lomond and to the treatment plant. Transfer treated water from the treatment plant to the well based water districts (Scotts Valley and Soquel Creek). During the *non-rainy* season, use the full Loch Lomond reservoir to supply well based water districts and, as needed, Santa Cruz City.
- Use recycled water instead of fresh water for the following:
  - The Pasatiempo golf course. In fact, Pasatiempo management and Scotts Valley is considering using recycled water from Scotts Valley
  - DeLaveaga and Seascapes golf courses.
  - North Coast farms
  - Offset mandatory fresh water release from Loch Lomond for fish habituate (stream recharge).
- Use the current Santa Cruz infrastructure to supply some excess water during the rainy season to Soquel Creek. The infrastructure could be upgraded to supply more water.

## A Rational Plan for Solving Our Water Problem

- Increase surface water storage, which could include some combination of increasing the capacity of Loch Lomond and adding new reservoirs, including Waterman Gap, Kings Creek, Hansen Quarry, and Olympia Quarry.
  - Consider that the state will legalize the use of recycled water, with additional treatment, in the next few years, Using recycled water instead of seawater, with a desalination plant, significantly reduces plant size, energy use, and cost.
- B Update the old 2003 Santa Cruz water conservation plan. Incorporate developer-funded water offsets to enhance conservation. Soquel Creek is aggressively pursuing this. This could include requiring commercial restrooms with high usage to upgrade and subsidizing new water saving residential washing machines.
- C Provide water consumers and the water district the ability to read smart meters from their computer real time. This would allow both the consumer and water departments to identify defective pipes that are leaking treated water and fix the leaks.
- D Limiting growth of users whose primary consumption is during the non-rainy months. This may not include a favorite scapegoat: UCSC, as much of their use is during the rainy months.
- E Facilitate onsite water reclamation (retrofitting to use gray water for irrigation and toilet recharge).
- F Other possibilities that are not know to me.
2. Do nothing. Santa Cruz City and Scotts Valley will survive with less water. Soquel, Aptos, Capitola, Rio Del Mar, Seascape, and Le Selva Beach will not have any water.
3. Desalination. There are two alternatives: reverse osmosis and a multiphase process. The multiphase process is a mechanical thermal method that includes an assembly of pumps, progressive cavity pump, centrifugal separators, and condensers. It offers significantly reduced energy consumption, maintenance costs, and footprint and, in addition, there is a market for the resulting “gel” after almost complete water extraction. The company has offered to build a demo plant, for free. This multiphase alternative has not been explored by the Santa Cruz Water Department. The Santa Cruz City reverse osmosis desalination alternative does not include supplying water to Scotts Valley.

Currently, more than \$15,000,000 has been spent on one desalination alternative: reverse osmosis. A few hundred thousand to generate a detailed technical trade study should not be an issue.

The Santa Cruz City Council, with Scotts Valley, Soquel Creek, and Santa Cruz County’s collaboration, should direct that a detailed technical trade study be done and the results, with references, all made easily available to the public, on a web site. This will allow us to make a science based decision on solving our water problem as opposed to an opinion based decision based on interviews and propaganda. A logical consequence of not providing a detailed technical trade study is a rejection of the desalination reverse osmosis alternative at the polls and a composition change of the City Council at the next election.

A. J. Elliott, MSCE, PE

**Rosemary Balsley**

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**From:** Karen Kaplan <kaplanks@hotmail.com>  
**Sent:** Thursday, November 21, 2013 5:14 PM  
**To:** City Council; Hilary Bryant; Lynn Robinson; Pamela Comstock; Don Lane; Cynthia Mathews; Micah Posner; David Terrazas; John Leopold; (zach.friend@co.santa-cruz.ca.us); Neal Coonerty; Supervisor-Greg Caput; (bruce.mcpherson@co.santa-cruz.ca.us)  
**Subject:** Tues. Nov. 26, 7pm City Council Mtg. RE: Boating

Dear Mayor, SC City Council Members & Supervisors:  
**RE: Tuesday, November 26, 7pm Santa Cruz City Council Meeting**  
**809 Center Street, Santa Cruz**

City ordinance 9.66.090 currently prevents paddling on the lower San Lorenzo River.

**Please wear a life vest at the meeting to show your support and vote to allow boating in the San Lorenzo River.**

A few boat launching docks and a boat rental concession for row boats, kayaks, canoes, paddle boats, etc. similar to the one at Loch Lomond would be a recreational tourist attraction and income for the city. A concession stand could sell ice cream, cold drinks, healthy lunch and snacks, such as burritos, wraps, chips, trail mix, nuts, health bars, fruit, fruit juice, water bottles, cups, hats, sunglasses, sunscreen, T-shirts, sweatshirts, maps, books, posters, beach chairs, postcards, souvenirs, etc.

*Thank you for your consideration.*

*Sincerely,*  
*Karen Kaplan*

COUNCIL  
AGENDA  
MAIL  
MTG 11/26/13  
# 7pm-#1  
CM \_\_\_\_\_  
CA \_\_\_\_\_  
RA \_\_\_\_\_  
PK \_\_\_\_\_  
PL \_\_\_\_\_  
PW \_\_\_\_\_  
WT \_\_\_\_\_  
AP \_\_\_\_\_  
\_\_\_\_\_

## Rosemary Balsley

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**From:** Karen Kaplan <kaplanks@hotmail.com>  
**Sent:** Friday, November 22, 2013 12:14 AM  
**To:** Hilary Bryant; Lynn Robinson; Pamela Comstock; Don Lane; Cynthia Mathews; Micah Posner; David Terrazas; John Leopold; zach.friend@co.santa-cruz.ca.us; Neal Coonerty; Supervisor-Greg Caput; bruce.mcpherson@co.santa-cruz.ca.us; City Council  
**Cc:** ssrudzinski@gmail.com; Larry Kaplan; Ted Lorek  
**Subject:** Fish & Boating - Tues. Nov. 26, 7pm City Council Mtg.

Dear Mayor, City Council Members & Supervisors:  
RE: Fish & Boating - Tues. Nov. 26, 7pm City Council Mtg.

Steve Rudzinski wrote important points about protecting fish, silt, dredging, impacts of trash, etc.  
(Please see below.)

*Thanks,  
Karen Kaplan*

---

Date: Thu, 21 Nov 2013 18:31:26 -0800  
Subject: Re: Tues. Nov. 26, 7pm City Council Mtg. RE: Boating  
From: [ssrudzinski@gmail.com](mailto:ssrudzinski@gmail.com)  
To: [kaplanks@hotmail.com](mailto:kaplanks@hotmail.com)

Hi Karen,

I have lived and walked and fished the banks of the lower San Lorenzo since 1970, the days when fishermen on opening day were elbow to elbow with a rod plying for Coho Salmon and Steelhead Trout. In the later years of the good fish runs, small flat bottom boats anchored in the good spots to cast for cruising fish.

As is when all humans congregate along a waterway, trash happens and lots of damage to a fragile ecosystem there. Smolt steelhead hide in the lower river and eat. Then they can fatten for the sea. Adult fish coming into the lagoon on a high tide are waiting for the flood of the first rain. Too delicate for the untrained explorer I think. Snacks equal trash and stuff in the water to pollute. People wreck everything. Lets keep them all in the harbor and give back some revenue to the slip renters who pay for it all.

If the rivermouth was dredged properly to remove 50 years of silt, we would have an estuary worthy of rivercraft like the old days in this city. The dredging is important to prevent flooding as well downtown. The rivermouth is too shallow for watercraft of any kind.

These are my views only and not those of the fly club.

Steve Rudzinski

President

Santa Cruz Fly Fishermen

[www.santacruzflyfishermen.org](http://www.santacruzflyfishermen.org)

"Game fish are too valuable to be caught only once." Lee Wulff

**Rosemary Balsley**

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**From:** Michele Deiter <deitermd25@aol.com>  
**Sent:** Friday, November 22, 2013 5:28 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Sent from my iPhone

## Rosemary Balsley

---

**From:** Jazz Society of Santa Cruz/ <jazz@baymoon.com>  
**Sent:** Friday, November 22, 2013 5:48 PM  
**To:** City Council  
**Subject:** Show some sincerity about opening up the water discussion.

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

THE PROPOSED COMPOSITION\* IS TOTALLY UNACCEPTABLE, AND CONTRADICTS THE ALLEGED PURPOSE OF THE COMMITTEE.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

COMPLY WITH THE BOARD OF SUPERVISORS REQUEST TO HAVE THE COUNTY WATER RESOURCE MANAGER, JOHN RICKER BE PRESENT.

OPEN THE MEETINGS TO THE PUBLIC.

Thanks,

STEVE NEWMAN  
220 san jose ave.  
427 2792

\*

Proposed Membership  
2 City Councilmembers  
2 Water Commissioners  
1 Education  
2 Business  
2 City Residents  
1 Hotels/Tourism  
1 Santa Cruz Desal Alternatives  
1 Sustainable Water Coalition  
1 Recreation  
1 Industry/Manufacturing  
3 Environmental Organizations  
1 Real Estate/Development  
1 County Resident

## Rosemary Balsley

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**From:** Ren Curry <RCurry@aasi.com>  
**Sent:** Friday, November 22, 2013 5:56 PM  
**To:** City Council  
**Subject:** Citizens Advisory Committee

Mayor Bryant and Councilmembers:

As we all know, there are proponents of desal and proponents of alternatives to desal.

As I see it, the proposed membership of the Committee is biased toward desal proponents (5 members) versus alternative proponents (4 members). This could be rectified by adding a member from the Community Water Coalition, an organization that should be represented in any case.

In addition, one of the two Councilmembers should be a desal proponent, the other an alternative proponent.

Renwick Curry, PhD  
2395 Delaware Ave #21  
Santa Cruz, CA 95960

## Rosemary Balsley

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**From:** Rose Marie McNair <realrose@norcalbroker.com>  
**Sent:** Friday, November 22, 2013 5:56 PM  
**To:** City Council  
**Subject:** DeSal Alternatives

**Importance:** High

Honorable Council Members,

The will of the public has been shown by its response to “put on the breaks” for the DeSal project. Now is the time to review the alternatives that will protect our water supply and further the needs of the community.

Public involvement on the Habitat Conservation Plan and being more engaged in the process are key issues...please do not move forward on an EIR for a flawed, unscientific plan for DeSal. We need good science, not hyperbole.

Thank you  
Rose Marie McNair



**Rose Marie McNair, Broker**  
**McNair Real Properties**  
1715-42nd Ave. "B"  
Capitola, CA 95010  
(831) 476 2102 Ofc (831) 212 4906 Cell  
(831) 476 2209 Fax [realrose@norcalbroker.com](mailto:realrose@norcalbroker.com)  
PMN, SRES, ePro, Ecobroker, MBA  
CAL BRE Lic # 00547533

**Pajaro Valley AOR 2011 President**

**“We are the Pajaro Valley Association of REALTORS® providing continuing education to our members, guided by the REALTOR® Code of Ethics, promoting the highest trust and professionalism within our community and continuing the protection of property rights.”**

## Rosemary Balsley

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**From:** Marlene Majewska <mm999@sbcglobal.net>  
**Sent:** Friday, November 22, 2013 7:30 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Marlene Majewska

## Rosemary Balsley

---

**From:** paintr paintr <paintr@arczip.com>  
**Sent:** Friday, November 22, 2013 7:51 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks, Dennis (Please include water experts Ricker, Paul, and Smallman on the committee. Please include Ricker on the HCP. Give the rate payers a break, as the political climate seems to be changing.)

**Rosemary Balsley**

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**From:** claudia wallick <claudiaatwaves@gmail.com>  
**Sent:** Friday, November 22, 2013 9:35 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,  
Claudia Wallick

## Rosemary Balsley

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**From:** Susan Reddington <sureddington@gmail.com>  
**Sent:** Saturday, November 23, 2013 5:17 AM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks, Susan Reddington

**Rosemary Balsley**

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**From:** Lynn Dunn <dunnreimers@mac.com>  
**Sent:** Saturday, November 23, 2013 5:45 AM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Lynn Dunn  
[dunnreimers@mac.com](mailto:dunnreimers@mac.com)  
165 13th Ave.  
Santa Cruz, CA 95062  
808-255-4797 cell

## Rosemary Balsley

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**From:** paintr paintr <paintr@arczip.com>  
**Sent:** Saturday, November 23, 2013 10:16 AM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks, -Dennis (Smallman, Ricker, & Paul for committee, Ricker for HCP. The political climate is changing - give the citizens a break.)

## Rosemary Balsley

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**From:** Alison Woolpert <awool@cruzio.com>  
**Sent:** Saturday, November 23, 2013 2:32 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

First of all, I want to thank both Santa Cruz City Manager Martin Bernal, and Mayor Hilary Bryant for opening up the dialogue about water resources to include other knowledgeable citizens and water experts.

That said, it is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. Please continue to draw on the wealth of knowledge and experience that many citizens have to offer.

With the support of the Desal Alternatives movement, as shown by the voters of Santa Cruz, I hope that a number of of these local experts would be called upon to serve on such an import committee.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thank you,

Alison Woolpert

## Rosemary Balsley

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**From:** Susan Kauffman <highsierra2@gmail.com>  
**Sent:** Saturday, November 23, 2013 2:44 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

## Rosemary Balsley

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**From:** Sandra L. Cohen <slcohen222@cruzio.com>  
**Sent:** Saturday, November 23, 2013 5:15 PM  
**To:** City Council  
**Cc:** SC Desal Alternatives  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. One seat for a representative from Desal Alternatives does not seem fair and/or representative to me.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts. Why isn't John Ricker involved? What reason could be served by ignoring his expertise on water transfers?

Either you are serious about the "reset," or you are not. Is it lip service or are you sincere?  
I will not be able to attend the Dec 2 meeting, but I'm sure many will.

Thank you...  
Sandra Cohen  
Santa Cruz, CA

## Rosemary Balsley

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**From:** Cappy Israel <goodhandsmsg@cruzio.com>  
**Sent:** Saturday, November 23, 2013 9:35 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Carolyn Trupti Israel  
260 High St - 204  
Santa Cruz, CA 95060-2655

## Rosemary Balsley

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**From:** Jean Brocklebank <jeanbean@baymoon.com>  
**Sent:** Sunday, November 24, 2013 12:20 PM  
**To:** City Council  
**Subject:** Impact to birds on the San Lorenzo River

Dear Councilmembers ~

I am very troubled to learn about the proposal to allow the the San Lorenzo River to be occupied by recreational craft, including SUPs, kayaks, rowboats and canoes.

The recreational use of the river will impact dozens of species of birds, including migratory birds, who feed and rest along the river on their long journeys to their breeding grounds. Depending on the species, the birds utilize different parts of the riverine habitat (some on the water, some in the reeds, some on willow branch above the water). Disturbance of this bird life can mean death for migratory birds who must feed and rest before finishing their journeys, because their energy will be sapped by fleeing the recreational users, just as it is compromised when they are chased at the shoreline. The river especially this year has been haven for migratory birds, from the river mouth all the way up to the Highway 1 bridge.

If you do choose to pursue this proposal, an **Environmental Impact Report** will be required that specifically addresses the **Migratory Bird Treaty** (an international treaty) and the Endangered Species Act. I urge you to contact any number of avian scientists to confirm the number and kinds of species who inhabit the river throughout the year and the impact of disturbance to bird life, especially migratory birds of the Pacific flyway.

The good news is that river and its environs can be, and is, currently enjoyed by humans, from the vantage point of the river levee walkway, the San Lorenzo benchlands, the trestle walkway, and from all City bridges. This allows for concurrent human enjoyment of the riverine environment and protection of the bird life that relies on the river. This also allows for all residents to get the glad tidings of the river and to develop a sense of being a caretaker of this precious resource.

I urge you to reconsider this proposal.

Sincerely,  
Jean Brocklebank

## Rosemary Balsley

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**From:** hummingdeer <hummingdeer@yahoo.com>  
**Sent:** Sunday, November 24, 2013 1:09 PM  
**To:** City Council  
**Subject:** San Lorenzo River/Migratory Bird Act

Dear Councilmembers ~

I am very troubled to learn about the proposal to allow the the San Lorenzo River to be occupied by recreational craft, including SUPs, kayaks, rowboats and canoes.

The recreational use of the river will impact dozens of species of birds, including migratory birds, who feed and rest along the river on their long journeys to their breeding grounds. Depending on the species, the birds utilize different parts of the riverine habitat (some on the water, some in the reeds, some on willow branch above the water). Disturbance of this bird life can mean death for migratory birds who must feed and rest before finishing their journeys, because their energy will be sapped by fleeing the recreational users, just as it is compromised when they are chased at the shoreline. The river especially this year has been haven for migratory birds, from the river mouth all the way up to the Highway 1 bridge.

If you do choose to pursue this proposal, an **Environmental Impact Report** will be required that specifically addresses the **Migratory Bird Treaty** (an international treaty) and the Endangered Species Act. I urge you to contact any number of avian scientists to confirm the number and kinds of species who inhabit the river throughout the year and the impact of disturbance to bird life, especially migratory birds of the Pacific flyway.

The good news is that the river and its environs can be, and is, currently enjoyed by humans, from the vantage point of the river levee walkway, the San Lorenzo benchlands, the trestle walkway, and from all City bridges. This allows for concurrent human enjoyment of the riverine environment and protection of the bird life that relies on the river. This also allows for all residents to get the glad tidings of the river and to develop a sense of being a caretaker of this precious resource.

I urge you to reconsider this proposal.

Sincerely,  
Toni A. Wolfson,RN

## Rosemary Balsley

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**From:** jan harwood <jharwood@elgatito.com>  
**Sent:** Sunday, November 24, 2013 2:29 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Please do not continue paying large chunks of taxpayer money for desalination studies that are the wrong direction for our beautiful city.

Thanks, Jan Harwood, 312 Elm St., Santa Cruz 95060

**Rosemary Balsley**

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**From:** William Raff <morphinaturous@yahoo.com>  
**Sent:** Sunday, November 24, 2013 3:35 PM  
**To:** City Council  
**Subject:** The people of Santa Cruz Support Rick L. and Desal Alternatives

Dear City Council,

I would like to share with you that I am pro Desal Alternatives. Many people in Santa Cruz support me with this statement and I support many people with the same statement.

Sincerely,  
Will Raff

## Rosemary Balsley

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**From:** Susan Maresco <scmaresco@gmail.com>  
**Sent:** Sunday, November 24, 2013 4:26 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Susan Maresco  
204 Stanford Ave  
Santa Cruz, CA  
831-466-9007

## Rosemary Balsley

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**From:** Devi Tong <deviram@yahoo.com>  
**Sent:** Sunday, November 24, 2013 5:26 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

Please ensure that the Citizen Advisory Committee be representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

## Rosemary Balsley

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**From:** Drew Lewis <dudley@cruzio.com>  
**Sent:** Sunday, November 24, 2013 7:26 PM  
**To:** City Council; Paul Johnston  
**Subject:** water policy planning process

Dear City Council Members,

I personally feel that the Desal Alternatives group should be given more than just one seat on the water policy planning process committee. We have been doing some very intensive public outreach and tours of model homes of sustainable water practices including grey water and rain water harvesting this past month in particular. I think that now is the time to work together and find viable solutions to our water future instead of political conflict and strife which will not help us solve the problem.

Sincerely,

Drew Lewis

Santa Cruz Sustainable Living Center Workshop and Farm

## Rosemary Balsley

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**From:** Jan +/-or Carla Bentley <bentley410@yahoo.com>  
**Sent:** Sunday, November 24, 2013 7:47 PM  
**To:** City Council  
**Cc:** Micah Posner; desal  
**Subject:** Community Engagement for Drought Solutions

Dear Mayor Bryant and City Council Members:

This Tuesday Nov. 26, 2013 when you plan to debate the Community Engagement for Drought Solutions, it is clear that you are being cautious about your relationship with Soquel. The agenda report describes the relationship as a partnership when it is clear from the agreement between Soquel and Santa Cruz that the relationship is solely for the purpose of building a joint desalination project as described below in this excerpt from the agreement;



While you may choose to keep your joint desalination agreement with Soquel on the back burner, there is no justification for including them in the Community Engagement for Drought Solutions, at least in terms of expending rate payer funds, until "if and when" the newly formed Community Engagement Committee determines that a working relationship with Soquel is again in order. Perhaps the committee will determine that a working relationship with another local water agency such as Scotts Valley is of more value to the City's water rate payers. Having Soquel pre-ordained as a "partner" could inhibit the work of the committee.

Also, in as much as the Community Engagement Committee may choose to include the work to date from the desalination project investigation, please make it transparently clear to them and the public in general that the recent Draft EIR was subject to far more than 405 comments. There were 405 written or oral "presentations", if you will, and many of those presentations included multiple stand alone comments. Consider the following examples: NOAA's National Marine Fisheries Service made 9 comments, Ca. Dept. of Fish and Wildlife made 11, NOAA's Monterey Bay National Marine Sanctuary made 11 and my own comment letter include 47 individual questions. While it isn't the proposed committees duty to analyze this data, knowing that the "red flags" that the DEIR on the desalination project faces are far greater than the City would like to admit, they may decide that this effort does not merit a high place on their list of solutions.

All and all thank you for taking this new direction on drought solutions. If possible, I would like my letter placed in the agenda packet to this Nov. 26, 2013 meeting.

Thank you.

Jim Bentley  
718 Pacheco Ave.  
Santa Cruz, Ca. 95065

## Rosemary Balsley

---

**From:** linda murphy <lmurphy380@sbcglobal.net>  
**Sent:** Sunday, November 24, 2013 8:12 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. Given the large majority by which the citizens of Santa Cruz expressed an interest in exploring other options to its water plight, it would seem necessary to allow a more proportionate representation on the Advisory group that will be exploring such options, rather than just one person out of 19. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks for your consideration,

Linda and David Murphy  
Santa Cruz

## Rosemary Balsley

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**From:** tony gaidos <wviflyer@att.net>  
**Sent:** Monday, November 25, 2013 8:32 AM  
**To:** City Council  
**Cc:** Rick@desalalternatives.org  
**Subject:** Water

My wife and I believe that Desal should be dropped altogether and not considered as an alternative. Desal would be a continuing power requirement and a major contributor to Global Warming and for that reason alone should not be considered.

The Committee you are forming should better represent the 73 percent of the electorate than it now appears to be. We look forward to seeing changes in this direction.

We do hope that money is not the loudest voice you hear!!!! Remember that all that money represents very few votes. Remember 73 percent!!

Thank you for your consideration, Anton and Charlotte Gaidos

**Rosemary Balsley**

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**From:** Matthew Orbach <redmattsc@gmail.com>  
**Sent:** Monday, November 25, 2013 10:51 AM  
**To:** City Council  
**Subject:** Supplemental Water Supply 'Reset' Process

Dear Santa Cruz City Council,

Why are Rick Longinotti and Desal Alternatives being given such a major voice in this process? Does that organization accurately represent the majority of the 90,000 customers that depend on the Santa Cruz Water Department for their drinking water? They have already hijacked the legitimate public process that the City and District were using to pursue a safe and reliable supplemental water supply to protect residents, businesses, and endangered fish species against the effects of drought and seawater intrusion to explore 'alternatives' that have already been considered in-depth, and now they are pushing to disrupt other plans such as the Habitat Conservation Plan and the Water Conservation Master Plan that the City has been working on for years. All this is doing is delaying the processes that Santa Cruz voters, as participants in this representative democracy, elected its leaders to do. In doing so, they are putting residents, the water supply, and the endangered species in our rivers and streams that we are trying to protect at risk. While we agree that the City and District should hold off on recirculating the Draft EIR for the proposed desalination plant until the data from the final Habitat Conservation Plan and Water Conservation Master Plan can be incorporated into it, what we should NOT do is scrap the entire process for the benefit of one vocal minority opposition group. Our elected leaders should remember that they serve a much larger segment of the population than those who attend City Council and Water Commission meetings, and majority of those people simply want a healthy economy, a protected environment, and a safe and reliable water supply: things that the City and District have been working on diligently for years. I support that work.

Thank you,

Matt Orbach  
[redmattsc@gmail.com](mailto:redmattsc@gmail.com)

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## Rosemary Balsley

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**From:** Joe Foster <joe.foster@sccbbusinesscouncil.com>  
**Sent:** Monday, November 25, 2013 1:29 PM  
**To:** City Council  
**Cc:** Martin Bernal  
**Subject:** November 26, 2013, City Council Meeting - Community Engagement for Drought Solutions  
**Attachments:** Community Engagement CC Report 11.26.13.PDF

Mayor Bryant and Councilmembers,

Thank you for your continued leadership focused on this very important issue facing our community. We look forward to hearing the dialogue at tomorrow evening's City Council meeting.

Regarding the Drought Solutions Citizens Advisory Committee, we would welcome playing a key role in this civic engagement initiative. Please consider us a resource moving forward.

Thank you,

Joe Foster  
Executive Director  
Santa Cruz County Business Council  
P.O. Box 1267  
Freedom, CA 95019  
[P] (831) 515-2118  
[sccbbusinesscouncil.com](http://sccbbusinesscouncil.com)  
[Twitter](#)  
[LinkedIn](#)

### **Santa Cruz draws up new water engagement plan**

By J.M. Brown, Santa Cruz Sentinel, 11/25/13

SANTA CRUZ -- The City Council on Tuesday will consider establishing a year-long advisory panel to conduct a fresh evaluation of Santa Cruz's drought-prone water supply and offer recommendations on how to secure it amid mandated fish habitat protection and anticipated growth.

The city may spend up to \$1 million on new studies by the Drought Solutions Citizens Advisory Committee and an independent facilitator to lead the panel's work, according to a new report outlining the plans.

"Bringing a diverse group of community members together for a very intensive process of education, deliberation and recommendations is essential for our future water planning," said Vice Mayor Lynn Robinson, who will serve as mayor in 2014. "I anticipate this next year will have many opportunities for the entire community to get connected and participate regarding our region's watersheds, and I will be focused on those efforts."

Appointed by the council, the 19-member committee, whose meetings will be open with time for public comment, is the cornerstone of a renewed effort by the

city to solve the generations-old challenge of drought. Santa Cruz draws all of its water locally -- from the San Lorenzo River, North Coast streams and wells -- with surface sources vulnerable to drought and overpumped groundwater basins suffering saltwater intrusion.

The council voted in 2005 to pursue desalination, but after regulators and an increasingly well-organized political opposition heavily criticized a lengthy environmental analysis of the \$130 million project, city officials called for a "reset" to examine other choices.

"Future water supply options, including desalination, should undergo extensive exploration within the construct of feasibility, adequacy and cost," Assistant City Manager Tina Shull wrote in the new report, which outlines key themes for the public-led process. The committee, as a "clearinghouse for exploration and discovery of viable solutions," will review the forthcoming fish protection regimen, master conservation plan and economic impact study of water supply and demand options.

Shull said years of other technical studies that informed the desal analysis will still be on the table, but new studies will be required to answer the committee's questions about storage, conservation, regional water swaps and a host of other ideas.

"We aren't precluding anything from being available to the committee and we would go much more in-depth largely around other options for alternatives," Shull said. "We've just found that our community wants a deeper exploration of them, and we need to do that work."

John Aird, a watchdog on water and growth, said he hopes the committee reidentifies the city's problem as one of water management not supply. He argues there is plenty of water, but most of it flows to the ocean during winter.

"Therefore, our challenge is how to capture more, distribute better, use more efficiently and do so with the support of more progressive water-use and development policies," he said.

## **VOICE FOR ALTERNATIVES**

Rick Longinotti, co-founder of Santa Cruz Desal Alternatives, said he hopes the committee will contain more voices like Aird's. The alternatives group is slated to have a single seat on the panel, and Longinotti hinted at a 2014 council bid if there isn't greater representation.

Longinotti also has called for public participation in the ongoing fish habitat negotiations with federal and state regulators, as well as the city's master conservation scheme, before those plans are completed.

"There is a reason that the city suffered a loss of credibility through its single-minded pursuit of desalination," Longinotti wrote in an email to supporters. "We hope that the City Council is determined to restore public faith in government on this issue."

Longinotti and city officials will meet Monday to iron out concerns. Shull said the proposed composition of the committee, including seats for environmentalists, business, tourism, recreation and ordinary citizens, is vague so that council members can fill the panel as they see fit.

The estimated cost of a facilitator for the committee is \$150,000 to \$300,000, though a more precise cost won't be known until bids are solicited, Shull said. Likewise, an estimate of \$500,000 to \$700,000 for new studies could change based on the committee's scope of work.

Shull also will ask the council for permission to study relaxing restrictions on recreational use of the river as a way to inform people about the watershed and the city's largest supply source.

What the council will not be asked to do Tuesday is decide whether and when to make fixes to the desal environmental report. Shull said that question will be brought back in early 2014 after addressing complex issues involving the city's desal partner, the Soquel Creek Water District, with whom the city has split \$15 million in costs to date for desal.

Follow Sentinel reporter J.M. Brown at [Twitter.com/jmbrownreports](https://twitter.com/jmbrownreports)

### **AT A GLANCE**

The proposed makeup of membership in the city's 19-member Drought Solutions Citizens Advisory Committee are:

Two City Council members

Two city Water Commission members

Three environmental organizations

Two business representatives

Two city residents

One county resident

One representative each from education, tourism, Santa Cruz Desal Alternatives, Sustainable Water Coalition, recreation, industry/manufacturing, real estate/development

SOURCE: City of Santa Cruz

### **IF YOU GO**

SANTA CRUZ CITY COUNCIL

WHAT: Community engagement plan on water supply

WHEN: 7 p.m. Tuesday

WHERE: Council Chamber, 809 Center St.

Information: [www.cityofsantacruz.com](http://www.cityofsantacruz.com)

**Rosemary Balsley**

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**From:** Henry Searle <hrsearle@sbcglobal.net>  
**Sent:** Monday, November 25, 2013 3:25 PM  
**To:** City Council  
**Subject:** Agenda of Nov 26, 2013, Drought protection

I think that the make-up of the Committee should be reasonably balanced between groups and individuals who are inclined, but not dogmatically inclined, towards and against desal. I believe the proposed make-up does not meet this requirement. I don't believe it is necessary and perhaps it is not desirable to have Councilmembers on the Committee.. Community acceptance will depend on the make-up of the Committee. A Committee perceived to be blue ribbon or reflective primarily of business/economic interests will be counter-productive. For this reason, perhaps appointments should be made by Councilmembers Lane and Posner.

Before the City decides on how to protect from drought, the City should decide what it wants water for i.e. do we want to provide substantially the same amount of water as we now have, more water for the present population and businesses, or water for growth as anticipated by the present General Plan and by UCSC expansion. Once we know how much water we probably need, and for what, we can decide how to get it or how to do without it.

I don't think it will do to rely on the growth assumptions in the General Plan because that Plan anticipates availability of desal water. I understand that this puts "growth" at issue, but it is the proverbial elephant in the living room and best it be confronted now.

Reed Searle  
114 Swift St  
Santa Cruz, Ca. 95060  
831-425-8721  
[hrsearle@sbcglobal.net](mailto:hrsearle@sbcglobal.net)

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## Rosemary Balsley

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**From:** Gillian Greensite <gumtree@pacbell.net>  
**Sent:** Monday, November 25, 2013 2:26 PM  
**To:** City Council  
**Subject:** SAN LORENZO RIVER ITEM

Dear Mayor Bryant and Council members,

I understand that on Nov. 26th you will be considering initiating a study to explore opening up the San Lorenzo river to pleasure craft such as SUP's etc.

As a SUP'er that has a certain appeal. As a birder, I trust you will include a thorough environmental review to assess the impact on resident and migratory bird life. Your vote on this item should reflect the need for conducting such environmental review and assess if the cost for such a review is worth the end result.

Thank you,

Gillian

## Rosemary Balsley

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**From:** Blissful One <blissfulone2day@gmail.com>  
**Sent:** Monday, November 25, 2013 3:30 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

I would be happy to participate.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

G.A.Brewer

## Rosemary Balsley

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**From:** Sue Holt <suholt@cabrillo.edu>  
**Sent:** Monday, November 25, 2013 3:37 PM  
**To:** City Council  
**Subject:** comments on 11-26-13 agenda item

To: The City Council of Santa Cruz  
Re: proposed Drought Solutions Citizens Advisory Committee  
From: Sue Holt, retired environmental economist, Santa Cruz

Thank you for the agenda report. I appreciate the city's commitment to engage in an inclusive decision-making process regarding water supply options. The report specifies that the committee will engage in careful analysis of options, using maximum participation across community "dimensions."

The public's concern about the desalination plant proposal has turned out to be not simply a matter of conflicting values and interests. Having read many of the dEIR comments, I note the substantial range of local expertise and critical analysis about the inadequacies of that document. Therefore the new committee and its support system will need to answer several scientific questions.

These questions will not go away if the committee is unable to deal with them.

With these matters in mind, I have two concerns. First, I recommend that the city council use expertise as one criterion for the selection of committee members. Our community has a multitude of talented and thoughtful specialists who are willing to contribute their time and skill – hydrologists, engineers, behavioral scientists, etc. Such specialists can help others understand the various water supply options, their advantages and limitations, as well as identify key missing information and assist in its provision.

Second, we need to plan not just for occasional droughts, but also population growth, habitat protection, cooperation with neighboring water districts, changing water technologies, and pricing issues. Clearly, our water supply concerns are not limited to droughts. Droughts are part of the natural variation in climate, exacerbated to some extent by climate change; droughts cannot be "solved."

Therefore I recommend that the committee be named "Water Resource Options Citizens Advisory Committee" rather than "Drought Solutions CAC."

Thank you for your consideration.

## Rosemary Balsley

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**From:** Doug Engfer <doug@engfer.org>  
**Sent:** Monday, November 25, 2013 3:59 PM  
**To:** City Council  
**Subject:** Community Engagement for Drought Solutions  
**Attachments:** Note to Council on Water Advisory Group.pdf; ATT00001.txt

Attached please find my thoughts regarding Tuesday's agenda topic: Community Engagement for Drought Solutions. I would appreciate it if this letter could be included in the Council's information package for the meeting

25 November 2013

Mayor Hilary Bryant  
Councilmembers Pamela Comstock, Don Lane, Cynthia Matthews, Micah Posner,  
Lynn Robinson, and David Terrazas

Dear Mayor and Councilmembers,

I write today regarding Tuesday's agenda item: **Community Engagement for Drought Solutions**.

I applaud the Mayor and City Manager for proposing, and the Council for initiating, this "reset" of our community's conversation about its water supply. As had become clear and inescapable, the City's push for desalination had lost the support of the broad community, as evidenced by the overwhelming majority that voted in favor of Measure P. The reset can and should be an opportunity for the City to restore its credibility on this critical issue, regain the confidence of the community, and chart an actionable path forward to a sustainable, reliable, and safe water supply for the City of Santa Cruz.

Further, I appreciate the work that Staff put into its recommendations for community engagement and the formation of a Citizen Advisory Committee, and support many of those recommendations, including:

- Embracing Councilmember Lane's core principles, and using them as a foundation for the recommendations
- Professional facilitation
- Time and money budgeted for research and analyses in support of the Advisory Council
- Thoughtful delay of additional work on the dEIR
- Defining a process that is transparent, fact-based, and comprehensive

That said, there are a number of opportunities to improve Staff's recommendations in ways that, I believe, will best serve the City's goals and the community's needs. Specifically:

- The **Name and Charter** of the Citizen Advisory Committee should not be limited to "drought".
  - Words matter. The goal of the Advisory Committee should be to make recommendations relating to a sustainable water supply, which would address drought years as well as other issues that go beyond drought-specific impacts (such as salt-water intrusion, water-system economics, environment impacts, etc.).
  - I would propose something along the lines of **Citizen Advisory Committee for a Sustainable Water Supply**.

- The **Process** must be transparent, open, and fact-based.
  - Staff's recommendations in most areas support these tenets.
  - However, in some key respects, the recommendations unduly constrain the Advisory Committee and reduce the transparency of the process, thereby undermining the Advisory Committee's work before it starts.
  - Specifically:
    - The Recommendations state that the Advisory Committee will "analyze the results of the Habitat Conservation Plan, Master Conservation Plan, and Economic Impact Analysis".
    - Given that each of these processes have limited if any material public engagement or involvement, this Objective, as stated, restricts key aspects of the Advisory Committee's work and impact.
    - I would suggest that each of these processes (HCP, MCP, and EIA) become interactive with and incorporate the work of the Advisory Committee.
- The **Composition** of the Citizen Advisory Committee must match the intent of the process; that is, this must be a true reset of the conversation.
  - City Government should not be represented on the Advisory Committee.
    - The optics are all wrong, given that nearly every member of the City Council has at some time campaigned for or worked in support of desalination as the specific solution to our water supply issues. Having City Government represented on the Citizen Advisory Committee will undermine the Advisory group's credibility from the start.
    - The City Council and Water Commission will have ample opportunity to observe, participate in, and receive reports on the Advisory Committee's work.
    - There was no City Government representation on the Public Safety Citizen Task Force. Why change that precedent?
    - If the Council believes that City Government must be represented, then the only credible participants would be Micah Posner (City Council) and David Stearns (Water Commission), given that they have not worked in support of the desalination project and the public may view them as objective.
  - The proposed group is too big at 19 members. Something on the order of 12 would make the group more productive and allow each member to be fully engaged with and impactful on the process.
  - The proposed composition is too commercial, with 5 "slots" set aside for commercial business, compared to 3 "residents" and 3 environmental-group representatives. These "interest groups" should be more balanced. I would suggest 3 each.

- Advisory Committee members need to be “free from baggage”, open-minded, and able to listen: ready to follow the facts and analyses where they lead, even if that destination is at variance with previously-held positions.
- **Collaboration** with and **Engagement** of outside stakeholders must be under the auspices of the Advisory Committee.
  - Staff’s recommendations note that the “City will develop programming” to communicate the Committee’s work to outside stakeholders.
  - The Committee must own its own messaging, in order to be consistent with the core value of process transparency. If City staff is involved, then all content must be developed, reviewed and approved by the Committee.

Again, I applaud you all for taking this bold step to change the game and improve our community’s conversation around this crucial topic. I hope that you find my suggestions constructive, if not compelling. I look forward to being part of the process going forward.

Best,

Doug Engfer  
119 Linden St  
Santa Cruz CA 95062-1017

doug (at) engfer (dot) org  
1.831.234.8480

## Rosemary Balsley

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**From:** Dwight Smith <amoodman@cruzio.com>  
**Sent:** Monday, November 25, 2013 4:31 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach.

Price is the best tool we have to encourage thrift when using water.

Thanks,

Dwight Smith  
2604 Warwick Lane  
Santa Cruz, CA 95065

## **Rosemary Balsley**

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**From:** Patti Shimokawa <pshimokawa@gmail.com>  
**Sent:** Monday, November 25, 2013 4:45 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

I am disappointed I will miss the Council meeting tomorrow, as the desal issue is extremely important to me, but I want to make my thoughts known to you all here.

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. I really appreciated the Councils' recognition of the fact we need more community involvement on this critical quality of life issue. Now let's all walk the talk. Make sure the Citizen Advisory Council truly represents the people of Santa Cruz, not just the interests of the powers that be. A hand-picked group will never be a fair cross-section of those who live here.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts. Make sure your constituents have the opportunity to speak their minds. We are all stakeholders in this unique community. Please give residents the chance to act in this capacity, instead of sitting silently on the sidelines. The more people take on this responsibility, the stronger our city will be, and all of you are in the position to be the leaders of this renaissance. Don't let us down.

Thanks, Patti Shimokawa

## **Rosemary Balsley**

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**From:** Alan Voegtlen <avoegtlen@gmail.com>  
**Sent:** Monday, November 25, 2013 5:12 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

I am very interested in pursuing alternatives to a desalinization plant which would be prohibitively expensive and use great amounts of fossil fuels.

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks, Alan Voegtlen

## Rosemary Balsley

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**From:** d wirkman <debrawirkman@sbcglobal.net>  
**Sent:** Monday, November 25, 2013 5:59 PM  
**To:** City Council; Martin Bernal; Hilary Bryant; Lynn Robinson; David Terrazas; Cynthia Mathews; Don Lane; Pamela Comstock; Micah Posner  
**Subject:** Agenda Item: Community Engagement for Drought Solutions

Deb Wirkman  
127 Walk Circle  
Santa Cruz, California 95060

Santa Cruz City Council  
Santa Cruz City Manager  
809 Center Street  
Santa Cruz, California 95060

RE: November 26<sup>th</sup> 2013 City Council Meeting  
7:00 pm Agenda Item #1: Community Engagement for Drought Solutions

Mayor Bryant, Council, and Mr. Bernal,

I have reviewed City Manager Martin Bernal's agenda report on the subject of Community Engagement for Drought Solutions. I have a few comments on this report and topic that I would like to share with you.

First, the committee name proposed by Mr. Bernal, "Drought Solutions Citizen Advisory Committee," strikes me as too narrow in focus, especially given that Santa Cruz has committed to continuing to work in conjunction with Soquel Creek Water District, which faces imminent seawater intrusion regardless of whether or not drought conditions persist. Additionally, there are issues such as growth, the Habitat Conservation Plan, and many other aspects mentioned in the proposed purpose and objectives, suggesting a more apt name along the lines of Citizen Advisory Committee for a Sustainable Potable Water Supply.

Regarding the composition of the committee, I understand that stakeholder representation is important for the city manager to consider, but please keep in mind that the purpose of this citizen committee is to explore **alternatives to the proposed desalination project** for developing a more sustainable water supply for our community. We already have a very costly draft desal EIR, and the comment period for that hefty document has closed. Hundreds of comments were received. That topic has been explored rather thoroughly for now, and it's supposed to be on hold pending further action on the draft EIR. The purpose of this citizen committee isn't to rehash the desal project in comparison to every alternative idea. Rather, my understanding is that this is the time to explore alternatives to that project thoroughly enough in terms of feasibility, quantity of water they may generate, and cost, in order to establish their worthiness for further consideration. Therefore it isn't necessary, and in fact would be a hindrance, to attempt to divide the committee evenly between desal proponents and anti-desal activists. We need this citizen committee to comprise astute people who are interested in and determined to do the work required to complete the assigned tasks, not folks who are completely at odds with one another, and certainly not folks who think the entire discussion is a waste of time because they've already made up their minds that desal is the only way to go. A reasonable level of technical and scientific proficiency should also be required of all participants on this citizen committee. These considerations strike me as being far more important than ensuring that there are two business representatives and one each from industry/manufacturing,

real estate/development and hotel/tourism. The primary focus should be on engaging members of the community who can best contribute to this process. If someone has been engaged in water issues in the community and expresses the interest and ability to become informed on subjects of concern to this committee, it shouldn't matter if they spend their days working as a physician, surfboard shaper, food server, factory worker, homemaker, etc.

I should add here that while the desal project described in the draft EIR should not be rehashed by this citizen committee, this of course does not preclude discussion of other desalination or reverse osmosis related alternatives, and it may become necessary to delve into the draft EIR and/or public comments to help the committee evaluate these alternatives.

I have to raise the question of why Mr. Bernal would recommend that the citizen committee should have two city council members, who are of course elected officials. Perhaps this is a model that has been observed elsewhere, but if the committee reports to the city council, should it also be composed of council members? Meetings will be open to the public, so all council members can observe meetings, and of course they can also provide as much input as they wish. If council members serve on the committee, how would they be selected? Most current city council members have been involved in the proposed desalination project in some way, by serving terms on the SCWD2 task force for example, and they may find it difficult to be objective about considering alternatives to the proposed desal. project. Also, public perception of the "citizen committee" may be negatively impacted by too much government participation.

Water Commission members can impart valuable perspective and expertise, but should refrain from expressing bias toward the proposed desal project during the alternative exploratory process. The Water Commission member(s) who participate in the citizen committee should be sincerely interested in exploring alternatives to desalination.

Now I've arrived at the delicate matter of the selection of the committee members. How is this to be done so the community (and the hardworking committee members themselves) feel the committee has been given the best chance of carrying out its tasks? I believe Mr. Bernal's recommendation that the mayor and council make the selections is not the appropriate way to go. The committee appointments should not be made by the mayor and council because the desalination issue is far too political, and that issue's influence certainly carries over into this committee. The SCWD2 Task Force has comprised two city council members (and sometimes an alternate) since 2007, and more than half of current city council members have served on the desal task force. The majority of council members have also expressed a favorable opinion of the proposed desal project at one time or another. This is not to say that council members are incapable of changing their minds or putting aside their opinions for the purpose of fairly selecting committee members or even reviewing alternatives. But it is worth considering whether it would make more sense, certainly in terms of the appearance of fairness, for the moderator to be selected first, then be tasked with making the final committee selections based on qualifications determined from reviewing relevant information, applications and interviews. If we're going to pay an impartial moderator such a large outlay of public funds, we should certainly consider involving that person in helping us establish a fair and workable committee.

A truly unbiased and proficient moderator is crucial to this process from beginning to end, and the selection of the moderator must be transparent to the community. Applications for committee membership can be solicited and gathered by the city council and compiled by the mayor and council while the moderator is being recruited, and the committee membership can then be finalized after the moderator is chosen.

Any consultants hired for analysis of alternatives recommended by this citizen committee should not be the same consultants who worked on the draft desal EIR. The community has expressed a lack of confidence that the consultants who wrote the dEIR are unbiased regarding alternatives to desalination, and we prefer to pay unbiased consultants for work on this phase of our water resource alternatives investigation.

It's also crucial for the citizen committee to stay on topic, as there are clearly many educational sessions planned by the city, and numerous conservation, storage, transfer and other alternatives to review, with many particulars of each to discuss. The committee will comprise volunteers and their time is valuable. The topic of recreation on the lower San Lorenzo River is not a water supply alternative, and therefore this issue should not be tasked to the citizen committee. Most likely it would be a wedge issue for the committee. For example, the birding community and some other conservationists are very concerned about the potential disruption of migratory birds and their habitats, while other groups who may be represented on this committee are promoting this opportunity to expand recreation, and to promote positive use and increased awareness of the lower river area. Clearly the topic of boating concessions is far beyond the scope of this committee. I hope the city council will decide to handle this issue.

My opinion on increasing water recreation opportunities such as row-boating, kayaking, canoeing and stand-up paddling on the lower San Lorenzo is that known water quality health risks and conservation of wildlife habitat should be important considerations in deciding this issue. In order to keep access reasonably limited, to protect migrating birds and fish habitat for example, a permit system designed to limit access, hold people accountable for following rules, and warn individual users of health hazards should be instituted, with strict rules regarding disturbing wildlife and habitat enacted for those who take to the water.

Finally, I'm pleased that Mr. Bernal is not rushing to a conclusion on the issue of how to proceed on further work on the desal draft EIR; this is a good decision for the community.

Thanks for considering my comments on this agenda item of tremendous importance to our community's future.

A Joyful Thanksgiving to All,

Deb Wirkman  
Santa Cruz City Resident

## Rosemary Balsley

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**From:** Randa Solick <rsolick@gmail.com>  
**Sent:** Monday, November 25, 2013 8:31 PM  
**To:** DesalAlternatives@yahoogroups.com  
**Cc:** City Council; Micah Posner  
**Subject:** Re: [DesalAlternatives] Community Engagement for Drought Solutions

Dear City Council members - As a customer in the Soquel Creek Water District, I am very hopeful that one of the main items in your discussion of alternatives will be water transfers between our two districts. It's a win-win situation, getting water from the San Lorenzo in winter and depositing it in Soquel's aquifers, where it would be available to the city in times of drought and would replenish our aquifers meanwhile. Please make John Ricker's upcoming report on transfer possibilities widely publicized, so that people in both districts can consider his findings.

I hope that prospective candidates for the Community Engagement Commission will see that this and other alternatives can and should form the backbone of our water solutions. Since Desal Alternatives has studied these alternatives in depth, I ask that you assign at least two members of the group to the Commission.

Thank you for this new direction - Randa Solick, Aptos

On Sun, Nov 24, 2013 at 7:46 PM, Jan +/-or Carla Bentley <[bentley410@yahoo.com](mailto:bentley410@yahoo.com)> wrote:

Dear Mayor Bryant and City Council Members:

This Tuesday Nov. 26, 2013 when you plan to debate the Community Engagement for Drought Solutions, it is clear that you are being cautious about your relationship with Soquel. The agenda report describes the relationship as a partnership when it is clear from the agreement between Soquel and Santa Cruz that the relationship is solely for the purpose of building a joint desalination project as described below in this excerpt from the agreement;

While you may choose to keep your joint desalination agreement with Soquel on the back burner, there is no justification for including them in the Community Engagement for Drought Solutions, at least in terms of expending rate payer funds, until "if and when" the newly formed Community Engagement Committee determines that a working relationship with Soquel is again in order. Perhaps the committee will determine that a working relationship with another local water agency such as Scotts Valley is of more value to the City's water rate payers. Having Soquel pre-ordained as a "partner" could inhibit the work of the committee.

Also, in as much as the Community Engagement Committee may choose to include the work to date from the desalination project investigation, please make it transparently clear to them and the public in general that the recent Draft EIR was subject to far more than 405 comments. There were 405 written or oral "presentations", if you will, and many of those presentations included multiple stand alone comments. Consider the following examples: NOAA's National Marine Fisheries Service made 9 comments, Ca. Dept. of Fish and Wildlife made 11, NOAA's Monterey Bay National Marine Sanctuary made 11 and my own comment letter include 47 individual questions. While it isn't the proposed committees duty to analyze this data, knowing that the "red flags" that the DEIR on the desalination project faces are far greater than the City would like to admit, they may decide that this effort does not merit a high place on their list of solutions.

All and all thank you for taking this new direction on drought solutions. If possible, I would like my letter placed in the agenda packet to this Nov. 26, 2013 meeting.

Thank you.

Jim Bentley  
718 Pacheco Ave.  
Santa Cruz, Ca. 95065

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## **Rosemary Balsley**

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**From:** Coasttide@aol.com  
**Sent:** Monday, November 25, 2013 6:32 PM  
**To:** City Council  
**Subject:** (no subject)

I would like to leave a message about my feelings for looking into solutions for the water issues in regard to alternatives to desal. I know there are ways to do this. I do not in any way support desal.  
thank you,  
Barbara Gibson

## Rosemary Balsley

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**From:** Jacquy Griffith <jkgriffith@sbcglobal.net>  
**Sent:** Monday, November 25, 2013 6:47 PM  
**To:** City Council  
**Cc:** Hilary Bryant  
**Subject:** Water Issues for Consideration 11/26/13

Dear Mayor Bryant and City Councilmembers,

The City has a credibility problem on the water issue. If you want to regain the trust of the community, then make sure that the composition of the Citizens Advisory Committee fairly represents the sentiment in the community.

The representation from the Water Commission should be David Stearns. Micah Posner, who represents the 72.4% of Santa Cruz who voted for Measure P ought to be the Council member, if there is to be one.

The first Motion proposed by the City Manager should be amended to include the following words (capitalized for clarity):

"Motion to accept the framework for an extensive community engagement effort centered on water supply, WATER DEMAND, AND CONSERVATION MEASURES, with the purpose of engaging community exploration of the options for stable, secure and reliable supply in times of drought."

It is important to make it clear that "water supply" does not necessarily mean a new water supply source.

The proposed membership of the Citizens Advisory Committee has 19 members of whom 5 are from the business community -- listed as separate entities (2 from Business, 1 from Hotel/Tourism, 1 from Industry/Manufacturing, and 1 from Real Estate/Development) while in fact they all represent the same interests. This group should be reduced to 2 or 3, at most. The Community Water Coalition is not included in the list. It is imperative that this organization be represented.

If you stuff this committee with pro-desal people, you will not get fair results and it will only lead to community strife and more disfunction. These slots should go to people with alternative ideas or at least open minds and not desalination proponents. Please remember the results of considerable citizen effort resulting in a landslide for Measure P. If you don't like the committee results, you have the votes as Council. If you don't give alternatives a chance by appointing the people who care about the alternatives, we will all pay for it, and you Council members in particular.

I suggest a Council committee of Don Lane and Micah Posner do the selecting for the Citizen Advisory Committee.

I appreciate the Provision to spend money for professional evaluation of alternatives (\$150-300K)..., but this figure this seems too small. After ALL the money thrown at desalination( and ALL the money it would cost to build and operate a desalination plant), Council should fund the exploration of alternatives adequately. Please be sure to include expansion of Loch Lomond capacity! Recently, John Laird spoke for it, saying it is now timely to consider now that the HCP will be resolved. We need to see how that would work with different models for dam height and with different models of water transfers. It seems to me that we can take care of Santa Cruz and be good neighbors to Soquel.

Please open up the Habitat Conservation Plan process to the public. Many other communities who have developed HCP's have involved the public in the process. A basic principle of self-governance is that the people affected by a decision should have input into that decision.

Please honor the request from the County Board of Supervisors that the City include John Ricker as observer in the negotiations on the HCP.

The Economic Impact Analysis should not be performed at this time. This Analysis was part of the City's public relations push for desalination.

The process for developing the Master Conservation Plan needs to include citizen participation beyond the usual 3 minute statements at Water Commission and Council meetings. This Plan will form the basis of the City's investments in water conservation for years to come. Here are some options for improving citizen input into the Master Conservation Plan:

- An ad hoc committee of citizen and non-profit water conservation specialists should be able to make recommendations on the Draft.
- The Master Conservation Plan draft plan could be approved by the Council in early 2014 with the understanding that it could be amended with recommendations from the Citizen Advisory Committee, but I suggest that it be put on hold so that it could be considered by the Citizen Advisory Committee first.

Thank you for all you do, Councilmembers!

Sincerely,

Jacquelyn Griffith (Jacquy )  
239 Calvin Place  
Santa Cruz, CA, 95060

Jacquy Griffith

**Rosemary Balsley**

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**From:** Mark Mesiti-Miller <mark@m-me.com>  
**Sent:** Tuesday, November 26, 2013 9:20 AM  
**To:** City Council  
**Subject:** Community Engagement for Drought Solutions

**Dear Mayor and City Council,**

**Having reviewed the Agenda Report dated November 12, 2013 for Community Engagement for Drought Solutions on the November 26th meeting of the Council, I offer the following comments.**

**I applaud the City's efforts regarding this complex and important matter.**

**With regards to budget, I suggest the City allocate \$1,000,000 towards this effort with the intent of minimizing the cost of the facilitator and allocating the rest to technical studies of the various alternative solutions to be explored. The value of high quality technical support and advice cannot be underestimated.**

**With regards to membership of the Citizens Advisory Committee, I suggest you include at least one at-large member from the Live Oak area who is a customer of the City Water Dept. but not a citizen of the City.**

**With regards to opening the San Lorenzo River to public access, I encourage the City to make this real as soon as possible. Further activating this spectacular natural resource, can only be a positive improvement to our community... I suggest taking this idea a bit further and allocate some resources to Parks and Recreation to explore the construction of a public access to the water's edge and perhaps providing space for a vendor to supply visitors with knowledge, kayaks, canoes, and other water equipment.**

**Thank you for your leadership and Happy Thanksgiving to you and all yours.**

**Mark Mesiti-Miller  
340 Meder St, Santa Cruz**

## Rosemary Balsley

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**From:** Jean Brocklebank <jeanbean@baymoon.com>  
**Sent:** Tuesday, November 26, 2013 10:17 AM  
**To:** City Council  
**Subject:** Concern about adequate notice on agenda item (11/26)

Dear Councilmembers ~

I write to request a delay in passing a motion to explore the SAN LORENZO RIVER EDUCATIONAL & RECREATIONAL OPPORTUNITIES. This item has received scant attention from the general public, being an inhouse effort between the Coastal Watershed Coalition, some Council members and City staff.

Most importantly, this item was virtually lost to public view on the agenda, tucked away on page 7 of the greatly important **Community Engagement for Drought Solutions** agenda item for tonite's meeting. To be fair to the general public, while being responsive to recreational river users, I think the Council would be wise to reschedule this agenda item to its next regularly scheduled meeting, placing it out in the open, so to speak.

Additionally, the staff report says that "...staff met internally and with stakeholders to discuss river access options and potential challenges." As a member of the environmental community of Santa Cruz, I consider myself to be a stakeholder. Yet, there is nothing in the staff report on this agenda item about the environmental impacts of increased recreational use of the San Lorenzo River.

On Friday, I walked the river levee pathway and observed on the river 400 American Coots, several Snowy Egrets, rare to Santa Cruz Bufflehead Ducks, other unidentified ducks, 200 Gulls of various species, a Belted Kingfisher and many more unidentified species of birds who feed and rest on the San Lorenzo River. These species must be given consideration, even though there was no inclusion of river wildlife in the staff report's statement that "...the City may need to acquire state and/or federal regulatory approval prior to opening river access."

I respectfully urge the Council to re-schedule this item for your next regular meeting, to give the greater public a chance to learn what might be happening to the San Lorenzo River (which includes wildlife), as well as to give staff more time to research and understand the various regulations involved in such an undertaking, including an international treaty (Migratory Bird Act).

Sincerely,  
Jean Brocklebank

### SAN LORENZO RIVER EDUCATIONAL & RECREATIONAL OPPORTUNITIES

A final and related concept is one step toward educating about our watershed and opening recreational opportunities. Within Chapter 9.66 of the Santa Cruz Municipal Code "Regulation of Ocean Water Sports" is a prohibition against boats on the San Lorenzo River unless specifically authorized by the Director of Parks and Recreation.

The Coastal Watershed Council and City Water Department staff led a guided paddle tour of the lower reaches of the San Lorenzo River on October 12, 2013. This overwhelmingly successful

event has catalyzed further exploration of easing the restrictions on river access. Since that time, staff met internally and with stakeholders to discuss river access options and potential challenges. Considerations include, but are not limited to user safety, operational impacts, concessionaire opportunities, parking, and enforcement. Additionally, the City may need to acquire state and/or federal regulatory approval prior to opening river access.

Staff formed an internal task force, with representatives from Parks and Recreation, Water, Planning, Public Works, Fire, Police and the City Attorney's Office, with City Manager's Office leading the effort. With the Council's support to move forward, this group will meet with community stakeholders such as the Coastal Watershed Council, further analyze options and potential impacts, and develop policy recommendations for City Council review in 2014.

**Rosemary Balsley**

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**From:** newmans <newmans@cruzio.com>  
**Sent:** Tuesday, November 26, 2013 10:47 AM  
**To:** City Council; Micahposner; Martin Bernal  
**Subject:** the proposed water committee

City Council and Staff-

The city's proposed community committee, consisting mostly of part-time amateurs who know little or nothing about the complex water issues will do nothing but bog down and leave the impression that there is no alternative to desal. To be meaningful and productive, the committee should comprise those people who are expert in water issues, by past or present employment as water professionals (like Bill Smallman, Jan Bentley, and others) or by virtue of engineering backgrounds supplemented by years of intense study of the water issues (like Jerry Paul, Rick Longinotti, Scott McGilvray and others). Good alternatives include recycled water, regional water sharing, improved collection and storage, aquifer restoration, improved conservation and water-neutral growth, and combinations of these. This can only be achieved by the city seriously committing to research these with the goal of implementing, rather than dismissing them. The proposed committee can't accomplish this.

steve newman  
220 san jose ave.  
427 2792

COUNCIL  
AGENDA  
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## Rosemary Balsley

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**From:** Dorinda Parker <dorinda.parker@gmail.com>  
**Sent:** Tuesday, November 26, 2013 11:04 AM  
**To:** City Council  
**Subject:** Comments on Proposed Citizens Advisory Committee for water supply options

I am a fairly new resident of Santa Cruz, committed to seeing Santa Cruz become a community where neighbors know one another and we all work together to keep Santa Cruz the beautiful place that it is. Our biggest asset as a City is the Monterey Bay and surrounding natural areas we all have access to and keeping those areas pristine and accessible is important to all of us in Santa Cruz. We have a problem with water supply and management here in Santa Cruz and many people in Santa Cruz want to become involved in finding the right solutions to our collective problem with water. This is another huge asset we have here in Santa Cruz -- citizens who want to be engaged in the process who have expertise in so many different areas that can be used to find solutions to the problem.

The proposed Citizens Advisory Committee that is being formed to provide recommendations to the City Council for water supply options is a great idea. The composition of this advisory committee is very important -- if it is composed of people who all represent the same interest, you may as well not form the Committee. There will be no diversity of thought and solutions will be limited. In order to come up with good solutions, you need diversity of thought so you need equal representation from various interests representing what residents think on the issues. I hope the City Council will make wise decisions about the citizens who will be appointed to this committee so it doesn't become just a rubber stamp or something formed to placate the residents. That is a waste of time and talent.

This Citizen Advisory Committee should help to develop the City's new Master Conservation Plan as the water supply and management problem is a key part of the Master Conservation Plan. This is what government should be all about -- using input, expertise and buy-in from citizens working together with city council to reach common goals.

It is also important that the Council revise their staff recommendation to open up the Habitat Conservation Plan process to the public. Again, citizen input is important in this area, and many other communities doing this same thing have fully public meetings. Certainly we should have fully public meetings in Santa Cruz as well.

I look forward to seeing what the next chapter of Santa Cruz history will look like. We are at a pivotal point with critical decisions being made which will alter our town in the future. I hope the decisions made will allow citizen input and fully public meetings. Thank you.

Dorinda Parker  
216 Woodrow Avenue  
Santa Cruz

## Rosemary Balsley

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**From:** Craig Bush <bushcraig@hotmail.com>  
**Sent:** Tuesday, November 26, 2013 11:53 AM  
**To:** City Council  
**Subject:** Citizens Advisory Committee

Thank you for your efforts to find a sustainable water system in balance with nature. Being stewards of a marine sanctuary require us to do so. May I suggest appointing people with relevant skills and education in water science technology. Environmental Sciences such as marine biology, river hydrology, hydro-geology, environment historians, fisheries, business administration, education, people with a value for the future.

Nineteen people could be too many for a functional outcome. May I suggest a leaderless organization with a committee chairperson and secretary for records and feedback. State the reasons for the committee in detail. If this is to discover alternatives then state the alternative to what? Air out the failures of the desal if you want to learn from your mistakes. Instead of wasting anymore time on theories based on speculations go with proven strategies that have been implemented throughout CA. Explore 21st century water science technologies. Superior effluent, enhanced tertiary, aquifer recharge, coconut shell carbon based filtration are technologies with proven success. Chesapeake Bay was brought back from being a dead zone to a thriving living ecosystem using this technology. We can create a water system here that would create millions of gallons a day using our present facility. We could restore San Lorenzo river. We can recharge Purissima aquifer. We can end the discharge of inferior effluent into the bay. We can end the discharge of toxic sand from switchout into the bay. We can divert major storm drain culverts to a treatment station to recharge Aromas aquifer. All these things will have a huge positive impact on our sanctuary. This is the solution to water sustainability. It will take political will and education about 21st century water science technology. Why have these issues been left off the table for discussion?

I have brought these issues to the attention of the council for several years now. To no avail. Mr. Lane responded once with a statement that he was told this would not work here? This is it? No discussion. I assure the council that even though we have a mystery spot in Santa Cruz that 21st century water science technology applies here the same way as anywhere else on our planet. It is time to look to the future.

Craig Bush

## Rosemary Balsley

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**From:** Nancy Drinkard <nansuedr@comcast.net>  
**Sent:** Tuesday, November 26, 2013 12:07 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

As proposed, the "Drought Solutions Citizens Advisory Committee" feels very much like a continuation of "business as usual." The *great majority, if not all, of this committee should be comprised of folks with expertise in such fields as hydrology, geology, environmental economics, and frankly, with some creative bright folks who think "outside the box."* Desal Alternatives, the group that has done so much to raise our awareness of the environmental and fiscal challenges of desalination, and has fostered a spirit where alternatives are *honestly* being studied by some, should be *well represented*.

19 or so citizens, lacking the needed expertise to facilitate the function of the committee, or, more problematic, having already participated in/committed to the process that brought us the desal project, do *not instill* any confidence that they will do much of anything, except...business as usual.

I'm reminded of General Motors big, annual, auto show, held in the Renaissance Center in downtown Detroit, in April 2010. Long after alarm bells had sounded about global warming, and oil prices had risen quickly, the salesmen at the auto show were proudly showing large, *very large*, fuel inefficient cars and SUVs. Their "small, fuel-efficient" models were few and very ugly. There were *no hybrid* models. I wondered if I was really in the car capital of the United States.....

Please...appoint folks with *expertise, and who are committed to considering all feasible options*, to this committee!

Thank you,

Nancy Drinkard  
a committed Levee

## Rosemary Balsley

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**From:** Megan Dawson <meglRDD@gmail.com>  
**Sent:** Tuesday, November 26, 2013 12:31 PM  
**To:** City Council  
**Cc:** Rick Longinotti  
**Subject:** council meeting issues

Dear Council,

I plan to attend tonight's council meeting, along with many many other Santa Cruz residents who support Desal Alternatives. Because I will not have an opportunity to speak, I am sending you a short list of my critical issues so you understand why I am attending:

Issue #1: the composition and mandate of a proposed Citizens Advisory Committee: the Committee MUST be representative of public sentiment in Santa Cruz. One seat for Desal Alternatives, out of nineteen on the committee, with most of the seats chosen by the mayor, doesn't cut it. Stacking the committee in favor of pro-development, pro-desal interests will destroy any semblance of fair play and good faith on the part of the council. The citizenry is watching.

Issue #2: development of the new Master Conservation Plan must include input from the new Citizen Advisory Committee FROM THE GET-GO, not just at the end when all is "said and done"...

Issue #3: the Habitat Conservation Plan process must be opened up for public input and involvement. Make use of excellent local resources (invite expert John Ricker's participation, for example).

Transparency is a good thing.

I expect you to take advantage of the expertise of many local professionals who have been involved in Desal Alternatives issues, and make sure that the mix of those who are brought into the tent represents the diverse and informed Santa Cruz citizenry.

Thank you for reading -- see you tonight.

Megan Dawson 204 Woodrow Avenue, Santa Cruz

## Rosemary Balsley

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**From:** JAMES LAWTON <jwlawton@sbcglobal.net>  
**Sent:** Tuesday, November 26, 2013 12:56 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members, It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts. Thanks,

Chris Krohn  
123 Green Street  
Santa Cruz, Ca. 95060

November 25, 2013

Mayor Hilary Bryant and Council Members  
Santa Cruz City Council  
809 Center Street  
Santa Cruz, CA 95060  
Re: Our Water Future

Dear Mayor Bryant and City Councilmembers:

It was with great interest and fanfare that the Mayor and City Manager announced the news of a “reset” in a press release this past August. Now we are here to discuss the future of water in Santa Cruz water and what measures can be put in place to capture and conserve this valuable resource, without the expensive and energy intensive implementation of desalination.

I am dismayed by the *bureaucratese* and forgetfulness reflected in the city manager’s agenda report to the council dated, Nov. 12, 2013. There is an apparent lack of awareness that keeping the EIR afloat is akin to telling the community that you don’t really want, or value, our input. It certainly seems that there may be a level of trust missing here. Why should the community participate in discussing “Our Water Future” if the city manager’s letter translates into full-steam into a desal future? And are you actually going to spend \$150k-\$300k on a facilitator? (How about an itemization of how that money is being planned to be spent?)

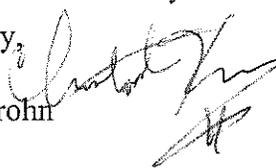
**I urge the council to decide the following:**

- Resolve the fate of the DEIR before entering into a serious community dialogue about our water future. (If not, the community will think you are not serious.)
- When the DEIR is taken off the table then I urge the council to:
  - Cut the number of committee members from 19 to a more manageable number, perhaps 9-11. And do NOT put on councilmembers or water commissioners as they already have a platform for their voices. Let the community decide, it is a *citizen’s* advisory committee.
  - Allow the new task force to select the facilitator of this process and limit facilitation budget to \$50k, unless “facilitation” involves more than just facilitation of the committee’s work. If so, state what is involved.
  - Consider a very public—civic auditorium—water discussion day in which members of the public come for a brainstorm session on a Saturday morning (perhaps two of these sessions—middle and end of process). I would then recommend “breakout groups” at these sessions and each member of the committee could be assigned to facilitate one of the groups. This discussion would allow members of the public to also comment on what committee members have proposed.

Thanks again for calling the reset. Now let’s continue, take the DEIR off the table and continue with a real community discussion and dialogue.

Sincerely,

Chris Krohn



## Rosemary Balsley

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**From:** Bren Lehr on behalf of City Council  
**Sent:** Tuesday, November 26, 2013 10:19 PM  
**To:** Cynthia Mathews; David Terrazas; Don Lane; Hilary Bryant; Lynn Robinson; Micah Posner; Pamela Comstock  
**Cc:** Tina Shull; Linette A Almond; Rosemary Balsley  
**Subject:** FW: Minority Report (Councilman Posner's Title)  
**Attachments:** City Council Meeting 11-26-13.docx

FYI

**From:** Matthew Orbach [mailto:[redmattsc@gmail.com](mailto:redmattsc@gmail.com)]  
**Sent:** Tuesday, November 26, 2013 10:18 PM  
**To:** City Council  
**Subject:** Minority Report (Councilman Posner's Title)

Dear Council Members,

As I was unable to finish presenting this in my allotted time, here is the full text of my presentation. I don't envy your jobs, but I look forward to participating in this process moving forward.

Thank you,

Matt Orbach  
831-600-5469  
[redmattsc@gmail.com](mailto:redmattsc@gmail.com)

November 26, 2013

Dear Council Members,

My name is Matt Orbach. I was born in Santa Cruz, grew up in North Carolina, and then returned here to get my Bachelor's degree at UC Santa Cruz. I have also worked at The Crow's Nest for over ten years. Currently, I am pursuing a Master of City and Regional Planning degree, with a focus on water resource management, at the California Polytechnic State University, San Luis Obispo. I am here tonight because I cannot sit idly by while this political process is taken over by minority opposition groups who are disproportionately represented in the local media. The City has already let their negative comments on the Draft Environmental Impact Report (EIR) for the proposed desalination plant and the political pressure from the biased reporting in the Santa Cruz Sentinel stall a legitimate water supply alternative proposal and its associated research on other water supply alternatives that have been over ten years and millions of dollars in the making. Even if every single comment on that EIR was negative, that is only 0.004% of the population that depends on the City of Santa Cruz Water Department for the potable water they need to live. Most of those other 99.996% of people you never see at these meetings. Why? Because we live in a representative democracy where we elect leaders like yourselves to maintain and operate the municipal systems that provide the things we need to go about our daily lives. I have met many of you, as well as members of both the Santa Cruz Water Department and the Soquel Creek Water District, and I can attest to the fact that all of you do what you do because you are passionate about both your jobs and the well-being of Santa Cruz and its residents. There are no massive conspiracies, no one is out to get rich, no one is out to destroy the environment, and no one is trying to destroy the lives of customers with arbitrary water rate increases. The truth is quite the opposite. We have very real water issues here in Santa Cruz County, and these are the people that deal with them every day in a very objective, environmentally sensitive, and responsible manner.

Now we find ourselves in this 'reset' process, which will focus on getting more public input on an issue that has already been collecting public input for over a decade. While we wait for the results of both the Habitat Conservation Plan (HCP) and the Water Conservation Master Plan, this is a completely worthwhile endeavor, as the data from those should be included in the analysis of whatever supplemental water supply we choose to pursue going forward. We should be discussing how this critically important issue will affect every single resident, the environment, and our local economy. If anything, this process has suffered from a lack of public interest. What we should not do is let small opposition groups and their leaders use this opportunity to obstruct and delay other work that the City has been pursuing, such as the HCP and the Conservation Master Plan. The HCP process, especially in the case of Santa Cruz because it deals mainly with our existing levels of use and the determinations of the Division of Fish and Wildlife, would only suffer from being opened up for public input, and the Conservation Master Plan has already gone through its public input components (some of which I attended) and is in its final stage. Opening up either of those to further public involvement, dispute, and delay would be harmful to the majority of Santa Cruz residents who are looking to the City to resolve this issue in a time and cost-effective manner. In addition, I urge you not to give in to the demands of groups like Desal Alternatives, who publicly threaten your jobs in the media if you do anything their organizations don't agree with, regarding this Drought Solutions Citizens Advisory Committee. Whatever the number of members it ends up including, this committee should adequately address the spectrum of stakeholders in this process, provide information, and spark discussions that can be shared and continued in other public forums.

Given adequate information, I believe that there is a silent majority out there who support the work that the City and District have done up to this point with their extensive and effective conservation efforts and the search for a supplemental water supply. Please remember this as you continue the good work. Thank you.

Sincerely,

Matt Orbach

831-600-5469

redmattsc@gmail.com

## Bren Lehr

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**From:** Paul Johnston <paultijo@gmail.com>  
**Sent:** Tuesday, November 26, 2013 6:00 PM  
**To:** City Council  
**Subject:** Reset Process

Hi friends-

I'm a Seabright resident and a member of the Seabright Water Action Group. We would like to encourage you to take advantage of this moment to begin a process of true community dialogue. We believe you will find that our community has enormous still-untapped energies for water and energy-wise solutions. Please do NOT approve another plan aimed at managing consent to energy intensive desalination.

--

Paul Johnston  
831 239-2068

**Bren Lehr**

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**From:** Paul Johnston <paultijo@gmail.com>  
**Sent:** Tuesday, November 26, 2013 8:07 PM  
**To:** City Council  
**Subject:** Community Engagement Process

To reiterate my suggestion this evening, I suggest that the community engagement aspect of the plan is underdeveloped, and too dependent on city staff. I recommend that the mandate of the advisory committee include guiding the process of extensive community engagement; also that the facilitator not simply a meeting facilitator but a professional with expertise in facilitating extensive community engagement.

Thanks,  
Paul Johnston  
831 239-2068

## Rosemary Balsley

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**From:** Bren Lehr on behalf of City Council  
**Sent:** Tuesday, November 26, 2013 9:48 PM  
**To:** Cynthia Mathews; David Terrazas; Don Lane; Hilary Bryant; Lynn Robinson; Micah Posner; Pamela Comstock  
**Cc:** Tina Shull; Linette A Almond; Rosemary Balsley  
**Subject:** FW: Support Having Scientific and Technical Input on Water Committee

FYI

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**From:** amfkatz-ply@yahoo.com [mailto:amfkatz-ply@yahoo.com]  
**Sent:** Tuesday, November 26, 2013 9:44 PM  
**To:** City Council  
**Subject:** Support Having Scientific and Technical Input on Water Committee

I support having scientific and technical input on the Drought Committee. While I recognize the intelligence of our local citizenry, when I read the lists of principals, objectives, and milestones outlined in the agenda report, I think incorporating objective scientific and technical expertise and feedback is vital. I also think that addition could facilitate more efficient assimilation of information for the committee as a whole, thus aiding in the group's progress.

I also have no problem with the proposed name and consider a more euphemistic one not more comprehensive or descriptive but, rather, consider having the word "drought" in the title appropriately descriptive.

**Bren Lehr**

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**From:** jarwoodsc Wood <jarwoodsc@msn.com>  
**Sent:** Tuesday, November 26, 2013 5:10 PM  
**To:** City Council  
**Subject:** Constituent Request!

Dear City Council,

As a voting Santa Cruz home owner for the past 30 years, I respectfully request that you listen to your constituents when we say that Desal is bad for Santa Cruz! It's bad for business. It's bad for the environment! It's bad for the health of our citizens. It's bad for the health of our Marine Sanctuary.

I implore you to waste no more time, nor one more penny on Desalination!

I wish I could be there tonight to voice my opinion in person.

Please close the matter or Desal now and forever.

Sincerely,  
Joy and Arthur Wood  
219 Merced Ave.  
Santa Cruz, CA 95060  
831-426-2385

## Bren Lehr

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**From:** Nancy Elliott <nancyelliott521@gmail.com>  
**Sent:** Tuesday, November 26, 2013 5:27 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Nancy Elliott  
Seabright resident  
Sent from my iPhone

**Bren Lehr**

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**From:** Don McVay <donmcvay@skyhighway.com>  
**Sent:** Tuesday, November 26, 2013 5:54 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Don McVay

Sent from my iPad

## Bren Lehr

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**From:** Becky Blythe <bb@skyhighway.com>  
**Sent:** Tuesday, November 26, 2013 6:39 PM  
**To:** City Council  
**Subject:** Fix the public engagement proposal

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz. It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thanks,

Becky Blythe  
[bb@skyhighway.com](mailto:bb@skyhighway.com)

## Bren Lehr

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**From:** Stephen Steward <hipoloach@att.net>  
**Sent:** Tuesday, November 26, 2013 6:15 PM  
**To:** City Council  
**Subject:** November 26, 2013 Action on Community Advisory Committee

I question the wisdom of opening the San Lorenzo River to aquatic recreation at this critical juncture. As a 30-plus year resident of Santa Cruz, I have always favored such use, but find myself opposing the timing of such a change in policy while in the midst of a regional discussion regarding acquiring additional water resources.

Much of the argument in favor of a proposed desalination project was related to maintaining fish habitats in the San Lorenzo. If we are so concerned about fish habitats that we would consider a public works project of such cost and scope, then we should be very careful about creating further degradation of those habitats. Increased human activities will almost certainly negatively impact the aquatic environment, and further degrade fish stocks.

This impact will not only be potentially damaging to the river ecosystem, it will almost certainly skew the discussion regarding drawing additional water from the river to meet increasing demands of the city. Once people have become accustomed to using the river as an aquatic recreational resource, it is my belief that they would become partisan against any attempt to draw additional water from this important resource. This will, no doubt, have the effect to drive opinion further toward desalinization as the only viable water option. Perhaps this is the intent.

In my opinion, there should be no change in the city's policies regarding recreational use until the argument over providing additional water resources has been definitely settled.

Stephen Steward  
223 Woodrow Avenue  
Santa Cruz

**Bill Smallman, P.E.  
11765 Edgewood Dr.  
Felton, CA 95018**

November 26, 2013

Dear City Council,

I think it is a great idea to develop a citizen's committee to develop a list of realistic alternative solutions to desal. However, am concerned that the resolution to create this committee is severely lacking in defining its mission and comprising itself with members with the ability to provide meaningful input.

The name for this is very misleading; "Community Engagement for Drought"? I don't think the community wants to engage, or has the ability to prevent drought. Instead the committee should be titled simply, something to the effect of, "Committee to develop water conservation and supply alternative proposals".

I believe what has happened here with this issue is that a very important need has been lacking leadership and talent in design. I'd like to use the analogy of selecting an architect to design a very important building. The architect provides a very innovative and artistic design to the engineer, who makes this building a reality. We do not have this talented person or group to develop a water plan, so the responsibility was passed onto the Engineer. Engineers, typically lack this innovative talent, for a host of reasons. Their job is to make these inventive ideas work safely and reliably.

We need this quote "architectural group" for inventive ideas as a grounding basis for design. The goal should be to find members with this talent. I understand the need to have members for the City, and also from environmental groups. However, the remaining members, about 12, need to be vetted by people with experience. There is no better group to choose these members other than Rick Logonotti and desal alternatives. They know everybody who has put a lot of effort into looking at alternatives, and a lot of these people I am sure are in this room tonight. A quality group can develop a comprehensive list of viable alternatives, whereas a group of novices will be indecisive and ineffective, and will likely lead to similar undesirable results. By only allowing one member from desal alternatives, this is an insult, in my opinion to the people who have worked hard to develop alternatives which are both economically and environmentally superior.

Sincerely

  
Bill Smallman, P.E.

**Bren Lehr**

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**From:** Jamie Grover <jamiegrover@yahoo.com>  
**Sent:** Tuesday, November 26, 2013 3:40 PM  
**To:** City Council  
**Subject:** Public input on City's water supply

Dear City Council Members,

I understand that tonight you will meet and may very well shape the promised public input process for the future of our water.

I have had a long interest in this issue, and like many, I worked for a time with the group Desal Alternatives. Without the work of that group and the subsequent vote of the people on Measure P, I fear we would not even be having these discussions.

It is my understanding that there is a proposal to give just one seat on a nineteen member body to a representative from Desal Alternatives. I think that would be a mistake.

Considering the fact that a very large portion of the community, and a very large number of citizens that are taking an interest in the process have aligned themselves with Desal Alternatives, I believe this would very unfairly underrepresent a very large segment of the the community, and some of the most educated voices. I would be somewhat like assigning only one committee seat to one of the major political parties in a supposedly bipartisan committee in a legislature.

I would remind you that Measure P, (inspired, written, and sponsored but those of us involved with Desal Alternatives) passed with more than 72% of the vote, and while not all people who voted for it were indicating that they would ultimately oppose desalination, they were directly or indirectly expressing appreciation to Desal Alternatives for its voice.

Those of us affiliated with Desal Alternatives have diverse opinions, and backgrounds and expertise that we could contribute to the process. I understand that the process of dividing up representation in this matter is going to be an art of sorts, and will be imperfect at best, please do not start this process, even if with the best of intentions, by unfairly stacking the deck, and quashing some of these most deserving, and important voices.

I am out of town, and will not be able to attend this evening, but I will thank you for your efforts in advance.

Sincerely  
Jamie Grover  
1100 Western Drive  
Santa Cruz

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Jamie Grover  
Cell:(831) 234 5171

## Bren Lehr

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**From:** cgunderson <cag@cruzio.com>  
**Sent:** Tuesday, November 26, 2013 3:18 PM  
**To:** City Council  
**Subject:** tonight's water meeting

Dear City Counsel Members,

I would love to come to tonight's water meeting regarding instituting a new Citizen Committee, but could not due to another very important meeting that I had promised to be at. So, I am sending you a few thoughts about the makeup of said committee:

It should have a reasonable make up that matches our city water use, so you should be able to defend why you chose the committee members that you do/did. As a Master Gardener who specializes in native drought tolerant plants (and edible landscapes) and has been shocked by how much water is wasted by leaky faucets and poor watering practices and equipment, i am extremely aware that much education and correct equipment/irrigating tools are needed. I am not asking to be on the committee, but I know very wise people who practice permaculture (wise landscape stewardship)/systems. This sounds "airy fairy" to some people, but in recognition that we are setting up a horrible climate change scenario, it is not unreasonable at all. It is the LONG RANGE SANITY THAT WE NEED.

I also think that the committee should have people who have shown a high degree of understanding not only of the current situation, but who also have a handle on the alternatives to desalination. I have seen some very astute speakers talk about alternative plans to desal at the meetings.

Another inquiry/suggestions: are we tied to Soquel Creek Water District now that we aren't thinking only about desal? If we are, why don't we divert river flow from exiting the fresh water system into the ocean and have it refresh the Soquel Creek Water District aquifers? Let's catch the water before it exits the fresh water environment. Or are we trying to support an invisible element through the expensive desal project that I don't know about by degrading the marine sanctuary environment, requiring 12 times the energy (therefor a huge water bill increase) and setting a monsterishly bad example of exacerbating climate change? You must see by now that climate change is coming to a town near you. So let's do the right thing for our community and the Earth, and get the best and most diverse group of informed citizens on this committee as possible.

Thank you for your consideration!

Catharine Gunderson  
retired teacher  
1141 E. Cliff Dr.  
Santa Cruz, CA 95062

## Bren Lehr

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**From:** Lee Taiz <leetaiz@cruzio.com>  
**Sent:** Tuesday, November 26, 2013 4:03 PM  
**To:** City Council  
**Subject:** Beyond desal

Dear City Council,

It is my hope that Santa Cruz has put the whole expensive and environmentally unsound notion of desal firmly behind it.

It is now possible to move toward solving our water problems along the lines advocated by Rick Longinotti and his supporters.

Lee Taiz

**Bren Lehr**

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**From:** Ed Smiley <smiley.ed@gmail.com>  
**Sent:** Tuesday, November 26, 2013 4:38 PM  
**To:** City Council  
**Subject:** Santa Cruz council to weigh changes to public event rules

[http://www.santacruzsentinel.com/santacruz/ci\\_24600448/santa-cruz-council-weigh-changes-public-event-rules](http://www.santacruzsentinel.com/santacruz/ci_24600448/santa-cruz-council-weigh-changes-public-event-rules)

I wanted to express my concern that these rule changes do not adversely impact the growth of our lively arts community.

Thank you

Ed Smiley

# Community Water Coalition

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208 Ocean View Avenue, Santa Cruz, CA 95062

November 25, 2013

Mayor Hilary Bryant and Council Members  
Santa Cruz City Council  
Santa Cruz City Hall  
809 Center Street  
Santa Cruz, CA 95060

RE: Our Water Future / Recommended Next Steps

Dear Mayor Bryant and City Council Members:

On August 29, 2013, the Community Water Coalition (CWC) wrote the City Council a long letter, including significant attachments, with our suggestions on how the City might best “reset” its connection to the community with respect to the City’s water planning efforts. Naturally, we copied the City Manager on our letter. We have now reviewed the City Manager’s November 12, 2013 Agenda Report, which the Council will consider during its November 26, 2013 meeting. This letter contains our comments on what the City Manager has recommended.

We note, preliminarily, that none of the CWC’s earlier suggestions have been incorporated into the City Manager’s proposal to the Council. The CWC has been actively engaged in every aspect of the City’s water supply planning efforts since early 2009, and we believe that the Council should seriously consider the suggestions in our August 29th letter, as the Council works towards a genuine “reset” of its conversation with the community on water supply planning.

Our specific comments about the recommendations before you are as follows:

1. The CWC does not believe that the City should restrict its water supply planning efforts to planning only for “times of drought.” Yet, that is what the City Manager’s recommendation seems to suggest as a focus for the expanded community conversation he proposes. In fact, the City’s water supply planning efforts should be *comprehensive*, and must include planning that can bring the City into conformity with federal and state laws that protect endangered fish species. In addition, as you know, the City and University have previously argued that the City should be given permission to provide City water for major new University growth, and should be allowed to provide that water beyond the City’s current Water Service Area. This proposal has been made even though everyone in the City knows that we face a major water supply crisis, and that we do not currently have a stable, secure, and reliable water supply. Again, the City’s planning efforts must be *comprehensive*, and deal with issues like these. The community engagement effort that the Council

will initiate must have a broader scope than merely planning for an adequate water supply “in times of drought.”

2. Consistent with the comment just made, if the Council establishes an Advisory Committee, it should not be called a “Drought Solutions” Advisory Committee. A more comprehensive name should reflect a more comprehensive assignment for the Committee.
3. We don’t think that the City needs to do extensive further investigation of the question about whether or not the City should “complete” the desalination EIR by responding to comments made on the draft EIR, as the City Manager is proposing. The CWC reiterates the comment it made in its August 29<sup>th</sup> letter:

The only purpose for a “completed” EIR on the proposed desalination project is to provide a legal basis to approve that project. If the Council wants to “reset” the conversation, it needs to have a two-way conversation about what the “right” project ought to be. It might be desal. It might be something else. If the City proceeds to spend large amounts of money to complete the EIR on the currently proposed project, the Council will be sending the message that it intends to approve that project – all the rhetoric about “resetting” the community conversation to the contrary. It will be hard to convince the CWC, or any other members of the public, that the Council is actually willing to consider alternatives to the currently-proposed desal plant as the Council spends large amounts of money to complete a document the only purpose of which is to serve as a legal basis for an approval of that project.

We think that the “reset” in the conversation contemplated by the Council needs to take place *after*, and not before, the Council decides whether or not to complete the EIR on the desalination project. Simply put, if the City is planning to complete the EIR on the desalination project, there really isn’t any “reset,” and members of the public should save their time, and not bother to participate in a process that will obviously be just a sham.

4. The CWC generally agrees that the principles articulated by Council Member Lane, and reiterated by the City Manager in his most recent memo, outline important areas for the community to explore in any public conversation about water supply planning. Please note that these principles are much broader than a focus on planning for a water supply “in times of drought.” Again, to “reset” the conversation, the Council must address (at the very least) the issues outlined by Council Member Lane, and the issues related to the proposed Habitat Conservation Plan, and the issues related to the proposed extension of water service to promote major new University growth outside the City’s current Water Service Area.

5. While the CWC certainly agrees that the City should work in a collaborative way with the Soquel Creek Water District, the CWC does not believe that the City's water supply planning efforts should be linked to the planning that the Soquel Creek Water District needs to undertake on its own behalf. We note that the District has already begun an independent investigation of its options. The City Manager's statements about the City's "partnership" with the Soquel Creek Water District inject uncertainty into the kind of planning process that he proposes. The Council should be sure to clarify that the City's water supply policies must be established to meet the needs of the City, and must not be dictated by the needs of another, independent agency.
6. With respect to the specific recommendations made by the City Manager for the establishment of a Citizen's Advisory Committee, the CWC has these comments:
  - If the Council creates such a committee, 19 Members is too many. If such a committee is established, it should be smaller.
  - Members of the City Council and the City Water Commission are not proper members of a "Citizen's Advisory Committee."
  - The overall membership suggested for the committee seems to be disproportionately weighted to groups and interests that are declared supporters of the proposed desalination project. The way to achieve a genuine "reset" of the conversation with the community is genuinely to solicit wide-ranging opinions from those who have not been part of the City's single-minded push for desalination. If a committee is created as proposed by the City Manager, the City will be sending the message that it continues to be wedded to the desalination project, and that the City is not truly open to exploring alternatives. The CWC seriously doubts that any of its members would want to be engaged in any such process. Again, we are hoping that the Council is looking for a "genuine" reset, not a "sham" reset.
7. The CWC has very significant concerns about the recommendation that the City should hire a professional facilitator (at a very hefty cost we note) to "choreograph" the Committee's work by developing agendas and resources, liaising with technical experts, facilitating presentations to the committee and moderating discussions. In fact, this plan puts an employee directly responsible to the City Manager in a "management" position over the committee, and the committee will be "managed" or "choreographed" by the facilitator. This doesn't sound like a genuine effort to hear alternative views about the City's water supply planning efforts. If the Council does decide to establish a committee, the committee must be in charge of its own operations, and if facilitation is needed (and it might be) the facilitator should be directly responsible to the committee, not to City staff.

8. As indicated in the CWC's August 29<sup>th</sup> letter, the CWC believes that the most important part of a genuine community engagement process is *not* the formation of an "advisory committee." In fact, the CWC specifically recommended against the creation of a "blue ribbon" or "stakeholder" committee in its August 29<sup>th</sup> letter. Instead, we recommended that the Council adopt the following process:

- Public involvement should proceed in a step-by-step process that allows significant involvement by individual members of the public (not just selected committee members) at every step.
- Once a proposed planning program and process is developed by City staff and consultants, and/or by a committee, if the Council wants to create such a committee, public review should be permitted, so that individual members of the public (not just selected committee members) can comment on the proposed process.
- The initial planning program should be made available to the public at least one week in advance of a scheduled public review session which will provide for at least three hours for public participation and Council review. The public review session should be held as a special meeting of the City Council, with time provided for all interested members to participate substantively on the draft proposal. Evening and weekend meetings should be favored.
- After discussion and comment at the initial session, the Council should then take action to make necessary decisions and to specify the next planning step to be accomplished. As part of that Council action, a specific work program and timeline for that next step should be provided.
- When the designated next step in the planning program has been accomplished, then another and comparable public review session should be set, allowing for public review by individual members of the public (and not just selected committee members).
- In short, the Council should play an active role in a step-by-step process, and only move ahead, from one step to the next, after the public has had an ample opportunity to review the proposed next step, and to provide individual input, so that when the Council votes to move to the "next step" in the planning process it will always be informed by the public at large (and not just by selected committee members).

This process would result in a genuine "reset" of the conversation with the community because it would take seriously the desire of individual members of the community to be actively engaged in planning for the City's water future.

9. While the CWC has no objection to the City moving towards opening the San Lorenzo River to greater recreational use, we do not think that this issue is related in any significant way to the City's need to establish a new community conversation on water supply planning. We urge the Council to consider the San Lorenzo River proposal as a separate issue, and not to link it with the water supply planning effort.

Our thanks to the Council for considering our strongly held views on these matters. We hope the Council will take actions on November 26<sup>th</sup> that will result in a "real" reset of the City's water planning process, not a "sham" reset.

Yours truly,

A handwritten signature in black ink, appearing to read "G. Patton", written in a cursive style.

Gary A. Patton

**For The Community Water Coalition (CWC) And Its Membership\***

cc: City Manager  
Members, CWC  
Other Interested Persons

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**\* Twelve individual members of the CWC directly participated in the drafting of this letter and endorse its recommendations.**

Nov 26, 2013

Dear Santa Cruz City Council Members,

I'm here to ask the council to consider delaying the third Motion of tonight's agenda to:

"direct staff to explore and develop recommendations for the City Council regarding the repeal of the San Lorenzo River's recreation prohibitions, as a means to activate about community engagement and educate about the watershed."

The agenda report for tonight dated Nov 26 regarding the issue of changing the ordinance for recreational vessels in the San Lorenzo River is referred to only under tonight's agenda report on the very last paragraph and very last page as a "related concept toward educating about watershed and opening recreational opportunities."

The title of the report is The "Community Engagement for Drought Solutions." This is very confusing and I'm not sure how many people would understand the proposal is actually has a clause in it to open the San Lorenzo River to water Craft. It may or may not be the intention to bury this proposal under another title but it sure doesn't sound like drought solutions.

Also, it's unfortunate that having this topic fall on Thanksgiving Week prevents many people from making this time tonight.

From what I've been able to interpret from the report leaves me confused as to why the staff met with so few non-governmental community stake holders other than the coastal watershed group to discuss river access options and potential challenges.

One would think that the contact would have included business along the river, athletic groups, the homeless shelter services, walking tour groups, general public or other environmental groups would be included to discuss river access options and potential challenges. The premise of this proposal seems to be based on the issues related to homelessness issue, safety and vagrancy along the river. However, Kayak's would do little to address the land issues related to this issue.

This is a critical change to an ordinance and river which will have significant environmental and social implications. The river has several known federally and state protected species of birds, fish and mammals which is an Indicator that an EIR would likely be needed. However this is not brought forth on any preliminary information.

The community might like to express different views about how to increase safety and hear all the options for river use. It seems that there is a concentration of ideas around this one idea while not addressing any other possibilities.

If public comment is valued then it would seem essential to give this subject the proper hearing it deserves and have staff wait until this has happened to make recommendations.  
Respectfully,

Lisa Sheridan  
Trotrider@aol.com  
831-332-3785

**Bren Lehr**

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**From:** Jude Todd <todd@ucsc.edu>  
**Sent:** Tuesday, November 26, 2013 2:13 PM  
**To:** City Council  
**Subject:** comments regarding the reset  
**Attachments:** November 26 2013 Jude Todd.docx

Dear Mayor Bryant and Councilmembers,

Please see attached comments,

Thank you,  
Jude Todd

2655 Brommer St. #18  
Santa Cruz, CA 95062  
November 26, 2013

Mayor Hilary Bryant  
Councilmembers Pamela Comstock, Don Lane, Cynthia Matthews, Micah Posner,  
Lynn Robinson, and David Terrazas

Dear Mayor Bryant and Councilmembers:

I am grateful for the Mayor's vision and sincere willingness to listen to the people of Santa Cruz on this water issue. I am concerned, however, that the goals/title and make-up of the proposed Citizens' Advisory Committee would prevent fulfillment of that vision.

I have been working with Santa Cruz Desal Alternatives (SCDA) since it was just five people meeting in Rick Longinotti's living room. Since the group's inception, hundreds of others have joined our efforts, made Measure P into law with 73% of the Santa Cruz voters' approval, and continued to press for more economical and ecological approaches to our overall water management and use.

I did not join and help form SCDA because I wanted to keep a desal plant from being built. I joined the group and worked on Measure P because I saw desal as a dismal failure of the imagination. I saw -- and still see -- water being wasted all over the place: in old toilets in local restaurants that use over two gallons of potable water to flush customers' pee, in water from broken mains and fire hydrants gushing down streets and gutters, in storm water flowing off roofs, down streets, into the bay -- the ways we squander the water that nature gives us is too long to list here. There must be, I believe, a better way to take care of our water than to continue such waste and to then try to make up for it by plugging in a pricey, energy-hungry desal machine.

I joined SCDA because desalination stood in the way of our community creating a safe, reliable, sustainable water supply. THAT is what we need, rather than just "drought protection." We could have drought protection with a big enough desal plant, but the water produced would probably not be safe due to contamination with radioactive particles and it CERTAINLY would not be sustainable. Any project that requires buying offsets on the carbon market CAN not claim to be sustainable.

So the description and make-up of the proposed citizens' committee have set my cautious optimism about the reset on alert. I want a real reset, not a business-as-usual replay.

For starters, this group should not focus on "drought protection" -- that's an invitation to think in crisis mode, which always overlooks important variables. If instead the committee is charged with recommending ways to provide a "safe, reliable, sustainable water supply" for both humans and the rest of nature in our watershed, we are much more likely to get a result that will contribute to an economically and ecologically resilient community for the next century and beyond.

Secondly, the proposed make-up of the committee is heavily weighted to feature business interests - 5 seats out of 19. I understand why a representative from the tourist industry should be there, and why a developer's views are important. But the only other business representative should be a landscaper -- if any businesspeople understand water well, surely it's landscapers, and their livelihood depends immediately on water. Moreover, I've read that 77% of the water used in Santa Cruz is by single-family units, not by business, tourism, or manufacturing, and the majority of household water goes to irrigation; landscapers thus have their fingers on the pulse of the way a lot of water gets used. So having a landscaper on the committee would be an important asset.

Nor should members of the City Council or the heavily pro-desal Water Commission be on this Citizens' Advisory Committee.

With all due respect to the members of the Sustainable Water Coalition, who I'm sure are all sincere people, the sole reason for that group's existence is to argue that desal is the only option; for them, the solutions SCDA suggests are all unsuitable. How then, could a representative from such a group fairly examine alternatives to the one, exclusive solution they champion? How could they work toward consensus?

With the proposed committee make-up, SCDA would have about 5% of the air time. That needs to change drastically because we represent roughly 73% of the voters.

So I recommend for the committee:

-- 3 environmental organizations:

- The Community Water Coalition
- Sierra Club
- Surfrider

-- 3 representatives from the business community:

- a developer
- a representative from the tourism industry
- a landscaper (I suggest inviting the Ecological Landscape Association to select a representative.)

-- 3 SCDA members

Each group should appoint their own representatives, of course -- appointments to this citizens' committee should not be made by the City Council.

I think that, with the above changes, we can have a real reset, not just a replay.

Thank you for your consideration,

Sincerely yours,

Jude Todd

## Bren Lehr

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**From:** Cherie Bobbe <cbobbe@me.com>  
**Sent:** Tuesday, November 26, 2013 2:12 PM  
**To:** City Council  
**Subject:** Tonight's agenda item re: New Citizen Comm

November 26, 2013

Dear Members of the Council,

Tonight promises to be a very exciting meeting. However, I am unable to attend as I have been called to attend a mandatory business meeting.

I intended to come tonight to request that when you are creating the composition of the new Citizen Committee, that you consider the value of including someone from the community that is an experienced landscape architect or designer.

In 2005, the Grand Jury reported to this Council that water usage breaks down in the following:

Agriculture	3%
Business	8%
Single Family Res.	77%
Multi-fam dwellings	11%

According to the Grand Jury document, the City of Santa Cruz Water Dept. "agreed" with these findings. I have never heard anything that contradicts these calculations or disagreement by the Water Department.

Therefore, 88% of our water goes to domestic use. It is also established that out of this 88%, approximately 70% is used for outdoor irrigation. The math is simple. Millions of gallons go to watering lawns. Those days are gone and people are realizing this, but they need some help and guidance in finding alternative plantings that are beautiful, as well as sensible.

Looking at these figures, it is clear that our conservation goals will be increased dramatically by establishing ordinances for new landscapes, (either new construction or a new installation of a new landscape to an existing dwelling), to be drought tolerant and native plants, greywater systems, permeable hardscapes and lawn substitution. The County of Santa Cruz has such ordinances, and so should the City. When comprising the new Citizen Committee, someone well-versed in horticulture principles will be a tremendous asset. Along with the existing incentives currently offered by the City for conservation, the fact that 70% of our water is used for domestic irrigation drives home the point for the need to have the expertise in horticulture in planning for the future. There are numerous people that are well qualified. I, too, am volunteering for participation in this committee, and I would be more than happy to be an alternate. I have been doing this work for 4 years, and I specialize in sustainable gardens. My website is listed below for your viewing. The stakes are high, but there is much to gain with the input of a landscape specialist.

Thank you for your attention and consideration.

Sincerely,

Cherie Bobbe

Cherie Bobbe Landscape Design

[cherie@cblldesign.com](mailto:cherie@cblldesign.com)

[www.cblldesign.com](http://www.cblldesign.com)

831-334-2200

PO Box 2383

Aptos, CA 95001

**Bren Lehr**

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**From:** menchine@cruzio.com  
**Sent:** Tuesday, November 26, 2013 2:15 PM  
**To:** City Council  
**Subject:** Fix the public engagement process

Dear City Council Members,

It is important that the new Citizen Advisory Committee be fair and representative of the citizens of Santa Cruz.

It is also important that robust public engagement take place on the Habitat Conservation Plan, Water Transfer Plan, and any kind of public outreach that the City conducts.

Thank you,

Will Menchine

## Rosemary Balsley

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**From:** Bren Lehr on behalf of City Council  
**Sent:** Tuesday, November 26, 2013 3:06 PM  
**To:** Cynthia Mathews; David Terrazas; Don Lane; Hilary Bryant; Lynn Robinson; Micah Posner; Pamela Comstock  
**Cc:** Tina Shull; Linette A Almond; Rosemary Balsley  
**Subject:** FW: No more money for desal

FYI

-----Original Message-----

**From:** Jeffrey Smedberg [mailto:[unionize@calcentral.com](mailto:unionize@calcentral.com)]  
**Sent:** Tuesday, November 26, 2013 3:04 PM  
**To:** City Council  
**Cc:** SC Desal Alternatives  
**Subject:** No more money for desal

Dear Council Members,

I am pleased that the Mayor and City Manager have heeded the tenor of City residents and pulled back from a headlong rush to develop a desalination project. The Council is now to consider what to do about the EIR that has not been completed. I urge you to let it fade away and not spend another dime on it.

Some commentators on the draft EIR may be interested in answers to their concerns. However, the only legal reason to complete the EIR is to demonstrate that all concerns that were raised have been responded to in order to proceed with the project. Completing the EIR at this time would be a slap in the face to the majority opposing desal and a move that would raise doubts about the Council's sincerity to look at the manifold alternatives.

Thanks for your consideration.

-Jeffrey Smedberg  
Hagemann Avenue

870 words

Good evening Mayor and Council Members

I'm Rick Longinotti, representing Santa Cruz Desal Alternatives.

I hope that together we can find the way to seize this opportunity to improve water security for Santa Cruz, now and into the future.

Tonight is a two-for-one. We not only get a chance to move towards better water security, but we get to heal a rift in our community that was starting to be damaging in a variety of ways. Our work tonight is on the road to rebuilding community trust. We need to work together towards designing the proposed Citizens Advisory Committee so that the composition of the committee and the goals of the committee fulfill the community's desire for a public engagement process that works.

As a means to that goal, I make the following recommendations. First I want to appreciate the City Manager's office for making it clear that the staff recommendations are a work in progress, and that staff fully expects that the Council will take a major role tonight in revising the plan.

The scope of the committee's inquiry should be broad. It's more than drought solutions. The committee ought to review not just a handful of projects, but be authorized to address all of the issues related to all of the City's water supply and demand plans and policies. The recommendations you receive from the committee will be all the better for it.

The goals of the committee process should be simple and straightforward:

- to methodically address issues
  - to develop options and identify solutions and strategies that address our water security, especially in drought, and
  - to formulate appropriate recommendations for consideration by the Council.
- Period.

We request that the City NOT conduct a public relations effort simultaneous with the deliberations of the Advisory Committee. The committee itself can decide on the scope and extent of the outreach that connects with members of the public

to receive their input. In order to have a fair and credible process, the Committee must be in charge of its own messaging. If City staff is involved, then all content must be developed, reviewed and approved by the Committee.

At nineteen members, the committee is too big. No more than a dozen members should suffice to represent a diverse range of opinions and experience while including stakeholders representing important economic and environmental interests. It's a size that allows members to engage easily with each other and is more conducive to building consensus.

Above all, the composition of the committee should be scrupulously fair and representative of public sentiment.

Here's our specific request for committee composition. Ten members in all. Three members appointed by business organizations or interests and three by environmental organizations, Sierra Club, Surfrider Foundation, and Community Water Coalition, each of which have been and are active and knowledgeable participants in various community water issues.

One member from Desal Alternatives and one from the pro-desal group, Sustainable Water Coalition.

Two additional unaffiliated members of the public to be appointed by the committee after it is standing.

This is a citizens' committee, and we request that it be composed entirely of members of the public who are not currently serving on the Council or the Water Commission. Naturally, since all committee meetings will be subject to the Brown Act and open to the public, there will be opportunity for public comment. Additionally, the committee will periodically report to the Commission and the Council. And will likely seek information or guidance from the those bodies and interact as a matter of course with members of the Water Department and other City staff. In short, there will be plenty of opportunity for communication between the Council and Commission and the committee.

However, participation on the committee itself by sitting Council or Commission members risks influencing the scope, direction and extent of the discussion and inquiry that the committee might otherwise undertake. In any

event, all of the committee's recommendations will be submitted to the Council in the end.

Finally, because public engagement is so important to arriving at good water policy, I'd like to ask you to open up for public input three processes bearing directly on our water supply.

The first is the Habitat Conservation Plan discussions with the state and federal fisheries agencies that will result in limiting the City's diversion of water from area streams. Other communities have open HCP development. examples:

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The second is the Water Transfers Working Group, composed of the County and City of Santa Cruz and water districts in Scotts Valley, SLV, and Soquel Creek District. We ask that you request to schedule public meetings of this Working Group.

Third, the Draft Master Conservation Plan will guide the City's conservation efforts for years to come. The citizens' committee should be an integral part in developing this plan, not merely analyzing its results.

In closing, I'd like once again to thank the entire City Council for putting desal on hold and opening the door to a new vision for the City's water supply based on a full review of other options.

Let's make the necessary changes. By adding a broad scope of inquiry, a simple goal, a workable size, and balanced representation, this citizens' committee can afford us an opportunity to increase our water security, now and for future generations.

Thank you.



## CITY COUNCIL AGENDA REPORT

DATE: 12/2/2013

AGENDA OF: 12/10/2013

DEPARTMENT: Water

SUBJECT: Bay Street Reservoir Replacement Project - Phase 2 Construction -  
Contract Change Order No. 18 (WT)

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**RECOMMENDATION:** Motion to authorize the City Manager to execute Contract Change Order No. 18 with Gateway Pacific Contractors, Inc. (Sacramento, CA) in the amount of \$67,882 for accelerated construction timeline and realignment of the inlet pipeline.

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**BACKGROUND:** In late January 2013, City Water Department operations staff detected a leak in the existing 18-inch pipe serving the four temporary 1.5-million gallon tanks at the Bay Street Reservoir site. Failure of this pipe placed the City's most important drinking water storage facility out of service. The exact location of the leak could not be found, despite concerted excavation effort at extreme depths as well as the use of helium leak detection services.

The contractor hired to construct the Bay Street Reservoir Replacement Project, Gateway Pacific Contractors, was scheduled to construct a new 24-inch inlet pipe that was to replace the existing 18-inch pipe towards the end of the tank construction work. Because of the leak, staff directed the contractor to re-sequence the schedule for the new pipe in order to bring the temporary water storage tanks back online as soon as possible.

**DISCUSSION:** Work on the new pipe began on February 11, 2013 and was completed and put into service on April 9, 2013. During installation of the new pipe, conflicts with existing underground utilities were encountered, forcing a re-alignment of the pipeline from the planned placement, adding time to the project and materials costs.

City inspectors kept track of all of the Contractor's time and materials records, invoices, overtime data, added supervision expenses, and accelerated shipping receipts. Staff has negotiated with the contractor since the re-aligned pipeline was completed to partially offset these costs with credits accumulated from the original work as bid.

**FISCAL IMPACT:** The total contract price is \$9,998,409, (including change orders 1-17 less contingency). All previous change orders have resulted in a total savings of \$260,386 from the original contract price as awarded. The cost for this change order is \$67,882.06. Sufficient funds exist within the original base contract to cover the extra work associated with Change Order No. 18 without accessing any contract contingency funds.

Submitted by:  
Linette Almond  
Interim Water Director

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:  
Change Order



**CONTRACT CHANGE ORDER**  
**# 18**  
*(EFFECTIVE ONLY WHEN APPROVED BY THE CITY)*

**WATER DEPARTMENT**  
 212 Locust St., Suite C  
 Santa Cruz, CA 95060  
 Phone: 831-420-5200  
 Fax: 831-420-5201

<b>Project:</b> Bay Street Reservoir Replacement Project -Phase 2	<b>Subject:</b> Inlet Pipe Construction Acceleration and Realignment
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<b>Contract date:</b> 03/01/12	<b>P.O. #:</b> 91-12026	<b>CWO#:</b> 2011-01	<b>C.O. Date:</b> 11/18/13	<b>C.O. #:</b> 18
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**Changes:**

a) Accelerate construction of the 24" Inlet Pipeline, temporary tank connection, mechanical building piping and valves to restore use of the existing temporary tank as soon as possible. Re-align the 24" Inlet Pipeline to avoid conflicts with existing underground natural gas main. Remove or relocate abandoned pipelines and drain lines conflicting with revised alignment.

**Payment:**

a) Lump Sum Contract increase in the amount of \$67,882.06

**Time:**

a) N/A

*When approved by the City, Contractor is directed to make the above described changes or to perform the above described work.*

	Price:	Time:	Recommended by:	
<b>Base Contract as Bid:</b>	\$9,998,409.00	500 d	Matt Scoble, P.E. Construction Manager	11-18-13 Date
<b>Contract Including All Previous Change Orders:</b>	\$9,738,022.84	501 d	<b>Reviewed by:</b> <i>Doug Valby</i>	11/18/13 Date
<b>Contract Contingency:</b>	\$999,840.90	n/a	Doug Valby, P.E. Associate Civil Engineer	
<b>Contingency Allocated:</b>	\$0.00	1 d	<b>Approved by:</b>	
<b>Contingency Available:</b>	\$999,840.90	n/a	Heidi Luckenbach, P.E. Deputy Director/Engineering Mngr.	Date
<b>C.O. #18 Increase:</b>	\$67,882.06	n/a	<b>Authorized by:</b>	
<b>C.O. #18 Decrease:</b>	-\$0.00	n/a	Linette Almond, Interim Water Director	Date
<b>Net Change:</b>	\$67,882.06	n/a	<b>Authorization:</b>	
<b>Revised Contract Amount:</b>	\$9,805,904.90	501 d	Martin Bernal, City Manager	Date

**Contractor:**

Gene Gregory
11/18/13  
 Signature Printed Name, Title Date

*For valuable consideration set forth herein, the contractor hereby releases the City of Santa Cruz from any and all claims for direct, indirect, and impact expenses and additional time impact now existing or which may hereafter arise out of or result from the work or change described herein.*

## Gloria Rudometkin

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**From:** Dell Elliott <dell\_elliott@hotmail.com>  
**Sent:** Thursday, December 12, 2013 4:06 PM  
**To:** Renee Coletta; Gloria Rudometkin  
**Subject:** A rational water plan for the Santa Cruz water commissioners  
**Attachments:** Desal letter to the editor and SC R10.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Complete

I hope the water commissioners find this of interest.

A J Elliott MSCE, PE

## A Rational Plan for Solving Our Water Problem

The Santa Cruz City Council has not provided a detailed technical trade study (trade-off between alternatives) that addresses our local water problem. Despite what some Council members believe, the recently released environmental impact report (EIR), on one desalination alternative, does not address our local water problem and is not a substitute for a detailed technical trade study. A trade study provides at least two alternatives to solving a problem with associated cost, risk, and schedule. It includes defining the problem, validating the problem, identifying alternatives, and providing an evaluation of each alternative based on rational validated selection criteria. A trade study is routinely considered part of any major investment in infrastructure, and the desalination alternative, with an estimated current cost of \$129,000,000 and rising with extreme energy costs, is major. The recommendation for a trade study has been made by me and others to the City Council. Nothing has been done.

Our water problem is different for the following areas:

- For Santa Cruz City, the primary source of water is surface water. Every hundred years the recent EIR estimates a 29% shortfall, which means residents would have to let yards die and Pasatiempo and DeLaveaga golf courses would dry up.
- For Soquel, Aptos, Capitola, Rio Del Mar, Seascapes, and Le Selva Beach, all served by Soquel Creek Water District, and the Seascapes golf course with their own wells, the only source of water is from an aquifer adjacent to the Bay. This aquifer water level is decreasing. It will soon become permanently unsuitable for irrigation and drinking by seawater intrusion, which would end this areas only source of water.
- For Scotts Valley, the only source of water is from an aquifer far from the Bay. The aquifer is being pumped dry during normal rainfall and severe water restrictions would have to be implemented.

For our water problem, there are at least three major alternatives. These include:

1. Some combination of the following:

- A Refill the aquifers by in-lieu recharge. This means well-based water districts will cease to use their wells, and the aquifers, almost immediately, will have additional water. This provides underground reservoirs of water for use by all areas for drought protection. This may be accomplished by some combination of the following:
- Implement the Santa Cruz County conjunctive use and water transfer plan (final report now due for release in January).
  - During the *non-rainy* season, use the full Loch Lomond reservoir to supply well based water districts and, as needed, Santa Cruz City. During the *rainy* season, the Loch Lomond reservoir would be filled by winter rainfall from the watershed area and, as necessary, by pumping excess water from Zayante Creek and/or San Lorenzo.
  - Use recycled water instead of fresh water for the following:
    - The Pasatiempo golf course. In fact, Pasatiempo management and Scotts Valley is considering using recycled water from Scotts Valley.
    - DeLaveaga and Seascapes golf courses.
    - North Coast farms
    - Offset mandatory fresh water release from Loch Lomond for fish habituate (stream recharge).
  - Use the current Santa Cruz infrastructure to supply some excess water during the rainy season to Soquel Creek. The infrastructure could be upgraded to supply more water.
  - Increase surface water storage, which could include some combination of increasing the capacity of Loch Lomond and adding new reservoirs, including Waterman Gap, Kings Creek, Hansen Quarry, and Olympia Quarry.

## A Rational Plan for Solving Our Water Problem

- Consider that the state will legalize the use of recycled water, with additional treatment, in the next few years, Using recycled water instead of seawater, with a desalination plant, significantly reduces plant size, energy use, and cost.
  - B Update the old 2003 Santa Cruz water conservation plan. Incorporate developer-funded water offsets to enhance conservation. Soquel Creek is aggressively pursuing this. This could include requiring commercial restrooms with high usage to upgrade and subsidizing new water saving residential washing machines.
  - C Provide water consumers and the water district the ability to read smart meters from their computer real time. This would allow both the consumer and water departments to identify defective pipes that are leaking treated water and fix the leaks. Currently Santa Cruz losses about 8% of water from the main distribution lines.
  - D Limiting growth of users whose primary consumption is during the non-rainy months. This may not include a favorite scapegoat: UCSC, as much of their use is during the rainy months.
  - E Facilitate onsite water reclamation (retrofitting to use gray water for irrigation and toilet recharge).
  - F Other possibilities that are not know to me.
2. Do nothing. Santa Cruz City and Scotts Valley will survive with less water. Soquel, Aptos, Capitola, Rio Del Mar, Seascapes, and Le Selva Beach will not have any water.
  3. Desalination. There are two alternatives: reverse osmosis and a multiphase process. The multiphase process is a mechanical thermal method that includes an assembly of pumps, progressive cavity pump, centrifugal separators, and condensers. It offers significantly reduced energy consumption, maintenance costs, and footprint and, in addition, there is a market for the resulting “gel” after almost complete water extraction. The company has offered to build a demo plant, for free. This multiphase alternative has not been explored by the Santa Cruz Water Department. The Santa Cruz City reverse osmosis desalination alternative does not include supplying water to Scotts Valley.

Currently, more than \$15,000,000 has been spent on one desalination alternative: reverse osmosis. A few hundred thousand to generate a detailed technical trade study should not be an issue.

The Santa Cruz City Council, with Scotts Valley, Soquel Creek, and Santa Cruz County’s collaboration, should direct that a detailed technical trade study be done and the results, with references, all made easily available to the public, on a web site. This will allow us to make a science based decision on solving our water problem as opposed to an opinion based decision based on interviews and propaganda. A logical consequence of not providing a detailed technical trade study is a rejection of the desalination reverse osmosis alternative at the polls and a composition change of the City Council at the next election.

A. J. Elliott, MSCE, PE



## WATER DEPARTMENT MEMORANDUM

DATE: December 19, 2013

TO: Water Commission

FROM: Tina Shull, Assistant City Manager

SUBJECT: Water Commission Role in the Water Supply Advisory Committee Process

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**RECOMMENDATION:** Discuss and provide feedback for the role of the Water Commission in the Water Supply Advisory Committee Process.

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Background: On November 26, 2013, the City Council authorized the formation of a temporary advisory body, the Water Supply Advisory Committee (Committee), to conduct an issue-by-issue exploration of the City of Santa Cruz' (City) water situation and potential supply options to inform the development of recommendations, which ultimately will be presented for City Council consideration. An important objective of the Committee's work is supporting a strong feedback loop with the community to encourage extensive involvement by community members and stakeholders. In sum, the Committee will review the City's water profile, including strengths, weaknesses, threats and possible solutions to address the City's water challenges, while serving as the vanguard of deep community engagement and education. The Committee will have regular touch points with the City Council and also interact with the Water Commission.

The application period for the 14-member Committee closes on January 15, 2014 and a Council Nominating Committee comprising Mayor Robinson, Vice Mayor Lane and Councilmember Posner will review the applications and nominate a list of members to be considered by the full City Council at a February 2014 Council meeting. The application can be found on the City's website at: [www.cityofsantacruz.com/wsac](http://www.cityofsantacruz.com/wsac). Further, with two seats on the Committee specifically designated for Water Commissioners, a direct invitation to apply was transmitted to Commission.

Concurrent to this process, the City is soliciting the services of a professional, neutral facilitator/facilitation team to assist the Committee. A Request for Proposal (RFP) has been issued and is available for review on the City's website. Proposals are due January 16, 2014.

City staff anticipate that the Committee will convene in the spring of 2014.

Discussion: The Water Supply Advisory Committee is a new entity without direct precedent in the City of Santa Cruz or an existing blueprint dictating process or best practices. Work on this project has been swift since the August 2013 announcement and aside from informal conversations with Commissioners, the Commission has yet to substantively weigh in on the Committee. Further, while the Commission's scope is clear and outlined in adopted and Council-approved bylaws, the Committee's *Preliminary Framework* (attached) provides a sense of direction without fine, articulated detail.<sup>1</sup> This has caused some confusion about overlap in the roles of the two bodies.

Other important, threshold questions include the appropriate interplay between the bodies, how the Water Commission and the Committee will formally interact throughout the course of the Committee, and how the Committee can complement the Commission's work and vice versa. This level of process detail was not discussed at the City Council level and was purposefully deferred until the hiring of the facilitator. Part of the facilitator's scope is process design and guiding the City through the many considerations and questions at play.

My objective at the January 6, 2014 Water Commission meeting is to hear from the Commission members and take away your thoughts and perspectives on all of these questions, which will be folded into discussions with the facilitator and Committee. Given the tentative evolving nature of most components of the Committee, your feedback will assist in framing the most effective assimilation of the Committee into the City's existing organizational structure on water issues.

Specifically, in advance of the meeting, I encourage Commissioners to think about: the scopes of the two bodies and how they intersect; how your work can assist the Committee and vice versa; what degree of Commission involvement you believe best serves the Committee's objectives for information review and community engagement; the appropriate relationship between the Committee, the Commission and the Council; and, any other ideas or thoughts about process.

Thank you and I look forward to our discussion.

Tina Shull  
Assistant City Manager

Attachment: Preliminary Committee Framework

<sup>1</sup> Similar to its process design, the Committee's final framework and scope will be the subject of facilitator and Committee deliberation, and require City Council approval.

**WATER SUPPLY ADVISORY COMMITTEE**  
***PRELIMINARY FRAMEWORK***

The touchstone of the community engagement around water supply planning is a citizen advisory committee. Comprising major interests and stakeholder groups, the Committee both will establish the framework for a deliberate examination of all issues and will be tasked with formulating recommendations to the City Council for drought water supply options. The Committee is envisioned as a sophisticated body that will dive deeply into increasingly complex data and information as it proceeds through its workplan. Given its charge to develop water supply option recommendations for the City Council, the Committee’s work is consequential and will be extremely time- and labor-intensive.

The following is an initial sketch of the committee framework, to be expanded and finalized upon the Committee’s formation:

Proposed Name:                      Water Supply Advisory Committee

Purpose:                                      To explore, through an iterative, fact-based process, the City’s water profile, including supply, demand and future threats, and analyze potential solutions to deliver a safe, adequate, reliable and environmentally sustainable water supply, and develop strategy recommendations for City Council consideration.

Objectives:

- a) Lead the community engagement process via a methodical review of the major elements of the City water system and regional water supply challenges and participate in creating and reviewing outreach and educational materials.
- b) Analyze and provide comments on the Habitat Conservation Plan, Master Conservation Plan, Economic Impact Analysis and Water Transfer Working Group, based upon planning timelines
- c) Serve as the clearinghouse for exploration and discovery of viable solutions and recommend specific study of options to the City Council
- d) Develop recommendations on supply goals and for strategies that meet those goals. (Note: reducing overall water use will be considered an avenue to achieving an adequate supply—all approaches are on the table.)

- Milestones:
- 1) Agree on definitions and basic principles of problem, purpose, process, common timelines and workplan. Provide a report to the City Council on these items. Include in this report, if necessary, recommendations for modification to the Committee's charge as approved on November 26, 2013.
  - 2) Achieve advanced understanding of the City's water supply profile, including historical and predicted hydrologic cycles, water production and delivery, regional concerns such as saltwater intrusion, climate change threats, demands, conservation and environmental and regulatory considerations.
  - 3) Agree on clear criteria for what constitutes a viable water supply solution
  - 4) Explore a broad array of potential solutions
  - 5) Develop recommendations for City Council consideration
- Timeline:
- Total duration of approximately 12-months, with meeting length and frequency, to be determined. While 12 months is the target, the council will consider extending the timeline upon request from the Advisory Committee.
- Workplan:
- The workplan is envisioned to proceed along a logical arc that links education about the City's watershed and demand and supply issues with analysis of a spectrum of options, many of which were queried during the Draft EIR comment period and, finally, recommendations for a water strategy that protects the City and remains attuned to the water supply issues facing the Soquel Creek Water District and other agencies as appropriate.



**WATER DEPARTMENT  
MEMORANDUM**

DATE: January 6, 2014  
TO: Water Commission  
FROM: Heidi Luckenbach, Deputy Water Director/ Engineering Manager  
SUBJECT: Major Projects Update

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RECOMMENDATION: Receive Information.

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Over the course of the next several meetings, the Water Commission will be reviewing the Water Department's three year Draft Capital Improvement Program. In an effort to provide context to discussion of capital planning in future meetings, the following report provides a brief update of capital projects currently underway and those recently completed within the Department. Staff will be present at the meeting and will briefly report on major projects.

**Current Capital Improvement Projects**

BSR Reconstruction (c700313, c700027) The Bay Street Reservoir was constructed in 1924 to store raw water from the North Coast sources. The facility was later re-purposed as a treated water reservoir, storing and distributing water from the Graham Hill Water Treatment Plant. In the mid-1970s, a roof was added to meet the requirements of the Safe Drinking Water Act. By the mid-1990s, the roof structure showed signs of deterioration and an investigation indicated structural problems which led to the consideration of a major roof reconstruction project and ultimately to a full replacement of the Bay Street Reservoir. The project has been divided into multiple phases which started with the installation of four temporary bolded steel tanks followed by the construction of Tank 1 in spring 2012. Tank 1 was put into service on October 22, 2013 and demolition of the 4 temporary tanks began on December 10, 2013. A geotechnical investigation and subsequent design for Tank 2 will begin after all temporary tanks have been removed. It is anticipated that Tank 2 will be substantially completed by the end of 2014.

Beltz Monitoring Wells (c701002) Since 2006, the City of Santa Cruz Water Department and the Soquel Creek Water District have been working to develop agreement on a cooperative groundwater management approach that would ensure the following groundwater management objectives are met:

1. Protect the shared groundwater resource in the Soquel-Aptos Basin area from seawater intrusion.

2. Produce groundwater supply required by both agencies while maintaining inland groundwater levels that will ensure continued groundwater flow toward coastal wells and coastal groundwater levels that will abate seawater intrusion.
3. Allow for the redistribution of pumping inland away from the Purisima A-unit offshore outcrop area.
4. Provide both agencies adequate flexibility to respond to changing water demands, changing water supply availability, and infrastructure limitations.

Soquel Creek has initiated a peer review of their hydrological studies. Finalization of the Cooperative Groundwater Management Agreement is on hold, pending completion of the peer review. The Cory Street monitoring well # 4 was completed in November 2013, adjacent to the Beltz 12 property.

Beltz Treatment Plant Reclaim Tank Replacement (c701101) The Beltz Treatment Plant Reclaim tank was built in 1971. In 2002, a liner was placed into the tank to mitigate leaking however, it was determined that a new tank was needed. The new 63,000 gallon bolted steel tank will have the ability to handle the larger volume of backwash water produced by the system. The new tank will not increase the overall capacity of the treatment plant. Bids were received in September 2012 and came in 50% higher than the engineer's estimate. The scope of the project was refined and rebid; the project was awarded to Monterey Peninsula Engineering for \$159,000. The tank is currently being fabricated; completion is anticipated in spring 2014.

Beltz Well #4 Replacement with #12 (c701003) Coastal groundwater levels are near or below protective levels in the Western Purisima. To ensure the City can continue to pump sufficient groundwater to meet the needs of its customers, some pumping was shifted to a well further inland. Construction of the well is completed; construction of the treatment plant will occur January – November 2014.

Hydro turbine (c700901) A hydro turbine has been planned for installation at the base of Newell Creek Dam to produce electrical power from water discharged to meet requirements of California Fish and Wildlife. This renewable power will be produced year round and will supplement existing on site electrical needs including the Loch Lomond aerators. Excess power produced by the generator will be sold back to PG&E under a Power Purchase Agreement. This project is on hold pending completion of higher priority projects; particularly maintenance on the Newell Creek Dam Pipeline and outlet structure.

Loch Lomond Facilities Improvements (c701301, m701301) The Loch Lomond Recreation Area has been in service since the Newell Creek Dam was completed in 1960. Some of the facilities need to be updated. A study of possible recreation uses of the current recreation area has been completed and a feasibility analysis of access to and use of the west side of the reservoir is underway. The west side feasibility analysis is in progress and the results will return to the Water Commission in summer 2014. Accessibility Improvements are currently in design; construction to begin fall 2014.

Main Replacements (c700002, c700003, c700004, m701105, c709833, c700017) The Water Department budgets funds annually to replace existing water mains. These projects are initiated by the Engineering and Distribution Divisions, outside agencies, and customers. Department-initiated projects are established annually through the use of a prioritization matrix developed by the Water Department's Engineering Division. Many factors are considered including:

- the need to maintain water system reliability and water quality,
- deliver adequate fire flows,
- improve circulation, and,
- reduce maintenance costs.

Funds are also budgeted annually to accommodate and partner with outside agency work such as County or City Public Works projects and water mains required for new development. Last Year's project on Ocean View Avenue, South Branciforte Avenue, Caledonia Street, Windsor Street and Windham Street was completed in November 2013; next fiscal year's project on Soquel Avenue from South Branciforte Avenue to South Morrissey Boulevard and Seabright Avenue from Soquel Avenue to Broadway will begin summer 2014.

North Coast System Rehabilitation Project (c709835) The Santa Cruz Water Department (SCWD) has operated and maintained the 16-mile long North Coast System since the 1880s. The system relies entirely on rainfall runoff and emergent groundwater to furnish approximately 30 percent of Santa Cruz's overall water production (IWP 2003). The diversion structures on its four coastal streams (Liddell, Reggiardo, Laguna and Majors creeks) range in age from approximately 90 years to over 130 years. Over the past several years, the City has made emergency repairs on many sections of the pipeline as these facilities become increasingly prone to leakage and failure. In June 2004, the City undertook the preparation of a program-level Environmental Impact Report (PEIR) for this project which addressed the potential impacts and mitigation measures for the overall system repairs. The PEIR was certified by City Council at a Public Hearing held on November 8, 2005. The rehabilitation work is estimated to require 15 to 20 years to complete. The Harvey West segment completed; design on a coastal segment is ~70% complete. Next steps will include property appraisals for easement acquisitions, permitting and construction.

Water Supply Project (c700305, c700016) The City has been evaluating desalination as its water supply augmentation component of the Integrated Water Plan with the Soquel Creek Water District since 2005. A Draft Environmental Impact Report was released for public review and comment in May 2013 and the comment period closed in August 2013. The comments have been compiled into a summary report that is available on the project website: [www.scwd2desal.org](http://www.scwd2desal.org). Next steps with regards to the project and the environmental review process have not yet been defined.

Water Treatment Upgrades (c700025) Water treatment improvements were identified in the Water Quality and System Improvement Study (CDM, 2007) to enable the City to continue to meet changing state and federal water quality regulations. The study made several recommendations for improving treatment and programmatic changes and upgrades to the GHWTP continue as individual CIP projects.

GHWTP Filter Rehabilitation and Upgrades (c701303) Over the past ten years, the City of Santa Cruz has conducted several studies of various treatment process improvements and approaches for the Graham Hill Water Treatment Plant (GHWTP). These studies are necessary to meet the City's overall objectives of upgrading the treatment systems to meet current California Department of Public Health (CDPH) design and performance standards, enhancing system reliability, achieving consistent compliance with current and future regulatory requirements, and rehabilitating aging infrastructure and equipment. Through a review process, the City has selected a phased programmatic approach to making improvements at the GHWTP; with rehabilitating and upgrading the filters being the first step in the phasing of improvements. The

objective of the GHWTP Filter Rehabilitation and Upgrades Project is to improve the overall condition, performance and reliability of the granular media filters. A contract with Kennedy/Jenks was approved in February 2013 for design; plans are currently at 90% complete. Construction bidding is anticipated in February 2014.

Water Treatment Plant Tank Improvement (c701501) Improvements, repairs and modifications to the four existing concrete tanks at the Graham Hill Water Treatment Plant may improve the treatment process and increase infrastructure reliability. Before any improvements, repairs or modifications to the tanks are made, an engineering evaluation that includes a thorough conditions assessment, structural evaluation, and modification verses replacement value analysis of the tanks is necessary. The engineering evaluation will look at leaving the tanks as they are, performing small upgrades to increase the factor of safety, performing major upgrades with the intent of extending the useful life of the tank, or replacing some of the tanks. The value analysis shall weigh the cost verses benefit of the treatment process improvements and the reliability improvement due to increased structural factor of safety. A Request for Proposals for the engineering services to perform the tank evaluation is being developed and will be released in February 2014.

### **Major Maintenance Projects**

Recoat University Tank 2 (m701202) The University Tank 2 is a one million gallon welded steel potable water tank that was constructed in 1959. This tank supplies water to the upper west side of the water service area. As a critical component of the system that serves the University, it has been challenging to remove it from service for any significant period of time. However, a new pumping system and a small maintenance tank were installed which allowed the U2 Tank to be taken offline for a detailed inspection and the subsequent rehabilitation project, and will facilitate future maintenance. The engineering analysis recommended repainting the tank and replacing the roof. The dome roof and support structures were completely removed, a new cone roof and center column were installed, and a change order issued to remove the existing exterior lead-based paint rather than encapsulate it in place by painting over it. The new roof design minimizes interior areas that are susceptible to future corrosion and incorporates a flatter, walkable surface with an exterior perimeter handrail so the roof can be easily accessed, inspected, and maintained. The entire tank will be abrasive blasted and new paint applied to the bare steel interior and exterior. Project is under construction. The contractor will return from the holiday closure and begin work on the interior coatings. Completion scheduled by March 2014.

Clubhouse Drive Main Repair (m701301) A 2" leaking galvanized water main proved too difficult to replace in kind. Four homes were provided temporary above ground water services while approximately 240 feet of 4" fused water main was installed using horizontal directional drilling. This project was completed March 2013.

Recoat Delaveaga West Tank (m701205) The DeLaveaga tank site contains two - one-million gallon riveted steel potable water storage tanks. The tanks were constructed in 1935 and have been periodically repainted since initially being placed into service. The City entered into a maintenance contract in 2008 to provide inspection, maintenance, cleaning and painting upgrades for the tanks but that contract was terminated and the tanks remained offline while a new contract was bid and executed. A subsequent engineering analysis recommended repainting the tanks and performing roof repairs. The entire tank was abrasive blasted, the roof repair work completed, and new paint applied to the bare steel interior and exterior. The existing exterior

lead-based paint was removed. Having both tanks operational again will help provide a secure source of potable water for the eastern portion of the City's water service area. This work was completed and returned to service in early November 2013.

Recoat Delaveaga East Tank (m701204) In addition to the work described above, the East Tank may require additional patching to the steel shell plates. A change order was negotiated with the current West Tank's contractor to proceed with work on the East Tank; this approach will result in a seamless transition between the two projects and will reduce the costs for this work. This project is under construction. The contractor will return from the holiday closure and begin work on the interior coatings. Completion scheduled for March 2014.



**WATER COMMISSION  
REPORT**

DATE: December 16, 2013  
 TO: Water Commission  
 FROM: Nicole B. Dennis, Principal Management Analyst  
 SUBJECT: Training Opportunities for Water Commissioners

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Below are training opportunities available to Water Commission members.

Webinars:

Name of Training	Organization	Dates
Essential Guide to the Brown Act	CSDA	2/13/14
Ethics Compliance Training	CSDA	3/5/14

Conferences/Workshops:

Name of Conference/Workshop	Organization	Dates
How to be an Effective Board Member (Sacramento, CA)	CSDA	1/30/14
ACWA Spring 2014 Conference & Exhibition (Monterey, CA)	ACWA	5/6/14 – 5/9/14
AWWA Annual Conference & Exposition (Anaheim, CA)	AWWA	6/17/14
ACWA Fall 2014 Conference & Exhibition (San Diego, CA)	ACWA	12/2/14 – 12/5/14



## WATER COMMISSION REPORT

DATE: December 4, 2013

TO: Water Commission

FROM: Gloria Rudometkin, Administrative Assistant III

SUBJECT: New Law Requires Public Report on Action and Vote of Each Member in Open Sessions when “Members” Teleconferencing into a Meeting.

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### **Changes to Brown Act Effective January 1, 2014**

California Senate Bill 751, recently signed into law, will require all legislative bodies to publicly report any action taken in any meeting, and the vote or abstention on that action of each member present. The bill is effective January 1, 2014. In order to comply with these requirements, legislative bodies must verify the vote or abstention of each member, and publicly announce the action taken and the vote or abstention of each member in attendance. This information should also be noted in the minutes. As a practical matter, votes may need to be taken by roll call or in another manner that allows verification of the vote of each member in order to comply with the requirements of SB 751.

The Brown Act already requires legislative bodies to report individual votes on actions taken during teleconferenced meetings and on certain actions taken in closed session. SB 751 will extend this requirement to actions taken in open session in any meeting of a legislative body subject to the Brown Act. The legislative history of the bill indicates that its purpose is to improve the ability of the public and others who monitor legislative meetings of local agencies to know how members voted on a particular action.

### **Practical Application:**

John Barisone reviewed the bill, one section of the statute pertaining to teleconferenced meetings, which is currently in effect, specifically requires “roll call “ votes when one or more Commission Members are participating in the meeting via teleconference. The new section of the statute added by SB 751 simply requires that in all other meetings the vote of each Commission Members be “publicly reported”. While the Chair can comply with this requirement by conducting a roll call vote, she can also comply by simply reporting the vote on the record after it has been taken. Accordingly while the Chair may now, after calling for a vote on a motion, might state “The motion passes 4 to 3 as of January 1<sup>st</sup> the Chair will be in compliance with the new requirement if he states for example, “The motion passes 4-3, Commission Members Stearns, Mead, Wilshunsen, and Baskin in favor and Commissioners Meyers, Wadlow, Schiffren opposed.”



## WATER COMMISSION REPORT

DATE: December 16, 2013  
TO: Water Commission  
FROM: Nicole B. Dennis, Principal Management Analyst  
SUBJECT: Written Materials Provided to Commission

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At the Water Commission's December 2, 2013 meeting, a question arose regarding the appropriate retention of materials provided to Commission members during the "Oral Communications" portion of the meeting. Currently, any document provided in this manner is retained in the official record of the Water Commission and is available to the public at the Water Department's administrative office. Staff agreed to return to the Commission with additional information after having researched the question.

Water Department staff met with Bren Lehr, City Clerk; reviewed the Water Commission's Bylaws and City Council policy and determined the current practice meets all necessary requirements. However, to more closely align with City Council policies and procedures, Water Department staff will begin scanning and uploading documents provided to the Water Commission during "Oral Communications" to the City's website. These documents will be available as part of the meeting minutes as of the December 2, 2013 Water Commission meeting.

## Santa Cruz council debates next move on water

By J.M. Brown *Santa Cruz Sentinel*

POSTED: 11/26/2013 09:58:39 PM PST

SANTA CRUZ -- The city's next mayor, Lynn Robinson, will join councilmembers Don Lane and Micah Posner in nominating members of a new public advisory committee to explore alternatives to a seawater desalination proposal that has been the centerpiece of water supply planning for nearly a decade.

Following a recommendation from Lane, the council named the panel the Water Supply Advisory Committee and assigned it the broad challenge of leading a vigorous study for a year or longer of the impacts a wide range of alternatives would have on supply and demand.

"I'm not pretending there hasn't been polarization and mistrust," Lane said of opposition to desal. "We have to set our sights on moving past that. If we get this committee right, it means we are not all just entering the process just to hold onto the position we entered with."

The council heard for more than 90 minutes Tuesday from desal critics who sought changes to a proposed public engagement to explore solutions to Santa Cruz's limited water supply. Almost immediately after staff published a proposed composition of a new 19-member citizens advisory committee last week, controversy arose over its size and political diversity.

Desal opponents called for the Drought Solutions Citizen Advisory Committee, as it was proposed to be called, to operate with minimal or no city staff involvement and for its focus to be sustainable water planning not creating solutions specifically for drought. They also urged the council to abandon work on the \$130 million desal project, which staff has said should remain on the table.

Former council candidate Ron Pomerantz echoed calls for an end to spending on desal -- close to \$16 million to date between the city and its partner Soquel Creek Water District -- to demonstrate a seriousness about studying other options. "How about spending \$16 million on investigating alternatives," he said.

The council made no decisions about the future of desal on Tuesday.

After an environmental analysis cemented already growing public opposition to desal, Mayor Hilary Bryant joined City Manager Martín Bernal in calling for a reset in August. The council

approved in October a rough outline by Lane to test alternatives for viability, cost and amount of water they would produce.

Assistant City Manager Tina Shull recommended the council decide in early 2014 whether to complete the environmental report on desal, which has already cost \$1.6 million to produce and could cost \$300,000 to answer more than 400 comments from regulators and public.

Former county Supervisor Gary Patton said, "If you decided to proceed and spend hundreds of thousands of dollars to complete and EIR on the desal project, there will be no opportunity for the community to believe there is any trust in the exploration of alternatives. You can't do that."

Former five-term Mayor Mike Rotkin, who has spoken strongly in favor of exploring desal, also called for shelving the EIR, saying the public won't buy in to the new engagement process otherwise.

Lane recommended the new advisory committee have 14 members to be voted on by the council in January. He called for a member each from Santa Cruz Desal Alternatives and the Sustainable Water Coalition that favors desal, as well as a nonresident served by the water system. There would be three seats each for other city residents, environmental representatives and businesses. Two members of the Water Commission would sit on the panel, but no council members as proposed by the City Manager's office.

Rick Longinotti, co-founder of Desal Alternatives, said the public process is not only "a chance to move toward better water security, but we get to heal a rift in our community that was starting to be damaging in a variety of ways. Our work tonight is on the road to rebuilding community trust."

The cost for the new committee's work could reach an estimated \$1 million for an independent facilitator and additional studies the committee could request. The process would examine solutions ranging from desalination to conservation to improvements in the infrastructure and storage facilities serving the system's 90,000 customers.

Longinotti suggested no members from the council or city water commission, saying they would "risk influencing the scope, direction and extent of the discussion and inquiry that the committee might otherwise undertake."

He also requested fish habitat negotiations, regional water transfers and master conservation planning informing the debate be opened to the public.

Matthew Orbach, a UC Santa Cruz graduate, said the council shouldn't let a "small minority" opposed to desalination derail its efforts to address drought while restoring fish habitat and increasing long-term conservation.

"There are no massive conspiracies ... no one is out to get rich, no one is trying to destroy the environment," he said.

Also Tuesday, the council unanimously decided Tuesday to study the loosening of restrictions on recreational use of the San Lorenzo River, the city's largest water source. Although wildlife advocates warned there would be negative impacts of boating on bird and fish habitat, there was a chorus supportive of a new policy.

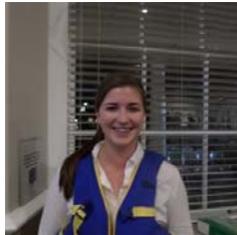
"We have enough imagination in Santa Cruz, we have enough resources and creativity that we can have that, too," Coastal Watershed Council Executive Director Greg Pepping said of Denver, San Antonio and other cities with urban rivers used for recreation.

"The goal is to find that balance of how do you activate the space and have that opportunity for people without doing harm or damage," Vice Mayor Robinson said.

## Council Lets Staff Study Paddle-Boarding on River

Council also okays Drought Solutions Citizen Advisory Committee

by Jacob Pierce on Nov 27, 2013



Laurie Egan, stewardship coordinator for the Coastal Watershed Council, showed her support for boating on the San Lorenzo. Photo by Jacob Pierce.

And you thought water issues couldn't be any fun. When Laurie Egan got her friends at the Coastal Watershed Council to dress up in life jackets, Santa Cruz city council discussed the future of the San Lorenzo River—but not to debate alternatives to a desalination plant or anything wonky like that. In front of the council at the Tuesday Nov. 26 meeting was a go-ahead allowing staff to study kayaking and [stand-up paddle boarding on the river](#).

Hence the jackets. Even city councilmember Micah Posner sported a jacket (although that might have just been extra safety padding for his bike ride home). So did former Mayor Mike Rotkin, Kayak Connection's Dave Grigsby and Greg Pepping, also from the Watershed Council. "I'm not a politician, and I'm in the deep end tonight", Pepping said during his presentation.

There was a little opposition from two environmentalists, who worry over the recommendations of some biologists, about impacts on wildlife, but most speakers about at public comment were generous in their support.

Assistant city manager Tina Shull said she didn't know why the law was on the books. Pepping noted Denver, Paso Robles, Redding, Sacramento, Los Angeles, Kansas City and San Antonio all have active river ways. Council unanimously approved the item, which will allow staff to move forward with an environmental review.

With that out of the way, council tackled public engagement for the city's water supply, voting to create a Drought Solutions Citizen Advisory Committee. Activists and city critics—some of whom might eventually serve on the committee to look for fixes to Santa Cruz's water shortages—came to weigh in during a 90 minute public comment period that at times got heated. Many activists criticized the committee's makeup and pressured the city to halt its \$7 million-plus spending to date on studying desalination. And it seems Desal Alternatives' Rick Longinotti and Paul Gratz, who dressed in collared shirts, must have left their jackets at home.

## Santa Cruz council OKs new water panel

By J.M. Brown Santa Cruz Sentinel

POSTED: 11/27/2013 05:55:22 PM PST

SANTA CRUZ -- The city's next mayor will join two fellow City Council members in nominating members of a new public advisory committee that will explore alternatives to desalination. The council unanimously voted late Tuesday to establish the Water Supply Advisory Committee, which will lead a vigorous study of the impacts a wide range of alternatives would have on supply and demand. Lynn Robinson, who was named mayor Tuesday and will take her post Dec. 10, will join Councilmembers Don Lane and Micah Posner in recommending citizens to the panel, which eventually will be chosen by the full council.

Lane drew up the composition of the group, shrinking it from a proposed 19 members to 14, with the option to add or subtract members at the request of the panel and an independent facilitator. The council approved soliciting bids from professional facilitators, whose costs are estimated to be \$150,000 to \$300,000 for the yearlong examination.

Stripping salt from seawater and treating it to drinking-water quality has been the centerpiece of Santa Cruz's water supply planning for nearly a decade, costing more than \$15 million for the city and its partner Sequel Creek Water District to study.

But the council directed staff in October to draft a "reset" plan -- with the advisory panel at the center -- after it became clear public opposition of the costs, energy use and other impacts was mounting. An environmental analysis drew more than 400 comments from regulators and citizens.

Lane recommended the panel's scope be broadened and that its name be changed from the Drought Solutions Citizen Advisory Committee proposed by city staff. Desal opponents had noted the city's main justification for desal has long been the potential for serious drought.

Lane, who will serve as vice mayor in 2014, also agreed to remove two seats on the panel for council members, seen by desal critics as key to letting the public guide the process, as well as seats for business interests expected to support desal.

"I'm not pretending there hasn't been polarization and mistrust," Lane told the crowd Tuesday. "We have to set our sights on moving past that. If we get this committee right, it means we are not all just entering the process just to hold onto the position we entered with."

The advisory panel will have a representative each from Santa Cruz Desal Alternatives and the Sustainable Water Coalition that favored studying desal. Those groups will nominate members for the panel, which will be selected by the council nominating committee.

The other seats, subject to an open application process, will be set aside for three city residents and a nonresident served by the water system; three representatives each from environmental and business groups; and two city water commissioners.

The council took no action Tuesday on whether to complete the desal environmental analysis but is likely to make a decision in early 2014 after consulting with leaders of the Soquel Creek district, who need a quick solution for the threat of saltwater intrusion. Critics have urged the council to shelve the environmental report and take desal off the table entirely to fully examine greater conservation, capture, storage and recycling opportunities throughout area watersheds.

Soquel resident Don Heichel told the council, "If we look around the county, we see that what we really have is not drought problems. We have regional problems."

## H2O in Limbo

WEDNESDAY, 04 DECEMBER 2013 00:00 JESSICA M. PASKO



### **After postponing vote on desal, Santa Cruz moves forward in water supply discussions**

While the City of Santa Cruz has hit pause on a proposed desalination plant, many are still wondering what that will mean for the city's involvement with CalDesal.

CalDesal is a pro-desalination advocacy board comprised of numerous water agencies, with a mission of advancing the use of desalination in California. Bill Kocher, the city's long-time Water Department director, was a founding member. But Kocher retired earlier this year, raising questions as to whether the city would continue its membership with the organization.

"My understanding is that there hasn't been a renewal," says Eileen Cross, Water Department communications specialist, of the city's membership. "That's the latest I know as of late."

Cross says she isn't entirely sure whether or when the current membership has expired, but she hasn't heard of any plans to renew. Membership costs \$5,000 annually.

Cross was hired in April to help with the city's communication needs on the draft Environmental Impact Report preparation for desalination.

Membership in CalDesal has been a controversial issue in an already-contentious debate. Opponents of desalination have argued that it creates a conflict of interest for the city.

"CalDesal is essentially a lobbying group," says Gary Patton, a former Santa Cruz County Supervisor and land-use activist.

Membership in such an organization supports its efforts, he says.

"I think it's not appropriate for the city to back that (organization) before they've even made a decision on desalination," Patton says. "They should withdraw."

He says that particularly in light of the City Council's decision to basically put a reset on desal discussions, the city shouldn't retain membership in CalDesal.

The City of Santa Cruz is still listed as a member on the CalDesal website, along with a lengthy list of other public agencies, including the water districts of Alameda, Solano, San Diego, Orange and Sonoma counties and the cities of Santa Barbara, Oceanside and San Clemente, among others. The Sacramento-based advocate for desal development also counts more than 40 private firms among its members.

Absent from that list is the Soquel Creek Water District, which was exploring a desalination plant jointly with the City of Santa Cruz. The district's board voted in June to quit its membership with CalDesal.

Directors of the board decided to drop its membership because, essentially, they didn't feel it was appropriate to be members of an advocacy group for something on which they were still trying to reach a decision.

Another founding member of the advocacy organization, the Marina Coast Water District Board, voted in July to drop its annual \$5,000 membership in CalDesal.

Kocher remains involved with CalDesal, which he's previously said isn't accurately described as a lobbying group.

The organization's website, however, has a clear mission statement outlined.

"CalDesal is the only advocacy group in California solely dedicated to advancing the use of desalination," the site says. "Other organizations choose not to engage, or address desalination as part of broader policy platforms. CalDesal's narrow focus allows for the most targeted, credible and persistent support for this important technology."

Ron Davis, executive director of the organization, could not be reached for comment by press time.

Meanwhile, city officials are still in the process of hiring someone to take over Kocher's position. The nationwide recruitment period is over and officials are in the process of screening candidates, Cross says. Interviews will likely begin in mid-December, and the hope is to hire someone sometime early next year, according to Scott Collins, assistant to the city manager for Santa Cruz.

Linette Almond, the deputy director of the Water Department, is serving as the interim director. She plans to retire after Jan. 1, however, eliminating her as a potential candidate for the full-time director slot.

While city officials work to hire a new water director, discussions about what to do about water supply issues continue. The Santa Cruz Water Department and Soquel Creek Water District's joint desalination task force was scheduled to meet Nov. 20, but that was canceled due to "a lack of business," according to the SCWD2 website.

The next meeting is scheduled for Dec. 18. The agenda has not yet been published.

Additionally, the City Council of Santa Cruz was scheduled to vote at its Nov. 26 meeting to move forward with an extensive community engagement effort on the city's water supply. In other words, a framework for the so-called reset on the water supply discussion. Councilmembers were expected to motion to establish a yearlong Drought Solutions Citizen Advisory Committee with the purpose of analyzing and formulating recommendations.

The proposed membership for the 19-member committee would include two city councilmembers, two water commissions, one representative of the educational community, two representatives of local businesses, one member of the Sustainable Water Coalition, one member of Santa Cruz Desal Alternatives, three members from environmental organizations, one representative of the recreation industry, two city residents, one county resident, one representative of the industry and manufacturing sector, and one representative of the hotels and tourism industry.

The advisory committee will be considered a major component of the discussion, and will focus on community engagement and topical discussion pertaining to water supply planning. The committee will be tasked with coming up with recommendations to the City Council.

## Donna Meyers: Holding hostages never results in good policy development

*By Donna Meyers Special to the Sentinel*

POSTED: 12/07/2013 03:01:46 PM PST

Donna Meyers

When we reach impasse in our public policy processes it is inevitable that we end up with an advisory process that rolls back time and promises to look with a new perspective at very hard policy questions. This is happening now with the advisory committee proposed by the city of Santa Cruz in its ongoing debate about its current and future water supply sustainability.

Recent threats by desalinization opponents that they must have more seats on the advisory committee is simply unrealistic and inappropriate. Rick Longinotti's "hint at a council bid if there isn't greater representation" is outrageous. The proposal to include four openly anti-desalinization groups is nothing more than a hostage-taking move to again try to control the outcomes of a process meant to look transparently at a very real water-supply issue affecting over half of our county's population.

While maybe not perfect in many people's minds, the committee process is an effort to pause and re-examine our existing water supply and how it is managed, the threats to it, and our options for developing a sustainable water policy for our community and the natural resources we claim to steward.

Santa Cruz County -- yes this is a countywide problem -- is not unique within the state of California in facing a dire water-supply issue. All of our major water supplies in Santa Cruz County are currently in either overdraft conditions or subject to an unpredictable future due to climate change and drought. Throughout the state of California water managers are grappling with these issues.

The level of expertise in California regarding managing a dwindling and unpredictable water supply in a Mediterranean climate is entirely missed in the constant barrage of misinformation and drama generated out of a one very vocal group. What this advisory committee requires is a level of expertise that is founded in facts and science. Water management requires expertise and understanding of California water law and policy, public

health regulation, land-use policy, natural resource management, endangered species policy, engineering and infrastructure, and public finance.

If we really want to come up with a viable advisory committee process, let's really get people who know what they are doing on this advisory committee. Let's reach deep into our community and beyond to find the experts that can really help us understand our problem, define it, and make good policy to sustain our community.

I, for one, am not willing to hand over the heritage of our native fish populations and our water supply to an advisory group that has no expertise in the resource issues to be examined. Let's not just throw seats to those who have become self-appointed "experts." That's politics -- that's not good policy. It's not the numbers on the committee that will make a difference -- it is the caliber and quality of the people who fill those seats and what their level of expertise is.

Donna Meyers works with agencies and nonprofit organizations on watershed management in the Central Coast.

## A salute to Scot: Loch Lomond's chief ranger to retire

By J.M. Brown Santa Cruz Sentinel

POSTED: 12/14/2013 02:03:46 PM PST



Loch Lomond Reservoir is approaching its lowest level in it's 50 year history. ...

( Dan Coyro )



LOMPICO -- Scot Lang will miss the winter sunsets that cut a vibrant pink streak down the center of Loch Lomond.

The Santa Cruz Water Department's chief ranger, charged with safeguarding the city's largest water storage facility and an accompanying recreation area, has announced his retirement after 11 years. The 55-year-old Morro Bay native has been working in natural resources protection for 33 years.

"It's been a beautiful place to work and I've been privileged to work for the community and protect their water," he said during a boat tour of the 175-acre lake. "But the responsibility of things going right goes to the staff. You will hardly notice my departure."

Such a remark is typical of Lang's aw-shucks style. He credits four rangers, three ranger assistants and a host of seasonal recreation aides for keeping the lake humming.

The biggest rule at Loch Lomond for boaters and on-shore fishermen is no body contact. The city gets credit with the state for maintaining a reservoir that doesn't require the high level of water treatment needed if swimming were allowed.

"Without their tireless work ethic, this place wouldn't be what it is -- offering an opportunity for recreation and still maintaining water quality," Lang said of his staff.

Lang -- named Scot with one "t" by a father named Fredd -- started his career on Santa Margarita Lake, a park in San Luis Obispo County. He later worked for the city of Gilroy as a parks supervisor before coming to Santa Cruz as the Parks and Recreation Department's open space ranger. He was eventually promoted to the Water Department's chief ranger.

Chris Berry, Santa Cruz's watershed compliance manager, said Lang has performed superbly.

"He was an exemplary chief ranger who would attend to all issues -- be they lost children, trespassing motorcyclists, illicit camps, extreme weather events, requests for trips across the lake for tours or monitoring, special events coordination, or just someone in need of some insider fishing tips," Berry said. And he did it "with enthusiasm, courtesy and a friendly demeanor fitting of the position," Berry added.

Lang's last day is Dec. 30, though with the Loch Lomond Recreational Area closed for the winter, he is taking the next two weeks off. He and wife Cirila have lived at the ranger's residence during his tenure and are moving to Los Osos, near Morro Bay, to be closer to his mother.

Besides the stark beauty, Lang said he will miss seeing the diverse wildlife around the reservoir, which was formed more than 50 years ago by the damming of Newell Creek. There are all manner of herons, grebes and osprey, and the lake is home to trout, bluegill and the occasional catfish.

In May, the City Council approved a recreation plan designed to increase use of the park after a sharp decline in visitors prompted by a state prohibition of private boats to block invasive species. Boaters can rent boats or store their own at Loch Lomond just for use at the lake, but the new recreation plans also call for kayak and canoe rental, summer campus and more hiking trails.

## **LAKE STILL LOW**

As Lang departs, the reservoir is two-thirds full, its lowest point in 16 years. Layers of exposed sediment near the shoreline and tree stumps that haven't seen daylight for some time offer silent testimony to dry conditions seen throughout California.

In normal and wet years, the lake is only tapped from June to October. But after two consecutive years with low rainfall, stream flows remain low in the San Lorenzo River, the city's primary source of water supply. Water managers also are faced with reducing diversions from North Coast streams to meet mandates by state and federal fisheries managers to boost habitat for endangered fish species.

Seasonal rainfall in the city's watershed currently measures 1.3 inches; 7.3 inches is the normal level at this time of year. As a result, the city has extended water restrictions that were set to expire in late October.

The Water Department expects to update the supply outlook for 2014, as well as give details of a master conservation master plan, in January. For information on Loch Lomond and conservation, visit [www.surfcitysave.com](http://www.surfcitysave.com).

Follow Sentinel reporter J.M. Brown at [Twitter.com/jmbrownreports](https://twitter.com/jmbrownreports)

SCOT LANG

OCCUPATION: Chief ranger for the Santa Cruz Water Department, overseeing Loch Lomond Reservoir and Recreation Area; retiring Dec. 30

AGE: 55

RESIDENCE: Inside Loch Lomond Recreation Area, Lompico

EDUCATION: Graduate of Morro Bay High School and Cuesta College, San Luis Obispo

FAMILY: Wife Cirila

## A History of Santa Cruz's Desal Fight Looking

back at the bitter battle over how to solve local water issues

by Jacob Pierce on Dec 17, 2013



Santa Cruz water activist Rick Longinotti saw his long campaign against the city's proposed desalination plant pay off this year when the council tabled the issue.

We don't know how 2014 will go or how much rain we'll get. But one thing looks pretty certain: It won't be the year of desalination.

Santa Cruz is getting ready to accept applications for a water panel, now that the city council has agreed to stop pursuing desal once the environmental review is finished. And so, we bid goodbye to an entertaining era in city politics. The argument over desalination was full of public relations games and passive-aggressive shots taken by both sides. Here's a look at the timeline that got us here:

**FALL 2010:** Activists try pressuring the city to put desalination to a city-wide vote because of concerns about its environmental and financial costs. City council and water staff show no interest in the idea.

**FEBRUARY 2012:** Rick Longinotti and other frustrated members of Desal Alternatives take matters into their own hands by starting the group Right to Vote on Desal. They start gathering petitions to put desalination to a vote in June of 2014. Mayor Don Lane worries that election date would be too late and might cost millions more dollars by delaying construction. He and councilmember David Terrazas write a ballot measure nearly identical to Longinotti's. But theirs would allow the public to vote on the measure as soon as the plans are done. Eventually the city's water staff tells Lane that June 2014 would not be too late, because the EIR isn't on schedule anyway. The council agrees to hold the vote no sooner than June 2014—making it now the same as the activists' initiative, Measure P. Council starts taking credit for the idea to put desal to a vote and encourages desal opponents to drop their own ballot measure—even though, yes, a public referendum was exactly what the council tried to avoid.

**SUMMER 2012:** Many city councilmembers oppose Measure P. But Longinotti encourages Santa Cruz residents to vote “yes” in order to guarantee a vote on the issue, even though the city council’s previous vote now already ensures that. Sure, city council *could* undo their own ordinance, as the activists routinely point out—if they want to risk political suicide.

**NOVEMBER 2012:** Measure P passes with 72 percent of the vote, and desal opponents suddenly change their spin. After the election, activists say the overwhelming “yes” vote suddenly means not just that voters want the right to vote on the issue, but that Santa Cruz doesn’t want a plant at all. “There’s a new reality after the November election,” Longinotti said at city council. “The voters are now looking to you to come up with a new plan in case the voters do not approve desalination.”

**AUGUST 2013:** City council puts desalination on hold. Mayor Hilary Bryant and city manager Martín Bernal start to wonder if they can muster enough public support to win at the polls. Bryant and Bernal announce a recommendation to table desal for now. Water director Bill Kocher resigns after 27 years.

**SEPTEMBER 2013:** Desal opponents pressure the city to halt all spending on the plant—which comes out to \$15 million so far, a cost split with the Soquel Creek Water District. “You should table this item. You should bring it back, and you shouldn’t have the word desal mentioned anywhere in here! You can talk about anything but desal, please!” said Mike Boyd, who had filed suit in March trying to halt the plant. City council declines to drop the EIR, arguing that it’s important and includes studies about alternatives to desalination. Meanwhile, Loch Lomond, the city’s reservoir, dips to a 16-year low.

**NOVEMBER 2013:** City council, largely under the guidance of councilmember Don Lane, creates a 14-member Water Supply Advisory Committee to look at long-term solutions to Santa Cruz’s drought problems and ways to make Santa Cruz drought resistant. The committee will include community members, activists, businesspeople and two water commissioners. “I’m not pretending there hasn’t been some polarization and mistrust,” Don Lane said at a Nov. 26 meeting. “But we do have to set our sights on moving past that. If we get this committee right, it means we’re not all just entering into the process just to hold onto the position where we entered. Many of us come in with strong feelings, and we have to acknowledge them and put them somewhat aside in the interest of a good working group.”



**WATER COMMISSION  
REPORT**

DATE: December 16, 2013  
TO: Water Commission  
FROM: Nicole B. Dennis, Principal Management Analyst  
SUBJECT: New City Council Procedural Rules for Motions and Debate

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At its meeting on November 26, 2013, the City Council adopted new procedural rules for making motions and governing debates at its meetings.

Councilmembers Lane, Mathews, and Robinson, in consultation with City Attorney John Barisone, wrote some customized rules of procedure for the City Council which used Rosenberg's Rules of Order as a starting point. It is important to note that although the group used the Rosenberg Rules as a basis, the City Council's new rules are not nearly as detailed.

Attached is the staff report and associated documents which went to Council. In addition, a summary of Rosenberg's Rules of Order published by the League of California Cities is also attached. It offers some clarification on public comment the Commission may find helpful.

In order to maintain consistency with the City Council, the Water Commission can choose to use the new procedures adopted by Council. The City Attorney has offered to make himself available at a future meeting if Commission has questions regarding the new rules.



## CITY COUNCIL AGENDA REPORT

DATE: 11/20/2013

AGENDA OF: 11/26/2013

DEPARTMENT: City Council

SUBJECT: City Council Procedural Rules for Motions and Debate (CN)

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**RECOMMENDATION:** Resolution adopting the attached proposed City Council Procedural Rules for Motions and Debate.

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**BACKGROUND:** As the City Council was previously advised at its October 8, 2013 meeting, the City Council has never adopted a comprehensive set of parliamentary procedural rules primarily because these sets of standard rules, the two most popular being Robert's Rules of Order and The Sturgis Standard Code of Parliamentary Procedure, are unduly detailed and arcane and are not designed for the types of meetings conducted by public agencies where public participation is a major component. What rules the Council has adopted are those set forth in the Councilmembers' Handbook. There is one overarching rule and then two rules that govern specific types of motions. The overarching rule reads: "The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decision on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by a majority vote." Subsequently the Handbook delineates the procedures for making a motion to reconsider a Council decision made earlier during the same meeting and for making a motion to rescind a Council decision made at a previous meeting.

Consequently, there are no procedures in place for other types of motions such as a motion to divide the question, a motion to call the question, a motion to amend, a substitute motion, a motion to table etc. Pursuant to the "presiding officer" rule, quoted above, when any of these latter motions are made at one of our Council meetings, the Mayor is responsible for determining how the motion will be administered and decided; however, without specific procedural rules in place the manner in which these motions are handled may vary from mayor to mayor and even from meeting to meeting.

In light of the forgoing, at its October 8, 2013 meeting the Council authorized the Mayor to appoint a subcommittee to assist the City Attorney in promulgating draft City Council Procedural Rules for Motions and Debate which the City Council could thereafter consider for adoption. Pursuant to this direction, Mayor Bryant appointed the three of us to serve on that subcommittee. We have since met with the City Attorney who, with our assistance and input, has drafted proposed Rules for Motions and Debate for the City Council's consideration.

DISCUSSION: The proposed City Council Procedural Rules for Motions and Debate which this subcommittee is recommending that the City Council adopt and thereafter employ in conducting its future meetings are attached. In drafting the proposed rules, the subcommittee's primary consideration and objective was the promulgation of a set of rules that is both simple and straightforward and that provides clear guidance to the Mayor or Vice-Mayor concerning the manner in which the most common motions are to be made, considered and acted upon by the Council while at the same time preserving the level of congeniality, flexibility and informality which the City Council has historically displayed in transacting City business during Council meetings.

In summary, the proposed rules specify the duties of the presiding officer (normally the Mayor or Vice-Mayor) during City Council meetings, the general rules of debate and voting which Councilmembers will be expected to adhere to, and the rules governing the various types of motions that are common at Santa Cruz City Council meetings including regular motions, motions to amend, substitute motions, friendly amendments, points of order, requests and motions to divide the question, motions to table, motions to limit consideration of an item, motions to reconsider, motions to rescind, motions to adjourn, motions to fix the time to adjourn, motions to recess, and motions to suspend the rules. Finally, the proposed rules set forth the manner in which the Council will dispose of multiple motions when more than one motion is on the floor at a given time.

The proposed rules, if adopted by the City Council, will be incorporated into the City Council Policy Manual. The rules will go into effect immediately upon adoption of the Resolution approving them and will therefore govern City Council proceedings from this point forward.

FISCAL IMPACT: None.

Prepared by:  
Vice Mayor Robinson; and  
Councilmembers Lane and  
Mathews

Submitted by:  
Vice Mayor Robinson; and  
Councilmembers Lane and  
Mathews

Approved by:  
Martin Bernal  
City Manager

ATTACHMENTS:

Resolution including Exhibit A - Proposed City Council Procedural Rules for Motions and Debate

RESOLUTION NO. NS-28,722

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
ADOPTING CITY COUNCIL PROCEDURAL RULES FOR MOTIONS AND DEBATE

BE IT RESOLVED by the City Council of the City of Santa Cruz that the attached Exhibit A: Procedural Rules for Motions and Debate are hereby adopted. Be it further resolved that the attached Rules are intended to, and shall, supersede those "Rules of Debate" originally adopted as part of Resolution No. NS-26,837, but that all other provisions of Resolution No. NS-26,837 shall remain in full force and effect. The City Clerk is hereby authorized and directed to incorporate and insert these newly adopted Procedural Rules for Motions and Debate into the City Council Policy Manual at a location in that manual deemed appropriate by the City Clerk.

PASSED AND ADOPTED this 26th day of November, 2013, by the following vote:

AYES: Councilmembers Terrazas, Comstock, Lane, Mathews, Posner; Vice Mayor Robinson; Mayor Bryant.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED:   
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Clerk Administrator

RESOLUTION NO. NS-28,722

EXHIBIT A

**PROCEDURAL RULES FOR MOTIONS AND DEBATE**

**Duties of Presiding Officer**

The Mayor (or in the Mayor's absence, the Vice Mayor) shall be the presiding officer of the Council. In the absence of the Mayor and the Vice Mayor, the City Clerk or Deputy City Clerk shall call the Council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon arrival of the Mayor or the Vice Mayor, the temporary presiding officer shall relinquish the chair upon the conclusion of the item of business then pending before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order in accordance with these procedural rules for motions and debate. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. Any Councilmember, with the exception of the presiding officer, may move to appeal a decision of the presiding officer. If the appeal motion is seconded by another Councilmember, the Council shall vote on the appeal. If the appeal motion is not seconded, the presiding officer's decision shall stand. The presiding officer's name shall be called last on any question in voting.

**Debate: Presiding Officer**

The presiding officer may debate and may second motions, but may not make a motion. The presiding officer is subject to the limitations of debate that are imposed on all Councilmembers and, except for making motions, shall not be deprived of any of the rights and privileges of a Councilmember.

**Debate: Councilmember**

Every Councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the rules of civil debate herein stated. A Councilmember, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g. for a point of order, parliamentary inquiry, or appeal of the presiding officer's procedural ruling). In addressing the issue under consideration, a Councilmember shall be guided by the following principles:

RESOLUTION NO. NS-28,722  
EXHIBIT A

- (1) We may disagree, but we will be respectful of one another;
- (2) All comments will be directed to the issue at hand;
- (3) Personal attacks shall be avoided.

**Point of Order**

Any Councilmember, with the exception of the presiding officer, may call for a point of order to bring to the attention of the City Council a violation of these rules, an omission, a mistake, or an error in procedure, and to secure a ruling from the presiding officer on the question raised. The point of order shall be raised immediately after the violation, omission, mistake or error in procedure has been committed. A Councilmember who wishes to call for a point of order may interrupt a Councilmember who has the floor at the time but shall not explain the basis for his or her point of order until subsequently recognized by the presiding officer. The presiding officer, in his or her discretion, may allow the Councilmember who was interrupted to conclude his or her remarks before ruling on the point of order. A point of order is not debatable; however, the presiding officer may consult the City Attorney or City Manager before ruling on the point of order.

**Regular Motion**

Any Councilmember, with the exception of the presiding officer, may make a regular motion. A regular motion is debatable.

**Motion to Amend/Substitute Motion**

Any Councilmember, with the exception of the presiding officer, may make a motion to amend a regular motion or a motion to substitute a new motion for a regular motion. A motion to amend and a substitute motion are both debatable. If the nature of the motion is in question, the presiding officer shall decide whether the motion is a motion to amend (which seeks to retain but modify a regular motion) or a substitute motion (which seeks to replace a regular motion with a new and different motion). If the motion to amend or substitute motion is seconded, the Council shall first vote on whether to accept the motion. If the Council votes to accept the motion, the Council shall then vote on the amended motion or substitute motion. If the Council votes not to accept the motion, the Council shall then vote on the original motion.

**Friendly Amendment**

Any Councilmember including the presiding officer may ask the moving Councilmember to authorize a friendly amendment to a motion on the floor. If acceptable to both the moving Councilmember and seconding Councilmember, the motion shall thereafter proceed as amended. If not acceptable to the moving Councilmember or seconding Councilmember, the Councilmember who requested the friendly amendment may thereafter make a motion to amend. The presiding officer shall decide whether or not to allow debate or limit debate on a proposed friendly amendment.

**Request/Motion to Divide the Question**

The presiding officer may, in his or her discretion, divide the motion into multiple questions after a motion has been made and seconded. Any Councilmember may request that the presiding officer divide the motion into multiple questions after a motion has been made and seconded. If, upon request, the presiding officer declines to divide the question, any Councilmember may make a motion to divide the question. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to divide the question. When dividing the question, the presiding officer or the requesting or moving Councilmember shall clearly state each question to be the subject of a separate City Council vote.

**Motion to Table**

Any Councilmember, with the exception of the presiding officer, may make a motion to table. If adopted, the motion requires that all discussion of the item under consideration at the time of the motion be halted immediately without further discussion. The motion may or may not include a specific time at which the Council will resume consideration of the item. However, a motion which does not include a specific resumption time shall not be construed as precluding the Council's ability to resume consideration of the item at any future City Council meeting. A motion to table is not debatable.

**Motion to Limit Consideration**

Any Councilmember, with the exception of the presiding officer, may make a motion to limit consideration (public comment and/or Council debate) on an item to a specific period of time. The motion shall specify the period of time to which consideration shall be limited. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to limit debate. The presiding officer, in the interest of accomplishing the Council's business in a reasonably timely manner, may assign time limits to agenda items prior to or during the Council's consideration of those agenda items.

**Motion to Call the Question**

Any Councilmember, with the exception of the presiding officer, may make a motion to call the question. If adopted, the motion requires that all discussion of the item under consideration be halted immediately without further discussion and that the item be immediately put to a vote of the Council. A motion to call the question is not debatable.

**Motion to Reconsider**

A motion to reconsider any action taken by the Council may be made only on the same day that the action was taken. The motion may be made either immediately during the same session, or at a recessed or adjourned session on the same day. With the exception of the presiding officer, the motion may be made only by a Councilmember who previously voted in the majority on the item which is the subject of reconsideration. A motion to reconsider is debatable.

**Motion to Rescind**

Any Councilmember, with the exception of the presiding officer, may make a motion to rescind a prior Council action. A Council action may not be rescinded on the same day the action was taken, but may be rescinded at any subsequent meeting of the Council. Action taken pursuant to resolution may only be rescinded by resolution. Actions taken by motion may be rescinded by motion. A motion to rescind is debatable. Except in the case of an emergency or where the Council makes the necessary findings and adds the item to the agenda as a late item in accordance with Brown Act requirements, a request to rescind a prior action of the Council, not already agendized for that meeting, will not be acted upon at the same meeting at which the

RESOLUTION NO. NS-28,722  
EXHIBIT A

request is presented but will be continued to the next meeting to permit notification of interested persons. Nothing in this rule shall be construed as limiting the authority of the Council from again considering at a future Council meeting an item it had considered and acted upon at a prior City Council meeting and thereafter taking action upon that item at variance with the prior Council action or which supersedes the prior Council action.

**Motion to Adjourn**

Any Councilmember, with the exception of the presiding officer, may make a motion to adjourn. If adopted, the motion requires the Council to immediately cease its meeting and to adjourn to the next regularly scheduled or specially scheduled Council meeting. A motion to adjourn is not debatable.

**Motion to Fix the Time to Adjourn**

Any Councilmember, with the exception of the presiding officer, may make a motion to fix the time to adjourn. The moving Councilmember shall specifically state the hour at which the Council meeting shall immediately cease if the motion is adopted. If adopted, the motion requires the Council to immediately cease its meeting at the appointed hour and to adjourn to the next regularly scheduled or specially scheduled Council meeting. The presiding officer shall decide whether or not to allow debate or limit debate on a motion to fix the time to adjourn. Nothing in this rule shall be construed as prohibiting the Council from adjourning its meeting prior to the hour specified in the motion should the Council complete its business prior to the appointed hour.

**Motion to Recess**

Any Councilmember, with the exception of the presiding officer, may make a motion to recess. The moving Councilmember shall specifically state the length of time of the recess if the motion is adopted. If adopted, the motion requires the Council to immediately recess its meeting for the specified period of time. A motion to recess is not debatable. Nothing in this rule shall be construed as prohibiting the presiding officer from recessing a Council meeting from time to time as deemed appropriate by the presiding officer.

**Motion to Suspend the Rules**

Any Councilmember, with the exception of the presiding officer, may make a motion to suspend the rules. The moving Councilmember shall identify the rule to be suspended if the motion is adopted and specify the action proposed to be taken during the rule's suspension. The motion shall require the affirmative vote of two-thirds of the Councilmembers present for passage. A motion to suspend the rules is debatable.

**Voting**

Any Councilmember, with the exception of the presiding officer, may make a motion. Any Councilmember including the presiding officer may second a motion. Any motion which is not seconded by a Councilmember shall die for lack of a second. With the exception of a motion to suspend the rules, which requires a two-thirds affirmative vote for passage, any motion shall pass if a majority of present Councilmembers vote in favor of the motion. Any motion shall fail if a majority of present Councilmembers vote in opposition to the motion or if there is a tie vote on the motion by present Councilmembers. A resolution shall require four affirmative Councilmember votes for adoption. Except as otherwise stated in the City Charter, an ordinance shall require four affirmative Councilmember votes for adoption.

**Multiple Motions**

A maximum of three motions may be pending at any given time during a Council meeting. Subsequent motions shall be rejected by the presiding officer until less than three motions are pending. When two or three motions are pending, the last pending motion made shall be the first motion voted on by the Council. For example, if a regular motion and a motion to amend are simultaneously pending, the vote on the motion to amend shall be taken first and the vote on the regular motion shall be taken second. By way of further example, if a regular motion is followed by a substitute motion which, in turn, is followed by a motion to table, the vote on the motion to table shall be taken first, followed by the vote on the substitute motion and then, if necessary, followed by the vote on the regular motion.



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



## TABLE OF CONTENTS

About the Author .....	ii
Introduction .....	2
Establishing a Quorum.....	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion .....	2
Motions in General.....	3
The Three Basic Motions.....	3
Multiple Motions Before the Body.....	4
To Debate or Not to Debate.....	4
Majority and Super-Majority Votes .....	5
Counting Votes.....	5
The Motion to Reconsider.....	6
Courtesy and Decorum .....	7
Special Notes About Public Input .....	7

## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

### Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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