



AGENDA
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Thursday, October 17, 2019
7:00 PM

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alissa Kispersky	Council Member

3. INVOCATION AND PLEDGE OF ALLEGIANCE

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. PUBLIC AGENCY COMMUNICATIONS

This is a time specifically set aside for representatives of public agencies to make brief comments of general interest to the City Council and the community.

7. PRESENTATIONS

A. PRESENTATION OF THE OCTOBER 2019 HOUSE OF THE MONTH

B. PRESENTATION OF THE 2019 BUSINESS OF THE THIRD QUARTER

C. PRESENTATION ON SEASIDE'S CAR WEEK EVENTS

D. COMMUNITY AND ECONOMIC DEVELOPMENT QUARTERLY REPORT

8. CONSENT AGENDA

A. APPROVE MINUTES FROM OCTOBER 3, 2019

RECOMMENDATION: That the minutes be reviewed and approved.

B. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of September 21, 2019 through October 4, 2019 including the payroll and benefits checks, direct deposits and wired payments related to the pay period of September 27, 2019. Total Accounts Payable and Payroll for the above referenced period is \$1,170,460.79.

C. APPROVE A FEE WAIVER FROM THE BOYS & GIRLS CLUB OF MONTEREY COUNTY FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR THEIR MARTI MULFORD YOUTH ARTS EXHIBIT 2020 ON JANUARY 16, 2020

RECOMMENDATION: Approve the fee waiver request from the Boys & Girls Club of Monterey County for the use of Laguna Grande Hall and Kitchen to hold their Marti Mulford Youth Arts Exhibit 2020 in the amount of \$423.00 and require the Organization to provide the City with a non-refundable portion of the deposit of \$147.81.

D. APPROVE A FEE WAIVER REQUEST FROM DELTA SIGMA THETA SORORITY FOR USE OF OLDEMEYER CENTER FOR TWO COMMUNITY EVENTS IN 2020: A HEALTH CONFERENCE AND THE ANNUAL JABBERWOCK PAGEANT & YOUTH TALENT

RECOMMENDATION: Approve the request for a fee waiver by Delta Sigma Theta Sorority in the amount of \$2,601.75. These fees include room rentals fees for the Health Conference to be held on Saturday, March 07, 2020, and the Annual Jabberwock Pageant & Youth Talent to be held on Saturday, April 25, 2020.

E. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL BOY'S BASKETBALL

RECOMMENDATION: Approve a request from the Seaside High School Boy's Basketball for a donation of Three Thousand Dollars (\$3,000.00) from the Mayor's Youth Fund for the costs associated with practice jerseys, new uniforms and entry fees into tournaments.

F. APPROVE A RESOLUTION AWARDED A PROFESSIONAL SERVICES AGREEMENT TO BIERMAN HYDROGEOLOGIC FOR DESIGN OF A BACKUP IRRIGATION WELL AT LAGUNA GRANDE PARK FOR AN AMOUNT NOT TO EXCEED \$21,950

RECOMMENDATION: Award a professional services agreement to Bierman Hydrogeologic for well design for the backup irrigation well at Laguna Grande Park for an amount not to exceed \$21,950 and authorize the City Manager to execute the agreement.

G. APPROVE A RESOLUTION AWARDED A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN FOR THE INTERSECTION CONTROL EVALUATIONS AND CORRIDOR STUDIES FOR AN AMOUNT NOT TO EXCEED \$220,000 FUNDED BY FAIR SHARE FUNDS FROM THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY

RECOMMENDATION: Adopt a resolution to authorize the City Manager to execute a professional services agreement with Kimley-Horn and Associates, Inc. (Kimley-Horn) for Intersection Control Evaluations and Corridor Studies for an amount not to exceed \$220,000 to be funded by Transportation Agency for Monterey County (TAMC) Fair Share funds.

H. APPROVE THE TRAFFIC ADVISORY (TAC) COMMITTEE RECOMMENDATIONS FOR NO PARKING DESIGNATIONS

RECOMMENDATION: Review and approve the Traffic Advisory Committee recommendations from the September 17, 2019 meeting. To (1) Consider marking a "No Parking" area on Theresa Street behind 640 Lopez Avenue's driveway and; (2) Consider marking 15 feet of Red Curb on the north side of Hilby Avenue east and west of Luzern Street.

I. ACCEPT WATER RATES STUDY REPORT FOR THE SEASIDE MUNICIPAL WATER SYSTEM

RECOMMENDATION: Adopt a Resolution accepting the City of Seaside 2019 Water Rate Study Report prepared by Bartle Wells Associates (Bartle Wells), dated September 12, 2019 and Revised tables dated October 10, 2019 as complete.

J. ADOPT A COUNCIL MEMBER LETTERHEAD POLICY

RECOMMENDATION: Approve a policy for the development and use of City Letterhead by Council Members.

K. ADOPT A BOARD, COMMISSION, AND COMMITTEE EMAIL POLICY

RECOMMENDATION: Approve a policy for the development and use of city email addresses by Commissions.

L. ADOPT A RESOLUTION MODIFYING THE 2019-20 FEE SCHEDULE TO ELIMINATE FEES FOR ACCESSORY DWELLING UNITS

RECOMMENDATION: Adopt a resolution to modify the annual fee schedule to assist in furthering city council policy toward increasing affordable housing opportunities.

M. ADOPT A RESOLUTION AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT AND CONVEYANCE REQUEST FOR THE BASKETBALL COURT LOCATED AT THE CORNER OF SONOMA AND CONTRA COSTA AND TO EXECUTE ALL REQUIRED CLOSING DOCUMENTS FOR A PURCHASE PRICE OF \$2,000 PLUS APPLICABLE CLOSING COSTS.

RECOMMENDATION: Adopt the resolution authorizing the City to purchase the property from Monterey Peninsula Unified School District and authorize the City Manager to execute any necessary agreements for a land purchase price of \$2,000.

9. PUBLIC HEARING

A. INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE CHAPTER 2.14 TO EXPAND THE PARKS AND RECREATION COMMISSION AND ART AND HISTORY COMMISSION AND TO CODIFY THE ENVIRONMENTAL COMMITTEE AND HOMELESS COMMITTEE TO COMMISSIONS (FIRST READING ROLL CALL VOTE)

RECOMMENDATION: Introduce and pass to print the draft ordinance amending Chapter 2.14 of the Municipal Code Boards and Commissions.

B. CITY-INITIATED URGENCY ORDINANCE: ADDING CHAPTER 17.55 TO THE SEASIDE MUNICIPAL CODE (SMC) TO ADD A NEW CHAPTER SPECIAL PROVISIONS FOR SMALL WIRELESS FACILITIES, AND MAKING THEM SUBJECT TO A PERMIT AS SPECIFIED IN A NEW CITY COUNCIL POLICY

RECOMMENDATION: Adopt an Urgency Ordinance amending City's municipal code to recognize small wireless facilities.

C. ADOPTION BY RESOLUTION OF A CITYWIDE CITY COUNCIL POLICY; SMALL WIRELESS FACILITIES, REGULATING THE PERMITTING, DESIGN, AND LOCATION OF SUCH FACILITIES.

RECOMMENDATION: Adopt by resolution the proposed City Council Policy Regulating Small Wireless Facilities.

10. BUSINESS ITEMS

A. APPROVE A RESOLUTION ADOPTING THE NEW PROPOSED WATER RATES STRUCTURE FOR THE SEASIDE MUNICIPAL WATER SYSTEM

RECOMMENDATION: Approve a resolution to adopt the rate structure included in Exhibit A.

11. COUNCIL MEMBER REQUESTS

12. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community, make requests that items be added to future City Council meeting agendas as necessary and report on committee assignments.

13. ADJOURNMENT

Next Regularly Scheduled Meeting:
November 7, 2019
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings. City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Live streamed meeting videos as well as videos of past meetings are available on the City's website at: <http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Thursday, October 3, 2019
7:00 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order at 7:00 p.m.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard

ABSENT: None

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Oglesby called for a moment of silence. The Pledge of Allegiance was led by Assistant City Manager Lesley Milton-Rerig.

4. REVIEW OF AGENDA

Items 8H and 10A were continued to a future meeting.

5. PUBLIC COMMENT

SPEAKERS: Peter Kaiser, no name given, Lisa Nielsky, no name given

6. PUBLIC AGENCY COMMUNICATIONS

There were no public agency communications provided.

7. PRESENTATIONS

A. PRESENTATION OF THE AUGUST AND SEPTEMBER 2019 HOUSE OF THE MONTH AWARDS

Neighborhood Improvement Commissioner Dennis Alexander advised the Council of the winners and Building Official David Little informed the Council that the residents could not attend the meeting.

B. UPDATE ON CURRENT ROAD CONSTRUCTION PROJECTS

Rick Riedl, City Engineer provided an update on the City's current road construction projects location, status and communications with the contractors. Mr. Riedl also responded to questions and comments from the Council.

8. CONSENT AGENDA

Items 8J and 8I were pulled from the Consent Agenda by Council Member Campbell and Council Member Kispersky respectively. Mayor Pro Tem Pacheco asked a question regarding item 8L.

On motion by Council Member Wizard and second by Council Member Kispersky moved to approve the Consent Agenda except for items 8J and 8I.

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

A. APPROVE MINUTES FROM SEPTEMBER 19, 2019

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. ISSUE A PROCLAMATION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

Action: Approved

D. ISSUE A PROCLAMATION RECOGNIZING THE 2019 FIRE PREVENTION WEEK IN THE CITY OF SEASIDE

Action: Approved

E. ADOPT A RESOLUTION ACCEPTING AN ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT IN THE AMOUNT OF \$139,248 FOR RECRUITMENT AND RETENTION OF VOLUNTEER FIREFIGHTERS WITH NO MATCHING FUNDS REQUIRED BY THE CITY.

Action: Approved (Resolution 19-89)

F. ADOPT A RESOLUTION TO ESTABLISH THE CLASSIFICATION OF INFORMATION SERVICES NETWORK SPECIALIST AND MODIFY THE POSITION ALLOCATION LIST TO DELETE ONE INFORMATION SERVICES TECHNICIAN AND ADD ONE INFORMATION SERVICES NETWORK SPECIALIST AND ONE ADMINISTRATIVE ANALYST II.

Action: Approved (Resolution 19-90)

G. ADOPT A RESOLUTION AUTHORIZING A CONTRACT AMENDMENT TO BARTLE WELLS ASSOCIATES FOR AMENDMENTS TO THE WATER RATES STUDY REPORT

Action: Approved (Resolution 19-91)

H. ADOPT A RESOLUTION ADOPTING THE UPDATED MEMORANDUM OF UNDERSTANDING WITH THE SEASIDE CITY EMPLOYEES' ASSOCIATION

Action: This item was continued to a future meeting.

I. APPROVE LETTER OF SUPPORT FOR A PROP 68 TRAILS AND GREENWAYS GRANT APPLICATION FOR THE FORT ORD RECREATION TRAIL AND GREENWAY PROJECT

Council Member Kispersky requested the item be pulled from the Consent Agenda.

Action: Approved

On motion by Council Member Kispersky and second by Council Member Pacheco and carried by the following vote, the Council moved to approve a letter of support for a Prop 68 trails and greenways grant application for the Fort Ord recreation trail and greenway project.

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

J. ADOPT CHANGES TO THE BOARD, COMMISSION, AND COMMITTEE HANDBOOK

Council Member Campbell requested the item be pulled from the Consent Agenda.

Action: Approved

On motion by Council Member Wizard and second by Council Member Kispersky and carried by the following vote, the Council moved to approve changes to the Board, Commission and Committee Handbook with changes to the absenteeism policy and no changes to the applicant screening process at this time.

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

K. APPROVE A RESOLUTION AUTHORIZING A CONSTRUCTION AGREEMENT WITH SANTA CRUZ WESTSIDE ELECTRIC INC. FOR CITY HALL SOLAR CANOPY PROJECT FOR AN AMOUNT NOT TO EXCEED \$467,416

Action: Approved (Resolution 19-92)

L. ADOPT A RESOLUTION TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH SAGE RENEWABLES FOR CITY HALL SOLAR CANOPY PROJECT TO INCLUDE DESIGN AND INSPECTIONS SERVICES DURING CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$75,700.

Action: Approved (Resolution 19-93)

9. PUBLIC HEARING

A. ADOPT AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE CHAPTER 13.24 WATER ALLOCATION PROGRAM TO INCORPORATE CHANGES REQUESTED AT THE AUGUST 1, 2019 MEETING INCLUDING ADDING ALLOCATIONS FOR ACCESSORY DWELLING UNITS (SECOND READING, ROLL CALL VOTE)

Action: Approved (Ordinance #1064)

Public comments: None

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

B. ADOPTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE CHAPTER 9.08 ESTABLISHING REGULATIONS FOR THE USE OF DESIGNATED SKATEBOARDING AREAS (SECOND READING - ROLL CALL VOTE)

Action: Approved (Ordinance #1065)

Public Comment was opened.

SPEAKERS: Shunda LeBouf, Ruthie Watts,

RESULT: Motion Passes 3-2 (with stated restriction that bicycles are prohibited)

AYES: Campbell, Oglesby, Pacheco

NOES: Kispersky, Wizard

10. BUSINESS ITEMS

A. APPEALS OF USE PERMIT NO. UP-16-07 and UP-15-04: THE CITY COUNCIL WILL CONSIDER THE ADOPTION OF RESOLUTIONS FOR THE DENIAL OF AN APPEAL RELATED TO DENYING A USE PERMIT APPLICATION SUBMITTED BY TRICIA KNIGHT ON BEHALF OF VERIZON WIRELESS FOR A WIRELESS FACILITY AT 1460 HILBY AVENUE AND FOR THE APPROVAL OF AN APPEAL THAT WOULD DENY THE INSTALLATION OF FOUR SMALL CELL WIRELESS FACILITIES ON UTILITY POLES NEAR THE FOLLOWING LOCATIONS:

- **1101 BUENA STREET**
- **1108 SAN LUCAS STREET**
- **1431 WARING STREET**
- **1268 YOSEMITE STREET**

This item was continued to a future meeting.

B. CONSIDER APPROVAL OF THE TRAFFIC ADVISORY (TAC) COMMITTEE RECOMMENDATIONS FOR PLUMAS AVENUE

Rick Riedl, City Engineer provided a presentation regarding the item and responded to questions and comments from the Council.

Public Comment was opened.

SPEAKERS: Michael Spalletta, Irene Barlech, Shunda LeBouf

On motion by Mayor Pro Tem Pacheco and second by Mayor Oglesby to install channelizers on Plumas Avenue.

RESULT: Motion Failed 2-3

AYES: Oglesby, Pacheco

NOES: Campbell, Kispersky, Wizard

On motion by Council Member Wizard and second by Council Member Campbell and carried by the following vote, the Council moved to install 6" bot stops on Plumas Avenue and for the TAC to evaluate the activity in 6 months of installation and bring it back to the Council.

RESULT: Motion Passes 3-2

AYES: Campbell, Kispersky, Wizard

NOES: Oglesby, Pacheco

11. COUNCIL MEMBER REQUESTS

A. CONSIDER REQUEST TO INVESTIGATE WHICH UTILITY POLES AS IDENTIFIED BY VERIZON ARE ADA NON COMPLIANT PURSUANT TO ACCESS OF THE PUBLIC RIGHT OF WAY (WIZARD)

In support of bringing the item back: M/S/C - Wizard/Campbell – All Ayes

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

B. CONSIDER REQUEST FOR CONTRACTING FOR ADDITIONAL MEDIAN

BEAUTIFICATION SERVICES (OGLESBY)

In support of bringing the item back: M/S/C - Oglesby/Pacheco – All Ayes

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

C. CONSIDER REQUEST TO DRAFT FOR CONSIDERATION AN ORDINANCE PROHIBITING THE USE OF NATURAL GAS INFRASTRUCTURE IN NEW CONSTRUCTION WITH EXCEPTIONS (WIZARD)

In support of bringing the item back as a Study Session item: M/S/C – Wizard/Kispersky – All Ayes

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

D. CONSIDER REQUEST TO ESTABLISH A COMMERCIAL LINKAGE FEE FOR NEW DEVELOPMENTS IN SEASIDE AS A MECHANISM TO MITIGATE THE FINANCIAL IMPACT OF THE HIGH COST OF HOUSING AND JOBS THAT DO NOT PAY A LIVING WAGE (WIZARD)

In support of bringing the item back as a Study Session item: M/S/C – Wizard/Kispersky – All Ayes

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

E. CONSIDER REQUEST FOR AN UPDATE ON THE SCHOOL RESOURCE OFFICER PROGRAM (WIZARD)

In support of bringing the item back: M/S/C – Wizard/Oglesby – All Ayes

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

F. CONSIDER REQUEST TO MODIFY THE SHORT TERM RENTAL ORDINANCE TO EXPRESSLY PROHIBIT ALL ACCESSORY DWELLING UNITS ABILITY TO OPERATE AS SHORT TERM RENTALS (WIZARD)

In support of bringing the item back: M/S/C – Wizard/Campbell – All Ayes

RESULT: Motion Passes 5-0

AYES: Campbell, Kispersky, Oglesby, Pacheco, Wizard

NOES: None

12. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

City Attorney Freeman – Study session to have an easier way to have items added to the agenda by Council Members.

ASM Milton-Rerig – Fire Department open house on Saturday, 10/5 10-2pm; CM Malin returns Monday, 10/7

Kispersky – reported on attendance at LGP JPA meeting on 9/30/19

City Attorney Freeman – provided comments on CM Kispersky attendance and participation at LGP JPA meeting

Wizard – attended meeting at the Press Club: Gary Peterson, GWSA update for Ft Ord Community residents

Campbell – Waste Management District meeting - GM evaluation in progress, Monterey One water meeting, approved contract to rebuild a digester

Pacheco – Thanked council & staff for their work tonight, thanked Mayor for hosting the MPUSD & City collaborative meeting, attended MPUSD school Board meeting, attended Monterey Culture Council

Oglesby – attended Mayors association meeting in Greenfield, met with Seaside SNIP supporters – City should do more work partnership with SNIP, CSUMB Institution of Economic Development, attended LAFCO meeting, funeralized Bishop WW Hamilton, Monterey County United Way – continue support of volunteer tax return filings, attended the FORA Veterans Advisory Committee, met with Seaside local COPA re renters rights and SB 1482, startup council at embassy suites, meet with FORA special council to prepare to for ESCA, attend audit review for LAFCO (co-chair and on Budget committee), will attend CA LAFCO conference, Monterey One ribbon cutting on 10/4/19, SHS homecoming game on 10/4/19.

13. ADJOURNMENT - This meeting will be closed in honor of Bishop Wilburn Wyatt Hamilton, January 28, 1931 - September 16, 2019.

On motion by Oglesby and second by Pacheco and carried by the following vote, the Council moved to adjourn the meeting at 10:21 p.m.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Jessica Riley, Accounting Assistant
Kimberly Drabner, Finance Director

DATE: October 17, 2019

SUBJECT: APPROVE AND FILE CITY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of September 21, 2019 through October 4, 2019 including the payroll and benefits checks, direct deposits and wired payments related to the pay period of September 27, 2019. Total Accounts Payable and Payroll for the above referenced period is \$1,170,460.79.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, the above referenced, and linked list of checks conforms to the approved budget and has been paid. These checks are submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding \$10,000 are as follows:

- \$626,874.64 for Payroll and benefits.
- \$28,729.30 to California-American Water for Water consumption for multiple City of Seaside service addresses. Billing period of 8/21/19-9/25/19.
- \$46,724.47 to PG&E for Collective accts for street lights, highway lighting, park lights and city office buildings. Service period: 7/11/19-8/9/19.
- \$15,086.70 to U.S. Bank - Cal Card for City of Seaside purchase card transactions for the billing period of 6/22/19 - 7/22/19
- \$36,716.80 to Dude Solutions Inc. for Invoice #56812 that includes 44 department template designs and 4 days of onsite training for implementation of new SmartGov software platform.
- \$15,885.00 to Fenton & Keller, Professional Corp. for Professional services rendered from 8/1/19-8/31/19 related to the Main Gate development. Invoice #110496.

The remaining checks, totaling \$400,443.88 include payments to vendors for operating expenditures.

The Checks report is available on the City's website here:

<http://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Dan Meewis, Recreation Director

DATE: October 17, 2019

**SUBJECT: APPROVE A FEE WAIVER FROM THE BOYS & GIRLS CLUB OF
MONTEREY COUNTY FOR THE USE OF THE LAGUNA GRANDE
HALL AND KITCHEN FOR THEIR MARTI MULFORD YOUTH ARTS
EXHIBIT 2020 ON JANUARY 16, 2020**

PURPOSE & RECOMMENDATION

Approve the fee waiver request from the Boys & Girls Club of Monterey County for the use of Laguna Grande Hall and Kitchen to hold their Marti Mulford Youth Arts Exhibit 2020 in the amount of \$423.00 and require the Organization to provide the City with a non-refundable portion of the deposit of \$147.81.

BACKGROUND

The Boys & Girls Club of Monterey County is requesting a fee waiver to help cover the cost associated with their Marti Mulford Youth Arts Exhibit 2020 on Thursday, January 16, 2020 from 4:30 p.m. to 8:30 p.m. in the Laguna Grande Hall at the Oldemeyer Center.

This is the first time the Boys & Girls Club of Monterey County is requesting a fee waiver.

Staff recommends that the fees be waived for rental cost of the facility and that the organization provide liability coverage and pay only the non-refundable portion of the deposit of \$147.81 to go towards the building maintenance fund.

FISCAL IMPACT

The approximate fees which are applicable to this request are:

Laguna Grande Hall & Kitchen Fee	4 Hours @ \$105.75	\$423.00
Deposit Non Refundable Portion		<u>\$147.81</u>
TOTAL		\$570.81

Should the City Council approve the request with the staff recommendation to waive all rental fees but require payment for the non-refundable deposit only, the fiscal impact is \$423.00.

ATTACHMENTS

1. Fee Waiver Request - Boys & Girls Clubs of Monterey County 2019
 2. Boys & Girls Clubs of Monterey County 501(c)(3)
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**SEASIDE
CALIFORNIA**

Fee Waiver Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Boys & Girls Clubs of Monterey County
Name of Applicant: Beth Menon
Address: 1332 La Salle Ave. City: Seaside State: CA
Phone: 831-394-5171 Email: bmenon@bgcmc.org

EVENT INFORMATION:

Event Title: B&GCMC Marti Mulford Youth Arts Exhibit 2020
Event Description: Art exhibit created by the members of B&GCMC
Event Date: Jan. 16, 2020 Room(s) Requested: Laguna Grande Hall
Time (including set-up): 4:30p - 8:30p Approximate Number of Guests: 100

ADDITIONAL INFORMATION:

Reason for Requesting Fee Waiver: We are a non-profit hosting our annual kids art exhibit with no money set aside for venue fee.
Have you received a Fee Waiver in the past? ☐ Yes, the event was on _____ ☒ No
What is your organization's tax identification number? 94-1702753
What percentage of your members or participants resides in Seaside? 50% Seaside
Is your organization based in Seaside? ☒ Yes ☐ No 50% Salinas
Is your organization able to provide liability insurance? ☒ Yes ☐ No
Will alcohol be served or sold at your event? ☐ Yes ☒ No

Applicant Signature: Beth Menon Date: 9/20/19

(For Office Use Only)

Fee Waiver Request: ☐ Approved ☐ Denied ☐ Appealed

Security Deposit Required? ☐ Yes ☐ No

Staff Signature: _____ Date: _____

Notes: _____



POLICY REGARDING ROOM RENTAL FEES AND WAIVERS

Fees may be waived for activities that benefit the majority of Seaside residents. Any new organizations requesting fee waivers are required to submit a letter of intent and complete the Fee Waiver Request form to the Recreation Services Department. The application will be submitted to the City Manager or his designee for review and approval. In the event that the fee waiver request is denied by the City Manager, the request can be appealed to the City Council. Applicants must demonstrate that the following criteria are satisfied:

1. At least 60% of the organization's membership must consist of Seaside residents. The organization must provide documentation verifying membership residency.
2. The organization must be a 501(C)3 non-profit or public benefit organization and provide taxpayer identification number.
3. The organization must provide an in-kind service/donation to benefit and augment the City of Seaside. A written statement must be submitted with the application outlining specific donations and/or services provided by the organization to the City of Seaside.

FEE WAIVERS FOR MEETING ROOMS

1. Meetings are limited to four hours.
2. All organizations receiving fee waivers must give seven days notice of cancellation. If no notice is given of cancellation, the City reserves the right to deny further fee waiver requests.
3. Due to limited space, organizations may not request fee waivers for any more than one meeting room use per year; fee waivers are not intended to provide for ongoing weekly or monthly meeting use.
4. No faith based organizations may apply for fee waivers due to the separation of church and state.

AUDITORIUM RENTAL FEE WAIVER

Organizations requesting the use of the Auditorium must:

1. Pay the non-refundable portion of the deposit per event.
2. An organization requesting use of the auditorium for a special event or meeting may receive no more than one fee waiver request within a 90-day period.
3. Provide special event liability insurance. The following is required:
 - a. Provide an "Occurrence Made" liability insurance policy, naming the city as additionally insured, with limits of \$1 million per occurrence and \$2 million aggregate. A copy of that policy must be provided to the Recreation Services Department.

OR

 - b. Purchase Special Event Liability insurance through the Recreation Services Department at the time of fee waiver request. This insurance covers not only the city, but also those renting the facility.
4. Fundraising activities of any nature do not qualify for fee waivers.
5. Special events may be required to provide security at renter's expense. A photocopy of the contract must be on file with the Recreation Services Department. The number of security guards required is determined by the nature of the event and the numbers in attendance.

***A City-sanctioned organization is defined as "any community based group or organization that in cooperation with the Recreation Services Department, provides an entertainment, recreation and/educational service benefiting the citizens of Seaside."**

****All deposits are placed in the maintenance and janitorial fund designated for the upkeep and repair of the Oldemeyer Center.**



SEASIDE CALIFORNIA

Facility Rental Request Form
Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Boys & Girls Clubs of Monterey County
Name of Applicant: Beth Menon
Address: 1332 La Salle Ave City: Seaside State: CA
Phone: 831-394-5171 Email: bmenon@bgcmmc.org
Day of Event Contact Name and Phone: Beth - 805-748-8132
☒ Resident ☐ Non-Resident

EVENT INFORMATION:

Event Title: BGCMC Marti Malford Youth Arts Exhibit 2020
Event Description: Art exhibit created by members of BGCMC
Event Date: 1/16/20 Approximate Number of Guests: 100
Start Time: 6pm End Time: 8pm Set Up/Break Down Time: 4:30p/8:30p
Special Instructions: _____

Request to use the City's: ☒ Podium ☐ Microphone ☐ Projector Screen
*Subject to availability **Projectors and other electronic equipment will not be provided

	Yes	No		Yes	No
Are you a non-profit organization?	☒	☐	Will refreshments be served?	☒	☐
Is the event open to the public?	☐	☒	Will refreshments be sold?	☐	☒
Will admission be charged?	☐	☒	Will you be using the kitchen?	☒	☐
Will there be music?	☒	☐	Will alcohol be served?	☐	☒
Will there be live music and/or DJ?	☐	☒	Will alcohol be sold?	☐	☒
Name of band or DJ: _____			*Alcohol is prohibited at youth oriented events		

APPLICANT WILL PROVIDE THE FOLLOWING ITEMS 30 DAYS PRIOR TO THE EVENT:

1. Full payment of all applicable fees
2. Copy of event security contract by licensed company (if applicable)
3. Proof of liability insurance
4. Copy of ABC license (if applicable)



SEASIDE CALIFORNIA

Facility Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

FACILITY SELECTION

☐ LAGUNA GRANDE HALL

Capacity: Dining: 225 / Theatre: 300
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate	\$105.75	\$131.50
Deposit	\$591.25	\$738.75
(Non Refundable)	(\$147.81)	(\$184.68)
Alcohol Deposit	\$575.50	\$719.50
(Non Refundable)	(\$143.87)	(\$179.87)

Liability Insurance: \$81-\$207

Security Guards: required 1 per 50 guests

- ☐ I will be using Hall only
☒ I will be using Hall & Kitchen only
☐ I will be using Hall, Kitchen & Dance Studio

☐ BAYONET MEETING ROOM

Capacity: Classroom: 30 / Theatre: 40
Dimensions: 24' X 20'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr	\$43.75 /hr	\$55 /hr
After 3 hrs	\$20 /hr	\$24.50 /hr

☐ BLACKHORSE MEETING ROOM

Capacity: Classroom: 40 / Theatre: 50
Dimensions: 28' X 26'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hrs	\$54.50 /hr	\$68 /hr
After 3 hrs	\$24 /hr	\$29.75 /hr

☐ DANCE STUDIO

Capacity: Classroom: 35 / Theatre: 70
Dimensions: 26' X 24'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr	\$68 /hr	\$84.75 /hr
After 3 hrs	\$31.25 /hr	\$39.25 /hr

☐ SEAHORSE MEETING ROOM

Capacity: 20 / Dimensions: 28' X 16'

	Resident	Non-Res
Rate 0-3 hrs	\$43.75 /hr	\$55 /hr
After 3 hrs	\$20 /hr	\$24.50 /hr

☐ SEASIDE MEETING ROOM

Capacity: Classroom: 40 / Theatre: 60
Dimensions: 32' X 26'

	Resident	Non-Res
Food Deposit	\$150	\$187.50
(Non Refundable)	(\$37.50)	(\$46.75)
Rate 0-3 hr	\$43.75 /hr	\$55 /hr
After 3 hrs	\$20 /hr	\$24.50 /hr

☐ SEASIDE COMMUNITY CENTER

Capacity: Dining: 85 / Theatre: 100
Dimensions: 128' X 120'

	Resident	Non-Res
Hourly Rate	\$56	\$70.25
Deposit	\$314	\$392.50
(Non Refundable)	(\$78.50)	(\$98.25)
Alcohol Deposit	\$575.50	\$719.50
(Non Refundable)	(\$143.87)	(\$179.87)

Liability Insurance: \$81-\$207

Security Guards: required 1 per 50 guests

- ☐ I will be using the Large Room only
☐ I will be using the Kitchen only
☐ I will be using the Large Room & Kitchen

☐ YOUTH EDUCATION CENTER

Two hour rentals: available Fridays and Saturdays 7:30-9:30 PM, and Sundays for any two hours between 8 AM – 9 PM.

	Resident	Non-Res
Deposit	\$83	\$103.50
(Non Refundable)	(\$21)	(26)
0-25 Guests	\$172	\$215
26-50 Guests	\$188.50	\$235
51-75 Guests	\$223	\$278.50
Mini Golf	\$25	\$31
Extra ½ Hour	\$38	\$47.50

Non-Profit Rate: For Laguna Grande Hall, Seaside Community Center, and the Youth Education & Resource Center, non-profits may use the resident rate. For all other meeting rooms, non-profits may have up to 4 hours for \$31.75. Proof of 501(c)(3) required.



**SEASIDE
CALIFORNIA**

Facility Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

SEATING CONFIGURATION

Review and select a seating configuration below. If you would like a different layout, please sketch your preferred layout in the box marked "other" or on the back of this sheet.

Classroom	Conference	U-Shaped	Pods
Theater	Banquet	Empty Room	Other

I have read and agree to all pages in the rental agreement forms

Applicant Signature: Beth Menon

Date: 9/20/19

(For Office Use Only)

Permit Fee: _____

Authorized Agent: _____

Date: _____

Note: - Original to Resource Management/Recreation Department
- Copy to Police Department - Copy to Parks Division



City of Seaside
Parks and Recreation Division
986 Hilby Avenue,
Seaside, CA. 93955

Dear City Manager Craig Malin,

On behalf of the Boys & Girls Clubs of Monterey County, we appreciate the City of Seaside's consideration of our fee waiver request to utilize the Oldemeyer Center's Laguna Grande Hall & Kitchen. With approval of our request, the venue will host our annual Marti Mulford Art Exhibit on January 16th, 2020. The art exhibit will bring together approximately 100 youth and family members to enjoy their art work and recognize their passion and hard work.

Per the City of Seaside's policy for room rental fees and waivers, we can verify membership and participation from over 800 Seaside youth served annually. We are a 501c3 non-profit with Tax-ID #94-1702753. In-kind services to benefit and augment the City of Seaside are available and include facility use of the Seaside Clubhouse. We were pleased to host planning meetings for the recently completed Cutino Park improvements, as well as an adult basketball league for residents this past spring.

I can be reached at 831-394-5171 x212 or avie@bgcmc.org Please let me know if I can provide any additional information or answer any questions regarding our request. We appreciate the City of Seaside's consideration and continued partnership.

Respectfully,

Andrew Vie

Andrew Vie
Director of Operations

BOARD OF DIRECTORS

Peter A. Baird
Ted Balestreri
Erin Fogg
Tom Gray
Judy Krueger
Butch Lindley
Joe Merenda
Robert Montgomery
Gina Nucci
Cynthia Peck
William Perocchi
Christina Romeka
Tim Stejskal
Robert Weakley
Edward Zander

EMERITUS DIRECTORS

Peter Blackstock
Brigitte Wasserman

EXECUTIVE STAFF

Ron Johnson
President/CEO

Ann Hasselbach
Chief Financial Officer

SEASIDE CLUBHOUSE CORPORATE OFFICES

P.O. Box 97
1332 La Salle Avenue
Seaside, CA 93955
T (831) 394-5171
F (831) 394-4898

SALINAS CLUBHOUSE

85 Maryal Drive
Salinas, CA 93906
T (831) 757-4412
F (831) 394-4898

WWW.BGCMC.ORG

GREAT FUTURES START HERE.

Boys & Girls Clubs of Monterey County exist to inspire and empower the youth of Monterey County to realize their full potential to become responsible, healthy, productive and successful citizens.



Department of the Treasury
Internal Revenue Service
P.O. Box 9941
Ogden UT 84409

In reply refer to: 2916803013
May 02, 2000 LTR 252C
94-1702753 000000 00 000
01383

BOYS & GIRLS CLUBS OF MONTEREY
COUNTY
PO BOX 72
SEASIDE CA 93955-0072721

Taxpayer Identification Number: 94-1702753

Dear Taxpayer:

Thank you for the inquiry dated Mar. 20, 2000.

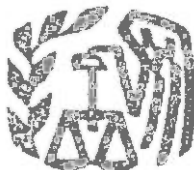
We have changed your business name as requested. The number shown above is valid for use on all tax documents. For your convenience, we have ordered corrected Forms 8109, Federal Tax Deposit Coupons for you to make your deposit. You should receive them in five to six weeks. REMINDER - Your new business name should also be used if you deposit electronically. You can make Electronic Funds Transfer (EFT) payments using the government's Electronic Federal Tax Payment System (EFTPS) through a financial agent designated to process tax payments.

If you have any questions, please call us toll free at 1-800-829-1040. If you prefer, you may write to us at the address shown at the top of the first page of this letter.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Also, you may want to keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

Department of the Treasury



District Director
Internal Revenue Service

Date: 4 DEC 1975

In reply refer to:
FL-1330, Code 428

EO-7272:d:Sheldish
SF:EO:75-1625
(415)556-7963

Boys Club of Monterey Peninsula
P. O. Box 72
Seaside, California 93955

Our Letter Dated: February 24, 1969

In our above letter, we advised you that you were recognized as exempt from Federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code. However, we did not determine whether you are a private foundation.

Based on the information you recently submitted, we have classified your organization as one that is not a private foundation as defined in section 509(a) of the Code because you are an organization described in section 170(b)(1)(A)(vi) and 509(a)(1).

This classification is based on the assumption that your operations will continue as you have stated. Please notify us of any changes in your purposes, character, or method of operation so that we can consider their effect on your status.

Because this letter could help resolve any questions about your exempt status and private foundation status, please keep it in your permanent records.

Sincerely yours,

F. L. Brownell

District Director

FRANCHISE TAX BOARD

1025 P STREET

CRAMENTO, CALIFORNIA 95814

October 23, 1968

Boys Club of Monterey Peninsula, a
non-profit Corporation
c/o Weingarten and McGinty
Fremont Professional Center
Fremont Boulevard and Williams Avenue
Seaside, CA 93955

Re: Exemption from franchise tax

Gentlemen:

It is the opinion of this office, based upon the evidence presented, that you are exempt from State franchise tax under the provisions of Section 23701d of the Revenue and Taxation Code, as it is shown that you are organized and operated exclusively as a charitable organization.

Accordingly, you will not be required to file franchise tax returns unless you change the character of your organization, the purposes for which you were organized, or your method of operation. Any such changes should be reported immediately to this office in order that their effect upon your exempt status may be determined.

If in any year your gross income exceeds \$25,000, you are required to file an information return on Form 199 on or before the 15th day of the 5th month following the close of your fiscal year. These forms will be mailed to you if you provide us with your current postal address.

If you have income from an unrelated trade or business that is taxable under the provisions of Section 23731 of the Revenue and Taxation Code, you must file a return on Form 109 on or before the 15th day of the 3rd month following the close of your fiscal year. Copies of this form may be obtained from this office or any of its branches.

Contributions made to you are deductible by the donors in arriving at their taxable net income in the manner and to the extent provided by Sections 17214, 17215, 17216 and 24357 of the Revenue and Taxation Code.

If the organization is not yet incorporated or has not yet qualified to do business in California, this approval will expire unless incorporation or qualification is completed within 30 days.

Very truly yours,



James C. Stewart
Assistant Secretary

101 Secretary of State



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.D.

TO: City Council

FROM: Craig Malin, City Manager

BY: Dan Meewis, Recreation Director

DATE: October 17, 2019

SUBJECT: APPROVE A FEE WAIVER REQUEST FROM DELTA SIGMA THETA SORORITY FOR USE OF OLDEMAYER CENTER FOR TWO COMMUNITY EVENTS IN 2020: A HEALTH CONFERENCE AND THE ANNUAL JABBERWOCK PAGEANT & YOUTH TALENT

PURPOSE & RECOMMENDATION

Approve the request for a fee waiver by Delta Sigma Theta Sorority in the amount of \$2,601.75. These fees include room rentals fees for the Health Conference to be held on Saturday, March 07, 2020, and the Annual Jabberwock Pageant & Youth Talent to be held on Saturday, April 25, 2020.

BACKGROUND

The Monterey Peninsula Alumnae Chapter for Delta Sigma Theta Sorority, Inc. is proposing to hold two annual community events to include the Ms. Jabberwock event and the Health Conference in 2020. They are requesting fee waivers for both events. The purpose of the Ms. Jabberwock event is to act as a fundraiser for youth scholarships. The Health Conference (formerly known as Health Empowerment Conference) is geared towards men and women. The Health Conference is an informative event which will cover health issues and preventable health measures according to their Fee Waiver Request.

Both of these events have been held annually at the Oldemeyer Center and all fees were waived in the past. Staff recommends that the organization provide the non-refundable portion of the maintenance deposit and provide insurance coverage for both

events. Those fees are deposited to the janitorial and maintenance fund to pay for the costs associated with the upkeep and maintenance of the facility.

FISCAL IMPACT

Should the City Council approve the request for full fee waivers for both events, the approximate fiscal impact is as follows:

Health Conference on March 07, 2020:

Laguna Grande Hall Rental Fee:	\$105.75 per hour X 7	\$ 740.25
Seaside Room Fee:	\$31.75 for 4 hours X 2	\$ 63.50
Seahorse Room Fee:	\$31.75 for 4 hours X 2	\$ 63.50
Non-Refundable Deposit:		\$ 147.81
TOTAL		\$1,015.06

Jabberwock Pageant Youth Talent on April 25, 2020:

Laguna Grande Hall Rental Fee	\$105.75 per hour X 14	\$1,480.50
Seaside Room Fee	\$31.75 for 4 hours X 4	\$ 127.00
Seahorse Room Fee	\$31.75 for 4 hours X 4	\$ 127.00
Non-Refundable Deposit		\$ 147.81
TOTAL		\$1,882.31

GRAND TOTAL FOR BOTH EVENTS: \$2,897.37

Should the City Council approve staff recommendation to waive all rental fees but require payment for the non-refundable deposit only, the fiscal impact is \$2,601.75.

ATTACHMENTS

1. Delta Sigma Theta Sorority Fee Waiver Request for Health Conference 2020
2. Delta Sigma Theta Sorority Fee Waiver Request for Jabberwock 2020

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



City of Seaside

FEE WAIVER REQUEST

Name of Applicant Lucille V. Standifer Organization Monterey Peninsula Alumnae Chapter Delta Sigma Theta Sorority, Inc.

Address P. O. Box 1154 Seaside CA 93955

Street City State Zip

Home Phone 831-394-8480 Cell Phone 831-809-6 Email Address lv5747@pacbell.net

Contact: Dr. Bettye L Lusk 831-238-2125

Room(s) Requested Laguna Grande Hall, Kitchen, Dance Studio, Seaside

Day(s) and Date(s) Requested Saturday, March 7, 2020

Hours Requested (include set-up time) 8:00am-3:00pm Estimated Attendance 100

Description of Event Annual Health Conference 2020

Special Instructions or Equipment to Be Brought In Use of microphones with speakers, Projector Screen Podium

Reason for Requesting Fee Waiver We are a non-profit organization and are not able to cover all of the cost of this event. The Conference provides education to all community members regarding health issues and honors member of the community for their contributions, impact, and longevity.

Have you received a Fee Waiver in the past? Yes ☒ No ☐

If so, what was the date of your event? March 2, 2019

Is your organization based in Seaside? Yes ☒ No ☐

What percentage of your members or participants resides in Seaside? 85%

What is your organization's tax identification number? 94-245-1757

Is organization able to provide liability insurance? YES

Will alcohol be served or sold at your event? Yes ☐ No ☒

Applicant Signature Lucille V. Standifer Date 9-25-2019

FOR OFFICE USE ONLY			
Approved:	_____	Security Required?	Yes ☐ No ☐ Notes: _____
Denied:	_____	Staff Approval:	_____
Appealed:	_____	Date:	_____



DELTA SIGMA THETA SORORITY, INC.
Monterey Peninsula Alumnae Chapter
P. O. Box 1154
Seaside, CA 93955

1913

President	Lori Medina
Vice President	Lucille Standifer
Treasurer	Myrtle Duffel
Secretary	Patrice Glover
Financial Secretary	Alfreda Dagin-Cross

**We are asking the City of Seaside to Co-Sponsor and
requesting a Fee Waiver**

Health Conference

1. **DATE:** Saturday, March 7, 2020
2. **ROOMS Needed:** *8:00 am –3:00 pm*
 - Laguna Grande Hall (Main Auditorium)
 - Kitchen
 - Dance Studio
 - Seahorse Room
 - Seaside Room



Delta Sigma Theta Sorority, Inc.
Monterey Peninsula Alumnae Chapter
P.O. Box 1154
Seaside, Ca. 93955

Thursday, September 26, 2019

Seaside City Hall
440 Harcourt Avenue
Seaside, CA 93955

To: The Honorable Seaside City Mayor & Seaside City Council,

Delta Sigma Theta Sorority, Inc. is a private, non-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world. The sorority's major programs are based upon the organization's Five Point Programmatic Thrust: Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health, Political Awareness and Involvement.

For the last six years, we have hosted the Health Conference with your help as a co-sponsor and waiving the facility fees. This year's conference is geared towards elderly women and men from the ages of 75-100 years old. We have scheduled this event to take place on Saturday, March 2, 2020 from 10:00 a.m.-1:00 p.m. Each year the conference continues to be a success, enjoyable, and informative event to all who attends. Each year attendees and presenters from all over the Monterey Peninsula have expressed an overwhelming desire to continue to take part in this event. Due to the enthusiasm from the attendees who expressed to hear more about health issues and preventable health measures we are hoping to continue this event in 2021.

Once more we ask you the City of Seaside will co-sponsor and waived the facility fees for this event. Also, we ask if you have extra funding for this year, if the City of Seaside can pay the cleaning fees for the facility.

We thank you for your continue support for our organization and events that we have here in Seaside.

Lori Medina, President
831-917-6152



SEASIDE CALIFORNIA

Facility Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Monterey Peninsula Alumnae Chapter
Delta Sigma Theta Sorority, Inc.

Name of Applicant: Lucille V. Standifer

Address: P.O. Box 1154 City: Seaside State: CA 93955

Phone: 831-394-8480 Email: lvst47@pacbell.net

Day of Event Contact Name and Phone: Dr. Bettye L. Lusk, Chairperson
831-2381-2125

☒ Resident ☐ Non-Resident

EVENT INFORMATION:

Event Title: Pathways To Community Health

Event Description: Annual Health Conference 2020

Event Date: March 7, 2020 Approximate Number of Guests: 100

Start Time: 8:00 am End Time: 3:00 pm Set Up/Break Down Time: 2:30 pm-3:00 pm

Special Instructions: Asking the City of Seaside to Co-Sponsor and requesting Fee Waiver

Request to use the City's: ☒ Podium ☒ Microphone ☒ Projector Screen
*Subject to availability **Projectors and other electronic equipment will not be provided

	Yes	No		Yes	No
Are you a non-profit organization?	☒	☐	Will refreshments be served?	☒	☐
Is the event open to the public?	☒	☐	Will refreshments be sold?	☐	☒
Will admission be charged?	☐	☒	Will you be using the kitchen?	☒	☐
Will there be music?	☐	☒	Will alcohol be served?	☐	☒
Will there be live music and/or DJ?	☐	☒	Will alcohol be sold?	☐	☒
Name of band or DJ: _____			*Alcohol is prohibited at youth oriented events		

APPLICANT WILL PROVIDE THE FOLLOWING ITEMS 30 DAYS PRIOR TO THE EVENT:

1. Full payment of all applicable fees
2. Copy of event security contract by licensed company (if applicable)
3. Proof of liability insurance
4. Copy of ABC license (if applicable)

Note: 2 rooms for Break-out sessions
classroom set up

We are asking the City of Seaside to Co-sponsor and asking for a Fee Waiver.



**SEASIDE
CALIFORNIA**

Facility Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

SEATING CONFIGURATION

Review and select a seating configuration below. If you would like a different layout, please sketch your preferred layout in the box marked "other" or on the back of this sheet.

☒ Classroom 	☐ Conference 	☐ U-Shaped 	☐ Pods
☐ Theater 	☐ Banquet 	☐ Empty Room 	☐ Other

I have read and agree to all pages in the rental agreement forms

Applicant Signature: Lucille V. Steniger Date: 9-25-2019

(For Office Use Only)

Permit Fee: _____

Authorized Agent: _____

Date: _____

Note: - Original to Resource Management/Recreation Department
- Copy to Police Department - Copy to Parks Division



City of Seaside
FEE WAIVER REQUEST

Name of Applicant Lucille V. Standifer ^{Monterey Peninsula Alumnae Chapter} Organization Delta Sigma Theta Sorority, Inc.
Address P.O. Box 1154 Seaside CA 93957
Street City State Zip
Home Phone 831-394-8480 Cell Phone 831-344-6062 Email Address 1VS747@
Contact: Dr. Bettye L. Lusk 238-2125 pubbell.net
Room(s) Requested Laguna Grande Hall, Kitchen, Dance Studio, Seahorse Room, Seaside Room
Day(s) and Date(s) Requested Saturday, April 25, 2020
Hours Requested (include set-up time) Set up 8:00 am - 12:00 Noon
Event: 5:30 pm - 10:00 pm Estimated Attendance 125
Description of Event Jabberwock Pageant and Youth Talent 2020
Special Instructions or Equipment to Be Brought In Use of microphones with speakers
Projector screen, podium
Reason for Requesting Fee Waiver
We are a nonprofit organization and are not able to cover all of the cost of this event. The event is open to the community and presents local community youth.
Have you received a Fee Waiver in the past? Yes ☒ No ☐
If so, what was the date of your event? April 27, 2019
Is your organization based in Seaside? Yes ☒ No ☐
What percentage of your members or participants resides in Seaside? 85%
What is your organization's tax identification number? 94-245 1757
Is organization able to provide liability insurance? YES
Will alcohol be served or sold at your event? Yes ☐ No ☒
Applicant Signature Lucille V. Standifer Date 9-25-2019

FOR OFFICE USE ONLY

Approved: _____

Denied: _____

Appealed: _____

Security Required? Yes ☐ No ☐

Staff Approval: _____

Date: _____

Notes: _____



DELTA SIGMA THETA SORORITY, INC.
Monterey Peninsula Alumnae Chapter
P. O. Box 1154
Seaside, CA 93955

1913

President	Lori Medina
Vice President	Lucille Standifer
Treasurer	Myrtle Duffel
Secretary	Patrice Glover
Financial Secretary	Alfreda Dagin-Cross

**We are asking the City of Seaside to Co-Sponsor and
requesting a Fee Waiver**

Jabberwock

1. Saturday, April 25, 2020

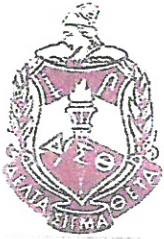
2. **ROOMS Needed:**

a. 8:00 am – 12:00 Noon

- Laguna Grande Hall (Main Auditorium)
- Kitchen

b. 5:30 pm – 9:30 pm

- Dance Studio
- Kitchen
- Seahorse Room
- Seaside Room



Delta Sigma Theta Sorority, Inc.
Monterey Peninsula Alumnae Chapter
P.O. Box 1154
Seaside, Ca. 93955

Thursday, September 26, 2019

Seaside City Hall
440 Harcourt Avenue
Seaside, CA 93955

To: The Honorable Seaside City Mayor & Seaside City Council,

Delta Sigma Theta Sorority, Inc. is a private, non-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world. The sorority's major programs are based upon the organization's Five Point Programmatic Thrust: Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health, Political Awareness and Involvement.

Each year the sorority hosts its annual Jabberwock, Youth on Parade. We are going to host our next Jabberwock, Youth on Parade on Saturday, April 25, 2020. The Jabberwock is our major fundraiser for our chapter and it continues to be a successful event.. The Jabberwock highlights young ladies from the ages of 5-18 years old and the Youth on Parade showcases local talent from the ages of 18 and under. The proceeds that are raised for the Jabberwock event will enable us to continue awarding college scholarships to local high school seniors, provide funds to support projects for the Boys and Girls Club, books for the Mae C. Johnson Library located at King Middle School, sponsor a student at the Seaside Summer camp, and help fund the Delta Academy and Delta G.E.M.S. enrichment programs for middle and high school girls.

Once more we ask you the City of Seaside will co-sponsor and waived the facility fees for this event. Also, we ask if you have extra funding for this year, if the City of Seaside can pay the cleaning fees for the facility.

We thank you for your continue support for our organization and events that we have here in Seaside.

With Sincere Thanks,

Lori Medina, President
831-917-6152



SEASIDE CALIFORNIA

Facility Rental Request Form
Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Monterey Peninsula Alumnae Chapter
Delta Sigma Theta Sorority, Inc.

Name of Applicant: Lucille V. Standifer

Address: P.O. Box 1154 City: Seaside State: CA 93955

Phone: 831-394-8480 Email: lv5747@pacbell.net

Day of Event Contact Name and Phone: Dr. Bettye L. Lusk, Chairperson

☒ Resident ☐ Non-Resident 831-238-2125

EVENT INFORMATION:

Event Title: Jabberwock and Youth on Parade 2020

Event Description: Annual Jabberwock Pageant and Youth Talent

Event Date: Saturday 4-25-2020 Approximate Number of Guests: 125

Start Time: 5:30pm End Time: 10:00pm Set Up/Break Down Time: 8:30am - 10:00pm

Special Instructions: Requesting 2 additional rooms Seaside and Seaside

Request to use the City's: ☒ Podium ☒ Microphone ☒ Projector Screen

*Subject to availability

**Projectors and other electronic equipment will not be provided

	Yes	No
Are you a non-profit organization?	☒	☐
Is the event open to the public?	☒	☐
Will admission be charged?	☐	☒
Will there be music?	☒	☐
Will there be live music and/or DJ?	☐	☒
Name of band or DJ:		

	Yes	No
Will refreshments be served?	☒	☐
Will refreshments be sold?	☐	☒
Will you be using the kitchen?	☒	☐
Will alcohol be served?	☐	☒
Will alcohol be sold?	☐	☒

*Alcohol is prohibited at youth oriented events

APPLICANT WILL PROVIDE THE FOLLOWING ITEMS 30 DAYS PRIOR TO THE EVENT:

1. Full payment of all applicable fees
2. Copy of event security contract by licensed company (if applicable)
3. Proof of liability insurance
4. Copy of ABC license (if applicable)

Note: Need 2 rooms for contestants and youth performers, Seaside and Seaside the city of Seaside to We are asking Co-sponsor and requesting a Fee Waiver



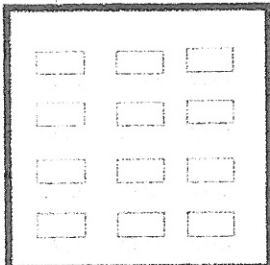
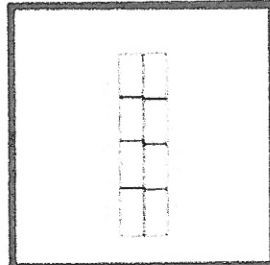
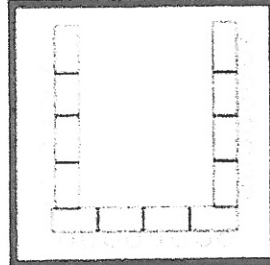
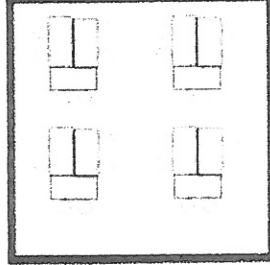
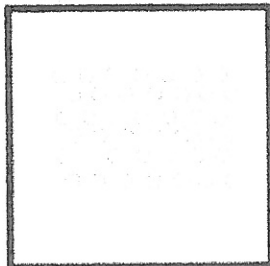
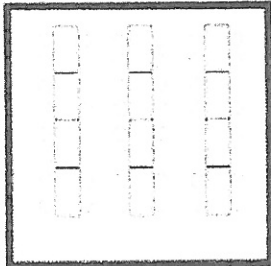
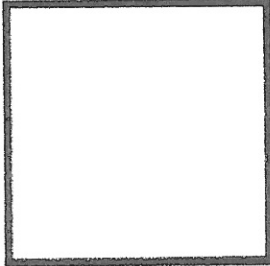
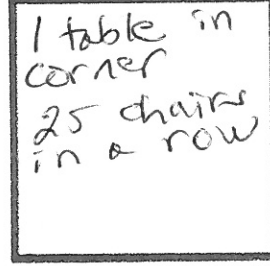
**SEASIDE
CALIFORNIA**

Facility Rental Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

SEATING CONFIGURATION

Review and select a seating configuration below. If you would like a different layout, please sketch your preferred layout in the box marked "other" or on the back of this sheet.

☐ Classroom 	☐ Conference 	☐ U-Shaped 	☐ Pods 
☐ Theater 	☐ Banquet 	☐ Empty Room 	☒ Other <i>Seaside</i> 

I have read and agree to all pages in the rental agreement forms

Applicant Signature: Lucille V. Steadman Date: 9-25-2019

(For Office Use Only)

Permit Fee: _____

Authorized Agent: _____

Date: _____

Note: - Original to Resource Management/Recreation Department
- Copy to Police Department - Copy to Parks Division



CITY OF SEASIDE STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Dan Meewis, Recreation Director

DATE: October 17, 2019

**SUBJECT: APPROVE MAYOR'S YOUTH FUND CONTRIBUTION
REQUEST FROM SEASIDE HIGH SCHOOL BOY'S BASKETBALL**

PURPOSE & RECOMMENDATION

Approve a request from the Seaside High School Boy's Basketball for a donation of Three Thousand Dollars (\$3,000.00) from the Mayor's Youth Fund for the costs associated with practice jerseys, new uniforms and entry fees into tournaments.

BACKGROUND

Seaside High School Boy's Basketball Team is requesting a Three Thousand Dollar (\$3,000.00) donation from the Mayor's Youth Fund to cover the cost for practice jerseys, new uniforms and the entry fees into tournaments. This opportunity will allow student-athletes to complete and work with others while playing the sport of basketball. It also teaches them not to give up when things don't go their way and prepares the boys to become young men and future leaders.

The Basketball Team will strive to ensure a healthy environment through sustainable practice of using carpool vans during tournaments to reduce carbon emissions, use social media and e-mail outlets for fundraising as an opportunity to reduce waste, using refillable water bottles to keep hydrated during tournaments and recycling other materials during games.

Based on the information provided in the application, the request meets the criteria for the Mayor's Youth Fund Policy. Seaside High School Boy's Basketball received their last donation at the April 20, 2017 City Council meeting.

FISCAL IMPACT

This request would be funded by a donation from the Waste Management's District to the Mayor's Youth Fund.

ATTACHMENTS

1. MYF Seaside High School Boys Basketball 2019
 2. Seaside High School Boys Basketball W9 2019
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

MAYOR'S YOUTH FUND POLICY

Purpose: The Mayor's Youth Fund was created to provide supplemental financial assistance to students and non-profit groups that provide services to improve the lives of young people living in the City of Seaside. A policy has been developed to standardize the evaluation of contribution requests and ensure that the funds are used appropriately to serve the City's youth.

Eligible Applicants: Contributions will only be made to, or on behalf of, students or organized groups, such as schools and non-profit organizations based in Seaside and/or serving a majority of Seaside residents (50%) that are 18 years old or younger or enrolled in high school. Faith based organizations may apply for contributions from the Mayor's Youth Fund if the funding is not used to support religious activities such as worship, Sunday School, or religious instruction. In addition, activities funded by the Mayor's Youth Fund must be open to all persons without regard to their religious affiliation.

Submittal of Contribution Requests: In order to request a contribution, the following information must be provided in writing:

- Name of the organization, person(s) benefiting, proposed use of the funds, total amount needed or fundraising goal.
- Description of other methods being used to raise funds and/or other contributors.
- An explanation of how the group, activity, or event will benefit Seaside youth.
- Written description of how the use of the funds will be specifically used for youth group activities/events and/or has a nexus to the goals related to recycle, cleanup, and "green" sustainability to ensure a healthy environment.
- How this request will provide a municipal benefit (ie., benefit the community).
- Proof of non-profit organizations status (not a taxpayer's I.D> number) and a current W-9 form.

Evaluation Process and Criteria: Contributions can only be made if approved by the City Council. Funding requests will be evaluated based on their consistency with this policy, including the following criteria.

- Scholastic, athletic, music, environmental and art activities will be considered for funding based on the quality of the proposed activity.
- Evidence of activities/events related to "reduce, reuse and recycle" to ensure a healthy environment.
- Contributions requests will be accepted from individuals and can be made to an organization on behalf of an individual member or student.

- Contributions are only paid to organizations, such as non-profit groups and schools.
- Contributions are intended to fund actual costs related to an event or activity. (Please see "Payment Process" information provided below.)
- Contributions from the Mayor's Youth Fund are not intended to be the sole source of funds for an organization or program and will only be made to supplement other fundraising activities.
- How this request will provide a municipal benefit (ie., benefit the community).

Contribution Limits: In order to equitably distribute funds available in the Mayor's Youth Fund, the following contribution guidelines have been developed, although all contributions are subject to the discretion of the City Council.

<u>Individuals*</u>	25% of total cost of activity (not to exceed \$1,000.00)
Groups up to 20	up to \$1,500.00
Groups 21+	up to \$3,000.00

In addition, funding will be limited to one contribution per year (every 12 months).

Payment Process: If a contribution is approved by the City Council, payment will be made to the authorized organization or directly to the vendor selected by the authorized organization after submittal of a receipt or the presentation of actual invoices. No funding can go directly to an individual. This process is required in order to provide documentation required to meet municipal auditing standards.

###

Mayor's Youth Fund Contribution Request

Prior to completing this request please, review the attached contribution policy. All requests will be considered before the City Council and you will be notified of the specific date your item is placed on the agenda. Please return this completed form with necessary attachments to Recreation Services, City of Seaside, 440 Harcourt Avenue, Seaside, CA 93955.

Name of Organization: Seaside High School Boys Basketball

Address: 2200 Noche Buena St. Seaside CA 93955

Email: Gnett77@yahoo.com

Phone Number: Home 831-442-9674 Work _____ Cell 831-238-3731

Name of Individual: Wayne Garnett - Basketball Head Coach

% Residents or Students of Seaside: 100 %

of Participants: 35

Ages: 14-18

CRITERIA – Applicants must meet at least one of the following criteria to be eligible for funding. Please select one or more from the following list:

Scholastic _____
Athletic XX
Music _____
Environmental _____
Art _____

Is funding a reward for one of these activities?

No

Description of event, activity or program funding pertains to: (Attach Additional Information as Necessary)

Seaside High Boys Basketball program - our basketball program goes from November 4th thru the end of February, and possibly March if the team makes it to playoffs. We have three levels - Freshmen, Junior Varsity, Varsity. We play approximately 24 games, and our teams will be traveling to: Gonzales, Salinas, and Santa Cruz to represent Seaside High School.

Description of how the funds will be specifically used for youth groups activities/events and/or has a nexus to the goals of recycling, cleanup and/or "green" sustainability to insure a healthy environment.

The funds will be used to purchase practice jerseys and new uniforms. The funds will also pay for entry fees into tournaments. School no longer pays for tournaments or transportation to games.

What other fundraising activities are you participating in to fund your event, program or activity and what other funding sources will supplement your request?

Concession stand - selling food items and snacks at home games.

We will solicit funds from the Gen Giammanco Foundation to help offset costs involved with our team.

*Total Amount Requested: (See Contribution limits) \$3000.00

Funding Requirements

- Funding is limited to one contribution per year (every 12 months).
- The Mayor's Youth Fund Closing Report Form must be submitted to staff at least 60 days upon completion of the event, activity or program. Applicants that do not furnish the form may not apply for funds for the following year.
- A representative from the organization is required to be at the Council meeting for their application to be heard. If no representative is present then the agenda item will be postponed to another City Council meeting upon notification by the applicant.
- Incomplete applications will not be forwarded for Council consideration; applications not answering the question related to reduce, reuse or recycle are considered incomplete.

Individual Requests: Please attach an itemized list of all expenses. Amount of donation may not exceed 25% of the total cost of the activity and not exceed \$1,000.00. Applications that are incomplete will be returned.

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 4

Name (as shown on your income tax return)
monterey Peninsula Unified School District

Business name, if different from above

Check appropriate box: ☐ Individual sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) > ☐ Exempt payee
☐ Other (see instructions) >

Address (number, street, and apt. or suite no.)
700 PACIFIC ST

City, state, and ZIP code
MONTEREY CA 93940

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
:
:
:

or

Employer identification number
77:0320712

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below).

Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payment other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign
Here

Signature of
U.S. person >

Date >

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.F.

TO: City Council

FROM: Craig Malin, City Manager

BY: Rick Riedl, City Engineer
Misty Bradshaw, Associate Engineer

DATE: October 17, 2019

**SUBJECT: APPROVE A RESOLUTION AWARDING A PROFESSIONAL
SERVICES AGREEMENT TO BIERMAN HYDROGEOLOGIC FOR
DESIGN OF A BACKUP IRRIGATION WELL AT LAGUNA
GRANDE PARK FOR AN AMOUNT NOT TO EXCEED \$21,950**

PURPOSE & RECOMMENDATION

Award a professional services agreement to Bierman Hydrogeologic for well design for the backup irrigation well at Laguna Grande Park for an amount not to exceed \$21,950 and authorize the City Manager to execute the agreement.

BACKGROUND

The existing non-potable well was installed in 1989 and is near the end of its useful life. It is used for irrigation of the Laguna Grande Park and the City Hall. Due to the age of the existing well, it is recommended to install a secondary non-potable well to work in tandem with the existing, and to act as a replacement or backup well when the existing well needs to be serviced.

On July 19, 2019, City Council authorized Resolution No. 19-58 adopting an On-Call List for Hydrogeological Services. Bierman Hydrogeologic was included as one of the qualified firms approved to provide services on an as-needed basis. Bierman Hydrogeologic provided the City with a proposal and scope dated August 27, 2019, for the well siting, permit procurement, geologic logging, and well design of a backup irrigation well at Laguna Grande Park.

Staff reviewed the proposal and determined the scope and fee to be reasonable. Staff is recommending executing a professional services agreement with Bierman Hydrogeologic for the well design for the backup irrigation well at Laguna Grande Park.

ENVIRONMENTAL COMPLIANCE

Per Title 14 of the California Code of Regulations, Chapter 3, "Guidelines for Implementation of California Environmental Quality Act (CEQA)," Article 19, "Categorical Exemptions," Section 15302, "Replacement or Reconstruction" the following actions are categorically exempt;

"Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity."

FISCAL IMPACT

The professional services agreement will be for an amount not to exceed \$21,950 to be funded from the FY 2019/2020 MPWMD Local Water Project Budget (Acct # 325-8910-9573) where there are adequate funds available.

ATTACHMENTS

1. Resolution
 2. Contract
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 19-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**AWARDING THE PROFESSIONAL SERVICES AGREEMENT TO BIERMAN
HYDROGEOLOGIC FOR WELL DESIGN FOR A BACKUP IRRIGATION WELL AT
LAGUNA GRANDE PARK FOR AN AMOUNT NOT TO EXCEED \$21,950.**

WHEREAS, the existing non-potable irrigation well was installed in 1989 and is used primarily to irrigate Laguna Grande Park and City Hall; and

WHEREAS, the existing well is near the end of its useful life and it is prudent to install a backup well; and

WHEREAS, on July 19, 2019, City Council authorized a resolution (Reso 19-58) adopting an On-Call List of Hydrogeological Services, of which Bierman Hydrogeologic was included on the selected On-Call list; and

WHEREAS, Bierman Hydrogeologic submitted a proposal dated August 27, 2019 for hydrogeological services associated with design of a backup irrigation well at Laguna Grande Park; and

WHEREAS, staff reviewed the proposal and determined that the scope of work and fee are reasonable; and

WHEREAS, Per title 14 of the California Code of Regulations, Chapter 3, "Guidelines for Implementation of California Environmental Quality Act (CEQA)," Article 19, "Categorical Exemptions" Section 15302, "Replacement or Reconstruction" the following actions are categorically exempt; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside authorizes the City Manager to execute a Professional Services Agreement to the for the Well Design for a Backup Well at Laguna Grande Park with Bierman Hydrogeologic for an amount not to exceed twenty one thousand nine hundred fifty dollars (\$21,950.00) to be funded by Account No. 325-8910-9573.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 19th day of September 2019 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
PROFESSIONAL SERVICES AGREEMENT
Laguna Grande Backup Irrigation Well**

This agreement is made effective as of 10/10/19, by and between the City of Seaside (Agency), and Bierman Hydrogeologic (Consultant).

- A. Engagement: Agency agrees to engage the Consultant to provide hydrogeological consulting services to include well siting, geologic logging, and well design associated with the installation of a new backup irrigation well at Laguna Grande Park, as described in Exhibit A, attached hereto and, hereinafter referred to as "the Project."
- B. Relationship: The Consultant is an independent contractor and is not to be considered an agent or employee of the Agency.
- C. Compensation: Agency shall pay consultant on a time and materials basis in accordance with the standard billing rates shown in Exhibit A, attached hereto, not to exceed twenty one thousand nine hundred fifty dollars (\$21,950.00).
- D. Expense Reimbursement: Agency will reimburse for professional services and expenses at cost upon submission of receipts.
- E. Method of Payment: The Agency shall pay within 30 days in accordance with Consultant's Fee Schedule, attached hereto, upon receipt of a written invoice from Consultant detailing services rendered.
- F. Term: The term of this agreement shall commence on the effective date above and terminate December 31, 2020.
- G. Termination: This agreement may be terminated; (a) by either party at any time for failure of the other party to comply with the terms and conditions of this Agreement; (b) by either party upon 10 days prior written notice to the other party; or (c) upon mutual written agreement of both parties. In the event of termination, the Consultant shall stop work immediately and shall be entitled to compensation for professional fees and expense reimbursement to the date of termination and for any work necessitated by that termination.
- H. Consultant agrees to indemnify and hold harmless the Agency (including its officers and employees) against any claim, losses, damages, liabilities (including the reimbursement of reasonable attorney's fees) and liability for

injury or harm to persons or property to the extent caused by the negligence, recklessness or, willful misconduct of Consultant for professional services performed under this agreement. Neither the Consultant nor the Agency shall be obligated to indemnify the other party in any manner whatsoever for the other parties negligence. All subcontractors shall directly contract with Agency and Consultant shall not indemnify work by subcontractors. Agency shall request Consultant to be added as additional insured on subcontractors insurance

- I. The duty to defend obligation of the Consultant shall be limited to the proportionate percentage of any claim arising directly from the services performed by the Consultant under this agreement
- J. Insurance: Consultant shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as follows;

Professional liability (errors & omissions) insurance. Consultant shall maintain professional liability insurance that covers the Services to be performed in connection with this Agreement, in the minimum amount of \$1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this agreement and Consultant agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this agreement.

General liability insurance. Consultant shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

Automobile liability insurance. Consultant shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than 1,000,000 combined single limit for each accident.

Workers' compensation insurance. Consultant shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least \$1,000,000).

Consultant shall submit to Agency, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of Agency, its officers, agents, employees and volunteers.

- K. Project Management. The (Contract Manager) will represent the Agency for all purposes under this Agreement. Rick Riedl is designated as the Project Manager for the Agency. The Project Manager will be Consultant's point of contact with respect to performance, progress and execution of the Services. The Agency may designate an alternate Project Manager from time to time.
- L. Ownership of Work Product:
- a. Ownership of all imagery, reports, data, studies, surveys, charts, memoranda, and any other documents which are developed, compiled, or produced as a result of this agreement, whether or not completed, shall vest with the Agency.
 - b. Materials developed under this agreement are the property of the Agency and may be used by the Agency as it sees fit, including the right to distribute, review or publish the same without limitation.
 - c. Agency agrees to hold Consultant harmless from all damages, claims, expenses, and losses arising out of any reuse of the plans, specifications, drawings, maps, models, computer files and other documents for purposes other than those described in this Agreement, unless written authorization of Consultant is first obtained.
- M. Assignment
- a. The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the Agency. Because of the personal nature of the services to be rendered pursuant to this Agreement, Aaron Bierman, PG shall perform the services described in this Agreement.
 - b. Aaron Bierman may use assistants under his/her supervision to perform services under this Agreement. Consultant shall provide Agency fourteen (14) days' notice prior to the departure of Aaron Bierman from Consultant's employ. Should he/she leave Consultant's employ, the Agency shall have the option to immediately terminate this Agreement, within three (3) days of the close of said notice period. Upon termination of this Agreement, Consultant's sole compensation shall be payment for actual services performed up to, and including, the date of termination or as may be otherwise agreed to in writing between the City Engineer and the Consultant.
- N. Conflict of Interest
- a. Consultant shall at all times avoid conflicts of interest, or the appearance of conflicts of interest, in the performance of this Contract.
 - b. If Agency determines Consultant comes within the definition of Consultant under the Political Reform Act (Government Code §87100 et seq.) Consultant shall complete and file and shall require any other person doing work under this Agreement to complete and file a "Statement of

Economic Interest" with Agency disclosing Consultant's and/or such other person's financial interests.

O. Miscellaneous:

- a. The entire agreement between the parties with respect to the subject matter hereunder is contained in this agreement.
- b. Neither this agreement nor any rights or obligations hereunder shall be assigned or delegated by the Consultant without the prior written consent of the Agency.
- c. This agreement shall be modified only by written agreement duly executed by the Agency and the Consultant.
- d. Should any of the provisions hereunder be found to be invalid, void or voidable by a court, the remaining provisions shall remain in full force and effect.
- e. This agreement shall be governed by and construed in accordance with the laws of the State of California.
- f. All notices required or permitted under this agreement shall be deemed to have been given if and when deposited in the United States mail, properly stamped and addressed to the party for whom intended at such party's address listed below, or when delivered personally to such party. A party may change its address for notice hereunder by giving written notice to the other party.

Wherefore, the parties have entered into this agreement as of the later of the dates stated below.

Approved:

Dated: 10/10/19

Consultant: Bierman Hydrogeologic P.C.
Aaron Bierman
Digitally signed by Aaron Bierman
DN: cn=Aaron Bierman, o=Bierman
Hydrogeologic, ou,
email=abierman@comcast.net,
c=US
Date: 2019.10.10 14:52:23 -07'00'

By: Aaron Bierman
Title: Principlal Hydrogeologist/Owner

Address: 3153 Redwood Drive
Aptos, CA 95003

Dated: _____

Owner: City of Seaside

By: Craig Malin
Title: City Manager

Attachments: Exhibit A Scope of Work / Consultants Proposal



Hydrogeologic Consulting & Water Resource Management
Office: (831-888 9888) Cell: (831-334 2237) E-Mail: abierman@comcast.net
3153 Redwood Drive, Aptos, CA. 95003

PROPOSAL / CONTRACT

August 27, 2019

Client: City of Seaside
c/o: Misty Bradshaw - Associate Engineer
440 Harcourt Avenue
Seaside, Ca 93955
831-899-6886
MBradshaw@ci.seaside.ca.us

RE: Well Siting/Permit Procurement; Geologic Logging/Well Design; Quantity/Quality Analysis & Report

PROPOSAL SCOPE:

Bierman Hydrogeologic (BHgl) will provide hydrogeologic consulting services to include the following Phases of work:

Phase I: Project Management/liaison, Data Acquiring/Review
Phase II: Well Siting & Well Construction Permit Procurement; Basis of Design & Request for Proposal (RFP) Package
Phase III: Well Drilling, Geologic & Geophysical Logging, Well Design
Phase IV: Water Well Construction & Development Operations; Sand-Cone and Turbidity Analysis,
Phase V: Source Capacity Testing and Groundwater Quality Sampling/Analysis in relation to Drinking Water Standards¹
Phase VI: Hydrogeologic Report for Irrigation Well and potential future Community Water System (CWS)² Well.

PURPOSE:

The purpose for completing this scope of work is to provide a new well(s) that meets quality and quantity standards of Monterey County Environmental Health Bureau (MCEHB) for obtaining an irrigation well and, Confirmation of Exemption of Water Distribution System Permit from Monterey Peninsula Water Management District (MPMWD).

ASSUMPTIONS:

The new well will likely have a minimum of three deed notifications associated with the CWS (Well Location Easement; Hard Rock Limited Sustainable Supply and Groundwater Quality Treatment for domestic use). Deed Notifications shall be completed by applicant and submitted to MCEHB/RMA as per their Conditions of Approval (COAs).

Applicant to pay all associated Application fees; MCEHB Water Well Construction Application (\$2,490 payable to MCEHB); MCEHB Source Capacity Test Application (\$657 payable to MCEHB); MCEHB Water System Application (~\$1,250 payable annually to MCEHB if well is converted to domestic use) and; MPWMD Exemption for WDS Application (\$600 - a one-time fee with no annual fee).

SCHEDULE:

Projects are on a first-come, first-serve basis with receipt of contract and retainer. Once contract and retainer are received, each phase will commence incrementally based on agreement to proceed. All phases of work will be completed in a timely manner although work may be subject to weather conditions and/or regulatory time-frames. Comprehensive reporting is generally completed within 12-16 weeks of finishing source capacity testing.

REQUEST:

All available information on the site shall be supplied to us to help in our evaluation. This information should include:

- A tentative site map showing surveyed elevation, property lines and topography,
- Any other data, reports (Engineering Septic Reports, Regulatory Letters)

¹ California Administrative Code, Title 22, Chapter 15, Article 4. Primary Standards – Inorganic Chemicals, Section 64431, Maximum Contaminant Levels – Inorganic Chemicals; Section 64432.3, Monitoring and Compliance – Perchlorate; Section 64442 MCLS and Monitoring – Gross Alpha Particle Activity, Radium-226/228 and Uranium and; Section 64449 Secondary MCLs and Compliance, May, 2017.

² Discussions indicate that the well may provide future potable water to Cal-Am and therefore, the well will be designed to accommodate well construction standards for a CWS which is defined as a system that serves 15 or more Single Family Dwellings.

COST ESTIMATE:

PHASE I: - Project Management & Consulting:		\$3,850.00
• Project Management/ Liaison	15hrs@\$150/hr:	\$2,250.00
• Drinking Source Water Assessment Protection (DSWAP) & Preliminary Water Balance Analysis	0hrs@\$150/hr:	\$ 000.00
• Data Analysis - Basis of Design & Request for Proposal (RFP) Bid Package	Lump Sum:	\$1,000.00
PHASE II - Well Siting Analysis and Water Well Construction Permit Procurement ³:		\$1,200.00
• Data Analysis - Aerial Lineament Analysis w/Structural & Geomorphologic Analysis	0hr@\$150/hr:	\$ 000.00
• Field/Data Analysis - Site Map, Coastal & Basin Boundaries Map and Photos	2hr@\$150/hr:	\$ 300.00
• Data Analysis - Application Completion with Supporting Documentation	4hr@\$150/hr:	\$ 600.00
• Field Work - Well Site Inspection with MCEHB and Final Permit Procurement Issuance	2hr@\$150/hr:	\$ 300.00
PHASE III - Well Drilling, Geologic & Geophysical Logging with Water Well Design and Construction Specifications:		\$5,900.00
• Observation of Well Drilling; Penetration Rate, Viscosity, TDS & Lithologic Logging	24hrs@\$150/hr:	\$3,600.00
• Geophysical Logging Analysis & Final Well Design	Lump Sum:	\$2,000.00
• Pump Specification Analysis and Design	2hr@150/hr:	\$ 300.00
PHASE IV - Water Well Development Operations & Analysis		\$ 900.00
• Perforated Interval Construction Placement Observation	2hrs@\$150/hr:	\$ 300.00
• Well Development, Turbidity Monitoring/Analysis	4hrs@\$150/hr:	\$ 600.00
PHASE V - Source Capacity Testing & Groundwater Quality Sampling/Analysis in relation to State Drinking Water Standards:		\$8,900.00
• Field Work – 72hr Constant Rate Well Pumping & Aquifer Recovery Test	40hrs@\$150/hr:	\$6,000.00
• Field Equipment – pressure transducer, datalogger, computer, water-level-indicator, WQ meter	Lump Sum:	\$ 650.00
• Generator Power, Electrical Hook-Up, Fuel, Re-Fueling	Lump Sum:	\$1,800.00
• Field Work – 3 quarters of groundwater sampling/analysis and email reporting to MCEHB	0hrs@\$150/hr:	\$ 000.00
Initial & Quarterly Groundwater Sampling & Analysis⁴ (Cost + 15%):		
• General Mineral, General Physical & Inorganic Constituents		\$ 359.25
• Bacteria ⁵ , Total and Free Chlorine		\$ 90.75
		\$ 450.00
PHASE VI - Hydrogeologic Report⁶ for a Irrigation Well		\$1,200.00
• Reporting & Technical Review	8hr@\$150/hr	\$1,200.00
PROJECT TOTAL:		\$21,950.00
OTHER PERMIT FEES (TO PAID BY APPLICANT)		\$3,747.00
MCEHB Well Construction Permit:		\$2,490.00
MCEHB Source Capacity Test Application;		\$ 657.00
MCEHB Annual CWS Fee		\$ TBD
MPWMD Exemption WDS Permit Fee		\$ 600.00

³ Applicant to provide Bierman Hydrogeologic a Permit Fee of \$2,490 payable to MCEHB prior to application submittal.

⁴ Additional analysis & frequency may be required by regulatory agency after review of analytical results of the initial analysis. Additional costs for generator may be accrued for subsequent quarterly sampling of radionuclide's if permanent power is not installed by the time sampling is required.

⁵ It is unlikely that bacteria will be absent after a newly drilled well. Well disinfection operations can be completed at additional costs by BHgl.

⁶Bierman Scope Of Work DOES NOT include Technical Support w/; TMF or Engineers Report/Design for Water Treatment System.

LIMITATIONS:

Our service consists of professional opinions and recommendations based on the data compiled. *Bierman Hydrogeologic P.C.* bases the conclusions provided upon the tests and measurements, using accepted hydrogeologic principles and practices of the groundwater industry.

Additionally, conditions in water wells are subject to dramatic changes, even in short periods of time. The techniques employed in conducting pump testing may be subject to considerable error due to factors within the well and/or aquifer, which are beyond our immediate control or observation.

Therefore, the data included within our report are valid only as of the date and within the observational limitations of the test or installation conducted. The test conclusions are intended for general comparison of the well and/or aquifer in its present condition against known water well standards and/or guidelines. The analysis and conclusions in the final report are based on information reviewed, and field-testing which are necessarily limited. Additional data from future work may lead to modification of the opinions expressed herein.

In accepting this Proposal/Contract, the client releases and holds *Bierman Hydrogeologic, P.C.* harmless from liability for consequential or incidental damages arising from any different future pumping rate, calculated well yield or water quality that was expressed herein. Our report is not a guarantee of any water production rate, yield or water quality.

AGREEMENT & AUTHORIZATION:

Agreement:

If in agreement with Proposal/Contract and associated Phases described above, please sign the "original" contract and mail it to our office with a retainer for \$5,000.0 to cover initial Phases of work. Additional retainers may/will be requested prior to the start of drilling and/or prior to source capacity testing. The remainder of time and material costs will be invoiced either per phase and/or after report is completed per communication with applicant/client.

Authorization:

I agree to the Proposal/Contract and associated Phases described above, as well as, the attached *General Terms and Conditions*, Attachment "A" *Schedule of Charges* and, understand that the signing of this Contract below constitutes a formal agreement on my part and on behalf of my successors and assigns. I have the authority, or have been given the authority, to allow *Bierman Hydro-Geo-Logic P.C.* to conduct the above scope of work.



Prepared By: _____ Date: **August 27, 2019**
Aaron Bierman, PG #7490; CHG #819

Authorized By: _____ Date: _____



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.G.

TO: City Council

FROM: Craig Malin, City Manager

BY: Misty Bradshaw, Associate Engineer
Rick Riedl, City Engineer

DATE: October 17, 2019

SUBJECT: APPROVE A RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN FOR THE INTERSECTION CONTROL EVALUATIONS AND CORRIDOR STUDIES FOR AN AMOUNT NOT TO EXCEED \$220,000 FUNDED BY FAIR SHARE FUNDS FROM THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY

PURPOSE & RECOMMENDATION

Adopt a resolution to authorize the City Manager to execute a professional services agreement with Kimley-Horn and Associates, Inc. (Kimley-Horn) for Intersection Control Evaluations and Corridor Studies for an amount not to exceed \$220,000 to be funded by Transportation Agency for Monterey County (TAMC) Fair Share funds.

BACKGROUND

Pavement networks are often the most valuable asset an agency owns. Properly maintained and planned pavement networks are an essential component to the traveling public's safety as well as contribute to reduction in motor vehicle emissions. The City of Seaside, in consultation with staff from TAMC, have selected several intersections and roadway corridors that require analysis to identify appropriate solutions to facilitate the flow of local traffic and improve vehicular access through the City. Conducting intersection and corridor analysis is a necessary first step in the design and grant application process.

On November 17, 2016, City Council authorized Resolution No. 16-99 adopting an On-Call List for Traffic Engineering Services. Kimley-Horn was selected as one of the qualified firms approved to provide services on an as-needed basis. Kimley-Horn provided the City with a proposal and scope dated October 1, 2019, for the Intersection Control Evaluation and Corridor Study.

Staff reviewed the proposal and determined the scope and fee to be reasonable. Staff is recommending executing a professional services agreement with Kimley-Horn for the Intersection Control Evaluation and Corridor Study.

TAMC has available \$221,901 in Fair Share funds already awarded to the City of Seaside to be used on various local transportation projects.

ENVIRONMENTAL COMPLIANCE

Per Title 14 of the California Code of Regulations, Chapter 3, "Guidelines for Implementation of California Environmental Quality Act (CEQA)," Article 19, "Categorical Exemptions," Section 15306, "Information Collection" the following actions are categorically exempt;

"Basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded."

FISCAL IMPACT

TAMC has awarded the City of Seaside \$221,901 in RSTP Fair Share funds. It is recommended that the City Council authorize the Finance Director to amend the fiscal year 2019/20 budget to increase the Intersection Planning Project (Acct# 210-8210-2083) by \$221,901 funded by an increase in the RSTP Grant Revenue account (Acct# 210-357) of \$221,901 of available TAMC Fair Shares funds.

The professional services agreement would be for an amount not to exceed \$220,000 to be funded from the Intersection Planning Project Account.

ATTACHMENTS

1. Resolution
 2. Professional Services Agreement
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 19-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVE A RESOLUTION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE INTERSECTION CONTROL EVALUATIONS AND CORRIDOR STUDIES FOR AN AMOUNT NOT TO EXCEED \$220,000.

WHEREAS, the City of Seaside owns and maintains many roadways and pavement networks within the City limits; and

WHEREAS, properly planned and maintained pavement networks are an essential to the traveling public's safety and can contribute to reduction in vehicle emissions; and

WHEREAS, Kimley-Horn provided a proposal dated October 1, 2019 for the Intersection Control Evaluations and Corridor Study for various locations within the City of Seaside; and

WHEREAS, staff reviewed the proposal and found Kimley-Horn to be qualified to provide the evaluation services; and

WHEREAS, Resolution No. 16-99 adopted an On-Call Transportation Engineering Services list, which consisted of three qualified firms, including Kimley-Horn, for projects on an as needed basis; and

WHEREAS, the Transportation Agency of Monterey County (TAMC) has \$221,901 Fair Share funds awarded to the City of Seaside for funds to be used on various local transportation projects, including intersection control studies and evaluations; and

WHEREAS, in accordance with Title 14, California Code of Regulations, Section 15306 "Information Collection", the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) as the project is part of a study and will not result in a disturbance to an environmental resource.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside approves a resolution authorizing the City Manager to Execute a Professional Services Agreement with Kimley-Horn for the Intersection Control Evaluations for an amount not to exceed \$220,000.

NOW, THEREFORE LET IT FURTHER BE RESOLVED, that the City Council of the City of Seaside authorizes the Finance Director to amend the FY 2019/20 Budget to increase the Intersection Planning Project (Acct# 210-8210-2083) by \$221,901 funded by an increase in the RSTP Grant Revenue account (Acct# 210-3567) by \$221,901 of

available TAMC Fair Share funds.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 17th day of October 2019 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
DESIGN PROFESSIONAL SERVICE AGREEMENT
INTERSECTION CONTROL EVALUATION STUDIES**

THIS AGREEMENT, is made and effective _____, between the City of Seaside, a municipal corporation ("Agency") and Kimley-Horn and Associates, Inc., a corporation ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. TERM

This Agreement shall commence on the effective date above and shall remain and continue in effect until tasks described herein are completed, but in no event later than June 30, 2021, unless sooner terminated pursuant to the provisions of this Agreement.

2. SERVICES

Consultant shall perform the tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A.

3. PERFORMANCE

Consultant shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. AGENCY MANAGEMENT

Agency's City Engineer shall represent Agency in all matters pertaining to the administration of this Agreement, review and approval of all products submitted by Consultant, but not including the authority to enlarge the Tasks to Be Performed or change the compensation due to Consultant. Agency's City Manager shall be authorized to act on Agency's behalf and to execute all necessary documents which enlarge the Tasks to Be Performed or change Consultant's compensation, subject to Section 5 hereof.

5. PAYMENT

(a) The Agency agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit A, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed two hundred twenty thousand dollars (**\$220,000.00**) for the total term of the Agreement unless additional payment is approved as provided in this Agreement.

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the Agency City Manager. Consultant shall be compensated for any additional services in the amounts and in the manner as agreed to by Agency City Manager and Consultant at the time Agency's written authorization is given to Consultant for the performance of said services.

(c) Consultant will submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the Agency disputes any of Consultant's fees it shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

6. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE

(a) The Agency may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the consultant at least ten (10) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the Agency suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, the Agency shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work performed is of value to the Agency. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the Agency pursuant to Section 3.

7. DEFAULT OF CONSULTANT

(a) The Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, Agency shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the performance of work hereunder arises out of causes beyond the Consultant's control, and without fault or negligence of the Consultant, it shall not be considered a default.

(b) If the Agency Manager or his/her delegate determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, he/she shall cause to be served upon the Consultant a written notice of the default. The Consultant shall have ten (10) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the Agency shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

8. OWNERSHIP OF DOCUMENTS

(a) Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by Agency that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of Agency or its designees at reasonable times to such books and records; shall give Agency the right to examine and audit said books and records; shall permit Agency to make transcripts therefrom as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the Agency and may be used, reused, or otherwise disposed of by

the Agency without the permission of the Consultant. With respect to computer files, Consultant shall make available to the Agency, at the Consultant's office and upon reasonable written request by the Agency, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

9. INDEMNITY AND DEFENSE

(a) Indemnification and Defense for Professional Services

To the fullest extent permitted by law, Consultant shall indemnify, defend and hold harmless Agency and any and all of its officials, employees and agents ("Indemnified Parties") from and against any and all claims, losses, liabilities, damages, costs and expenses, including attorney's fees and costs, to the extent they arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant. Consultant's duty to defend shall consist of reimbursement of defense costs incurred by Agency in direct proportion to the Consultant's proportionate percentage of fault. Consultant's percentage of fault shall be determined, as applicable, by a court of law, jury or arbitrator. In the event any loss, liability or damage is incurred by way of settlement or resolution without a court, jury or arbitrator having made a determination of the Consultant's percentage of fault, the parties agree to mediation with a third party neutral to determine the Consultant's proportionate percentage of fault for purposes of determining the amount of indemnity and defense cost reimbursement owed to the Agency.

(b) For All Other Liabilities

Notwithstanding the foregoing and without diminishing any rights of Agency under Section 9.A, for any liability, claim, demand, allegation against Agency arising out of, related to, or pertaining to any act or omission of Consultant, but which is not a design professional service, Consultant shall defend, indemnify, and hold harmless Agency, its officials, employees, and agents ("Indemnified Parties") from and against any and all damages, costs, expenses (including reasonable attorney fees and expert witness fees), judgments, settlements, and/or arbitration awards, whether for personal or bodily injury, property damage, or economic injury, and arising out of, related to, any concurrent or contributory negligence on the part of the Agency, except for the sole or active negligence of, or willful misconduct of the Agency.

10. INSURANCE

Consultant shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in Exhibit B attached to and part of this Agreement.

11. INDEPENDENT CONSULTANT

(a) Consultant is and shall at all times remain as to the Agency a wholly independent Consultant. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither Agency nor any of its officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the Agency. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against Agency, or bind Agency in any manner.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, Agency shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for Agency. Agency shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

12. LEGAL RESPONSIBILITIES

The Consultant shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. The Agency, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this Section.

13. UNDUE INFLUENCE

Consultant declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of the Agency in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the Agency will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant,

in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling the City to any and all remedies at law or in equity.

14. NO BENEFIT TO ARISE TO LOCAL EMPLOYEES

No member, officer, or employee of Agency, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.

15. RELEASE OF INFORMATION/CONFLICTS OF INTEREST

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without Agency's prior written authorization. Consultant, its officers, employees, agents, or subconsultants, shall not without written authorization from the Agency Manager or unless requested by the Agency Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or property located within the Agency. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives Agency notice of such court order or subpoena.

(b) Consultant shall promptly notify Agency should Consultant, its officers, employees, agents, or subconsultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed thereunder or with respect to any project or property located within the Agency. Agency retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with Agency and to provide the opportunity to review any response to discovery requests provided by Consultant. However, Agency's right to review any such response does not imply or mean the right by Agency to control, direct, or rewrite said response.

16. NOTICES

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to,

Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To Agency: City of Seaside
440 Harcourt Ave
Seaside, CA 93955
Attention: City Clerk

To Consultant: Kimley-Horn & Associates, Inc.
1615 Bunker Hill Way, Suite 200
Salinas, CA 93906

17. ASSIGNMENT

The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the Agency. Because of the personal nature of the services to be rendered pursuant to this Agreement, Sean Houck, P.E. shall be the Project Manager and Engineer of Record for the services described in this Agreement.

Sean Houck may use assistants, under its direct supervision, to perform some of the services under this Agreement. Consultant shall provide Agency fourteen (14) days' notice prior to the departure of Sean Houck from Consultant's employ. Should he/she leave Consultant's employ, the Agency shall have the option to immediately terminate this Agreement, within three (3) days of the close of said notice period. Upon termination of this Agreement, Consultant's sole compensation shall be payment for actual services performed up to, and including, the date of termination or as may be otherwise agreed to in writing between the Governing Board and the Consultant.

18. LICENSES

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

19. GOVERNING LAW

The Agency and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with jurisdiction over the Agency.

20. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

21. WORK SCHEDULED/TIME OF COMPLETION

Consultant shall complete the outlined scope of work in a timely manner within the time frame per "Section 1. Term" of this contract.

22. CONTENTS OF REQUEST FOR PROPOSAL AND PROPOSAL

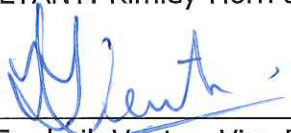
Consultant is bound by the contents of Agency's Request for Proposal, Exhibit C hereto and incorporated herein by this reference, and the contents of the proposal submitted by the Consultant, Exhibit C hereto. In the event of conflict, the requirements of Agency's Request for Proposals and this Agreement shall take precedence over those contained in the Consultant's proposals.

23. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CONSULTANT: Kimley-Horn and Associates, Inc.

By: 
Frederik Venter, Vice President
PE # 64621
KHACA
03

Date: 10/10/2019

City of Seaside
A Municipal Corporation

Craig Malin, City Manager

Date: _____

Attachments:	Exhibit A	Scope of Work / Consultants Proposal
	Exhibit B	Insurance Requirements
	Exhibit C	Request for Proposal – On Call Traffic Engineers

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October 1, 2019

Misty Bradshaw, PE
City of Seaside

Re: ***Proposal for Intersection Control Evaluation (ICE) Studies at Various Locations in the City of Seaside***
Scope of Services and Fee Proposal for On-Call Services

Kimley-Horn and Associates, Inc. is pleased to submit this letter proposal to the City of Seaside for providing traffic engineering services for Intersection Control Evaluation (ICE) Studies at the following 18 intersections in the City of Seaside:

Table 1: Study Intersections

Priority 1 Intersections

- 1.1 Coe Avenue at Paralta Avenue
- 1.2 Coe Avenue at General Jim Moore Boulevard
- 1.3 Broadway Avenue at General Jim Moore Boulevard
- 1.4 La Salle Avenue at Yosemite Street
- 1.5 Sonoma Avenue at Yosemite Street
- 1.6 Broadway Avenue at Fremont Boulevard

Priority 2 Intersections

- 2.1 Ord Grove Avenue at Noche Buena Street
- 2.2 La Salle Avenue at Noche Buena Street
- 2.3 La Salle Avenue at Fremont Boulevard
- 2.4 Broadway Avenue at Noche Buena Street
- 2.5 Broadway Avenue at Yosemite Street
- 2.6 Military Avenue at Noche Buena Street
- 2.7a Lightfighter Drive at First Avenue
- 2.7b Lightfighter Drive at US 101 Northbound Ramps
- 2.8 Lightfighter Drive at 2nd Avenue
- 2.9 Mescal Street at Yosemite Street
- 2.10 San Pablo Avenue at General Jim Moore Boulevard
- 2.11 Hilby Avenue at General Jim Moore Boulevard

This letter proposal was prepared based on our understanding of the project as described in the April 18, 2019 email Request for Proposal from Our On-Call Traffic Engineers – ICE Studies (amended June 14th, 2019), our meeting with City Staff August 20th, Revisions and Additions per City Staff September 30, 2019. These services will be contracted under our existing on-call agreement.

Our Project Understanding, Scope of Services, Schedule, and Fee are as follows:



*Misty Bradshaw, City of Seaside, October 1, 2019
On-Call ICE, Page 2*

Project Understanding and Approach

We understand that the purpose of this task order is to provide an objective analysis of concept level, feasible intersection control alternatives for the study intersection. The work described in this Task Order will evaluate intersection operations, develop concept intersection control alternatives, prepare concept level drawings, prepare high-level opinion of probable construction costs, establish and quantify intersection control performance measures, calculate a life-cycle benefit-cost, and prepare a technical memorandum document summarizing the intersection control evaluation.

We have developed a multi-phase intersection screening process that will help prioritize intersection improvements for improvement implementation. We anticipate that after each round of screening and consultation with City staff, the priority of intersection development and level of detail may change and as a result, may require clarification and / or modification to this scope so that work can be completed within the project budget.

For the report format and presentation, we are prepared to present our objective analysis of the project sites in an ICE format that is consistent with the Transportation Agency for Monterey County (TAMC) Regional Roundabout Study, dated March 2016. We can also prepare the ICE report in a memorandum format that is more technical in presentation. Alternatively, we can work with staff to prepare a custom format that is unique to the City and can serve as a template for future ICE studies.

SCOPE OF SERVICES

Task 1: Project Initiation and Management

Task 1.1: Project Initiation

Kimley-Horn will participate in a kick-off meeting with the City. The purpose of this early coordination step will be to confirm the City's expectations of the project, review project intersections and methodology for selection, review planned improvements in the vicinity, to establish a mutually acceptable project schedule, to identify new traffic counts to be collected, and collect available data/information from the City.

Kimley-Horn will complete one (1) site visit to observe roadway and intersection lane configurations, vehicle storage lengths, existing traffic control, speed limits, adjacent land uses, and other readily apparent features that are deemed (by Kimley-Horn) to be relevant to the Scope of Services.

Kimley-Horn will review the ICE screening methodology and criteria with the City. The screening methodology will include both quantitative performance measures described in Tasks 2.1 – 2.3 as well as qualitative performance measures developed by the project team. If needed, Kimley-Horn will adjust the criteria to better fit the City's goals and objectives. Kimley-Horn will prepare a draft ICE screening methodology memorandum for review and concurrence by the City. A final memo will be prepared after the results of the initial screening process is reviewed by with the City.

Task 1.1 Deliverables:

- Draft ICE Screening Methodology Memorandum



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Task 1.2: Data Collection

We shall be entitled to rely on the completeness and accuracy of all information provided by the City. The City shall provide all information requested by Kimley-Horn (KH) during the project, including any relevant traffic studies and planned improvements at the project location, roadway as-built plans, right of way, and high-resolution aerial and Geographic Information System (GIS) information for creating a base map for use in this evaluation. If high-resolution imagery is not available, KH will download available imagery from Nearmap for use as a background image.

This scope includes the collection of new weekday, AM and PM peak-period intersection turning movement counts at all project intersections. These peak-period intersection counts would be collected on a typical weekday when area schools are in session between the hours of 7:00 a.m. – 9:00 a.m., and 4:00 p.m. – 6:00 p.m. (4 hours total at each intersection). It is assumed that the City will provide Kimley-Horn with all available recent traffic data (within past 3 years) and growth rate assumptions. Ideally, the following peak hour traffic data sets will be needed:

- Recent or “Existing” AM and PM Peak hour turning movements.
- Cumulative or General Plan AM and PM peak hour turning movements. If unknown, historic growth rates can be applied to develop design year volumes.

Task 1.3: Project Management

Kimley-Horn will perform the following project management duties:

- Regular phone and email communications with the City’s Project manager
- Performance of internal Quality Assurance/Quality Control, technical management, budget adherence, and monitoring for Kimley-Horn and project team deliverables
- Development and maintenance of schedule
- Regular monthly invoicing

Task 2: Initial Screening of Intersections

This task includes the objective evaluation and comparison of implementing stop control (side street and all-way stop), traffic signal (including left-turn phasing), and roundabout intersection control (or other alternative intersection). The purpose of this evaluation is to provide an objective analysis that will allow the City to make investment decisions based on the optimal traffic control and operational strategy for the design life of the intersection. All project intersections listed in the RFP will receive an ICE screening, and if needed, a comparative analysis of the benefits of roundabouts versus signalization.

Task 2.1: Concept Traffic Operations Analysis

Kimley-Horn will use the procedures of the Highway Capacity Manual (HCM) to perform a peak-hour operations analysis of the traffic control options for each project intersection. Operations will be evaluated for AM and PM peak hour conditions and two design year scenarios (assume Existing and Cumulative).

For each design year traffic scenario, stop and signal control analyses will be conducted with Synchro® using *Highway Capacity Manual (HCM)* methodologies as defined by the City at the start of the



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project. Roundabout control evaluations will be performed using the Sidra® 8 software based on the HCM 6 capacity model. The Sidra Standard capacity model may be used by KH to check the sensitivity of the roundabout operations.

We will complete the following as part of this task:

- Determine forecast intersection volumes for a horizon year at general plan build out. The horizon year and forecast methodology will be determined at the start of the task and based on historic growth rates and not travel demand modeling. We assume City staff will approve the forecast methodology and growth rates prior to KH performing peak hour intersection operations analysis.
- Perform peak-hour intersection Level of Service (LOS) and queuing analysis for existing traffic control condition, roundabout control, and either stop or signal control for existing traffic and future year traffic conditions (Weekday AM and PM peak-hours only). Report the peak hour average control delay, LOS, and 95th percentile queue length for each approach by movement. Queue estimates will be examined relative to existing storage lengths and left turn storage requirements.
- Identify existing operational deficiencies at the study intersection based on a LOS C threshold (or other threshold defined by the City prior to analysis). Queue spillback conditions will also be identified.
- Identify the lane configurations (number of turn and through lanes), geometrics (length of turn bays, taper/transition length, etc.), and lane storage length requirements. Pedestrian and bicycle volumes (if known) will be included in the analysis.
- Calculate the societal cost of delay based on peak period operations over the defined design life.

Task 2.1 Deliverables:

- Delay, Level of Service, volume-to-capacity ratio, queuing, and a proposed lane configuration for each control option.
- Societal life-cycle cost of delay (Quantitative Performance Measure).

Task 2.2: Safety Considerations (Quantitative Performance Measure)

Kimley-Horn will document the 3-year crash history of the intersection based on data provided by the City.

Kimley-Horn will predict the future frequency and severity of crashes per year using predictive Highway Safety Manual (HSM) methods and the Interactive Highway Safety Design Model (IHSDM). IHSDM will be used to predict crash data for each feasible intersection control alternative, including the existing condition, for the design life used in the Capacity Assessment and Analysis task. Predicting collision over a defined design life will be competed to calculate the societal cost of safety.

Task 2.2 Deliverables:

- The estimated frequency and severity of crashes per year for each control option evaluated.
- Societal life-cycle cost of crashes (Quantitative Performance Measure)

Task 2.3: Annual Operations and Maintenance Considerations

Kimley-Horn will collect and summarize annual operations and maintenance costs provided by the City. We assume the costs provided by the City include annual power consumption for lighting and signals, average annual signal retiming and maintenance costs, and estimated landscape maintenance costs. If costs are not known, average unit costs from the TAMC Roundabout Study and/or national averages will be used.

Task 2.3 Deliverables:

- Annual life-cycle cost of operations and maintenance (Quantitative Performance Measure)

Task 2.4: Qualitative Assessment

Kimley-Horn will conduct a qualitative assessment of each intersection traffic control type at each project location. The qualitative assessment will be conducted per the agreed methodology documented in the Draft ICE Screening Methodology Memorandum.

Task 2.4 Deliverables:

- Table summarizing the qualitative assessment for each intersection.

Task 2.5: Develop Concept Level Layouts

The primary purpose of this task is to establish an approximated footprint of the study intersection including the number of approach, departure, turn, and circulatory lanes. Conceptual layouts will be prepared for a roundabout control intersection and either a stop control or traffic signal control alternative for the design year traffic scenarios. Layouts will be developed in CADD using aerial images and available topographic mapping received under Task 1. Concept layouts will depict intersection features and geometric design elements based on the traffic operations analysis. The layout will include colored pavement markings consistent with the MUTCD, color coded areas identifying landscape opportunities, and the potential for vertical obstructions based on estimated sight lines. Key features evaluated during this phase typically include:

- Size and location of required intersection control relative to right-of-way and geometric constraints
- Design speed, design vehicle, and sight line considerations (design check calculations will not be conducted with this task order)
- Local access / access control considerations
- Alignment of approaches and departures
- Number of approach, departure, turn, and circulatory lanes
- Channelization of turning movements
- Travel paths for bicyclists and pedestrians
- Estimated limits of intersection based on intersection control type geometric features and influence areas.

Underground utilities will not be considered in this evaluation.



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It is assumed that constraints at the project location will be identified by the City and provided to Kimley-Horn prior to development of the project concepts. This scope assumes development of one draft concept layout of each intersection control alternative.

Task 2.5 Deliverables:

- Concept intersection control layouts.

Task 2.6: Initial Screening Workshop

Kimley-Horn will coordinate with City staff via an in-person workshop to review the results of the Initial Screening. We anticipate that the workshop will conclude with concurrence from the City for each recommended intersection improvement.

Kimley-Horn will review the Draft ICE screening methodology and criteria with the City based on the results of the analysis. If needed, Kimley-Horn will adjust the criteria to better fit the City's goals and objectives. Kimley-Horn will prepare a Final ICE screening methodology memorandum for review and concurrence by the City.

Kimley-Horn will prepare a cost sensitivity chart comparing the two most likely improvements for each intersection. The chart will plot the benefit-cost inflection point between each alternative assuming the delay, safety, and operations and maintenance costs remain constant. Order of magnitude costs for each alternative will be plotted on the chart to determine the most beneficial alternative.

The intersection priority list will be updated based on the results of the analysis and the workshop. Priority 1 intersections will be confirmed for further refinement and study by the project team. Priority 2 and 3 intersections that may require additional study to determine the preferred control type will be identified and prioritized for additional study.

Task 2.6 Deliverables:

- Workshop notes documenting the preferred improvements at each project location.
- List of project locations requiring additional study
- Final ICE Screening Methodology Memorandum

Task 3: Level 2 Screening of Alternatives

This task adds additional performance measures to be used in the screening analysis. The Task 3 scope of work will evaluate up to eight intersections at the Level 2 Screening.

We assume this work is subject to negotiation and change by amendment based on the results of previous tasks. The intersections listed below serve as a basis for scope and budget.

We assume the following intersections will be included:

1. Coe Avenue at Paralta Avenue
2. Coe Avenue at General Jim Moore Boulevard
3. Broadway Avenue at General Jim Moore Boulevard
4. La Salle Avenue at Yosemite Street
5. Sonoma Avenue at Yosemite Street



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6. Broadway Avenue at Fremont Boulevard
7. Unknown 1
8. Unknown 2

Task 3.1: Concept Refinements and Opinion of Probable Construction Costs

Kimley-Horn will refine the concepts based on comments received at the Initial Screening Workshop and will submit to the City for final review. Upon acceptance by the City, Kimley-Horn will prepare an opinion of probable construction costs (OPCC) for up to two concepts at each location. The OPCC's will include visible utilities, right of way area, and major construction components such as curb and gutter, sidewalk, pavement, etc. Elements such as storm water quality treatment, traffic control, landscaping, mobilization, and other similar elements will be estimated as a lump sum in consultation with the City.

Task 3.1 Deliverables:

- Revised concept intersection control layouts at eight locations
- Opinion of probable construction cost at eight locations (Quantitative Performance Measure)

Task 3.2: Level 2 Screening Summary

This task includes the objective evaluation and comparison of implementing either of the identified intersection control alternatives. The purpose of this evaluation is to provide an objective analysis that allows the City to make an investment decision based on traffic control and operations strategy for the design life of the intersection.

The following performance measures will be calculated for the design-life life-cycle and adjusted to a net present value:

- Safety (Crash Prediction Evaluation using Interactive Highway Safety Design Model - IHSDM) [From Task 2]
- Delay (based on average peak hour delay from Task 2) [From Task 2]
- Emissions (based on average speed)
- Operations and Maintenance [From Task 2]
- Initial Capital Costs

The performance measures will be used to calculate a Benefit-Cost Ratio for each of the proposed improvements.

The cost effectiveness to reduce pollutant emissions, consistent with AB 2766 grant funding with the Monterey Bay Air Resources District, will be calculated for each intersection control alternative.

The results of the B/C analysis, combined with the qualitative performance measures developed under Task 2, will also be summarized in an Intersection Control Evaluation memorandum and used to rank the cost effectiveness for constructing the proposed concept improvements.



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The results of the Level 2 screening summary will be documented in a memorandum.

Task 3.2 Deliverables:

- Cost effectiveness to reduce pollutant emissions (Quantitative Performance Measure)
- Life-Cycle Benefit / Cost Analysis
- Intersection Control Evaluation Memorandum

Task 4: Project Assessment

This task will further refine the project footprint of the preferred intersection control alternative selected under Task 3. The preferred concept will be refined to a 15% design level and used to identify likely project limits based on geometric standards and topography. The Task 4 scope of work will evaluate up to 4 intersections at the Level 2 Screening.

We assume this work is subject to negotiation and change by amendment based on the results of previous tasks and the need for visualization to gain public support and funding. The intersections listed below serve as a basis for scope and budget.

We assume the following intersections will be included:

1. Coe Avenue at Paralta Avenue
2. Coe Avenue at General Jim Moore Boulevard (roundabout)

Task 4.1: Horizontal Refinement and Vertical Evaluation

Kimley-Horn assumes that a roundabout will be the preferred traffic control at three project locations. The concept layouts developed in previous tasks will be refined to consider the following:

- Calculated entry speeds (R1)
- Design vehicle swept paths (One vehicle – assume California Truck)
- Estimated toe / top of slopes

Kimley-Horn will supplement our field observations and background aerial through the use of drone imagery and the Site Scan application. The drone will collect a point cloud of data from which near survey grade information will be used to create elevation contours and visualization of grades. The preferred concepts will be overlayed onto the drone imagery.

The OPCC will be updated based on the concept refinement and calculated quantities. We assume the level of detail and line items of the OPCC will remain as developed under previous tasks.

Task 4.1 Deliverables:

- Revised concept intersection control layouts at four locations
- Updated OPCC at four locations.



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Schedule

We will provide our services as noted in the above Scope of Services and will complete the work within a schedule mutually agreed to at the kick-off meeting. We assume the following durations for the primary Tasks:

- Task 1: 5-6 weeks (depending on school schedules to collect traffic data)
- Task 2: 7-9 weeks
- Task 3: 6-8 weeks
- Task 4: 3-4 weeks

We estimate the total duration from the notice to proceed to completion is 6 months.

Fee and Billing

Kimley-Horn will provide the above Scope of Services for a Lump Sum fee not to exceed \$220,000. Labor, fees, and expenses will be billed per the terms of the on-call contract. All permitting, application, and similar project fees will be paid directly by the Client.

Additional Work

Kimley Horn is fully prepared to immediately start the preparation of plans, specifications, and estimates (PS&E) construction documents should the City seek to continue the contract.

We appreciate the opportunity to provide these services to you. Please contact me at (916) 571-1016 if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean Houck".

KIMLEY-HORN AND ASSOCIATES, INC.

Sean Houck, P.E.

P.E. No. C59500

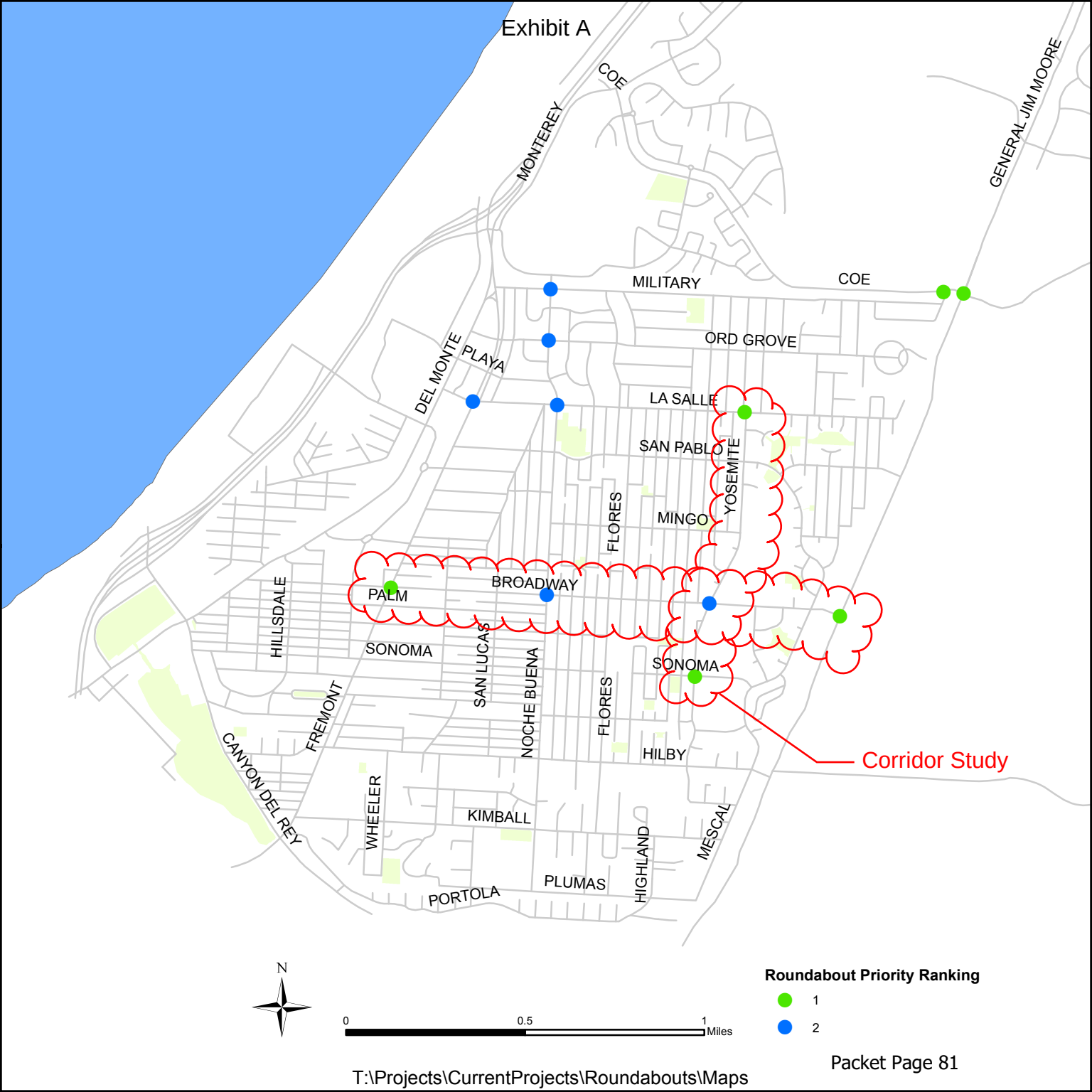


EXHIBIT B

INSURANCE REQUIREMENTS

Without limiting Consultant's indemnification of Agency, and prior to commencement of Work, Consultant shall obtain, provide and maintain at its own expense during the term of this Agreement, policies of insurance of the type and amounts described below and in a form satisfactory to Agency.

General liability insurance. Consultant shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

Automobile liability insurance. Consultant shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than \$1,000,000 combined single limit for each accident.

Professional liability (errors & omissions) insurance. Consultant shall maintain professional liability insurance that covers the Services to be performed in connection with this Agreement, in the minimum amount of \$1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement and Consultant agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this Agreement.

Workers' compensation insurance. Consultant shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least \$1,000,000).

Consultant shall submit to Agency, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of Agency, its officers, agents, employees and volunteers.

Umbrella or excess liability insurance. [Optional depending on limits required]. Consultant shall obtain and maintain an umbrella or excess liability insurance policy with limits that will provide bodily injury, personal injury and property damage liability coverage at least as broad as the primary coverages set forth above, including

commercial general liability, automobile liability, and employer's liability. Such policy or policies shall include the following terms and conditions:

- A drop down feature requiring the policy to respond if any primary insurance that would otherwise have applied proves to be uncollectible in whole or in part for any reason;
- Pay on behalf of wording as opposed to reimbursement;
- Concurrency of effective dates with primary policies;
- Policies shall "follow form" to the underlying primary policies; and
- Insureds under primary policies shall also be insureds under the umbrella or excess policies.

Other provisions or requirements

Proof of insurance. Consultant shall provide certificates of insurance to Agency as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by Agency's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with Agency at all times during the term of this contract. Agency reserves the right to require complete, certified copies of all required insurance policies, at any time.

Duration of coverage. Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Work hereunder by Consultant, his agents, representatives, employees or subconsultants.

Primary/noncontributing. Coverage provided by Consultant shall be primary and any insurance or self-insurance procured or maintained by Agency shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of Agency before the Agency's own insurance or self-insurance shall be called upon to protect it as a named insured.

Agency's rights of enforcement. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, Agency has the right but not the duty to obtain the insurance it deems necessary and any premium paid by Agency will be promptly reimbursed by Consultant or Agency will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, Agency may cancel this Agreement.

Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the Agency's Risk Manager.

Waiver of subrogation. All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against Agency, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against Agency, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

Enforcement of contract provisions (non estoppel). Consultant acknowledges and agrees that any actual or alleged failure on the part of the Agency to inform Consultant of non-compliance with any requirement imposes no additional obligations on the Agency nor does it waive any rights hereunder.

Requirements not limiting. Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Consultant maintains higher limits than the minimums shown above, the Agency requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Agency.

Notice of cancellation. Consultant agrees to oblige its insurance agent or broker and insurers to provide to Agency with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.

Additional insured status. General liability policies shall provide or be endorsed to provide that Agency and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

Prohibition of undisclosed coverage limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting

endorsement of any kind that has not been first submitted to Agency and approved of in writing.

Separation of insureds. A severability of interests provision must apply for all additional insureds ensuring that Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

Pass through clause. Consultant agrees to ensure that its subconsultants, subcontractors, and any other party involved with the project who is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage and endorsements required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with consultants, subcontractors, and others engaged in the project will be submitted to Agency for review.

Agency's right to revise specifications. The Agency reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the Agency and Consultant may renegotiate Consultant's compensation.

Self-insured retentions. Any self-insured retentions must be declared to and approved by Agency. Agency reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by Agency.

Timely notice of claims. Consultant shall give Agency prompt and timely notice of claims made or suits instituted that arise out of or result from Consultant's performance under this AGREEMENT, and that involve or may involve coverage under any of the required liability policies.

Additional insurance. Consultant shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.

REQUEST FOR QUALIFICATIONS TRAFFIC ENGINEERING SERVICES FOR CITY OF SEASIDE

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Introduction

The City of Seaside (City) seeks Statements of Qualifications (SOQs) from qualified firms to provide professional Traffic Engineering (consultant) services. The City intends to select up to three consultants for a three-year period, with the option of two (2) one-year extensions through mutual consent between the City and the chosen Consultant(s). Consultants do not need to be able to provide all services described in the “Preliminary Scope of Services,” below. Selection will be based on demonstrated expertise in providing support to public resource management departments.

Proposal Requirements

SOQs must be received by 3:00 PM October 20, 2016 at the following address:

City Engineer
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

SOQ received after this deadline will not be accepted. The SOQ and any accompanying documents shall be submitted in a sealed envelope with the words “**Traffic Engineering Services**” clearly marked in the lower left-hand corner of the envelope. Three bound copies, plus one electronic copy submitted on CD, USB flash drive, or by email, containing an Adobe pdf copy, should be submitted.

Statement of Qualifications Submittal Requirements

The SOQ should include the following information:

1. Name of proposer and principal contact person, including office location, address, telephone number, fax numbers and e-mail address.

City of Seaside-Request for Qualifications
Traffic Engineering Services

2. Brief description and history of the proposed project team and experience of the principal contact. Clearly describe project team member's experience in traffic engineering design, traffic analysis, traffic calming, and transportation studies. Describe the average project size and scope of the team member's past projects.
3. Provide as exhibits, listings of your firm's and its principals' experience.
4. Enclosed is a copy of the City's standard contract, which stipulates, among other things, insurance requirements. Please confirm that the project team can accept the terms of the contract and has the required insurance, or can acquire insurance, that meets the minimum standards.
5. Please provide at least three professional references. Indicate which references are public agencies for which the project team, or its principals, have provided services for within the past five years.
6. Standard Hourly Fees: Provide your standard hourly fees by job classification and billing criteria for providing the services described in this RFQ in a separate sealed envelope. Do not provide in the response to this request as an exhibit or in the body of the response

The SOQ will be limited to 10 numbered pages including title sheet and cover letter if provided. Minimum font size is 12. Page size is limited to letter size with no fold-outs. Submittals must be printed on both sides of the paper. A clear front and back cover shall be provided and the front and back clear cover will not count towards the 20 page limit.

Schedule for Selection Process

The proposed consultant selection schedule is as follows.

Release RFP	September 15, 2016
Proposal due	Thursday, October 20, 2016 by 3:00pm
Interview Select Proposers, if necessary	Week of October 31, 2016
Project Award	Thursday, November 17, 2016

Questions Regarding This Project

All questions and/or contacts regarding this Request should be directed to:

Leslie Llantero
City of Seaside-Engineering Division
440 Harcourt Avenue
Seaside, CA 93955
E-mail: lllantero@ci.seaside.ca.us
Phone (831) 899-6832 Fax (831) 899-6311

Form of Agreement

A copy of the City of Seaside Consultant Contract is included herewith.

Evaluation and Rating Criteria

City staff will review each SOQ for completeness and content. Each SOQ will be evaluated based upon the relevant qualifications and experience of the consultant. Consultants do not need to be able to provide all services described in the “Preliminary Scope of Services,” below. Staff may conduct interviews if necessary. References may also be verified. The SOQ review will focus upon the following criteria:

1. *Organization:* Does the firm/individual offer the quality of services required for the types of services listed in the Scope of Work? Consultants do not need to be able to provide all services described in the “Preliminary Scope of Services,” below.
2. *Staff:* Do the qualifications of key personnel to be assigned to the anticipated projects coincide with tasks listed in the Scope of Work? Do assigned personnel have requisite education, experience, and professional qualifications?
3. *Experience:* Has the firm/individual demonstrated the ability to successfully provide services for projects of a similar complexity and nature as described herein?
4. *Professional Standing:* Are the firm’s/individual’s references from past clients and associates favorable? Are deliverables submitted on time and within budget?
5. *Proposal:* Organization, presentation, and content of proposal. Conformance to the specified proposal format.
6. *Value.* Ability to perform services at City of Seaside City Hall at a fair and reasonable cost. Ability to respond to request for service in a timely manner.

Proposals will be ranked on the basis of qualifications. The City of Seaside may conduct interviews with some or all of the firms/individuals who submit proposals, or it may complete its evaluation based on the proposals alone. If interviews are conducted, firms/individuals selected for interview will be contacted at that time to arrange the date and time for their interview.

QUALIFICATIONS

Interested consultants should possess competency in the following areas of expertise and documents:

- General traffic engineering and provide a project manager that possesses certification as a Traffic Engineer from the California Board for Professional Engineers, Land Surveyors and Geologists.
- Traffic Signal design (per Caltrans and City standards)
- California Manual on Uniform Traffic Control Devices latest Edition
- ITE Traffic Control Devices Handbook
- ASSHTO Roadside Design Guide

PRELIMINARY SCOPE OF SERVICES

The scope of work will vary as need arises and will be at the discretion of the City. Provide Traffic Engineering services for various projects at the request of city staff. The request for services may include:

- Conduct or review traffic engineering, traffic analysis, and transportation planning studies or project specific traffic related issues analysis;
- Provide comprehensive analyses of existing and projected traffic conditions; roundabout analysis and design, intersection design, speed humps, and traffic data collection services;
- Provide electronic traffic control device studies and design (signs, signals, pavement markings, and school zone flashers);
- Perform pedestrian studies including those to provide safe routes to school;
- Review subdivision or new development projects involving traffic impact analyses, transportation modeling, area-wide transportation studies and road impact fee analyses;
- Traffic signal design including plans, engineer's cost estimate and contract bid documents (for projects that are bid) for new permanent signal installation; modifications to existing signals and flashing beacon;
- Speed data analysis, intersection control studies including multi way stop control and traffic signal or alternatives, safety studies, and miscellaneous traffic engineering services.

The consultant will not be allowed to provide services when the City determines a potential conflict of interest may exist.

Consultant services will be on an as-needed, on-call basis. Consultant services will be authorized by separate contract(s). The Consultant is responsible for acknowledging receipt of requests for services within two (2) working days. Contracts may vary significantly in size and scope and will be determined in greater detail as each is assigned. The Consultant will be responsible for preparing a detailed scope and fee estimate for each contract request. The City may accept the Consultant's scope and fee or negotiate with the Consultant, as appropriate. The City reserves the right to not accept the Consultant's scope and fee.

General Provisions

1. The City will assume no responsibility for any understandings or representations concerning conditions made by any of its officers or employees prior to execution of a final agreement unless they are included in this Request for Qualifications.
2. Any reasonable inquiry to determine the responsibility of a prospective Consultant(s) may be conducted. The submission of Qualifications shall constitute permission by the prospective Consultant(s) for the City to verify all information contained therein. If the City deems it necessary, additional information may be requested from the prospective Consultant(s) for further consideration.
3. A prospective Consultant(s) may withdraw their Qualifications at any time prior to the date and time which is set forth herein as the deadline for acceptance of Qualifications.
4. Each prospective Consultant(s) submitting Qualifications in response to this Request agrees the preparation of all materials for submittal to the City and all presentations are at

the prospective entities sole cost and expense, and the City will not, under any circumstances, be responsible for any costs or expenses incurred by a prospective Consultant(s). In addition, each prospective Consultant(s) agrees that all documentation and materials submitted with Qualifications will remain the property of the City and will become a public document.

5. The City reserves the right to request additional information from any and all prospective entities as deemed necessary by the City in order to evaluate the Qualifications. This process may not be used as an opportunity to submit missing documentation or to make substantive revisions to the original Qualifications.
6. The City reserves the right to reject any and all Qualifications and, in the event the Consultant selected, it may attempt to negotiate an agreement with the Consultant that, in the sole judgment of the City, is the best qualified to provide the services requested.
7. The City shall not enter into an agreement with any prospective Consultant(s) that has previously had an agreement with the City terminated, or that has previously been found to have violated any provision of the Seaside City Code, or related resolutions or ordinances, or any provision of federal law, state, or other local law.
8. The City reserves the right to enter into an agreement with an Consultant(s) at any time, deviate from this Request, reject any or all SOQs, continue to advertise for new Qualifications, negotiate with multiple entities simultaneously, waive any defects in Qualifications, or to proceed otherwise. The Request and the selection process will in no way be deemed to create a binding contract or agreement of any kind between the City and any prospective Consultant(s). The submission of Qualifications does not in any way commit the City to enter into an agreement with any prospective Consultant(s).
9. Each prospective Consultant(s) shall agree to abide by all federal, state, and local laws, rules, and regulations and to secure all necessary licenses, permits, and other forms of identification as may be required in connection with the resulting agreement, all at no additional cost to the City.
10. All Qualifications, charge rates or representations will remain in effect and be legally binding for at least one hundred twenty (120) days from the date of submission.
11. This Request for Qualifications shall be governed in accordance with the laws of the State of California and the jurisdiction of any disputes hereunder shall be had in Monterey County.

Non-Discrimination & Non-Preferential Treatment

The successful Consultant shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of City of Seaside contracts.

Grounds for Disqualification

All prospective entities are expected to conduct themselves with the utmost integrity and responsibility throughout the Request process. Any prospective Consultant(s) that violates these

expectations, as determined in the sole discretion of the City, will be subject to disqualification. Generally, the grounds for disqualification include:

1. Contact regarding this procurement with any City official or employee, other than the contact person designated in this Request, from the time of issuance of this Request until the consideration and approval of a professional services agreement.
2. Evidence of collusion, directly or indirectly, among prospective entities in regard to the amount, or the terms and conditions of this Request and the prospective agreement.
3. Influencing, or attempting to influence, any City staff member or official throughout the solicitation process, including the development of specifications beyond those included here, if any.
4. Evidence of submitting incorrect or inaccurate information in response to this Request or misrepresentation or failing to disclose facts during the evaluation or negotiation process.
5. Existence of any lawsuit, claim, or dispute between the prospective Consultant(s) and the City.
6. Evidence of the prospective Consultant(s)'s inability to successfully complete the responsibilities and obligations of the Request process.
7. The prospective Consultant(s)'s default under any City agreement or termination of a previous agreement.

Records and Financial Data

All correspondence with the City, including responses to this Request, will become the exclusive property of the City and will become public records under the California Public Records Act. All documents submitted in response to this Request will be subject to disclosure if requested by a member of the public. There are a very limited number of narrow exceptions to this disclosure requirement.

Personal financial information that a prospective Consultant(s) considers confidential, the disclosure of which would be an unwarranted invasion of personal privacy, should be submitted in a sealed envelope marked "CONFIDENTIAL: PERSONAL FINANCIAL RECORDS; NOT PUBLIC RECORDS." A prospective Consultant(s) should not mark their entire Qualifications as "Confidential." During the selection process, the City will keep such information confidential and will not disclose it, except as otherwise required under applicable law. This means that, depending on the nature of timing of the request, or future court decisions, that personal financial information may not remain private and may be publicly disclosed. Once the selection process is completed, the City will return this information to any prospective agency that is not selected.

If an Consultant(s) is selected, the City may retain any submitted information and disclose it to the City Council, and any subcommittees thereof, and the public in connection with consideration of an agreement with the City as evidence of the entities ability to carry out the development. Given the nature of the applicable law under the California Public Records Act, the City cannot guarantee or warrant that it will be able to keep submitted information, including personal financial records, confidential. The successful Consultant(s) agrees to indemnify, defend, and hold the City harmless from and against any suit brought under the California Public

City of Seaside-Request for Qualifications
Traffic Engineering Services

Records Act to obtain the records; otherwise, the City shall not be obligated to defend such suit and may release the records.

Statement of Qualifications for

Traffic Engineering Services for City of Seaside



Kimley»Horn

Expect More. Experience Better.

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Exhibit C
Statement of Qualifications for
Traffic Engineering Services
for City of Seaside

October 20, 2016

Leslie Llantero
City of Seaside Engineering Division
440 Harcourt Avenue
Seaside, CA 93955

6 Quail Run Circle
Suite 102
Salinas, California
93907
TEL 831-783-0352

RE: Statement of Qualifications for Traffic Engineering Services for City of Seaside

Dear Ms. Llantero and Members of the Selection Committee:

Kimley-Horn is pleased to submit this proposal to provide Traffic Engineering Services to the City of Seaside. We are very excited about the opportunity to serve as the City's on-call traffic engineering consultant, and feel that this proposal clearly demonstrates why we are the most qualified team for this important contract.

Our team of in-house experts are committed to providing any and all services that the City requires as part of this on-call contract. Our team comprises experienced professionals who can provide a wide range of services from traffic engineering and design to transportation planning. The following are a few key highlights that demonstrate why we believe the City can expect more and will experience better with the Kimley-Horn team:

Commitment to Our Clients. We are proud of the excellent and ongoing relationships we have built with our clients. From our successes, we have cultivated a repeat client rate of over 80% including several local agencies along the Central Coast. In addition, many of our staff members are former municipal engineers and planners. Our team's combined municipal experience in planning, design, administration, and construction phase services gives us the specific understanding of how to work with City staff and elected officials to effectively achieve your objectives.

One-Stop Shop. We are a multidisciplinary team, not just a traffic engineering firm. Our in-house technical specialists (primarily based in our Salinas, Capitola, San Jose, Oakland, and Pleasanton offices) will provide all the services required under this on-call contract without outsourcing to major subconsultants. Our team consists of talented and highly experienced technical specialists who have worked together for many years, providing synergy and momentum built from working on similar on-call contracts. The benefit to you is a seamless, integrated service where every member of the team knows and works well with each other.

Strong Local Knowledge. Kimley-Horn has extensive local experience working with several Seaside neighbors, including the County of Monterey Fort Ord Reuse Authority (FORA), California State University, Monterey Bay (CSUMB), City of Marina, City of Del Rey Oaks, City of Monterey, Transportation Agency of Monterey County (TAMC), and Caltrans District 5. Through our work on the Monterey-Salinas Transit (MST) Fremont-Lighthouse Bus Rapid Transit (BRT) Design and other projects, we recognize the importance of inter-agency coordination in successfully completing projects involving multiple stakeholders. We have written several very successful grant applications in the Monterey Bay area, including; Air District Grants, ATP Grants, HSIP Grants, and Local Assistance programs, to name a few. We will bring our knowledge of these requirements, opportunities, and processes to this contract.

Responsiveness. A strong commitment to client satisfaction is the foundation of our service to you. We strive to deliver not only technical excellence, but timely service and practical, cost-saving solutions. We will be a responsive, readily available team that will examine ways to reduce costs as we work with you to define specific needs and implement sound engineering solutions. We have ample professional resources to complete any assignment that may arise during this on-call contract.

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Statement of Qualifications for
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for City of Seaside

Our comprehensive team is dedicated to meeting the needs of the City of Seaside. We sincerely appreciate the opportunity to present our qualifications to you, and look forward to serving as your on-call consultant.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Kevin Aguigui, P.E., T.E., E.E., CSEP
Project Manager/Principal Contact

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1 PROPOSER AND PRINCIPAL CONTACT

Proposer: Kimley-Horn & Associates, Inc.
Principal Contact: Kevin Aguigui, P.E., T.E., E.E., CSEP
Office/Location: 6 Quail Run Circle, Suite 102, Salinas, California, 93907
Email: Kevin.Aguigui@kimley-horn.com
Telephone: 510-350-0217
Fax: N/A

2 DESCRIPTION AND HISTORY OF TEAM

Kimley-Horn Profile

Kimley-Horn is an employee-owned, multidisciplinary engineering and planning firm with more than 80 offices nationwide, and 13 in California, including Salinas, Capitola, San Jose, Oakland, and Pleasanton. Founded by traffic engineering, transportation planning, and civil engineering specialists, the firm has steadily grown into a full-service engineering and planning firm offering a comprehensive range of services to both public and private clients. Today, we have over 2,700 professional, technical, and support staff throughout the country to address the most challenging projects, and over 60 staff members in our Central Coast and Bay Area offices. With resources and talents of a nationally-ranked organization, our staff is known for its ability to utilize the latest technology and information to achieve successful results for our clients. Our project managers serve as the primary liaison to clients; and with the support of our technical and administrative staff, we consistently meet the needs and exceed the expectations of our clients. The services for this contract will be primarily provided from Kimley-Horn's Salinas office, and the principal contact will be our proposed project manager, **Kevin Aguigui, P.E., T.E., E.E., CSEP**. Kevin's experience and qualifications can be found in his resume on page 12.

Our continued growth and stability over the past 49 years is the direct result of our commitment to integrity and dedication to providing quality services. Kimley-Horn has extensive history of completing on-call projects successfully by committing resources as needed. Should there be a need for additional experienced professionals to meet a critical deadline, we have the ability to quickly leverage personnel throughout the firm. We have the knowledge, skill, and determination to take your project from concept to ribbon cutting in a variety of disciplines, including traffic engineering, roadway/civil design, transportation operations, stormwater design, environmental services, green street design, energy services, parking, transit, water utilities and wastewater, and ITS and wireless communications.

Unrivaled Local Project Experience. Kimley-Horn has a wide array of relevant, recent projects that have provided us a unique understanding of the issues specific to the City of Seaside and surrounding areas. These projects include the Marina-Salinas Transit Fremont-Lighthouse Bus Rapid Transit (BRT) Design, Imjin Parkway Corridor Study, Monterey County Transportation Impact Fee Program, North Fremont Street Bike and Pedestrian Access and Safety Improvements, and the Monterey County General Plan. These projects have required close coordination with City staff, Caltrans District 5, Transportation Agency of Monterey County (TAMC), Monterey County, community interest groups and the broader public. This experience has provided us an understanding of how to best communicate and coordinate with these agencies and stakeholders to meet the needs of the community. Exhibits of our firm and principals' local, relevant experience can be found in section 3.

Exhibit C

Statement of Qualifications for Traffic Engineering Services for City of Seaside

Award-Winning Firm. Kimley-Horn's growth is reflected in its steady rise on *Engineering News-Record's* list of the top 500 design firms in the nation. The firm first appeared on the list in 1981 when we ranked 421st—we are now ranked 31st! The success of our rankings is a result of the firm's steadfast commitment to providing responsive client service, pursuing continuous quality improvement, and operating as a business-based practice.

High Client Retention Rate. We are proud of the excellent and ongoing relationships we have built with our clients. From our successes, we have cultivated a repeat client rate of over 80%.

Expect More. Experience Better. This is our guiding principle. We are focused on providing not only exceptional service and solutions, but also a better overall experience than you would get with any other team.

We Know What It Means To Be “On-Call.” Kimley-Horn understands what it means to provide services on an as-needed basis for a local government. Since our founding, on-call clients have been a top priority in which our approach is to serve as an extension of City staff. Kimley-Horn has an extensive history of completing as-needed, on-call projects successfully by quickly mobilizing and committing necessary resources, taking ownership of the project, maintaining the project schedule, obtaining team consensus, developing accurate construction cost estimates, and delivering quality technical submittals. The City of Seaside needs a consultant with the experience and commitment to deliver highly responsive service—Kimley-Horn has been doing just that for many on-call clients since the firm was founded over 49 years ago.

Our Services

Traffic Engineering and Design

Our project team is intimately familiar with fundamental traffic engineering principles utilizing the capacity analysis techniques included in the Highway Capacity Manual (HCM). Our understanding of the theory behind the analysis enables our traffic engineers to provide accurate analyses, particularly when addressing unique operating situations. Kimley-Horn also has extensive experience using traffic analysis and modeling software including Synchro, Traffix, and VISSIM.

Our professionals have experience approaching a comprehensive analysis from both macroscopic (system planning) and microscopic perspectives (design issues and operation at specific locations). Using these tools, we can model a microscopic traffic network to determine the interactions between adjacent intersections and produce an animated, graphical display of traffic conditions. For example, on one project we used VISSIM to simulate the expected traffic conditions as part of a BRT implementation, which includes level boarding stations and curb bulbouts. VISSIM allowed us to simulate the conditions with and without BRT buses and curb bulbouts, in addition to the BRT buses using the curb lane to stop at the BRT platforms. The simulation confirmed that the BRT use of the curb lane along with curb bulbouts would have minimal interference main arterial traffic, and with automobiles and pedestrian movements at the curb bulbouts.

Our professionals have designed hundreds of traffic signals for Northern California municipalities and Caltrans. We are in tune with current Caltrans traffic signal design methodology and requirements, and have vast experience adapting this expertise to City of Seaside's standards. Kimley-Horn's traffic signal design efforts typically include solid, fundamental traffic engineering design principles to not only provide the minimum required operational characteristics, but also to provide the appropriate level of future flexibility, as well as balance with the competing users at these critical points of intersection.



Exhibit C Statement of Qualifications for Traffic Engineering Services for City of Seaside

Civil Engineering, Bike, Pedestrian, and Complete Streets Design

Collectively, our engineers have been responsible for the design of more than 4,000 miles of roadway. Roadway design and planning is one of the mainstays of our firm's professional practice. We are well equipped to address all related aspects of roadway design projects. Our team brings design experience across a wide variety of projects, including roadway widenings and geometric safety improvement projects, complete streets, pedestrian and bicycle facilities, storm drainage including green infrastructure, intersection geometrics, and surface treatment projects. Our team also has significant experience writing special provisions in Caltrans 2015 Standard Specifications format. In addition to writing technical specifications for multiple projects, we have also helped municipalities convert their boiler plate (e.g., "front-end") specifications into the 2015 format. We appreciate the importance of well-written project specifications and understand what a difference this can make once a project moves into construction.

Our experience in developing Complete Streets that work for specific communities is unmatched in Monterey County; from planning to design and construction, including environmental impacts. We apply National Association of City Transportation Officials (NACTO) principles, understand its constraints, and how to customize its application for local needs.

Our firm takes pride in designing "buildable" plans, and Kimley-Horn's outstanding record of on-time and on-budget completions attests to our knowledge of construction issues and costs. Construction phase services include cost estimating, pre-bid services, and construction administration and observation.



Traffic Calming/Management

Kimley-Horn is a national leader in the development and implementation of traffic calming, neighborhood transportation plans, and the context-sensitive solution (CSS) design of pedestrian and bicycle facilities. Our team of roadway designers, traffic engineers, and planners knows how to design roadways that accommodate a defined volume of through traffic, while serving as corridors for business and residential units and pedestrian and bicycle usage. All reasonable efforts are made to restore a balance between automobiles and pedestrians. When addressing the functional and aesthetic needs of municipal road corridors, Kimley-Horn's team emphasizes a wide variety of traffic calming principles, including:

- Narrowed lane widths that serve to slow traffic and reduce the overall street width—while providing safer pedestrian crossings.
- Heavily landscaped medians that reduce the appearance of expansive paving, help slow traffic, lower the number of accidents, and promote pedestrian safety through the provision of median "refuges" at crosswalk locations.
- Raised intersections (or "speed tables"), equal to the elevation of the sidewalk that redefine the road as a "pedestrian area through which traffic must pass" versus traditional intersections that are clearly "vehicular spaces through which pedestrians and bicyclists must pass." Such intersection designs often incorporate special paving designs to further reinforce their presence and importance.
- Paving designs, including the use of pre-cast paving systems, or color asphaltic pavement mixes, that help "announce" intersections and neighborhood gateways, and provide a unique character and quality to the roadway corridor. We also have used special pavement striping patterns to create special areas, thereby reducing vehicle speeds.
- Traffic circles (or "roundabouts") that permit the development of major gateway features, calm through-traffic, and in some instances, even improve the flow of traffic.



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As a leader in this field, we understand the various traffic calming techniques and the numerous alternatives available to facilitate traffic calming. Our staff has extensive experience in the planning, evaluation, and design of traffic calming and CSS measures throughout the region.

Signal Timing/Design

Kimley-Horn has worked with many agencies across California to provide traffic signal timing services. In many of these projects, we have received the highest ratings for the quality of service that we have provided. We have worked very well, closely, and successfully with numerous agencies and their staff in Monterey County in the development and implementation of traffic signal timings. This has included the conversion of traffic signal controller databases, incorporation of agency signal timing guidelines and requirements, ensuring compliance with MUTCD, bench testing of the new signal timings including transit signal priority (using either the City's or Kimley-Horn's equipment), and the field implementation and fine tuning of the new timings.

Kimley-Horn has also performed numerous implementations of Transit Signal Priority (TSP). We have planned, designed, and integrated nearly 40 BRT/TSP systems throughout the nation. Our traffic, transit, systems, and electrical engineers have worked on all stages of BRT/TSP systems, from project feasibility and planning studies to systems integration, acceptance testing, and system commissioning. We understand the details of BRT/TSP systems inside and out, and in several cases we have written the TSP and queue jump algorithms. We know the proper TSP and queue jump algorithms and operating parameters.

Intelligent Transportation Systems (ITS)

ITS technology is based on the understanding that transportation systems are more than infrastructure. At Kimley-Horn, we understand this and specialize in integrating the components of the total system—the road, the vehicle, and the traveler—to make getting around safer and more efficient.

As a founding member of ITS America, our engineers are specialists in the planning, design, and implementation of modern transportation systems, and we have remained at the forefront of systems design and transportation technology for more than a quarter century. Vision is a necessary characteristic of those who work with ITS because systems are continually shaped by advancing technology. With Kimley-Horn, you'll be on the leading edge. We know the technology: what's out there, what works, what doesn't, and why.

Delivering successful ITS inter-agency program management, feasibility studies, and strategic plans, are among Kimley-Horn's key strengths in technology and traffic signal-related transportation work. Our pool of highly talented systems, software, and electrical engineers bring a broad-scale vision and depth of experience when assisting local, regional, and state agencies in identifying and prioritizing its transportation deficiencies, and delivering solutions to those transportation problems from a system analysis perspective. Our engineers have designed thousands of miles of fiberoptic networks, prepared design plans for thousands of new traffic signal installations, and performed hundreds of technology assessments for clients to ensure that specific user needs are met with sound and available technologies. We carry our client's vision one project at a time. Our resident electrical engineers also provide us with a unique view into the software component of the signal designs and, most often, enable us to provide connectivity and incorporate varying levels of ITS components.



Roadway and Intersection Lighting

Kimley-Horn also offers expertise in roadway lighting, intersection safety lighting, bus station lighting, transit center lighting, tunnel lighting, bridge lighting, trail lighting, pedestrian scale lighting, sport field lighting, and monument illumination design. We have project experience in providing the following design services: developing photometric plans using AGI32 lighting analysis software, designing step-up and step-down lighting transformers to accommodate available electrical power sources, designing special lighting circuit for both photoelectric and time-of-day lighting on/off control, and designing lighting conductors and circuit breakers to comply with National Electric Codes (NEC) requirements.

Transportation Planning and Studies

Kimley-Horn offers unparalleled expertise in assessing traffic and transportation impacts, developing methodologies to continuously monitor development-generated traffic, and analyzing and recommending feasible financing mechanisms for transportation improvements. Since 1967, we have assessed the impact of thousands of developments on existing transportation networks across California and the nation.

Our firm's success with transportation planning and engineering for residential, commercial, and retail development is a natural result of our long experience with both public and private agencies. We have the capacity to assess traffic impacts, develop master plans, design roadways, accesses and interchanges, develop workable circulation and parking plans, and design both surface and structural parking facilities. Our staff background in municipal government keeps us aware of regulations and requirements.



Traffic Analysis

Kimley-Horn has been involved in the development and application of traffic and traffic impact analyses for over 40 years. We have assisted numerous local agencies in developing and modifying traffic impact analyses and fee procedures as a means of ensuring planned growth, and obtaining assistance from the private-sector to fund transportation improvements. We have conducted thousands of impact analyses for virtually all magnitudes and types of development, including mixed-use, commercial, institutional, recreation, residential, industrial, and research developments ranging from a few acres to more than 10,000 acres. Our engineers and planners have also reviewed traffic analysis studies for local and regional agencies, developed impact analysis and fee systems, trained public agency staff in traffic impact analysis review and computer modeling techniques, and conducted transportation financing and research for the federal government. In addition, we have provided review services for numerous public agencies. Our local knowledge in Seaside is unmatched.

Grant Preparation and Management

Our team's planners and engineers have the experience, tools, and relationships to expeditiously complete your funding applications. We often work with the complex regulations tied to the local use of federal and state funding and have been successful in obtaining grants for a number of municipalities. Our team will provide insight into the procedures required to maintain funding. Further, we have assisted numerous local agencies in developing design and improvement plans and programs that were successful in obtaining funding assistance. We have submitted grants for federal and state Safe Route to School projects, regional air quality TFCA Grants for adaptive signal corridors, and HSIP intersection improvement projects and many more programs resulting in the receipt of millions of grant dollars for our clients. We also have the project-based knowledge of the funding reporting activities required once the project has entered the planning and design phases. Kimley-Horn is fully equipped with the skillset to continue to support the City throughout the entire grant process.

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Proposed Approach to On-Call Tasks

The Kimley-Horn team has developed a proven project approach that is fully responsive to the stipulations of the Request for Proposal. The steps proposed in our project approach include comprehensive and detailed project administration, quality management, and client communication processes that will oversee the technical process.

Kimley-Horn's approach to every project is consistent with project requirements, City staff, and community needs. We fully understand the dynamics of the City of Seaside socio-economic and political environment. Every project will be approached in the same diligent and comprehensive manner:

1. Scope of work and understanding
2. Data collection and review
3. Kick-off Meeting
4. Site visit with City staff
5. Existing conditions evaluation
6. Project evaluation and innovation
7. Concept layouts and/or report
8. Interim site walk/meeting reviewing concept layout of study findings
9. Response to comments
10. Innovation
11. Final design and/or report
12. Appropriate outreach, if required, Planning Commission/City Council attendance and presentation
13. Sub-consultant management
14. Invoicing and budget management
15. Schedule management
16. Quality Control/Quality Assurance (QC/QA)
17. Meeting agendas and minutes/notes
18. Closure



Effective Project Management

One of the advantages that Kimley-Horn offers is our ability to assign the right staff to each task. The depth of staff in our Salinas, Capitola, San Jose, and other Bay Area offices allow us to draw from a multitude of disciplines and resources to complete each assignment—whether the task is relatively minor, requiring only a few people in a single discipline; or a complicated task requiring numerous people and multiple disciplines and sub-consultants. We are focused on project management from the inception phase through the construction phase of each project. Kimley-Horn project managers use our internal management information system (MIS) to monitor the progress of projects on a bi-weekly basis. Each project's work plan and specific details are entered into the MIS, including expenses and labor; the system can then provide an up-to-date status report on each project twice a month. The MIS allows us to efficiently allocate resources to each project and successfully complete concurrent tasks.

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Schedule Management and Cost Control Procedures

Kimley-Horn has extensive experience using scheduling and project management software, such as Microsoft Project and Primavera. We know how much efficient project management means to our clients and have developed a successful project management system consisting of the following proven fundamentals:

- Develop a clear understanding of what the project is to accomplish.
- Develop a comprehensive Work Plan and schedule to accomplish the project goals.
- Set weekly or bi-weekly milestones (more manageable) that support the larger milestones.
- Review milestones with the project team on a weekly basis.
- Involve stakeholders as integral members of the team.
- Coordinate with other consultants.
- Create an atmosphere that encourages clear communication and teamwork.

Cost control is achieved through two independent processing systems within our MIS program that we integrate to provide a complete financial and report overview of each individual task, as well as the entire project. Project managers and task managers receive status reports twice each month as to the costs associated with the project. This level of tracking allows us to control project budgets and to keep our clients fully informed of the administrative aspects of each project.

Total Project Costs Management

At each step of the project, we will update the opinion of probable construction cost to gauge where we are in relation to the budgeted amount. In today's atmosphere of ever-increasing construction cost, it will be important to update the estimate throughout the design process.

Kimley-Horn has a proven record of performing on-time and within budget. The key to our success in this area is managing the right resources at the right time. We emphasize project management using bi-monthly effort reports that give our project managers up-to-date staffing and expense information related to their projects. This information enables them to continuously monitor the status of project cost, cost control effectiveness, and schedule.

Team Experience and Qualifications

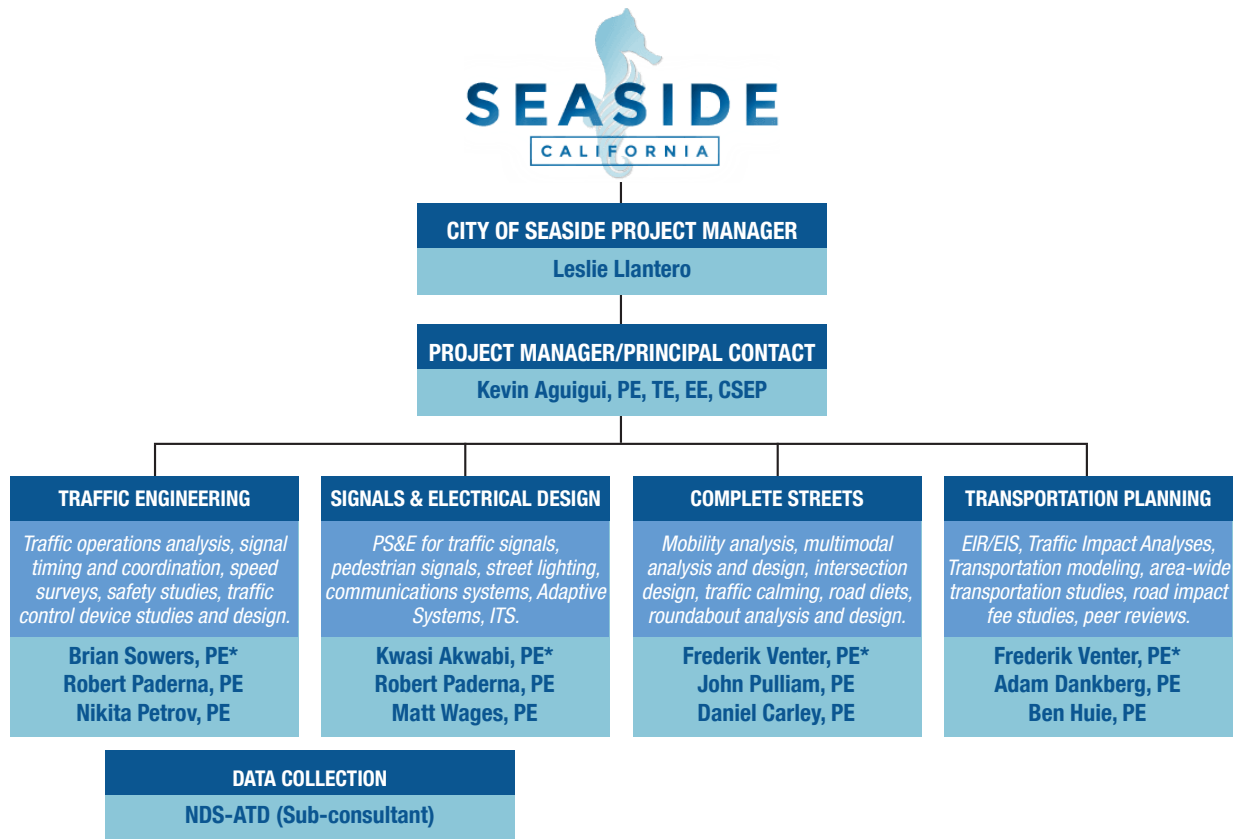
Our proposed team members were selected for their relevant experience in the discipline areas sought by the City, their proven ability to work as a team, and their availability to serve the City of Seaside under this on-call contract.

Should additional personnel be required to meet any aggressive deadlines or to work on multiple assignments, we have more than 60 other engineers and planners available in our Central Coast and Bay Area offices. We are able to assign resources from these offices quickly and easily, and we always have the resources of the entire California region and firm at our immediate disposal as well. We have the availability to meet the needs of multiple and concurrent assignments based on your needs.

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Organization Chart

Kevin Aguigui, P.E., T.E., E.E., CSEP will be the principal contact and project manager for all efforts associated with this on-call contract. As the client liaison, Kevin will maintain a broad overview of the ongoing needs and objectives of the City, as well as be very involved in the details of production and delivery. From that perspective, he will be best able to direct staff efforts as needed.



* Task Lead

Subconsultant - National Data and Surveying Services (NDS)



Founded in 1989, NDS was established by crews in 10 major cities. Their Los Angeles team includes five full time supervisors, three full time hose crews, and thirty data collection to deliver accurate and professional solutions to their client's traffic, transit, and GIS/GPS data collection needs. NDS has over 25 years of successful operations that have established them as the foremost, largest and most experienced traffic and transit data collection company on the west coast. NDS has an outstanding team of 60 professional full time employees that will ensure the successful coordination and completion of your project. NDS has performed on-call as well as Citywide/Countywide projects for the Cities of Los Angeles, Simi Valley, Santa Ana, San Diego, Sacramento, San Diego County, and Kern COG. Their large staff and management team enable them to perform large projects in an orderly and efficient manner. NDS is certified as an Emerging and Small Business Enterprise from the City of Sacramento and a Small Business Enterprise from the State of California.

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Key Team Member Resumes

The success of any project depends on the quality of the individuals who make up the project team. We have selected our most talented professionals to serve the City of Seaside. Our local team brings the technical expertise, hands-on experience with similar projects, and a shared commitment to high-quality deliverables and client service.

In addition, we can call upon the resources of our 2,700-person firm should the need arise, which allows us to offer clients the local knowledge and responsiveness of a small organization, backed by the depth of resources only a national firm can offer. Please find our key staff resumes to follow.



Kevin Aguigui, P.E., T.E., E.E., CSEP
Project Manager/Principal Contact

Key Strengths of Value to Seaside

With 27 years of experience, Kevin Aguigui is a technical specialist in all areas of traffic engineering, adaptive traffic control systems and ITS networks. He has conducted numerous traffic operations studies, prepared and implemented signal timings for many agencies, as well as evaluated, designed and implemented numerous adaptive control systems. Kevin has served as a technical specialist for numerous municipalities interfacing directly with traffic system manufacturers and integrators.

Related Project Experience

- **Wilson Way Adaptive Traffic Systems, Stockton, CA** – Project Manager
- **El Camino Real Crosswalk Improvements (High-Intensity Activation Crosswalk Beacon - HAWK), Santa Clara, CA** – Principal-in-Charge, QC/QA Reviewer
- **Monterey-Salinas Transit, Fremont-Lighthouse BRT Design, Monterey, Salinas, Seaside, CA** – Project Director
- **North Fremont Street Bike and Pedestrian Access, and Safety Improvements, Monterey, CA** – Signals and Electrical Task Lead
- **California Drive Roundabout, Burlingame, CA** – Traffic Engineering and Electrical Task Lead
- **Carolan Avenue Complete Street, Burlingame, CA** – Signals and Electrical Task Lead
- **Capitol Expressway ITS Infrastructure and Sidewalk Project, Santa Clara County, CA** – ITS and Electrical Task Lead
- **ITS Design and Traffic Signal Timing, Santa Clara, CA** – Project Manager
- **Grant Road Traffic Adaptive System, Mountain View, CA** – Principal-in-Charge
- **San Rafael Regional Transportation System Enhancements, San Rafael, CA** – Project Manager

Professional Credentials

- Bachelor of Science, Civil Engineering, University of Hawaii
- Professional Civil Engineer in California
- Professional Traffic Engineer in California
- Professional Electrical Engineer in California
- Certified Systems Engineering Professional

Exhibit C

Statement of Qualifications for Traffic Engineering Services for City of Seaside



Frederik Venter, P.E.

Complete Streets/Transportation Planning Task Lead

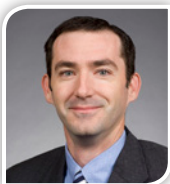
Frederik has 26 years of experience as a transportation planner, civil engineer, and traffic engineer. He is currently registered as a Professional Civil Engineer in California and has been involved in several major transportation and traffic engineering studies throughout the United States. Frederik also has extensive experience in the development of transportation infrastructure needs for the long-term based on future development of the cities and counties, as well as development impact studies.

Related Project Experience

- **Monterey-Salinas Transit, Fremont-Lighthouse BRT Design, Monterey, Salinas, Seaside, CA** – Project Engineer
- **Imjin Parkway Corridor Feasibility Study (Widening), Marina, CA** – Project Manager
- **On-Call Civil and Traffic Engineering Services, Monterey, CA** – Project Manager
- **Capitola Safe Routes to School Plan, Capitola, CA** – Project Manager
- **Marina-Salinas Multi-Modal Corridor Plan (Study), Monterey County, CA** – Project Engineer
- **North Fremont Street Bike and Pedestrian Access, and Safety Improvements, Monterey, CA** – Traffic Engineering Task Lead
- **Carolán Avenue Complete Street, Burlingame, CA** – Traffic Engineering Task Lead
- **San Rafael Regional Transportation System Enhancements, San Rafael, CA** – Traffic Engineering Task Lead

Professional Credentials

- Master of Science, Urban Engineering, University of Pretoria, South Africa
- Bachelor of Science, Illustration, University of Pretoria, South Africa
- Professional Engineer in California
- Institute of Transportation Engineers, Member



Brian Sowers, P.E.

Traffic Engineering Task Lead

Brian Sowers has over 20 years experience focusing on providing a broad range of traffic and civil engineering services to public agencies. His experience includes signal timing and coordination (over 3,500 signals), signal design (over 200 signals), signal interconnect design, signal system design and evaluation, signing and striping design, street lighting design, minor civil improvement layout and design, pedestrian/bicycle studies, ramp metering studies, traffic operations and safety studies, and analysis and design for ITS. Brian has served as project manager for on-call services for various agencies including the cities of Concord, Antioch, Fremont, Pittsburg, Lafayette, San Ramon, and Watsonville, and for Santa Clara County and the Metropolitan Transportation Commission (MTC).

Related Project Experience

- **Imjin Parkway/SR-4 Traffic Signal and Signal Interconnect Design, Marina, CA** – Project Manager
- **Del Monte/Beach Road Roundabout Lighting Design, CITY, CA** – Project Manager
- **Monterey-Salinas Transit, Fremont-Lighthouse BRT Design, Monterey, Salinas, Seaside, CA** – Project Engineer
- **Capitol Expressway ITS Infrastructure and Sidewalk Project, Santa Clara County, CA** – Project Manager
- **Monument Boulevard Pedestrian Signal Equipment Upgrades (5 signals) and Pedestrian Level Lighting, Concord, CA** – Project Manager

Professional Credentials

- Bachelor of Science, Civil Engineering, California Polytechnic State University, San Luis Obispo
- Professional Engineer in California
- Institute of Transportation Engineers, Member

Exhibit C
Statement of Qualifications for
Traffic Engineering Services
for City of Seaside



Kwasi Akwabi, P.E.
Traffic Signals & Electrical Design Task Lead

Kwasi Akwabi is a civil engineer with more than 12 years of experience specializing in traffic signal design and arterial ITS projects. He has specialized experience in adaptive traffic signal system design, traffic operations, signal design and modification, signal interconnect design, and ITS design throughout various municipalities and jurisdictions in and around the San Francisco Bay Area. Kwasi is proficient in AutoCAD, MicroStation, and Synchro.

Professional Credentials

- Bachelor of Science, Civil Engineering, University of California, Davis
- Professional Engineer in California

Related Project Experience

- **Wilson Way Adaptive Traffic Systems, Stockton, CA** – Project Engineer
- **El Camino Real Crosswalk Improvements (High-Intensity Activation Crosswalk Beacon - HAWK), Santa Clara, CA** – Project Manager
- **Fair Oaks Road and Wolfe Road Traffic Signal Modification, Sunnyvale, CA** – Project Engineer
- **Grant Road Traffic Adaptive System, Mountain View, CA** – Project Manager



John Pulliam, P.E.
Complete Streets Task Lead

John Pulliam is a Senior Engineer with more than 18 years of professional experience specializing in Civil and BRT design. He has managed highly complex projects of all types including concept, preliminary, and final designs of BRT systems, design of street modifications, including Complete/Green Street, striping and signage for transit lanes, transit facility design including bus bulb-outs, pads and BRT stations, utility relocation/coordination and design; ADA compliance improvements, detention basins and outfall structures, construction oversight and general civil engineering. John has managed teams of consultants during design development, construction oversight, integration testing, and operations support.

Professional Credentials

- Bachelor of Science, Civil Engineering, (Environmental Emphasis), University of Missouri, Columbia
- Bachelor of Arts, Biology, Drury University
- Professional Engineer in California
- American Public Works Association, Member

Related Project Experience

- **Marina-Salinas Multi-Modal Corridor Plan (Study), Monterey County, CA** – Project Engineer
- **Imjin Parkway Corridor Feasibility Study (Widening), Marina, CA** – Project Engineer
- **North Fremont Street Bike and Pedestrian Access, and Safety Improvements, Monterey, CA** – Project Manager
- **California Drive Roundabout, Burlingame, CA** – Project Manager
- **Carolan Avenue Complete Street, Burlingame, CA** – Project Manager
- **Capitol Expressway ITS Infrastructure and Sidewalk Project, Santa Clara County, CA** – Civil Engineering and Intersection Design Task Lead
- **San Rafael Regional Transportation System Enhancements, San Rafael, CA** – Civil Task Lead
- **Dougherty Road Improvements (Sierra Lane to North City Limit), Dublin, CA** - Project Manager
- **Anderson Drive Intersection Improvements, San Rafael, CA** – Project Manager
- **Byron Highway and Camino Diablo Intersection Improvements, Contra Costa County, CA** – Project Manager

3

EXHIBITS OF FIRM EXPERIENCE

The following exhibits represent our average project size and scope, and have been previously completed by our proposed project team members.

Wharf and Depot Park Roundabouts and Traffic Signal Feasibility Study and Design (Santa Cruz Roundabout and Traffic Signal), Santa Cruz, CA

Feasibility Study and Final Design for Wharf Roundabout, Santa Cruz, CA

Kimley-Horn performed the feasibility study for the Wharf Roundabout in the City of Santa Cruz, and then completed final plans, specifications, and estimates (PS&E) for this high-profile roundabout. The Wharf Roundabout is located at the intersection of Pacific Avenue at Beach Street. This roundabout includes mid-block crosswalks, a cycle-track, stormwater bioretention system, a modification to the active Municipal Wharf entrance, reconstruction of a parking lot, and an active railroad track crossing through the roundabout.

Feasibility Study and Final Design for Depot Park Roundabout, Santa Cruz, CA

Kimley-Horn performed the feasibility study for the Depot Park Roundabout in the City of Santa Cruz, and recently completed PS for this project. The intersection of Pacific Avenue and Center Street includes steep grades with associated ADA issues, utility pole conflicts, and relocation of a decorative arbor over the roadway. The project also includes incorporation of ADA access into an existing 20-foot high retaining wall, bicycle access ramps to bypass the roundabout, and relocation of a monument arbor over the roadway. The Depot Park Roundabout was constructed in 2010 and was awarded the APWA Monterey Bay Project of the Year.



Key Staff: Brian Sowers, Project Manager

Marina-Salinas Multimodal Corridor Plan (Study), Monterey County, CA

Kimley-Horn completed the design of a 6.75-mile BRT project in the Monterey Bay area through the communities of Monterey and Seaside, one of the most heavily traveled transportation corridors in the Monterey Bay region.

The goals of the BRT project were to increase transit ridership in the Monterey Bay area and achieve the benefits associated with reduced reliance on personal automobiles. The corridor is used by pedestrians, cyclists, and transit patrons, as well as autos, and serves as a key linkage between the Commuter Rail service to be extended to Salinas and the Monterey Branch Line running along the Monterey Peninsula.

The project was divided into two phases. The first phase, identified a preferred alignment along the existing roadway network for a BRT corridor and accompanying bike facilities, connecting key land use and transportation facilities. Kimley-Horn extensively reviewed existing and future land use,

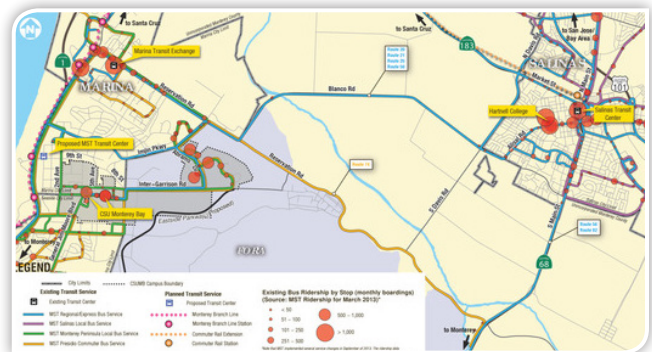


Exhibit C
Statement of Qualifications for
Traffic Engineering Services
for City of Seaside

transportation network connectivity, transportation demand, sensitive environmental areas, and existing and future infrastructure constraints to identify preferred alignment segments. The effort required extensive coordination with local jurisdictions, the regional transportation agency, and transit operators in order to build consensus on the alignment.

The project entailed conceptual design of state-of-the-industry transit and bicycle features elements that were to be provided within the selected corridor. Dedicated transit lanes, signal priority, enhanced transit stations, road diets, buffered bike lanes and dedicated bikeways were all included in the corridor plan. Based on jurisdictional and public input, Kimley-Horn developed plan line drawings to guide future development of the corridor and project implementation. The Plan was just adopted by all of the multiple affected jurisdictions and funding sources are currently being pursued.

Key Staff: Frederik Venter, Project Engineer

Imjin Parkway Corridor Feasibility Study (Widening), Marina, CA

Imjin Parkway is a major east-west arterial within the City of Marina that connects Pacific Coast Highway (SR-1) and Reservation Road, which heads to the Salinas Valley. Due to existing and future land uses, which include residential and commercial, the City of Marina retained Kimley-Horn to perform a feasibility study to widen Imjin Parkway from a two-lane to a four-lane facility with a median islands/left-turn lanes, dedicated bike lanes, sidewalks/trails, and a one-way bus corridor with transit signal priority. The project also includes three modern roundabouts and one traffic signal design. The project will incorporate the latest roundabout, clean water, and transit design elements.



Key Staff: Frederik Venter, Project Manager

Wilson Way Adaptive Traffic Systems, Stockton, CA

This project involves ten traffic signals including two Caltrans traffic signals along Wilson Way in the City of Stockton. Kimley-Horn prepared the PS&E documents and all of the Systems Engineering (SE) documents including the Systems Engineering Management Plan (SEMP), Concept of Operations, Needs Assessment, System Requirements, and the System and Subsystem Verification and Validation Plans for the City's first Traffic Adaptive Control System. The SE documents were approved by FHWA to secure the authorization to proceed for this designated "high risk" ITS project. Kimley-Horn worked closely with the City and Caltrans District 10, who owns and operates two intersections at the Highway 4 freeway interchange. Following the development of the Systems Engineering documents, Kimley-Horn conducted a detailed evaluation of commercially available traffic adaptive control systems, and worked closely with the City and Caltrans to select the preferred traffic adaptive control system.

Once selected, Kimley-Horn worked to include the adaptive system elements of the preferred system including working with the adaptive system vendor and the cabinet manufacturers to ensure that the procurement documents (PS&E) contained the requirements and specifications for furnishing, installing and integrating the adaptive system elements. Kimley-Horn was involved in all steps of the evaluation, planning, and detailed design in order to achieve a complete system design including provisions for non-adaptive control should the City wish to revert to normal operations. The system construction is nearly complete with system training being provided by the adaptive system vendor.

Key Staff: Kevin Aguigui, Project Manager; Kwasi Akwabi, Project Engineer; Matt Wages, Assistant Engineer

El Camino Real Crosswalk Improvements (High-Intensity Activation Crosswalk Beacon - HAWK), Santa Clara, CA

Kimley-Horn conducted the traffic engineering and prepared the PS&E documents for the installation of four HAWK signals along El Camino Real (State Route 82) in the City of Santa Clara. All four locations were existing 3-way stop-controlled intersections with no traffic signal infrastructure. In addition to design of the HAWK signal elements, Kimley-Horn's responsibilities included ADA curb ramp design, safety lighting design, traffic control design, signing and striping and signal timing. Kimley-Horn was also responsible for coordinating with, and providing all documentation necessary to obtain a Caltrans encroachment permit for all work, associated with this project, taking place within State right-of-way. Kimley-Horn will provide design services during construction, responding to contractor RFIs, generating CCOs, and assisting the City in managing the contractor's execution of the work.

Key Staff: Kevin Aguigui, Principal-in-Charge, QC/QA Reviewer; Kwasi Akwabi, Project Manager

Capitola Safe Routes to School Plan, Capitola, CA

As part of an on-call contract with the City of Capitola, Kimley-Horn and Associates, Inc. completed the Safe Route to School Project for the Soquel Union Elementary School District (SUESD) during the 2013-2014 school year. Kimley-Horn conducted an in-depth study of walking routes at each of the elementary and middle school campuses, which consist of three elementary schools (Main Street Elementary School, Santa Cruz Gardens Elementary School, and Soquel Elementary School) and one middle school (New Brighton Middle School).

For each school, Kimley-Horn assisted in developing an online survey to collect parents' attitudes towards walking/biking to school. Each school had a site council which consisted of district staff, County/City staff, police department, school faculty and staff, parents, students, and Kimley-Horn. The site council conducted walking and biking audits to evaluate existing conditions and to identify barriers or challenges to students walking or bicycling to and from school. These walking and biking audits include a tour of the school area, followed by a debriefing and brainstorming session to rank high-priority concerns and identify potential solutions. Based on the walking and biking audit, recommendations were summarized in a draft report for each school. The site council for each school reviewed the draft report and final recommendations were made in a final safe route to school safety audit and survey report.

Key Staff: Frederik Venter, Project Manager

Monterey-Salinas Transit, Fremont-Lighthouse Bus Rapid Transit (BRT) Design, Monterey, Salinas, Seaside, CA

Kimley-Horn completed the design of a 6.75-mile BRT project in the Monterey Bay area through the communities of Monterey and Seaside. The goals of the BRT project were to increase transit ridership in the Monterey Bay area and achieve the benefits associated with reduced reliance on personal automobiles. The BRT will seek to accomplish these goals by reducing bus travel times through the corridor while increasing bus arrival frequency and improving user amenities. Bus and transit stop improvements will include comfortable seating on low floor buses, 40-foot diesel-electric hybrid buses, and installation of real-time bus arrival information signs to improve reliability. Corridor traffic signals were upgraded to provide transit signal priority (TSP) and vehicle queue jump lanes to increase reliability and reduce delay to transit riders.



Key Staff: Kevin Aguigui, Project Director; Brian Sowers, Project Engineer

North Fremont Street Bike and Pedestrian Access, and Safety Improvements, Monterey, CA

The City of Monterey selected Kimley-Horn to provide preliminary engineering, right-of-way acquisition services, and final design for the North Fremont Bike and Pedestrian Access, and Safety Improvement Project. This project will promote multimodal transport in a sustainable manner along North Fremont, with the intent that it be a catalyst towards redevelopment along the corridor. Improvements include bulb-outs at intersections with new curb ramps, new decorative traffic signals with bike detection and bike boxes, 6-foot wide bike lanes, a shared bus/transit lane, transit signal priority, bus stop improvements, and a retaining wall to avoid impact to an environmentally sensitive area. Our team is providing design and right-of-way acquisition services, along with public outreach, environmental support, and Caltrans coordination. We completed 35% design, and our team just began final design. The project, funded by an Active Transportation Program (ATP) grant, and will require a Caltrans encroachment permit for improvements at the intersection of North Fremont and Canyon Del Rey Boulevard.

As part of the 35% design, our team laid out the bicycle striping based not only on the Caltrans Highway Design Manual, but also drawing from the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide. As part of the 35% design process, we worked through and analyzed a number alternatives with the City, including parking-protected cycle tracks, buffered bike lanes, and sharrows across intersections to highlight areas that have a greater risk of vehicular conflict.

Key Staff: John Pulliam, Project Manager; Frederik Venter, Task Lead (Traffic Engineering); Kevin Aguigui, Task Lead (Signals and Electrical); Matt Wages, Project Engineer

California Drive Roundabout Project, Burlingame, CA

Kimley-Horn is providing public outreach, preliminary and final design, and traffic analysis for the realignment of California Drive at Bellevue Avenue and Lorton Avenue (a three-way, extended intersection) into a two-lane roundabout. The intent is to improve the safety of the intersection for pedestrians, cyclists, and vehicles. The intersection lies long California Drive, a regional route that parallels Highway 101; the intersection also serves as a gateway into the City's downtown.

Key Staff: John Pulliam, Project Manager; Kevin Aguigui, Task Lead (Traffic Engineering and Electrical)

Carolan Avenue Complete Street, Burlingame, CA

The City of Burlingame selected the Kimley-Horn team to provide public outreach and design services for the Carolan Avenue Complete Street project. The focus of this project is to improve pedestrian and bicycle access along Carolan Avenue, between Broadway and Oak Grove Avenue, by reducing the number of vehicular lanes from four to two, and then adding bike facilities and bulbouts, upgrading curb ramps, and adding Rectangular Rapid Flashing Beacons (RRFB) at a mid-block crossing.

Carolan Avenue is federally funded, and our team is assisting the City with their Caltrans local assistance coordination. Similar to the North Fremont project, Carolan Avenue utilizes the latest in bike and pedestrian's standards, relying in part on NACTO standards. As part of updating the curb ramps, our team utilized the ADA Accessibility Guidelines (ADAAG), while also reviewing and considering some of the changes that will eventually be regulations from the Proposed Right-of-Way Guidelines for ADA (PROWAG).



Exhibit C
Statement of Qualifications for
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As part of Carolan Avenue, our team prepared technical specifications, and updated the City's boilerplate (front-end) specifications, to conform to the latest Caltrans and federal requirements. Plans and specifications have been prepared in accordance with the E-76 checklist for construction from the Caltrans Local Assistance Procedures Manual (LAPM). We are also assisting with NEPA clearance, coordinating directly with Caltrans Local Assistance, also in accordance with the LAPM.

Key Staff: John Pulliam, Project Manager; Frederik Venter, Task Lead (Traffic Engineering); Kevin Aguigui, Task Lead (Signals & Electrical); Matt Wages, Project Engineer

Capitol Expressway ITS Infrastructure and Sidewalk Project, Santa Clara County, CA

Kimley-Horn is currently working with the County of Santa Clara on a federally funded project to design various ITS infrastructure and civil improvements along the entire length of Capitol Expressway (8.5 miles). The ITS infrastructure improvements include new fiber interconnect, pedestrian and bicycle detectors, new traffic video monitoring cameras, and new controllers and controller cabinets. Other improvements along the corridor include installation of new sidewalk to close existing gaps, civil improvements to square existing corners removing existing "free-right" turns to enhance pedestrian safety, signing and striping, and traffic signal modifications at seventeen intersections. Construction budget for the project is approximately \$6.7 M. Kimley-Horn is the lead design firm for all civil, traffic signal, signing and striping, lighting, and landscaping improvements. In addition, the project includes significant environmental and public outreach services.

Key Staff: Brian Sowers, Project Manager; John Pulliam, Task Lead (Civil Engineering and Intersection Design); Kevin Aguigui, Task Lead (ITS and Electrical); Nikita Petrov, Project Engineer; Matt Wages, Project Engineer

Grant Road Traffic Adaptive System, Mountain View, CA

Kimley-Horn prepared the evaluation of commercially available traffic adaptive systems for the Grant Road corridor in the City of Mountain View, and assisted the City in the selection of the adaptive system. After the selection of the adaptive system vendor, Kimley-Horn completed the detailed PS&E documents for the implementation of the adaptive system components working closely with the City and the system vendor to incorporate and integrate the specifics of their system into the overall system of existing traffic signal controllers, cabinets and communications infrastructure. Kimley-Horn also coordinated with the City's IT department to complete the communications system from the field network access point in Fire Station No.1 to City Hall using the City's enterprise network. The overall project included nine intersections operating with NEMA controllers and cabinets, adaptive system equipment in field cabinets, IP video cameras, IP communications over signal interconnect, networking equipment, traffic adaptive servers and system configuration. Kimley-Horn assisted the City in the fine tuning of the system after deployment and finally conducted a before and after study documenting the overall benefits of the system.

Key Staff: Kevin Aguigui, Principal in Charge; Kwasi Akwabi, Project Manager

ITS Designs and Traffic Signal Timing, Santa Clara, CA

Kimley-Horn prepared the PS&E documents for the installation of fiber optic infrastructure and communications systems and planned and implemented new signal timings and coordination plans along several different major corridors within the City of Santa Clara as part of several different project implementations. Each of these projects involved traffic signal interconnect, implementation of the City's fiber optic design and installation standards, new traffic controllers and cabinets, coordination with Silicon Valley Power (SVP) on use of their fiber, development of traffic signal timings and coordination timings, and integration of the new traffic controllers into the City's Central Traffic Management System. The projects corridors included Homestead Road, Kiely Road, Benton Road, El Camino Real, Scott Boulevard, De La Cruz Boulevard, Lafayette Street, Mission College and Stevens Creek.

Key Staff: Kevin Aguigui, Project Manager; Kwasi Akwabi, Task Lead (ITS); Brian Sowers, Task Lead (Traffic Signal Timing); Nikita Petrov, Project Engineer; Matt Wages, Project Engineer

4

CONTRACT AND INSURANCE

Exceptions

Kimley-Horn has reviewed the sample Agreement for Consultant Services and would like to discuss the following modifications with the City.

Insurance Requirements

Professional Liability or Errors and Omissions Insurance as appropriate shall be written on a policy form coverage specifically designed to protect against **negligent** acts, errors or omissions of the consultant and “Covered Professional Services” as designated in the policy must specifically include work performed under this agreement. The policy limit shall be no less than \$1,000,000 per claim and in the aggregate. The policy must “pay on behalf of” the insured and must include a provision establishing the insurer’s duty to defend. The policy retroactive date shall be on or before the effective date of this agreement.

Professional liability only covers a Consultants negligence.

General conditions pertaining to provision of insurance coverage by Consultant. Consultant and City agree to the following with respect to insurance provided by Consultant:

9. It is acknowledged by the parties of this agreement that all insurance coverage (**except for professional liability insurance**) and required to be provided by Consultant or any subcontractor, is intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self insurance available to City.

Professional liability insurance cannot provide primary and non-contributory terms.

5

CLIENT REFERENCES (WITHIN PAST FIVE YEARS)

Name: Todd Muck
Title: Deputy Executive Director
Organization: Transportation Agency for Monterey County
Address: 55 Plaza Circle, Salinas, CA 93901
Phone: 831-772-4407
Project: Monterey-Salinas Transit, Fremont-Lighthouse Bus Rapid Transit (BRT) Design

Name: Dennis Ng, P.E., T.E.
Title: Traffic Engineer
Organization: City of Santa Clara, Public Works
Address: 1500 Warburton Avenue, Santa Clara, CA 95050
Phone: 408-615-3021
Project: El Camino Real Crosswalk Improvements

Name: Dennis Yep, T.E.
Title: Associate Civil Engineer
Organization: City of Stockton, Public Works
Address: 22 E. Weber Avenue, Rm 301, Stockton, CA 95202
Phone: 209-937-8825
Project: Wilson Way Adaptive Traffic Signal System

Name: Steve Jesberg
Title: Public Works Director
Organization: City of Capitola
Address: 420 Capitola Ave., Capitola, CA 95010
Phone: 831-475-7300
Project: Capitola Safe Routes to School Plan

Name: Sayed Fakhry
Title: City Traffic Engineer
Organization: City of Mountain View
Address: 500 Castro Street, Mountain View, CA 94041
Phone: 650-903-6311
Project: Grant Road Traffic Adaptive System

RESOLUTION NO. 16-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVING KIMELY HORN, MOTT MACDONALD, AND TJKM TO PROVIDE ON-CALL TRANSPORTATION ENGINEERING SERVICES

WHEREAS, transportation engineering service included a vast array of specialties including transportation planning, traffic impact analysis, traffic signal design, speed surveys, and peer review; and

WHEREAS, the City of Seaside, on occasion, is in need of consultants who specialize in transportation engineering; and

WHEREAS, on September 15, 2016, the City released an Request for Qualifications for professional services for Traffic Engineering Services; and

WHEREAS, based on competitive proposals submitted on October 20, 2016 by firms that have3 performed similar work, Kimley Horn, Mott MacDonald, and TJKM were selected as the most qualified to perform these services based on professional qualifications, similar experience and sufficient staffing capabilities to provide service in a timely manner.

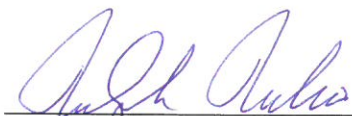
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby approves Kimley Horn, Mott MacDonald, and TJKM, to provide Transportation Engineering Services. Approval is for one year of service and may be extended at the City Manager's recommendation in one year increments through November 17, 2019.

Selected consultants will work on an on-call basis as defined by the City. Work orders will have a defined scope, schedule and fee arrangements that will be negotiated on a project by project basis.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Manager is authorized to execute contracts for up to \$25,000 to each on-call consultant for transportation engineering services.

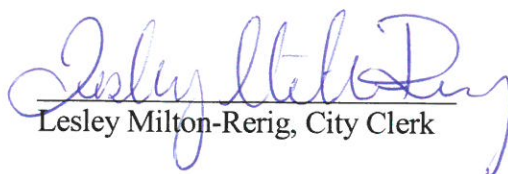
PASSED AND ADOPTED at a regular City Council meeting of the City of Seaside duly held on the 17th day of November, 2016 by the following vote:

AYES:	4	COUNCILMEMBERS: Alexander, Oglesby, Pacheco, Rubio
NOES:	0	COUNCILMEMBERS: None
ABSENT:	1	COUNCILMEMBERS: Campbell
ABSTAIN:	0	COUNCILMEMBERS: None



Ralph Rubio, Mayor

ATTEST:



Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.H.

TO: City Council

FROM: Craig Malin, City Manager

BY: Rick Riedl, City Engineer
Misty Bradshaw, Associate Engineer

DATE: October 17, 2019

**SUBJECT: APPROVE THE TRAFFIC ADVISORY (TAC) COMMITTEE
RECOMMENDATIONS FOR NO PARKING DESIGNATIONS**

PURPOSE & RECOMMENDATION

Review and approve the Traffic Advisory Committee recommendations from the September 17, 2019 meeting. To (1) Consider marking a "No Parking" area on Theresa Street behind 640 Lopez Avenue's driveway and; (2) Consider marking 15 feet of Red Curb on the north side of Hilby Avenue east and west of Luzern Street.

BACKGROUND

Item 1

Background

The resident at 640 Lopez Avenue is requesting the city to mark a "No Parking" area in the rear of the property on Theresa Street.

The single car garage driveway at 640 Lopez Avenue can only be accessed from Theresa Street. Theresa Street is approximately 32 feet wide with no sidewalk curb or gutter with five single family residences. There is a "NO PARKING" sign that prevents vehicles from parking on the city owned property located on the corner of Theresa St. and Hilby Ave. Other than that sign there are no other parking restrictions. Theresa Street dead ends at the rear of 632 & 640 Lopez Avenue.

Staff Analysis

The request states that vehicles park in front of 1192 Theresa St. and blocks access to the driveway at 640 Lopez. City records revealed that 640 Lopez Avenue was built in the fifties with the garage and driveway access from Theresa Street. The adjacent single family residence at 1192 Theresa Street was built in the sixties.

The California Vehicle Codes states:

Section 22500 (e) (1): A person shall not stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(e) (1) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to an ordinance.

To help with clarification of the driveway limits, and the configuration of the street and how the dwellings were built, "No Parking" area is needed to continue to provide access 640 Lopez driveway.

Recommendation

It is recommended to paint a 25-foot by 5-foot section of the street adjacent to the frontage 1192 Theresa Street to allow backup space for the residence at 640 Lopez Avenue.

Item 2

Background

Staff received the Traffic Advisory Committee Request Application, dated June 10, 2019, from resident requesting 40' of red curb on Hilby Ave. to the east of Luzern St. and 25' of red curb to the west of Luzern St. Resident noted visibility concerns when vehicles park up to the corners of Hilby Ave. and Luzern St. making it difficult to turn onto Hilby Ave. from Luzern.

Hilby Ave. is classified as a collector street, with a posted speed limit of 30 miles per hour (mph) and one lane of traffic in each direction. Hilby is 36 ft. wide, measured from face of curb to face of curb with parallel parking on both sides. Sidewalks measuring approximately 4 feet wide are present on both sides of the street. Luzern is classified as a residential street with a speed limit of 25 mph. The 1200 block of Luzern is a non-through street approximately 24 feet wide with parking only permitted on the west side of the street. Nine single family homes are located along this block of Luzern and their sole path of egress is through this subject intersection. There is a four-way stop controlled intersection at Yosemite St. and Hilby Ave. located approximately 300 feet east of the intersection.

Staff Analysis

Staff conducted a site visit at Hilby Ave. and Luzern St. During the site visit it was noted that there is adequate sight distances. California American Water (CalAm) has a property on the northeast corner of the intersection. If 40 feet of red curb were installed at this location as requested, access to CalAm's facilities adjacent to Hilby would be limited.

An existing tree is located on the north east corner of the intersection and it has been limbed up and trimmed back in recent months, and visibility has been greatly increased when looking east while turning onto Hilby Ave. from Luzern.

Collision data was collected in the area of the request over the last 3 years. During that time there were no reported collisions at the intersection of Luzern St. and Hilby Ave.

Recommendation

Staff initially recommended denying request of red curb as it was not found to be a safety concern as existing conditions and data did not warrant additional measures. As a compromise with the applicant, the TAC modified its recommendation to approve 15 feet of red curb on the north side of Hilby Avenue both to the east and to the west of Luzern Street.

ENVIRONMENTAL REVIEW

Item 1 & 2

These projects are exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301: Existing Facilities Class 1 exemptions consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.

Evidence: The proposed projects would restrict parking which would not have impact on the expansion or modification of the existing roadway therefore there are no significant impacts associated with the installation of red curb or pavement markings, and the project is exempt of CEQA.

FISCAL IMPACT

The fiscal impact associated with the items as follows:

Item 1 - \$1,000 to paint 25'x5' No Parking area to paid out of the Street Maintenance Account

Item 2 - \$640 for 30 feet of red curb to be paid by the applicant.

ATTACHMENTS

1. Item 1 - Application
 2. Item 1 - Site Photos
 3. Item 2 - Application
 4. Item 2 -Site Photos
 5. Item 2 - Public Comment Email
-



Attn Leslie

Engineering
Department

\$56 Application Fee

Traffic Advisory Committee Request Application

The following information is required to process all Traffic Advisory Committee requests. This information will be used to contact the applicant should staff have questions or needs clarification on the request. This information will also appear in the staff report presented to the Traffic Advisory Committee and/or City Council.

The Traffic Advisory Committee meets the 3rd Tuesday of every month at 5:00 PM in the City of Seaside's City Hall Conference room. This meeting is open to the public and applicants are encouraged to attend.

Name: Danny Abbuzzese

Date: 5/31/19

Address: 640 Lopez Ave
Seaside, CA 93940

Phone: 831-236-3058

Type of Request (check all that apply):

- ☐ Parking Designations ☐ Crosswalk ☒ Curb Markings (White, Yellow, etc.)
☐ Disabled Parking* ☒ Warning Sign ☐ Traffic Signal/Stop Sign
☐ Other _____ ☒ Signing/Striping

*A copy of DMV issued disabled placard must accompany requests for disabled parking spaces.

FEES WILL APPLY FOR PARKING AND CURB MARKING REQUESTS

Request:

Mark no parking in front
of my Driveway, Facing Right, from
street view with either sign or
ground markings. My Driveway Access
is off Theresa Street, located
at the back of my property. My
Driveway has been partially or completely
blocked since moving in June of
2016. After numerous attempts to work
with neighbor, I am forced to submit
this request.

Request Procedures are outlined on the back of this form. For any questions regarding the Traffic Advisory Committee (TAC) please contact 899-6825.

TAC REQUEST PROCEDURE

The Traffic Advisory Committee (TAC) acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC consists of five members: a Council Member; Director of Public Works; Chief of Police; Director of Community Development; and the Fire Chief. The TAC reviews all requests for traffic safety regulatory or control devices, signs and markings, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City department.

Upon submittal of a request, staff will place the request on the TAC agenda for the next scheduled meeting. All TAC's action will be forwarded for City Council consideration at their next scheduled meeting.

Fees

Fees will be collected prior to installation of any approved requests that directly benefits the applicant, such as limited timed parking, white zones, etc. Prior to any required maintenance of the improvement, the same fee will apply and be billed to the applicant. The following fees have been determined based upon the cost of staff time and material for installation:

Description	Fee*
Marking curb – per curb (20' maximum length)	\$384
Installation of one sign	\$384

* Fees subject to change per City Council approved fee schedule.

PLEASE COMPLETE FOR PARKING AND CURB MARKING REQUESTS

TAC REQUEST ACKNOWLEDGEMENT STATEMENT

I, Daniel Abbuzzese understand that should my request be approved by the Traffic Advisory Committee and City Council, I will be responsible for the fee prior to the installation of my request. I also understand that if approved by City Council the improvements will be reviewed annually or whenever deemed appropriate by the Public Works Department for any required maintenance and I will be charged the corresponding fee.

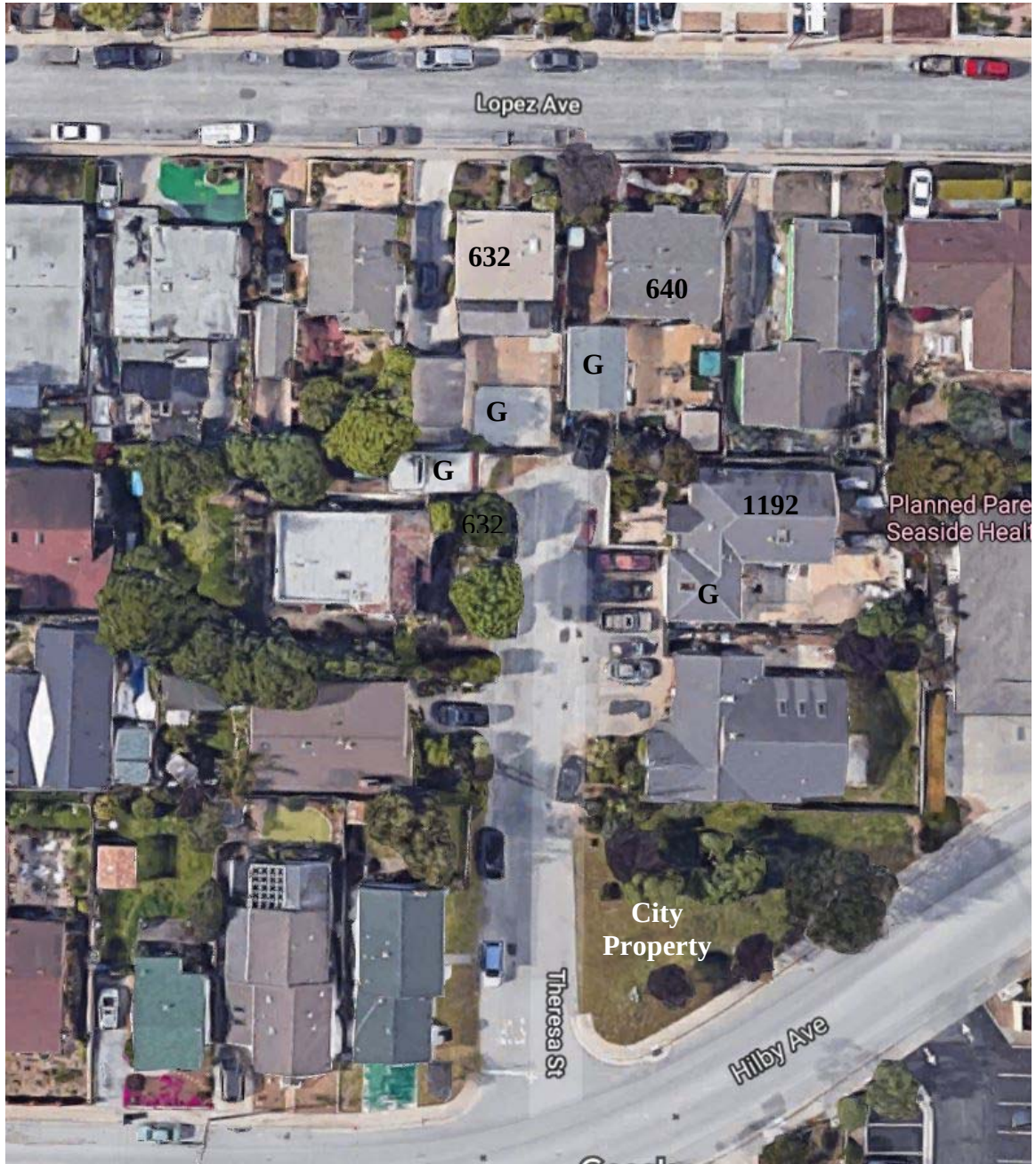
[Signature]
Applicant Signature

5/31/19
Date

Rec# R00000870

Attachment 2

Aerial Image



Street view Images

Driveway for 640 Lopez Ave

1192 Theresa St



Image from Google April 2015 – View looking north on Theresa Street towards driveway at 640 Lopez Avenue

Driveway for 640 Lopez Ave

1192 Theresa St



Image September 5, 2019 – View looking north on Theresa Street. Truck blocking driveway at 640 Lopez Avenue



City owns property on the corner of Theresa and Hilby

View looking north on Theresa St.

Seaside Municipal Code 10.32.115 Parking on property under the direct control of the city.

When signs are in place giving notice thereof, it shall be unlawful for any person to drive any vehicle, or to stop, park or leave standing any vehicle, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any property under the direct control of the city, contrary to the directions and provisions of such signs. In addition to the penalties set forth in Chapter 1.16 SMC, vehicles driven, parked, stopped or left standing contrary to the provisions of such signs shall be subject to removal as authorized by Vehicle Code Sections 21113 and 22651(n). (Ord. 788 § 1, 1991)



Traffic Advisory Committee Request Application

The following information is required to process all Traffic Advisory Committee requests. This information will be used to contact the applicant should staff have questions or needs clarification on the request. This information will also appear in the staff report presented to the Traffic Advisory Committee and/or City Council.

The Traffic Advisory Committee meets the 3rd Tuesday of every month at 5:00 PM in the City of Seaside's City Hall Conference room. This meeting is open to the public and applicants are encouraged to attend.

Name: Christian & Catherine Mendelsohn Date: 5-31-19

Address: 1217 Luzern St Seaside, CA 93955 Phone: 831-383-0412

Type of Request (check all that apply):

- ☒ Parking Designations ☐ Crosswalk ☒ Curb Markings (White, Yellow, etc.)
☐ Disabled Parking* ☐ Warning Sign ☐ Traffic Signal/Stop Sign
☐ Other _____ ☐ Signing/Striping

*A copy of DMV issued disabled placard must accompany requests for disabled parking spaces.

FEES WILL APPLY FOR PARKING AND CURB MARKING REQUESTS

For the city of Seaside to paint red "no parking" marking paint on the curbs of

Request: Hilby Ave. to the east (40') & west (25') of Luzern Street side of Hilby Ave to prevent
automobiles from parking too close on either side of the exit of Luzern Street. It is
dangerous for drivers exiting onto Hilby Ave when automobiles are parallel parked on
Hilby up close to the corner of Hilby Ave & Luzern St. There is plenty of unused
parallel parking between Luzern & Yosemite, to accommodate the (4) cars that usually
park where the proposed red "no parking" marking paint would be.

It is very dangerous for drivers who exit Luzern onto Hilby when these cars are present
because drivers, especially residents who do this repetitively during the busy
commuting time, have to slowly creep well into the line of oncoming traffic onto Hilby
Ave in order to visibly see around these parked cars to see well enough to exit onto
Hilby. By that point, the front of automobiles are 75% into the perpendicular line of
traffic and it is unsafe, dangerous and anxiety-producing, especially if children are in
the car.

Request Procedures are outlined on the back of this form. For any questions regarding the Traffic Advisory Committee (TAC) please contact 899-6825.

TAC REQUEST PROCEDURE

The Traffic Advisory Committee (TAC) acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC consists of five members: a Council Member; Director of Public Works; Chief of Police; Director of Community Development; and the Fire Chief. The TAC reviews all requests for traffic safety regulatory or control devices, signs and markings, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City department.

Upon submittal of a request, staff will place the request on the TAC agenda for the next scheduled meeting. All TAC's action will be forwarded for City Council consideration at their next scheduled meeting.

Fees

Fees will be collected prior to installation of any approved requests that directly benefits the applicant, such as limited timed parking, white zones, etc. Prior to any required maintenance of the improvement, the same fee will apply and be billed to the applicant. The following fees have been determined based upon the cost of staff time and material for installation:

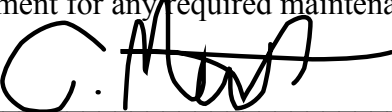
Description	Fee*
Marking curb – per curb (20' maximum length)	\$384
Installation of one sign	\$384

* Fees subject to change per City Council approved fee schedule. Fee determined by date of application.

PLEASE COMPLETE FOR PARKING AND CURB MARKING REQUESTS

TAC REQUEST ACKNOWLEDGEMENT STATEMENT

I, Christian Mendelsohn understand that should my request be approved by the Traffic Advisory Committee and City Council, I will be responsible for the fee prior to the installation of my request. I also understand that if approved by City Council the improvements will be reviewed annually or whenever deemed appropriate by the Public Works Department for any required maintenance and I will be charged the corresponding fee.


Applicant Signature

6/10/19
Date



View in 2011 prior to tree trimming – from Luzern looking East



View 2019 Following tree trimming – From Luzern Looking East



2019 - View From Luzern Looking West



2019 – CalAm’s vault at location of requested red curb East of Luzern.

Misty Bradshaw - THE PROPOSED PAINTING OF RED CURBS AT HILBY AND LUZERN STREET

From: Joann Burns <seajab2@aol.com>
To: <mbradshaw@ci.seaside.ca.us>
Date: 9/26/2019 4:16 PM
Subject: THE PROPOSED PAINTING OF RED CURBS AT HILBY AND LUZERN STREET

Dear Ms. Bradshaw:

I am really happy that the intersection of Luzern and Hilby streets will have a portion of the curb painted red. This is really a great idea as when one is exiting off of Luzern, and cars are parked on either side of the street, it makes it a blind intersection. I only hope that the red marked curb will be patrolled better than the red painted cul de sac on Luzern. Cars park there all the time and it makes it difficult for the waste removal and any car to turn around.

Thank you for your time.

Mrs. JoAnn Burns



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.I.

TO: City Council

FROM: Craig Malin, City Manager

BY: Rick Riedl, City Engineer
Misty Bradshaw, Associate Engineer

DATE: October 17, 2019

**SUBJECT: ACCEPT WATER RATES STUDY REPORT FOR THE SEASIDE
MUNICIPAL WATER SYSTEM**

PURPOSE & RECOMMENDATION

Adopt a Resolution accepting the City of Seaside 2019 Water Rate Study Report prepared by Bartle Wells Associates (Bartle Wells), dated September 12, 2019 and Revised tables dated October 10, 2019 as complete.

BACKGROUND

On January 18, 2019 the City issued a formal Request for Proposal (RFP) to provide Professional Services to the Seaside Municipal Water System (SMWS) to perform a study to update the water rate and fee schedule. In February of 2019, The City entered into an agreement with Bartle Wells to prepare a water rate study for the Seaside Municipal Water System, and to make proposed recommendations in order to fund operational expenses and capital projects for the water system. The results of the study were summarized in a report titled "Seaside Municipal Water System Water Rate Study 2019" and dated September 12 2019, and the Revised Tables, dated October 10, 2019.

The report includes an analysis of the operating and non-operating expenses of the SMWS and provides five-year cash flow projections and rates. The report recommends updating the rates and charges to more accurately recover the costs of providing services to SMWS customers and that the proposed rates are based on generally

accepted rate design criteria, are fair and reasonable, and adhere to the requirements of Proposition 218.

The results of the report were used to determine the proposed rates schedule which was included in the distributed public notice that was mailed on July 15, 2019 to the property owners within the Seaside Municipal Water System. A public hearing was held on September 5, 2019 in accordance with the requirements of Proposition 218.

Staff was then directed for Bartle Wells to look into a reduced rate alternative. In order to provide a reduced rate increase, the proposed Capital Improvement program costs were re-evaluated, and select projects were deferred to future years where applicable. In addition, debt financing rates are now projected to be 3.5% as compared to the originally projected 4%, on loans proposed in fiscal year 2020 and 2023. These revised values were updated into the revised tables dated October 10, 2019. Staff reviewed the report and recommends to Council to accept the report as complete.

ENVIRONMENTAL COMPLIANCE

Per title 14 of the California Code of Regulations, Chapter 3, "Guidelines for Implementation of California Environmental Quality Act (CEQA)," section 15378.b, a project does not include government funding mechanisms or fiscal activities. The proposed project is categorically exempt.

FISCAL IMPACT

There is no fiscal impact associated with acceptance of this report as complete.

ATTACHMENTS

1. Resolution
2. Water Rate Study Report, September 12, 2019
3. Water Rate Study Tables, Revised 10/10/2019

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 19-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**ACCEPTING AS COMPLETE THE 2019 WATER RATE STUDY REPORT PREPARED
BY BARTLE WELLS ASSOCIATES, DATED AUGUST 23, 2019.**

WHEREAS, The Seaside Municipal Water System (SMWS) provides water service to approximately 2,800 residents; and

WHEREAS, the SMWS is operated as a self-sustaining enterprise where the expenses to operate and maintain the system are primarily sourced through water rates; and

WHEREAS, on January 18, 2019, City staff issued a request for proposals (RFP) for consultants to perform a water rate study to ensure the rates are fair and equitable to all customers and that the proposed rates will recover the costs of providing service and funding for capital needs; and

WHEREAS, staff reviewed the proposals and Bartle Wells Associates (Bartle Wells) was selected as the most qualified firm to perform the scope of work; and

WHEREAS, Bartle Wells prepared, and staff reviewed, the final report "City of Seaside 2019 Water Rate Study" that presents Bartle Wells' analysis of the expenses of the SMWS, and provides five-year cash flow projection and proposed rate structure; and

WHEREAS, the results of the report were used to support the proposed water rates that were considered at a public hearing of rate increase for the SMWS on September 5, 2019 in accordance to the requirement of Proposition 218; and

WHEREAS, Per title 14 of the California Code of Regulations, Chapter 3, "Guidelines for Implementation of California Environmental Quality Act (CEQA)," section 15378.b, a project does not include government funding mechanisms or fiscal activities. The proposed project is categorically exempt; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside accepts as complete the 2019 Water Rate Study Report prepared by Bartle Wells Associates, dated October 10, 2019.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 17th day of October 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

City of Seaside

2019 Water Rate Study



Bartle Wells Associates
September 12, 2019



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

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double-sided printing.



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

1889 Alcatraz Avenue
Berkeley, CA 94703
T: 510-653-3399
www.bartlewells.com

September 12, 2019

Rick Reidl
Public Works Director
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Re: Water Rate Study

Bartle Wells Associates (BWA) is pleased to submit to the City of Seaside (City) the attached Water Rate Study Report.

This study presents BWA's analysis of the operating and non-operating expenses of the City of Seaside's Municipal Water System (SMWS) and provides five-year cash flow projections and rates. The primary purpose of this study was to analyze the SMWS and make recommendations that would achieve financial sustainability. Another important purpose of this study was to review rates to ensure that they adhere to the State's legal requirements.

The enclosed report recommends updating rates and charges to more accurately recover the costs of providing service to SMWS customers. Recommendations were developed with substantial input from City staff. BWA finds that the rates and charges proposed in our report are based on the cost of service for each customer, follow generally accepted rate design criteria, and adhere to the substantive requirements of Proposition 218. BWA believes that the proposed rates are fair and reasonable to water service customers.

We have enjoyed working with the City on this rate study. Please contact us with any future questions about this study and the recommended water rates.

Sincerely,

Doug Dove, CIPFA
Principal

Abigail Seaman
Consultant

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double-sided printing.

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1 EXECUTIVE SUMMARY

1.1 Background

The City of Seaside's Municipal Water System (SMWS) provides water service to approximately 800 accounts within a portion of Seaside, California. The SMWS is one of three water providers to Seaside residents including California American Water Company and Marina Coast Water District.

The SMWS is a self-sustaining enterprise, meaning revenues (mostly sourced from water rates) aim to recover the cost to operate and maintain the water system. The water enterprise has an operating deficit of \$150,000 as of fiscal year (FY) 2018/19. Rates were last increased in 2015. Primary cost factors impacting water rates include the increasing cost of operations and maintenance as well as over \$5 million of capital improvement projects needed to repair aging infrastructure.



The City of Seaside has contracted with Bartle Wells Associates (BWA) to conduct a water rate study of the SMWS which examines current and projected costs and the existing water rate structure as it pertains to California legislation. Basic objectives of the rate study include:

- Identify rate setting principles.
- Develop long-term financial projections to determine future annual water enterprise revenue requirements.
- Evaluate rate alternatives and recommend water rates designed to equitably recover the costs of providing service.

Key guiding principles included developing rates that:

- Are fair and equitable to all customer classes.
- Recover the costs of providing service and generate adequate funding for capital needs.
- Are easy to understand and implement.
- Comply with the legal requirements of Proposition 218 and other California laws.

1.2 Proposition 218

Utility rates are subject to the procedural and substantive requirements as set forth in Proposition 218. Proposition 218 was adopted by California voters in 1996 and added Articles 13C and 13D to the California Constitution. Article 13D, Section 6 governs property-related charges, which the California Supreme Court subsequently ruled includes ongoing utility service charges such as water and wastewater. Article 13D, Section 6 establishes a) procedural requirements for imposing or increasing property-related charges, and b) substantive requirements for those charges. Article 13D also requires voter approval for new or increased property-related charges but exempts from this voting requirement rates for water and wastewater service. The substantive requirements of Article 13D, Section 6 requires SMWS utility rates to meet the following conditions:

- Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.
- Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.
- The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.
- No fee or charge may be imposed for a service unless that service is used by, or immediately available to, the owner of the property in question.
- No fee or charge may be imposed for general governmental services, such as police or fire services, where the service is available to the public at large in substantially the same manner as it is to property owners.

The procedural requirements of Proposition 218 for all utility rate increases are as follows:

- **Noticing Requirement:** The City must mail a notice of proposed water rate increases to all affected property owners. The notice must specify the basis of the fee, the reason for the fee, and the date/time/location of a public rate hearing at which the proposed rates will be considered/adopted.
- **Public Hearing:** The City must hold a public hearing prior to adopting the proposed water rate increases. The public hearing must be held not less than 45 days after the required notices are mailed. (The Proposition 218 notice for the proposed rates is provided in the Appendix)
- **Rate Increases Subject to Majority Protest:** At the public hearing, the proposed water rate increases are subject to majority protest. If 50% plus one of affected property owners submit written protests the proposed rate increases, the increases cannot be adopted.

1.3 Use of Generally Accepted Rate-Making Principles

The rates developed in this study use a straightforward methodology to establish an equitable system of fixed and variable charges that recover the cost of providing service and fairly apportion costs to each rate component. The rates were developed using generally accepted cost-based principles and methodologies for establishing water rates, charges, and fees contained and discussed in the American Water Works Association (AWWA) M1 Manual.

In developing water rates, it is important to note that there is no “one-size-fits-all” approach for establishing cost-based water rates. “The (M1 Manual) is aimed at outlining the basic elements involved in water rates and suggesting alternative rules of procedure for formulating rates, thus permitting the exercise of judgment and preference to meet local conditions and requirements.”¹ BWA used the following criteria when developing our recommendations for SMWS water rates and finances:

Rates Should Generate Adequate Revenues to Fund SMWS Costs, Maintain Prudent Reserve Fund Levels, and Comply with Debt Covenants: Rates should be set to fully fund costs to operate and maintain the water system, fund needed capital improvements, maintain prudent cash reserves, and comply with outstanding debt covenants. Conversely, the SMWS should not generate more revenue than the overall cost to provide water.

Rates Should be Simple, Fair, Justifiable, and Cost-Based: The SMWS should establish simple, fair, and cost-based rates to the extent possible. No customer or customer class should be burdened with more than their fair share of costs. Rate revenue requirements and calculation methodologies should be documented.

Rates Should Consider Conservation Requirements: Water is a scarce commodity in California and wasteful use should be discouraged. However, rates need to be cognitive of possible revenue loss and potential inequitable distributions of the true cost of service.

¹ AWWA Manual M1 Manual, Principles of Water Rates, Fees, and Charges, Sixth Edition, 2012, page 5.

1.4 Water System Overview

The SMWS produces and distributes potable water. The water system has significant capital rehabilitation and replacement needs, including tank and well improvements.

The SMWS pumps groundwater from the Seaside Groundwater Basin under a Natural Safe Yield (NSY) allowance of its water use determined by the Seaside Water Master. The NSY assessment is projected to decrease according to a schedule provided by the Water Master through FY 2021 and any overdraft amount will be subject to a replenishment assessment charge.

The SMWS's main source of water revenue is monthly water rates which were last increased on January 1, 2015. Rates are not currently sufficient to fund necessary expenses and the current rate structure should be modified to better reflect the cost of water service.

BWA recommends (1) increasing overall water rate revenue cover the cost of service; (2) aligning monthly meter charges with American Water Works Association (AWWA) meter capacity ratios; and (3) modifying the volumetric rate structure from a six-tier structure to a two-tier structure that aligns with the cost of the NSY replenishment assessment for each customer class.

1.4.1 Factors Driving Rate Increases

The primary factors impacting the water rates are the significant cost of replenishment water and needed capital improvements to repair aging infrastructure. SMWS revenues are not sufficient to cover current and projected costs, and this deficit may preclude access to grants and low interest loans.

1.4.2 Current Water Rates

Currently monthly water rates as of January 1, 2015 are listed in Table ES1 below. Volumetric rates are provided in both \$/tcf and \$/ccf. Units tcf and ccf are defined at the bottom of Table ES1.

Table ES1. Current Monthly Water Rates

2015 Monthly Meter Charges			
Meter Size	Base Charges	Watermaster Fixed Expenses	Total
5/8"	\$15.32	\$10.00	\$25.32
1"	\$15.32	\$10.00	\$25.32
1.5"	\$72.20	\$10.00	\$82.20
2"	\$119.20	\$10.00	\$129.20
3"	\$215.21	\$10.00	\$225.21

Monthly Consumption Charges (charged based on \$/ccf)					
Residential			Parks (on a per acre basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	0 - 4	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	4 - 10	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	10 - 20	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	20 - 30	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	30 - 40	\$2.65	\$26.53
40 +	\$3.46	\$34.62	40 +	\$3.46	\$34.62
Multifamily (per dwelling)			Schools (on a per student basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	1	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	1 - 3	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	3 - 4	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	4 - 5	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	5 - 6	\$2.65	\$26.53
40 +	\$3.46	\$34.62	6 +	\$3.46	\$34.62
Church #1			Church #2		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 60	\$0.57	\$5.69	0 - 14	\$0.57	\$5.69
60 - 70	\$0.84	\$8.37	14 - 24	\$0.84	\$8.37
70 - 80	\$1.36	\$13.56	24 - 34	\$1.36	\$13.56
80 - 90	\$1.94	\$19.35	34 - 44	\$1.94	\$19.35
90 - 100	\$2.65	\$26.53	44 - 54	\$2.65	\$26.53
100 +	\$3.46	\$34.62	54 +	\$3.46	\$34.62

ccf = 100 cubic feet or 748 gallons

tcf = 74.8 gallons

Current water rates include a monthly fixed charge which is determined by meter size, and a variable charge which varies by customer class. Water use is charged according to a six-tier volumetric rate structure. Volumetric rates are currently charged on a \$/ccf basis.

1.4.3 Proposed Water Rates

Proposed monthly water rates are shown on Table ES2 below.

Table ES2. Proposed Monthly Water Rates

Fixed Rates

WATER	Current	Proposed Fixed Rates (\$/Month)				
		10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Meter Size						
3/4" or less	\$25.32	\$26.30	\$31.55	\$37.87	\$43.55	\$43.55
1 Inch Meter	\$25.32	\$43.83	\$52.59	\$63.11	\$72.58	\$72.58
1.5 Inch Meter	\$82.20	\$87.65	\$105.18	\$126.22	\$145.15	\$145.15
2 Inch Meter	\$129.20	\$140.24	\$168.29	\$201.95	\$232.24	\$232.24
3 Inch Meter	\$225.21	\$262.96	\$315.55	\$378.66	\$435.46	\$435.46
4 Inch Meter		\$438.26	\$525.91	\$631.10	\$725.76	\$725.76
6 Inch Meter		\$876.52	\$1,051.83	\$1,262.19	\$1,451.52	\$1,451.52

Volumetric Rates

		10/29/2019		1/1/2020		1/1/2021		1/1/2022		1/1/2023	
Proposed Volumetric Rates	(\$/tcf)	Tier 1 \$0.71	Tier 2 \$1.40	Tier 1 \$0.85	Tier 2 \$1.57	Tier 1 \$1.02	Tier 2 \$1.76	Tier 1 \$1.17	Tier 2 \$1.93	Tier 1 \$1.17	Tier 2 \$1.96
Proposed Allocations per Month		Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2
Single Family Residential (per dwelling)	(tcf) 0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +	0 to 37
Multifamily #1 (per meter)	(tcf) 0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 6,182	6,182 +	0 to 6,182	6,182 +	0 to 6,182	6,182 +	0 to 6,182
Multifamily #2 (per meter)	(tcf) 0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 1,565	1,565 +	0 to 1,565	1,565 +	0 to 1,565	1,565 +	0 to 1,565
School #1 (per student)	(tcf) 0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 4.327	4.327 +	0 to 4.327	4.327 +	0 to 4.327	4.327 +	0 to 4.327
School #2 (per student)	(tcf) 0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 4.440	4.440 +	0 to 4.440	4.440 +	0 to 4.440	4.440 +	0 to 4.440
School #3 (per student)	(tcf) 0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 4.056	4.056 +	0 to 4.056	4.056 +	0 to 4.056	4.056 +	0 to 4.056
Church #1 (per meter)	(tcf) 0 to 262	262 +	0 to 262	262 +	0 to 198	198 +	0 to 198	198 +	0 to 198	198 +	0 to 198
Church #2 (per meter)	(tcf) 0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +	0 to 37
Fire Department	(tcf) 0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +	0 to 37
Proposed Temporary Account Rates	(\$/tcf)	\$1.40		\$1.57		\$1.76		\$1.93		\$1.96	

Proposed meter charges align with AWWA meter ratios and volumetric rates are proposed to align with the Natural Safe Yield replenishment assessment for each customer class. NSY replenishment assessments were provided by City of Seaside Staff. The NSY replenishment assessments by customer class are determined in terms of ten cubic feet (tcf), and volumetric rates are proposed to be charged accordingly.

2 WATER FINANCIAL PROJECTIONS

2.1 Water System Financial Overview

Bartle Wells Associates conducted an independent evaluation of the SMWS finances. Key observations include:

- Water rates have not been increased since January 1, 2015.
- The water enterprise has no current debt service but faces an internal pension liability of \$17,500 per year.
- Capital expenses for the water enterprise are estimated to be \$4.7 million from FY 2019 to FY 2024. BWA proposes that the SMWS fund these expenses with cash and proposed debt issuances, assumed to be paid through two 20-year loans.
- Projected water expenses were determined by developing projections based on historical audits, budgets, and up to date information provided by the City of Seaside. Projected expenses and minimum reserve fund targets were used to develop annual revenue requirements.

2.2 Current Water Rates

Water rates are charged according to several components, including customer category, bill frequency, and rate type (fixed vs. variable) as described below:

- **Fixed Rate:** Customers receiving water service pay a fixed fee (calculated monthly) per meter. Meter service charges increase as meter size increases.
- **Variable Rate:** In addition to the fixed rate, water accounts are charged volumetric rates (or “consumption charges”) according to a 6-tier inclining rate structure. The usage amount allotted in each tier varies by customer class. Quantity Charges are billed per centum (100) cubic feet (ccf), with 1 ccf equal to 748 gallons of water.

In general, rates do not currently cover the cost of water service. Meter charges should be aligned with AWWA meter capacity factors. The existing volumetric tier structure needs to be cost-justified, is complex from a billing perspective and may be difficult to explain to customers.

Table 1. Current Water Rates

2015 Monthly Meter Charges					
Meter Size	Base Charges		Watermaster Fixed Expenses		Total
5/8"	\$15.32		\$10.00		\$25.32
1"	\$15.32		\$10.00		\$25.32
1.5"	\$72.20		\$10.00		\$82.20
2"	\$119.20		\$10.00		\$129.20
3"	\$215.21		\$10.00		\$225.21
2015 Monthly Consumption Charges (charged based on \$/ccf)					
Residential			Parks (on a per acre basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	0 - 4	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	4 - 10	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	10 - 20	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	20 - 30	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	30 - 40	\$2.65	\$26.53
40 +	\$3.46	\$34.62	40 +	\$3.46	\$34.62
Multifamily (per dwelling)			Schools (on a per student basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	1	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	1 - 3	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	3 - 4	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	4 - 5	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	5 - 6	\$2.65	\$26.53
40 +	\$3.46	\$34.62	6 +	\$3.46	\$34.62
Church #1			Church #2		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 60	\$0.57	\$5.69	0 - 14	\$0.57	\$5.69
60 - 70	\$0.84	\$8.37	14 - 24	\$0.84	\$8.37
70 - 80	\$1.36	\$13.56	24 - 34	\$1.36	\$13.56
80 - 90	\$1.94	\$19.35	34 - 44	\$1.94	\$19.35
90 - 100	\$2.65	\$26.53	44 - 54	\$2.65	\$26.53
100 +	\$3.46	\$34.62	54 +	\$3.46	\$34.62

ccf = 100 cubic feet or 748 gallons

tcf = 74.8 gallons

2.3 Customer Information

The SMWS provides water service to 786 water meters as of FY 2019, of which 96% of water meters are residential. The SMWS has recently installed a number of 4" and 6" meters, requiring an update to the current fixed meter charges which stop at 3". Fixed rate revenue currently represents 35% of all rate revenue. A total listing of water meters is provided in Table 2.

Table 2. Meter Listing

	Residential	Fire Department	School	Apartment	Parks	Church	Total
3/4" or less	729	0	0	0	7	1	737
1"	23	0	0	0	3	0	26
1.5"	0	1	0	0	0	0	1
2"	0	0	0	0	0	1	1
3"	0	0	0	1	0	0	1
4"	0	0	0	0	0	0	0
6"	0	0	3	1	2	0	6
	752	1	3	2	12	2	772

Seaside is a relatively slow-growth community and can expect minimal growth over the next five years. Therefore, the SMWS should conservatively project no growth in new connections or increased water consumption for the purposes of this rate study.

2.4 FY 2015 Water Consumption

The City conducted a detailed analysis of water consumption in FY 2015 as shown in Table 3. The water rate study conservatively assumes consumption has remained static since FY 2015. Total water consumption is anticipated to be approximately 80,000 ccf or 800,000 tcf for the duration of the water rate study. Volumetric revenue represents 65% of all water rate revenue.

Table 3. Water Consumption

Class	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Total By Class
Residential	30,689	16,404	2,958	146	32	37	50,266
Apartment	12,362	3,830	0	0	0	0	16,192
Church	688	84	20	20	14	8	834
Fire Department	48	72	101	11	0	0	232
School	7,402	2,480	6	0	0	0	9,888
Parks	18	0	0	0	0	0	18
Total (ccf)	51,207	22,870	3,085	177	46	45	77,430
<i>Total (tcf)</i>	<i>512,070</i>	<i>228,700</i>	<i>30,850</i>	<i>1,770</i>	<i>460</i>	<i>450</i>	<i>774,300</i>

2.5 Key Assumptions

BWA developed long-term cash flow projections to determine the water enterprise's annual revenue requirements and project required water rate revenue increases. The financial projections incorporate the latest information available as well as a number of reasonable and slightly conservative assumptions typical for a rate study. Key information and assumptions include:

Revenue Assumptions

- Miscellaneous fees and interest income are based on the FY 2019 budget. Future projections are estimated based on conservative inflation and an interest earning rate of 1.5%. Actual amounts will vary based on actual miscellaneous fees and future interest earning rates.
- Growth in the SMWS's customer base and water consumption was conservatively assumed to be 0% per year over the next 5 years. The City is a relatively small, slow-growth community and should not rely on growth for additional rate revenue.

Expense Assumptions

- Operating and maintenance costs are based on the FY 2019 budget and escalated at the annual rate of 3.0% to account for future cost inflation. This assumption is based on the 1990 through 2019 Engineering News-Record's average annual cost increase.

Reserve Targets

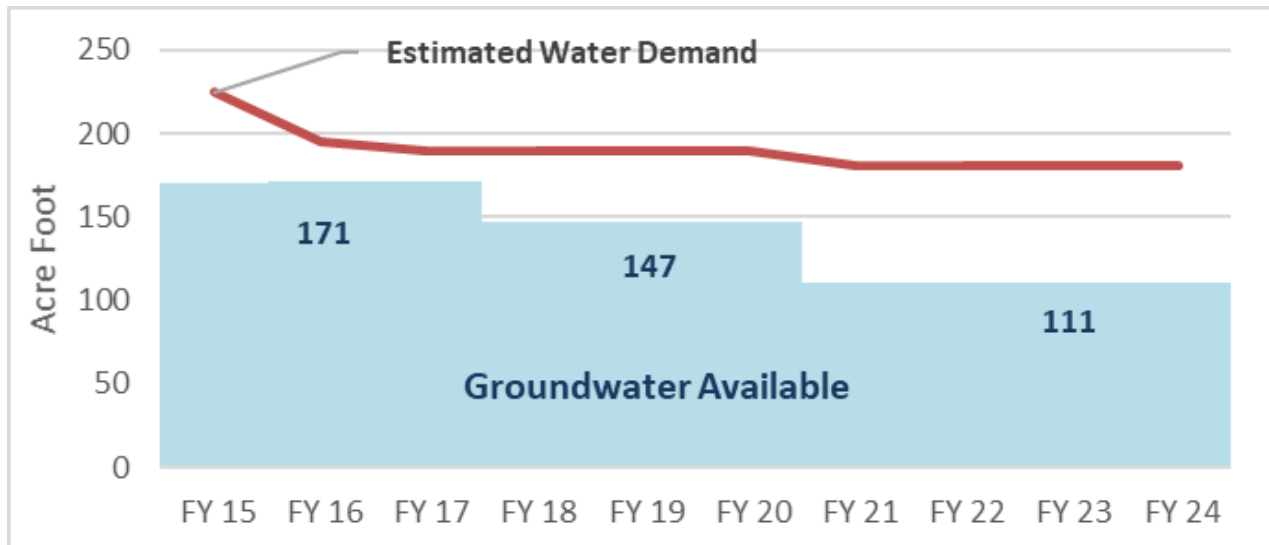
- The SMWS's current cash fund balance is approximately \$700,000 as of the beginning of FY 2019. Without a rate increase, the SMWS is projected to run out of reserves in FY 2023. However, if the proposed rate increases are adopted the water enterprise will have at least \$700,000 in reserves at the end of FY 2024 (after the 5-year rate schedule). Reserves are projected to slowly increase as rate revenue slightly exceeds expenses. This will ensure that the proposed rates establish sufficient reserves.
- BWA designed the 5-year Water Cash Flow based on a reserve policy of 33% of water operating expenses plus debt service obligations. As of FY 2024, the target reserve balance is approximately \$700,000.

2.6 Water Supply – Natural Safe Yield Assessment

The SMWS purchases water from the Seaside Groundwater Basin Watermaster, which has determined a Natural Safe Yield (NSY) assessment for the SMWS. The NSY assessment is projected to decrease according to a schedule provided by the Watermaster through FY 2021. Water demand currently exceeds the NSY assessment and will soon face a replenishment

assessment per Acre Foot (AF) for all usage over the NSY. The replenishment assessment would be \$2,782/AF in 2019 and is projected to increase 3% per year according to City estimates. An illustration of water demand above the NSY replenishment assessment is shown in Figure 2. A detailed breakdown of water supply and demand is provided in the Appendix.

Figure 2: Water Demand and NSY Assessment



2.7 Water Budgets

The City of Seaside conducted a water budget analysis in FY 2015 which allocated the NSY replenishment assessment cost to each customer class based on a monthly water budget. Domestic water use was adjusted to 45gal/day/person based on a water system residential population of 2,732. Other customer classes' water budgets were determined using membership counts (e.g. churches, schools) and actual water use. Any usage above the water budget will be using water above the NSY and therefore will be subject to additional charges per the replenishment assessment determined by the Watermaster. A detailed list of water budget allocations is located in the Appendix.

2.8 Operations & Maintenance Expenses

The SMWS's operations budget totals approximately \$900,000 for FY 2019. All operations expenses are projected to increase 3% per year. A detailed projection of operations & maintenance expenses is provided in the Appendix.

2.9 Capital Improvement Plan

The SMWS \$4.7m capital improvement plan is shown on Table 4 and consists of several rehabilitation, improvement, and replacement projects necessary for the sustainable management of the water enterprise.

Table 4. Water Capital Improvement Plan

Water Capital Improvement Plan	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Water Security Upgrades	\$0	\$90,000	\$300,000	\$0	\$0	\$0
Well Replacement	\$0	\$350,000	\$1,000,000	\$600,000	\$0	\$0
Master Plan / Rate Study	\$0	\$170,000	\$150,000	\$50,000	\$20,000	\$0
Tank Improvements Project	\$0	\$440,000	\$0	\$20,000	\$0	\$740,000
Alternative Water Source	\$0	\$80,000	\$10,000	\$30,000	\$90,000	\$100,000
Arc Flash Hazard Mitigation	\$0	\$30,000	\$90,000	\$0	\$0	\$0
<u>Capital Improvements</u>	<u>\$130,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$50,000</u>	<u>\$100,000</u>	<u>\$50,000</u>
Total CIP Improvements	\$130,000	\$1,160,000	\$1,550,000	\$750,000	\$210,000	\$890,000

Current water rates cannot cover the current Capital Improvement Plan obligations. Additionally, the SMWS's current operating deficit precludes access to many grants and low-interest loans. BWA recommends a funding plan including cash and debt funding capital improvement costs as detailed in later sections.

2.10 Debt Obligations

The SMWS does not currently have any debt service obligations but faces an annual Internal pension funding obligation of \$17,500 per year. BWA recommends that the SMWS consider two debt issuances, \$3.4 million in FY 2020 and \$1.3 million in FY 2023, to fund capital expenses and smooth out any required rate increases over time. After evaluating several debt service options, BWA conservatively projected the annual debt obligation required to meet the capital improvement needs based on two 20-year debt issuances at 4% interest. Detailed assumptions regarding issuance costs are located in the Appendix. A summary of debt service obligations is shown on Table 5.

Table 5. Projected Debt Service Obligations

	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Total Debt Service						
Current Debt Service [1]	17,500	17,500	17,500	17,500	17,500	17,500
Proposed Debt Payments [2]	0	0	<u>136,000</u>	<u>250,175</u>	<u>250,175</u>	<u>302,175</u>
Total Long Term Debt	17,500	17,500	153,500	267,675	267,675	319,675
[1] Net Pension Liability, \$263,774, 15 year payoff						
[2] Two 20 Year Bonds - Placeholder Assumption						
Receive proceeds for construction in FY2020 and FY 2023, debt service begins following year. Interest only payment in first year						

2.11 Projected Rate Increases

Table 6 below shows the projected overall recommended rate increases needed to fund current operating, capital and debt service obligations as well as achieve cash reserve balance and debt service coverage targets over the next 5 years. If there are any updates to these items, The SMWS should re-evaluate its future rate and revenue requirements based on the latest information available. The City always has the flexibility to implement rates that are lower than those adopted.

Table 6. Projected Rate Increases

Effective Date	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Rate Revenue Increase	25%	20%	20%	15%	0%

2.12 Projected Cashflow with Rate Increases

Table 7 on the next page shows the 5-year cash flow projection for the SMWS. The cash flow incorporates all assumptions and data described in the above sections. Revenue is increasing according to the rate projections shown on and is shown to be sufficient to fund the cost of providing service while maintaining a balanced annual budget and appropriate cash reserve funds.

Table 7. Water Cash Flow Projection

	FY 2019	FY 2020		FY 2021	FY 2022	FY 2023	FY 2024	
Overall Rate Increase		25%	+	20%	20%	15%	0%	0%
Effective Date		10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023	1/1/2024	
Beginning Balance [2]		\$700,424		\$2,741,424	\$1,312,924	\$747,249	\$1,911,074	
Operating Revenues		add'l revenue						
Base Charge	\$244,841	\$133,000	+	\$184,000	\$416,000	\$488,000	\$522,000	\$522,000
Variable Charge	\$453,463	\$246,000	+	\$340,000	\$771,000	\$904,000	\$967,000	\$967,000
All other operating revenue [3]	\$25,000	\$25,000			\$25,000	\$25,000	\$25,000	\$25,000
Total Operating Revenue	\$723,304	\$404,000	\$524,000	\$1,212,000	\$1,417,000	\$1,514,000	\$1,514,000	
		\$928,000						
Non-operating Revenue								
Proposed Debt - Proceeds for Construction	\$0	\$3,200,500		\$0	\$0	\$1,121,500		\$0
Total Non-operating Revenue	\$0	\$3,200,500		\$0	\$0	\$1,121,500		\$0
Total Operating Expenses	\$883,000	\$910,000		\$937,000	\$965,000	\$994,000	\$1,024,000	
Long Term Debt & Pensions								
Internal Pension Liability	\$17,500	\$17,500		\$17,500	\$17,500	\$17,500	\$17,500	
Proposed Loan	\$0	\$0		\$136,000	\$250,175	\$250,175	\$302,175	
Total Long Term Debt	\$17,500	\$17,500		\$153,500	\$267,675	\$267,675	\$319,675	
Capital Projects	\$130,000	\$1,160,000		\$1,550,000	\$750,000	\$210,000	\$890,000	
Ending Balance		\$2,741,424		\$1,312,924	\$747,249	\$1,911,074	\$1,191,399	
Minimum Fund Balance Target [4]		\$317,800		\$462,710	\$586,125	\$595,695	\$657,595	
Reserve Target Met?		yes		yes	yes	yes	yes	
Debt Service Coverage - Proposed Debt				2.02	1.81	2.08	1.62	
[1] Current Variable Rate Varies due to tiered rate structure								
[2] Estimated fund balance as of June 30, 2019 from City of Seaside								
[3] Includes interest income, late fees, and penalties								
[4] 33% of operating expenses plus debt service								

3 WATER COST OF SERVICE & RATE CALCULATIONS

3.1 Water Rate Structure Recommendations

In addition to the proposed rate revenue increases, Bartle Wells Associates also recommends a rate structure change to align with the current cost of water service.

3.2 Cost Allocation

BWA conducted a cost of service analysis which confirms that the current cost allocation to fixed and variable charges are appropriate. BWA recommends rates that continue to collect 35% of revenue from fixed charges, and 65% from variable charges. A detailed cost allocation of operations and maintenance expenses is provided in the Appendix.

3.3 Fixed Service Charge Recommendations

Per the cost of service allocation, 35% of revenue will come from fixed charges. This represents no change from the current cost allocation.

3.3.1 AWWA Meter Factor Ratios

BWA recommends that the proposed meter charges align with AWWA meter flow ratios as outlined in Table 8 below.

Table 8. AWWA Meter Flow Ratios

Meter Size	# Meters	Max Flow Rate (GPM)	Flow Ratio	3/4" or less Meter Equivalents
3/4" or less	737	30	1	737
1" or less	26	50	1.7	43
1.5"	1	100	3.3	3
2"	1	160	5.3	5
3"	1	300	10.0	10
4"	0	500	16.7	0
6"	6	1000	33.3	200
Total				999

[1] American Water Works Association Standards, Manual M22, 2nd edition, 2004, page 62.

[2] Flow Ratio equal to 1" or less equivalent

The proposed fixed charges include monthly fixed charge which increase by meter size according to the flow ratios shown above. Larger meters will now face a higher charge compared to the current rate. BWA has also proposed new charges for 4-inch and 6-inch meters per AWWA meter flow ratios for those customers. Proposed fixed charges are shown in Table 9 on the next page. In the years following the rate restructure in 2019/20, the proposed rates will increase according to the proposed annual rate revenue increases shown in Table 6. A detailed calculation of fixed rates is provided in the Appendix.

3.4 Water Variable Charge Recommendations

The proposed variable charge aims to recover 65% of rate revenue.

Two-Tier Volumetric Rate Structure:

The 5-year schedule of proposed volumetric rates are summarized on Table 9 along with the proposed tier allotments. BWA recommends that the SMWS replace the current six-tiered water rate structure and adopt a two-tiered rate structure that aligns with the cost of providing water service. A detailed calculation of volumetric rates is provided in the Appendix.

Tier 1 water use allotments were determined by the Water Budget Analysis performed by the City of Seaside in FY 2015. Tier 1 water rates recover all variable expenses determined by the cost of service analysis. Tier 2 water use consists of all use above the NSY assessment. The Tier 2 rate will recover the cost of the replenishment assessment imposed by the Watermaster. Rates are calculated using \$/tcf to align with the SMWS's water budget assessment.

3.5 Proposed Water Rates

Table 9 below shows a 5-year schedule of proposed rates incorporating the overall level of required rate increases to fund the cost of providing water service.

Table 9. Proposed Monthly Water Rates

Fixed Rates

WATER	Current	Proposed Fixed Rates (\$/Month)				
		10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Meter Size						
3/4" or less	\$25.32	\$26.30	\$31.55	\$37.87	\$43.55	\$43.55
1 Inch Meter	\$25.32	\$43.83	\$52.59	\$63.11	\$72.58	\$72.58
1.5 Inch Meter	\$82.20	\$87.65	\$105.18	\$126.22	\$145.15	\$145.15
2 Inch Meter	\$129.20	\$140.24	\$168.29	\$201.95	\$232.24	\$232.24
3 Inch Meter	\$225.21	\$262.96	\$315.55	\$378.66	\$435.46	\$435.46
4 Inch Meter		\$438.26	\$525.91	\$631.10	\$725.76	\$725.76
6 Inch Meter		\$876.52	\$1,051.83	\$1,262.19	\$1,451.52	\$1,451.52

Volumetric Rates

		10/29/2019		1/1/2020		1/1/2021		1/1/2022		1/1/2023	
Proposed Volumetric Rates	(\$/tcf)	Tier 1 \$0.71	Tier 2 \$1.40	Tier 1 \$0.85	Tier 2 \$1.57	Tier 1 \$1.02	Tier 2 \$1.76	Tier 1 \$1.17	Tier 2 \$1.93	Tier 1 \$1.17	Tier 2 \$1.96
Proposed Allocations per Month		Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2
Single Family Residential (per dwelling)	(tcf)	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +
Multifamily #1 (per meter)	(tcf)	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 6,182	6,182 +	0 to 6,182	6,182 +	0 to 6,182	6,182 +
Multifamily #2 (per meter)	(tcf)	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 1,565	1,565 +	0 to 1,565	1,565 +	0 to 1,565	1,565 +
School #1 (per student)	(tcf)	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 4.327	4.327 +	0 to 4.327	4.327 +	0 to 4.327	4.327 +
School #2 (per student)	(tcf)	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 4.440	4.440 +	0 to 4.440	4.440 +	0 to 4.440	4.440 +
School #3 (per student)	(tcf)	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 4.056	4.056 +	0 to 4.056	4.056 +	0 to 4.056	4.056 +
Church #1 (per meter)	(tcf)	0 to 262	262 +	0 to 262	262 +	0 to 198	198 +	0 to 198	198 +	0 to 198	198 +
Church #2 (per meter)	(tcf)	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +
Fire Department	(tcf)	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +
Proposed Temporary Account Rates	(\$/tcf)	\$1.40		\$1.57		\$1.76		\$1.93		\$1.96	

3.6 Estimated Residential Bill Impact

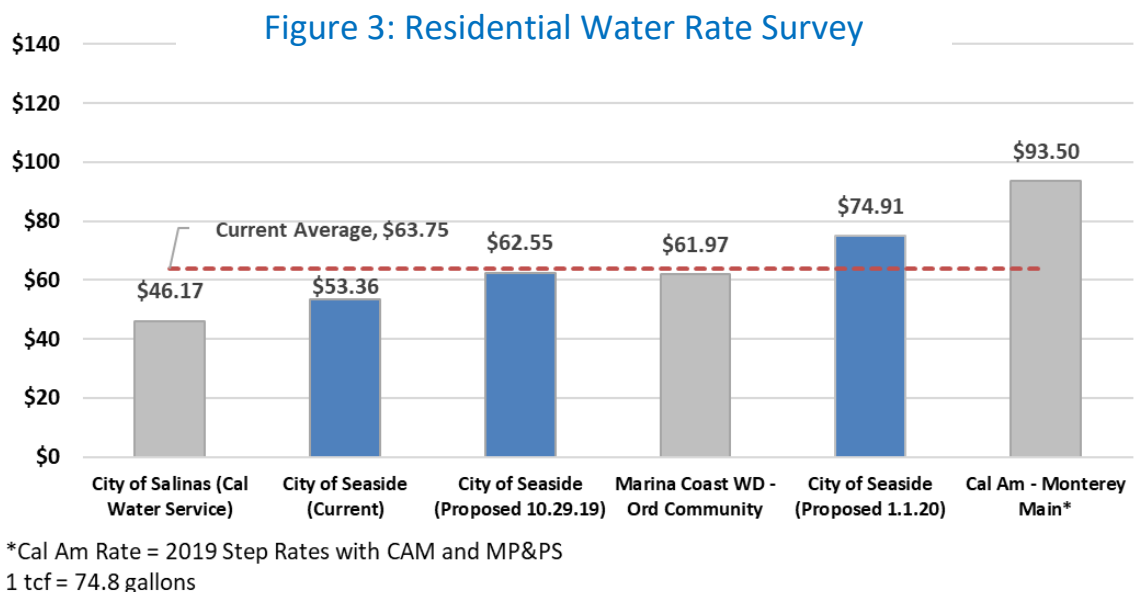
Estimated bill impacts for a typical single-family resident are provided in Table 10 below and are provided for a wide variety of customers in the Appendix. As the water rate revenue requirement increases and the Tier 1 water use allotment decreases, bills are projected to increase. There is no recommended rate increase in the 5th year of the rate study, so bills will remain the same assuming water use is constant.

Table 10. Single Family Bill Impact

	Water Use tcf	Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Single Family - 3/4" Meter [1]	50.3						
Tier 1 Consumption			49	49	37	37	37
Tier 2 Consumption			1.2	1.2	13.1	13.1	13.1
Estimated Bill		\$53.36	\$62.55	\$74.91	\$97.86	\$111.47	\$111.74
% Bill Increase			17%	20%	31%	14%	0%

3.7 Residential Water Rate Survey

BWA conducted a survey of residential water rates in surrounding water communities and similar agencies. Average monthly usage for a single-family resident was used to calculate typical monthly bills for these agencies as shown in Figure 3. The City of Seaside's Municipal Water System is currently below the average monthly water bill in the area.



4 CONCLUSION & RECOMMENDATIONS

This water rate study report presents a comprehensive review of the SMWS's revenue requirements, cost of service allocation, and rate structure. Projected operations & capital expenses are expected to exceed rate revenues in the next few years. Capital is recommended to be funded with some cash and a proposed debt issuance of \$4.5 million. These factors were considered in the rate study to fairly develop rates for customers.

4.1 Conclusion

The practices sound financial planning that has provided for the financial health of the City of Seaside's Municipal Water System. Unfortunately, the SMWS is facing a revenue deficit while operations and capital costs continue to increase. These recent developments have been factored into a comprehensive water rate study and are reflected in the above proposed rates. Adoption of these rates reflect the City's commitment to stewarding financially sound utilities and providing reliable, high quality water service that will benefit the community many years into the future.

4.2 Recommendations

BWA recommends that the City adopt the water rates contained in this report. At minimum, the City should review and update its Water Rate Study every five years and/or concurrent with Master Plan Updates. Rates are typically adopted according to a five-year planning period. Any further rate increases should be supported by a comprehensive rate study.

4.3 Noticed Rates

On July 15, 2019 notices were mailed to residents regarding the water rate increase. Rates noticed to SMWS customers reflect an adjusted Tier 2 rate and adjusted tier breakpoints, representing a more gradual phase-in of the NSY assessment schedule to the benefit of the ratepayer. Since a credit is available to the SMWS from the Watermaster, this will be used to offset the impact of the assessment on ratepayers. All other costs including O&M, capital and debt service are projected to be covered with the noticed rates. The public hearing conducted September 5, 2019 resulted in 4 written protests of the noticed rate increases. Rates are projected to be effective according to the proposed schedule beginning October 29, 2019. The notice is provided in Appendix B, supported by supplementary tables provided in Appendix A.

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APPENDIX A

Water Rate Study Supplementary Tables

Seaside Municipal Water System Water Rate Study 2019



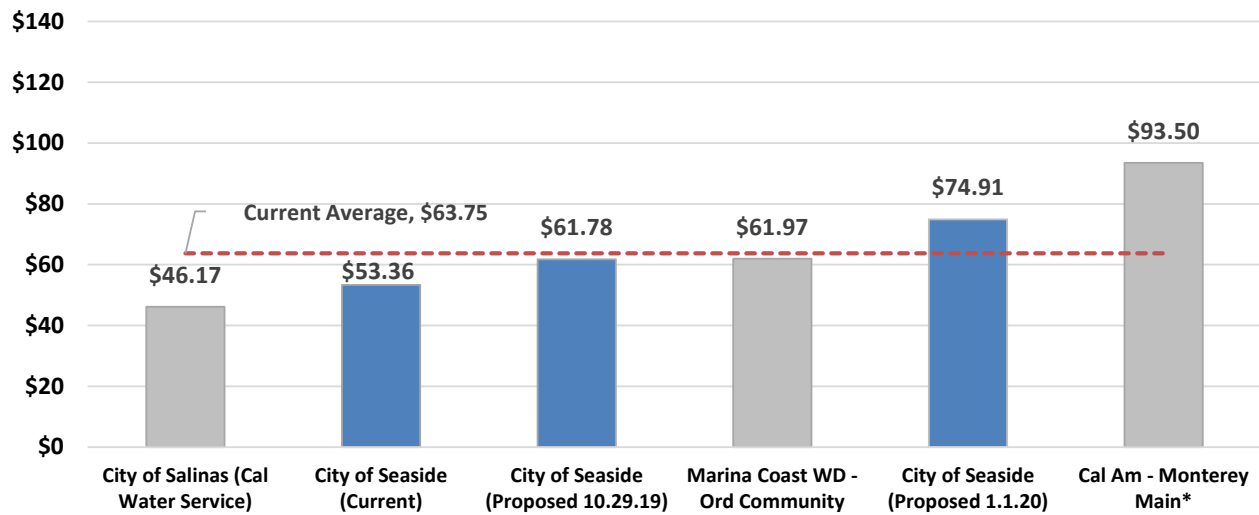
Appendix Tables 9/12/2019



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

Figure 1: Water Rate Survey (Based on Noticed Rates)

Seaside Municipal Water System Water
Rate Study



*Cal Am Rate = 2019 Step Rates with CAM and MP&PS

Table ES-1**Executive Summary - Proposed Fixed Meter Rates**

		Proposed Rates (\$/Month)				
WATER		10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Meter Size	Current					
3/4" or less	\$25.32	\$26.30	\$31.55	\$37.87	\$43.55	\$43.55
1 Inch Meter	\$25.32	\$43.83	\$52.59	\$63.11	\$72.58	\$72.58
1.5 Inch Meter	\$82.20	\$87.65	\$105.18	\$126.22	\$145.15	\$145.15
2 Inch Meter	\$129.20	\$140.24	\$168.29	\$201.95	\$232.24	\$232.24
3 Inch Meter	\$225.21	\$262.96	\$315.55	\$378.66	\$435.46	\$435.46
4 Inch Meter		\$438.26	\$525.91	\$631.10	\$725.76	\$725.76
6 Inch Meter		\$876.52	\$1,051.83	\$1,262.19	\$1,451.52	\$1,451.52

Table ES-2A

Executive Summary - Proposed Volumetric Water Rates

WATER	Current Monthly Rates	
Current Residential Allocations per Month		(\$/tcf)
Tier 1	0 - 40	\$0.387
Tier 2	40 - 100	\$0.837
Tier 3	100 - 200	\$1.356
Tier 4	200 - 300	\$1.935
Tier 5	300 - 400	\$2.653
Tier 6	400 +	\$3.462

		10/29/2019		1/1/2020		1/1/2021		1/1/2022		1/1/2023	
Proposed Volumetric Rates	(\$/tcf)	Tier 1 \$0.71	Tier 2 \$1.40	Tier 1 \$0.85	Tier 2 \$1.57	Tier 1 \$1.02	Tier 2 \$1.76	Tier 1 \$1.17	Tier 2 \$1.93	Tier 1 \$1.17	Tier 2 \$1.96
Proposed Allocations per Month		Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2
Single Family Residential (per dwelling)	(tcf)	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +
Multifamily #1 (per meter)	(tcf)	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 6,182	6,182 +	0 to 6,182	6,182 +	0 to 6,182	6,182 +
Multifamily #2 (per meter)	(tcf)	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 1,565	1,565 +	0 to 1,565	1,565 +	0 to 1,565	1,565 +
School #1 (per student)	(tcf)	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 4.327	4.327 +	0 to 4.327	4.327 +	0 to 4.327	4.327 +
School #2 (per student)	(tcf)	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 4.440	4.440 +	0 to 4.440	4.440 +	0 to 4.440	4.440 +
School #3 (per student)	(tcf)	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 4.056	4.056 +	0 to 4.056	4.056 +	0 to 4.056	4.056 +
Church #1 (per meter)	(tcf)	0 to 262	262 +	0 to 262	262 +	0 to 198	198 +	0 to 198	198 +	0 to 198	198 +
Church #2 (per meter)	(tcf)	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +
Fire Department	(tcf)	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +	0 to 37	37 +	0 to 37	37 +
Proposed Temporary Account Rates	(\$/tcf)	\$1.40		\$1.57		\$1.76		\$1.93		\$1.96	

tcf = 10 cubic feet or 74.8 gallons

1 - Source: City of Seaside

Table ES-2B

Executive Summary - Noticed Volumetric Water Rates

WATER	Current Monthly Rates	
Current Residential Allocations per Month		(\$/tcf)
Tier 1	0 - 40	\$0.387
Tier 2	40 - 100	\$0.837
Tier 3	100 - 200	\$1.356
Tier 4	200 - 300	\$1.935
Tier 5	300 - 400	\$2.653
Tier 6	400 +	\$3.462

		10/29/2019		1/1/2020		1/1/2021		1/1/2022		1/1/2023	
Proposed Volumetric Rates	(\$/tcf)	Tier 1 \$0.71	Tier 2 \$1.36	Tier 1 \$0.85	Tier 2 \$1.51	Tier 1 \$1.02	Tier 2 \$1.69	Tier 1 \$1.17	Tier 2 \$1.87	Tier 1 \$1.17	Tier 2 \$1.89
Proposed Allocations per Month		Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2
Single Family Residential (per dwelling)	(tcf)	0 to 57	57 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Multifamily #1 (per meter)	(tcf)	0 to 9,547	9,547 +	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 6,182	6,182 +
Multifamily #2 (per meter)	(tcf)	0 to 2,417	2,417 +	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 1,565	1,565 +
School #1 (per student)	(tcf)	0 to 6.682	6.682 +	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 4.327	4.327 +
School #2 (per student)	(tcf)	0 to 6.857	6.857 +	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 4.440	4.440 +
School #3 (per student)	(tcf)	0 to 6.264	6.264 +	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 4.056	4.056 +
Church #1 (per meter)	(tcf)	0 to 306	306 +	0 to 262	262 +	0 to 262	262 +	0 to 262	262 +	0 to 198	198 +
Church #2 (per meter)	(tcf)	0 to 58	58 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Fire Department	(tcf)	0 to 57	57 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Proposed Temporary Account Rates	(\$/tcf)	\$1.36		\$1.51		\$1.69		\$1.87		\$1.89	

tcf = 10 cubic feet or 74.8 gallons

1 - Source: City of Seaside

Table ES-3
Water Volume Conversion Factors

1 ccf = 10 tcf = 100 cubic feet = 748 gallons = 7.5 cgl

1 tcf = 10 cubic feet = 74.8 gallons = 0.75 cgl

1 cgl = 100 gallons = 1.34 tcf

Table 1: Current Rates as of January 1, 2015

Seaside Municipal Water System

Water Rate Study

2015 Monthly Meter Charges			
Meter Size	Base Charges	Watermaster Fixed Expenses	Total
5/8"	\$15.32	\$10.00	\$25.32
1"	\$15.32	\$10.00	\$25.32
1.5"	\$72.20	\$10.00	\$82.20
2"	\$119.20	\$10.00	\$129.20
3"	\$215.21	\$10.00	\$225.21

Monthly Consumption Charges (\$/ccf)					
Residential			Parks (on a per acre basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	0 - 4	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	4 - 10	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	10 - 20	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	20 - 30	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	30 - 40	\$2.65	\$26.53
40 +	\$3.46	\$34.62	40 +	\$3.46	\$34.62
Multifamily (per dwelling)			Schools (on a per student basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	1	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	1 - 3	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	3 - 4	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	4 - 5	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	5 - 6	\$2.65	\$26.53
40 +	\$3.46	\$34.62	6 +	\$3.46	\$34.62
Church #1			Church #2		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 60	\$0.57	\$5.69	0 - 14	\$0.57	\$5.69
60 - 70	\$0.84	\$8.37	14 - 24	\$0.84	\$8.37
70 - 80	\$1.36	\$13.56	24 - 34	\$1.36	\$13.56
80 - 90	\$1.94	\$19.35	34 - 44	\$1.94	\$19.35
90 - 100	\$2.65	\$26.53	44 - 54	\$2.65	\$26.53
100 +	\$3.46	\$34.62	54 +	\$3.46	\$34.62

ccf = 100 cubic feet or 748 gallons

tcf = 74.8 gallons

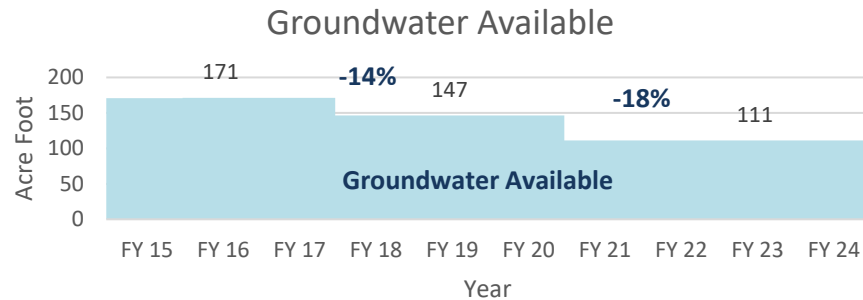
Table 2: Watermaster Natural Safe Yield Analysis

Seaside Municipal Water System
Water Rate Study

	Projected FYE 2018	Projected FYE 2019	Projected FYE 2020	Projected FYE 2021	Projected FYE 2022	Projected FYE 2023	Projected FYE 2024
Estimated Usage (Acre Feet)							
Natural Safe Yield (NSY)	147	147	147	111	111	111	111
Exceeding Natural Safe Yield	0	0	0	0	0	0	0
Over Draft	43	43	43	70	70	70	70
Total Production	190	190	190	181	181	181	181

Estimated Costs

Natural Safe Yield (NSY) - Acre Feet	147	147	147	111	111	111	111
Unit cost	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Exceeding NSY - Acre Feet	43	43	43	70	70	70	70
Unit Cost [1]	\$2,872	\$2,958	\$3,047	\$3,138	\$3,232	\$3,329	\$3,429
Total Replenishment Assessment	\$123,496	\$127,201	\$131,017	\$219,682	\$226,272	\$233,060	\$240,052



All water production units in Acre-Feet
NSY = Natural Safe Yield

1 - FY 2018 actual provided by Watermaster, 3% estimated cost escalation thereafter

Table 3: Water Budgets

Seaside Municipal Water System
Water Rate Study

			FYE 2017	FYE 2018	FYE 2019	FYE 2020	FYE 2021	FYE 2022	FYE 2023	FYE 2024
			Tier 1	Tier 1	Tier 1	Tier 1	Tier 1	Tier 1	Tier 1	Tier 1
Annual Tier Allocation (AF)			171	147	147	147	111	111	111	111
Per Month Allocation (tcf)			62,226	53,216	53,216	53,216	40,296	40,296	40,296	40,296
				(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)
<u>Residential</u>	<u>Units</u>	<u>Monthly Water Budget</u>								
Single-Family Residential	752	Per Dwelling	57	49	49	49	37	37	37	37
Multi-Family #1	1	Per Meter	9,547	8,165	8,165	8,165	6,182	6,182	6,182	6,182
Multi-Family #2	1	Per Meter	2,417	2,067	2,067	2,067	1,565	1,565	1,565	1,565
<u>Schools</u>										
School #1	571	Per Student	6.682	5.714	5.714	5.714	4.327	4.327	4.327	4.327
School #2	208	Per Student	6.857	5.864	5.864	5.864	4.440	4.440	4.440	4.440
School #3	225	Per Student	6.264	5.357	5.357	5.357	4.056	4.056	4.056	4.056
<u>Churches</u>										
Church - #1	1	Per Meter	306	262	262	262	198	198	198	198
Church #2	1	Per Meter	58	49	49	49	37	37	37	37
<u>Other</u>										
Fire Department	1	Per Station	57	49	49	49	37	37	37	37

tcf = ten cubic feet = 74.8 gallons

Table 4: Consumption - FYE 2015

Seaside Municipal Water System
Water Rate Study

Meter Size	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Total by Meter	
							Size	
3/4" or below	29,894	15,731	2,788	143	32	37	48,625	
1"	981	730	170	3	0	0	1,884	
1.5"	48	72	101	11	0	0	232	
2"	520	27	20	20	14	8	609	
3"	19,764	6,310	6	0	0	0	26,080	
Total (ccf)	51,207	22,870	3,085	177	46	45	77,430	
<i>Total (tcf)</i>	<i>512,070</i>	<i>228,700</i>	<i>30,850</i>	<i>1,770</i>	<i>460</i>	<i>450</i>	<i>774,300</i>	

Class	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Total By Class	Variable Revenue
Residential	30,689	16,404	2,958	146	32	37	50,266	\$301,133
Apartment	12,362	3,830	0	0	0	0	16,192	\$79,898
Church	688	84	20	20	14	8	834	\$7,104
Fire Department	48	72	101	11	0	0	232	\$2,458
School	7,402	2,480	6	0	0	0	9,888	\$62,956
Parks	18	0	0	0	0	0	18	\$102
Total (ccf)	51,207	22,870	3,085	177	46	45	77,430	\$453,653
<i>Total (tcf)</i>	<i>512,070</i>	<i>228,700</i>	<i>30,850</i>	<i>1,770</i>	<i>460</i>	<i>450</i>	<i>774,300</i>	

Source: City of Seaside Consumption Data FY2014/2015

Table 5: Meters by Class and Size - FY 2019

Seaside Municipal Water System

Water Rate Study

	Residential	Fire Department	School	Apartment	Parks	Church	Total
3/4" or less	729	0	0	0	7	1	737
1"	23	0	0	0	3	0	26
1.5"	0	1	0	0	0	0	1
2"	0	0	0	0	0	1	1
3"	0	0	0	1	0	0	1
4"	0	0	0	0	0	0	0
6"	<u>0</u>	<u>0</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>6</u>
	752	1	3	2	12	2	772

Source: City of Seaside, by email March 2019

Table 6: Estimated RevenueSeaside Municipal Water System
Water Rate Study

Class / Meter Size	No. of Meters	Fixed Monthly Rate [1]	Fixed	Variable	Total
Residential					
3/4" or less	729	\$25.32	\$221,499	\$291,923	\$513,423
1"	23	\$25.32	\$6,988	\$9,210	\$16,199
Fire Department					
1.5"	1	\$82.20	\$986	\$2,371	\$3,357
School					
6" [2]	3	\$225.21	\$8,108	\$62,956	\$71,064
Church					
3/4" or less	1	\$25.32	\$304	\$1,433	\$1,737
2"	1	\$129.20	\$1,550	\$5,671	\$7,222
Apartment					
3"	1	\$225.21	\$2,703	\$39,949	\$42,652
6" [2]	1	\$225.21	\$2,703	\$39,949	\$42,652
	760				
Total estimated FY2019 Service Revenue [3]			\$244,841	\$453,463	\$698,304
			35%	65%	

[1] Fixed Monthly Rate includes Watermaster Fixed Expenses charge (from Table 3)

[2] No current rate for 6" meter

[2] Does not include MPWMD surcharge or utility tax revenue

Table 7: Budgeted and Projected O&M ExpensesSeaside Municipal Water System
Water Rate Study

	% Fixed	% Variable	Current FY 2019	Escalation %	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Salaries	50%	50%	\$75,853	3%	\$78,129	\$80,472	\$82,887	\$85,373	\$87,934
Overtime	50%	50%	\$200	3%	\$206	\$212	\$219	\$225	\$232
Workers Compensation	40%	60%	\$306	3%	\$315	\$325	\$334	\$344	\$355
Managment Leave Payoff	40%	60%	\$200	3%	\$206	\$212	\$219	\$225	\$232
Vacation/Comp Time Payoff	40%	60%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Deferred Compensation	40%	60%	\$240	3%	\$247	\$255	\$262	\$270	\$278
Pers Pension Ob Bond	40%	60%	\$399	3%	\$411	\$423	\$436	\$449	\$463
Pers Pension	40%	60%	\$19,177	3%	\$19,752	\$20,345	\$20,955	\$21,584	\$22,231
Pars Pension	40%	60%	\$993	3%	\$1,023	\$1,053	\$1,085	\$1,118	\$1,151
Medical Insurance	40%	60%	\$16,233	3%	\$16,720	\$17,222	\$17,738	\$18,270	\$18,818
Dental Insurance-Guardian	40%	60%	\$1,232	3%	\$1,269	\$1,307	\$1,346	\$1,387	\$1,428
Vision Insurance	40%	60%	\$125	3%	\$129	\$133	\$137	\$141	\$145
LTD	40%	60%	\$329	3%	\$339	\$349	\$360	\$370	\$381
Life Insurance	40%	60%	\$393	3%	\$405	\$417	\$429	\$442	\$456
Medicare Tax	40%	60%	\$1,100	3%	\$1,133	\$1,167	\$1,202	\$1,238	\$1,275
Legal Costs	40%	60%	\$20,000	3%	\$20,600	\$21,218	\$21,855	\$22,510	\$23,185
Training & Education	40%	60%	\$1,500	3%	\$1,545	\$1,591	\$1,639	\$1,688	\$1,739
Fitness Program	40%	60%	\$54	3%	\$56	\$57	\$59	\$61	\$63
State And Agency Fees	40%	60%	\$5,000	3%	\$5,150	\$5,305	\$5,464	\$5,628	\$5,796
Outside Printing Service	40%	60%	\$7,000	3%	\$7,210	\$7,426	\$7,649	\$7,879	\$8,115
Lockbox Service	40%	60%	\$10,000	3%	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593
Contract Services	40%	60%	\$8,000	3%	\$8,240	\$8,487	\$8,742	\$9,004	\$9,274
Stationary Supplies	40%	60%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Department Consumables	40%	60%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Safety Equipment	10%	90%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Meetings & Travel	40%	60%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Dues & Membership	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Books & Periodicals	40%	60%	\$200	3%	\$206	\$212	\$219	\$225	\$232
Postage	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Water Rebates	0%	100%	\$5,000	3%	\$5,150	\$5,305	\$5,464	\$5,628	\$5,796
Vehicle Maintenance	40%	60%	\$9,500	3%	\$9,785	\$10,079	\$10,381	\$10,692	\$11,013
Liability Insurance	40%	60%	\$6,000	3%	\$6,180	\$6,365	\$6,556	\$6,753	\$6,956
Computer System	40%	60%	\$19,400	3%	\$19,982	\$20,581	\$21,199	\$21,835	\$22,490
Central Service Charges	30%	70%	\$180,455	3%	\$185,869	\$191,445	\$197,188	\$203,104	\$209,197
Bad Debt - Write Off	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Salaries	50%	50%	\$140,045	3%	\$144,246	\$148,574	\$153,031	\$157,622	\$162,351
Overtime	50%	50%	\$13,000	3%	\$13,390	\$13,792	\$14,205	\$14,632	\$15,071
Workers Compensation	40%	60%	\$10,096	3%	\$10,399	\$10,711	\$11,032	\$11,363	\$11,704
Managment Leave Payoff	40%	60%	\$500	3%	\$515	\$530	\$546	\$563	\$580
Vacation/Comp Time Payoff	40%	60%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Deferred Compensation	40%	60%	\$1,200	3%	\$1,236	\$1,273	\$1,311	\$1,351	\$1,391
Pers Pension Ob Bond	40%	60%	\$1,309	3%	\$1,348	\$1,389	\$1,430	\$1,473	\$1,517
Pers Pension	40%	60%	\$35,437	3%	\$36,500	\$37,595	\$38,723	\$39,885	\$41,081
Pars Pension	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Liuna Pension	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Medical Insurance	40%	60%	\$29,845	3%	\$30,740	\$31,663	\$32,612	\$33,591	\$34,599
Dental Insurance	40%	60%	\$2,112	3%	\$2,175	\$2,241	\$2,308	\$2,377	\$2,448
Vision Insurance	40%	60%	\$218	3%	\$225	\$231	\$238	\$245	\$253
LTD	40%	60%	\$284	3%	\$293	\$301	\$310	\$320	\$329
Life Insurance	40%	60%	\$210	3%	\$216	\$223	\$229	\$236	\$243
Medicare Tax	40%	60%	\$2,031	3%	\$2,092	\$2,155	\$2,219	\$2,286	\$2,354
Consultant	40%	60%	\$3,000	3%	\$3,090	\$3,183	\$3,278	\$3,377	\$3,478
Fitness Program	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Uniform Service/Laundry	40%	60%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Water Sampling	10%	90%	\$10,000	3%	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593
Subcontracted Work	50%	50%	\$20,000	3%	\$20,600	\$21,218	\$21,855	\$22,510	\$23,185
Department Consumables	40%	60%	\$15,000	3%	\$15,450	\$15,914	\$16,391	\$16,883	\$17,389
Tools	10%	90%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Gas & Electric	10%	90%	\$60,000	3%	\$61,800	\$63,654	\$65,564	\$67,531	\$69,556
Department Equipment	10%	90%	\$114,000	3%	\$117,420	\$120,943	\$124,571	\$128,308	\$132,157
Payment On Principal	40%	60%	\$4,944	3%	\$5,092	\$5,245	\$5,402	\$5,565	\$5,731
Interest Expense	40%	60%	\$480	3%	\$494	\$509	\$525	\$540	\$556
Watermaster Fixed Expenses [1]	100%	0%	\$18,572	3%	\$19,130	\$19,704	\$20,295	\$20,903	\$21,531
Total All Expenses			\$883,172		\$909,668	\$936,958	\$965,066	\$994,018	\$1,023,839
Total Fixed Costs [2]	35%		\$313,177		\$322,572	\$332,249	\$342,217	\$352,483	\$363,058
Total Variable Costs [2]	65%		\$569,996		\$587,096	\$604,708	\$622,850	\$641,535	\$660,781

1 - Source: supplementary documents provided by City of Seaside

Table 8: Capital Improvement Projects - Funding Scenarios as of May 2019

Seaside Municipal Water System

Water Rate Study

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Out Years [1]	Project Total
Water Security Upgrades	\$0	\$90,000	\$300,000	\$0	\$0	\$0	\$0	\$390,000
Well Replacement	\$0	\$350,000	\$1,000,000	\$600,000	\$0	\$0	\$0	\$1,950,000
Master Plan / Rate Study	\$0	\$170,000	\$150,000	\$50,000	\$20,000	\$0	\$0	\$390,000
Tank Improvements Project	\$0	\$440,000	\$0	\$20,000	\$0	\$740,000	\$0	\$1,200,000
Alternative Water Source	\$0	\$80,000	\$10,000	\$30,000	\$90,000	\$100,000	\$800,000	\$1,110,000
Arc Flash Hazard Mitigation	\$0	\$30,000	\$90,000	\$0	\$0	\$0	\$0	\$120,000
<u>Capital Improvements</u>	<u>\$130,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$50,000</u>	<u>\$100,000</u>	<u>\$50,000</u>	<u>\$100,000</u>	<u>\$430,000</u>
Total CIP Improvements	\$130,000	\$1,160,000	\$1,550,000	\$750,000	\$210,000	\$890,000	\$900,000	\$5,590,000

Source: Water CIP 2019, revised by Rick Reidl via email 5/6/2019

[1] Assumed to be spread out over three years, FY 2025 - FY 2027

Table 9: Long Term Debt

Seaside Municipal Water System
Water Rate Study

	FYE 2019	FYE 2020	FYE 2021	FYE 2022	FYE 2023	FYE 2024
Current Debt						
Internal Pension Liability [1]	17,500	17,500	17,500	17,500	17,500	17,500
Total Current Debt	17,500	17,500	17,500	17,500	17,500	17,500

Proposed Debt for Capital Funding FY 2020 and FY 2023

	#1 FY 2020	#2 FY 2023
	20-yr Bond	20-yr Bond
Total Debt Issue Size	\$3,400,000	\$1,300,000
Proceeds For Construction	\$3,200,500	\$1,121,500
Financial Advisor	\$50,000	\$50,000
Bond Counsel	50,000	50,000
Placement Agent Fee	0	0
Disclosure Counsel	25,000	25,000
Printing	2,000	2,000
Escrow Agent		
Trustee	3,500	3,500
Ratings	25,000	25,000
Misc/computer/legal review	10,000	10,000
Total Costs of Issuance	165,500	165,500
Underwriter's Discount (%)	1.00%	1.00%
Underwriter's Discount/Bank Fee (\$)	34,000	13,000
Total All Costs	199,500	178,500
Principal Maturities	20	20
Assumed Avg Interest Rate	4.0%	4.0%
Average Interest Payment	136,000	52,000
Average Annual Principal Payment	114,178	43,656
Total Average Annual Payment	\$250,175	\$95,656
Total of All Payments	5,003,499	1,913,126
Present Value of Payments ¹	3,400,000	1,300,000
[1] Discounted at assumed borrowing rate.		
Total Costs as % of Issue	5.9%	13.7%
Total Payments	5,003,499	1,913,066
Debt Service Factor (\$/\$1M proceeds)	\$78,167	\$85,293

	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Total Debt Service						
Current Debt Service [1]	17,500	17,500	17,500	17,500	17,500	17,500
Proposed Debt Payments [2]	<u>0</u>	<u>0</u>	<u>136,000</u>	<u>250,175</u>	<u>250,175</u>	<u>302,175</u>
Total Long Term Debt	17,500	17,500	153,500	267,675	267,675	319,675

[1] Net Pension Liability, \$263,774, 15 year payoff

[2] Two 20 Year Bonds - Placeholder Assumption

Receive proceeds for construction in FY2020 and FY 2023, debt service begins following year. Interest only payment in first year

Table 10: Operating Cash Flow

Seaside Municipal Water System
Water Rate Study

	FY 2019	FY 2020		FY 2021	FY 2022	FY 2023	FY 2024	
Overall Rate Increase		25%	+	20%	20%	15%	0%	0%
Effective Date		10/29/2019		1/1/2020	1/1/2021	1/1/2022	1/1/2023	1/1/2024
Beginning Balance [2]		\$700,424		\$2,741,424	\$1,312,924	\$747,249	\$1,911,074	
Operating Revenues		add'l revenue						
Base Charge	\$244,841	\$133,000	+	\$184,000	\$416,000	\$488,000	\$522,000	\$522,000
Variable Charge	\$453,463	\$246,000	+	\$340,000	\$771,000	\$904,000	\$967,000	\$967,000
All other operating revenue [3]	\$25,000	\$25,000			\$25,000	\$25,000	\$25,000	\$25,000
Total Operating Revenue	\$723,304	\$404,000		\$524,000	\$1,212,000	\$1,417,000	\$1,514,000	\$1,514,000
		\$928,000						
Non-operating Revenue								
Proposed Debt - Proceeds for Construction	\$0	\$3,200,500		\$0	\$0	\$1,121,500		\$0
Total Non-operating Revenue	\$0	\$3,200,500		\$0	\$0	\$1,121,500		\$0
Total Operating Expenses	\$883,000	\$910,000		\$937,000	\$965,000	\$994,000	\$1,024,000	
Long Term Debt & Pensions								
Internal Pension Liability	\$17,500	\$17,500		\$17,500	\$17,500	\$17,500	\$17,500	
Proposed Loan	\$0	\$0		\$136,000	\$250,175	\$250,175	\$302,175	
Total Long Term Debt	\$17,500	\$17,500		\$153,500	\$267,675	\$267,675	\$319,675	
Capital Projects	\$130,000	\$1,160,000		\$1,550,000	\$750,000	\$210,000	\$890,000	
Ending Balance		\$2,741,424		\$1,312,924	\$747,249	\$1,911,074	\$1,191,399	
Minimum Fund Balance Target [4]		\$317,800		\$462,710	\$586,125	\$595,695	\$657,595	
Reserve Target Met?		yes		yes	yes	yes	yes	
Debt Service Coverage - Proposed Debt				2.02	1.81	2.08	1.62	

[1] Current Variable Rate Varies due to tiered rate structure

[2] Estimated fund balance as of June 30, 2019 from City of Seaside

[3] Includes interest income, late fees, and penalties

[4] 33% of operating expenses plus debt service

Table 11: Meter Equivalents

Seaside Municipal Water System

Water Rate Study

Meter Size	# Meters	Max Flow Rate (GPM)	Flow Ratio	3/4" or less Meter Equivalents
3/4" or less	737	30	1	737
1" or less	26	50	1.7	43
1.5"	1	100	3.3	3
2"	1	160	5.3	5
3"	1	300	10.0	10
4"	0	500	16.7	0
6"	6	1000	33.3	200
Total				999

[1] American Water Works Association Standards, Manual M22, 2nd edition, 2004, page 62.

[2] Flow Ratio equal to 1" or less equivalent

Table 12: Fixed Meter Rate Calculation

Seaside Municipal Water System
Water Rate Study

Fixed Revenue Current Rates*	\$252,186
Meter Equivalent Units	999
Current \$/Meter Equivalent Unit	\$21.04

Fixed Rate Revenue

Effective Date	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Rate Revenue Increase - Table 10a	25%	20%	20%	15%	0%
Fixed Revenue Requirement [1]	\$315,233	\$378,279	\$453,935	\$522,025	\$522,025
Meter Equivalent Units (3/4" or less) [2]	999	999	999	999	999

Fixed Rate Calculation

Annually	\$315.55	\$378.66	\$454.39	\$522.55	\$522.55
Monthly	\$26.30	\$31.55	\$37.87	\$43.55	\$43.55

* Includes 3% delinquency factor

[1] Full year of fixed rate revenue with proposed increase

[2] From table 11

Table 13: Proposed Volumetric Rate Structure Calculation

Seaside Municipal Water System
Water Rate Study

Volumetric Revenue Current Rates*	\$467,067
Water Consumption (tcf)	827,696
Current \$/tcf consumption	\$0.56

Volumetric Rate Revenue

Effective Date	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Rate Revenue Increase - Table 10a	25%	20%	20%	15%	0%
Variable Revenue Requirement [1]	\$583,833	\$700,600	\$840,720	\$966,828	\$966,828

Tier 1 Rate Calculation

Tier 1 Variable Rate (\$/tcf)	\$0.71	\$0.85	\$1.02	\$1.17	\$1.17
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Tier 2 Rate Calculation

Exceeding NSY Assessment (\$/AF) - Actual	\$3,047	\$3,138	\$3,232	\$3,329	\$3,429
Exceeding NSY Assessment (\$/AF) - Adjusted [2]	\$2,872	\$2,872	\$2,958	\$3,047	\$3,138

Exceeding NSY Assessment (\$/AF) - Actual	\$0.70	\$0.72	\$0.74	\$0.76	\$0.79
Exceeding NSY Assessment (\$/tcf)	\$0.66	\$0.66	\$0.68	\$0.70	\$0.72
Tier 1 Variable Rate (\$/tcf)	\$0.71	\$0.85	\$1.02	\$1.17	\$1.17
Total Tier 2 Variable Rate (\$/tcf) - Actual	\$1.40	\$1.57	\$1.76	\$1.93	\$1.96
Total Tier 2 Variable Rate (\$/tcf) - Adjusted [2]	\$1.36	\$1.51	\$1.69	\$1.87	\$1.89

Total Annual Allocation (tcf)	827,696	827,696	827,696	827,696	827,696
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* Includes 3% revenue buffer

AF = Acre feet

tcf = 10 cubic feet or 74.8 gallons

[1] Full year of variable rate revenue with proposed increase

[2] Schedule of assessment costs delayed for a more gradual ramp up of rates

Table 14: Sample Monthly Bills (Based on Noticed Rates)

Seaside Municipal Water System

Water Rate Study

	Water Use tcf		Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Single Family - 3/4" Meter [1]	50.3	3/4" or less meter						
Tier 1 Consumption				50	49	49	49	37
Tier 2 Consumption				0.0	1.2	1.2	1.2	13.1
Estimated Bill			\$53.36	\$61.78	\$74.91	\$89.76	\$103.13	\$111.74
% Bill Increase				16%	21%	20%	15%	8%
Example School	4,000	571 students, 3" meter						
Tier 1 Consumption				3,263	3,263	2,471	2,471	2,471
Tier 2 Consumption				737	737	1,529	1,529	1,529
Estimated Bill			\$2,919.71	\$3,570.51	\$4,187.40	\$5,480.16	\$6,177.55	\$6,209.65
% Bill Increase				22%	17%	31%	13%	1%
Example Apartments	2,200	80 dwelling units, 3" meter						
Tier 1 Consumption				2,067	2,067	1,565	1,565	1,565
Tier 2 Consumption				133	133	635	635	635
Estimated Bill			\$1,386.21	\$1,902.72	\$2,265.67	\$3,044.57	\$3,449.50	\$3,462.82
% Bill Increase				37%	19%	34%	13%	0%
Example Church	400	2" meter						
Tier 1 Consumption				262	262	198	198	198
Tier 2 Consumption				138	138	202	202	202
Estimated Bill			\$413.70	\$513.41	\$597.89	\$745.18	\$840.53	\$844.76
% Bill Increase				24%	16%	25%	13%	1%

[1] Single Family Consumption based on Cal Am average single family usage 37.7 cgl converted to 50.3 tcf

APPENDIX B

Proposition 218 Notice



City of Seaside/Seaside Municipal Water System
440 Harcourt Avenue
Seaside, California 93955

Proposition 218 Notification NOTICE TO PROPERTY OWNERS OF PROPOSED WATER RATE INCREASES AND PUBLIC HEARING PROCEEDINGS

NOTICE IS HEREBY GIVEN, pursuant to Article XIII(D) of the California Constitution that the City of Seaside (City) / Seaside Municipal Water System (SMWS) is proposing to increase its rates for water services. The City Council will conduct a public hearing on this matter, which will be held on:

Date: September 5, 2019

Time: 7:00 P.M.

**Place: Seaside City Hall
440 Harcourt Ave. Seaside, California 93955**

The public hearing will review the proposed changes to fees for water service, and other related fees and charges. At the time of the public hearing, the Council will hear and consider all protests and objections concerning these matters. This notice has been sent to all utility customers as of the last address available. If there is no majority protest, the Council will consider and may adopt the increased rates by resolution. The proposed rate changes will become effective no sooner than 30 days after adoption of the approved rate change.

This Notice of Public Hearing provides information on the proposed water rate changes as required by State law. The ordinance for the proposed rate change is anticipated to be presented to the City Council for adoption in September or as soon as practical thereafter. This notice also provides information on how the rates are calculated, the reasons for the required rate changes, how customers can receive more information on the effect of the rate changes, and how to file a protest the proposed rate change.

For more information and questions please contact Misty Bradshaw at (831) 899-6825 or visit City Hall at 440 Harcourt Ave. Seaside, California 93955

Why Am I Receiving This Notice?

You are receiving this notice in accordance with Proposition 218, a state law which requires providers of public utility services (including water service) to notify rate payers of increases in proposed rates. Your property receives water service from the City of Seaside/SMWS.

This notice is intended to provide you with information on the service provided by the City, the reasons for the proposed rates, and the methods by which you can protest the proposed rates if you desire.

What Services Do Rates Fund?

The Seaside Municipal Water System provides continuous, year-round, potable water service to approximately 780 accounts in the City of Seaside.

Why is a Rate Increase Needed?

Rate increases are needed to keep City revenues in line with the cost of providing service. The water system faces expenses such as labor, water supply, energy, capital projects, and the cost of regular maintenance of the system.

The City currently receives water from the Seaside Groundwater Basin. The amount of groundwater available is limited and the City's water use is currently above the Natural Safe Yield (NSY) requirement determined by the Watermaster. The City will soon face a replenishment cost for the water use that exceeds the NSY.

Proposed Water Rates

The City's proposed water rates are composed of two parts, a fixed rate determined by water meter size and a variable rate determined by water use. Fixed rates are increased according to capacity ratios determined by the American Water Works Association. The proposed fixed rates are shown below.

Fixed Rates						
Water – Fixed Rates \$/meter	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Meter Size						
3/4" or less	\$25.32	\$26.30	\$31.55	\$37.87	\$43.55	\$43.55
1 Inch Meter	\$25.32	\$43.83	\$52.59	\$63.11	\$72.58	\$72.58
1.5 Inch Meter	\$82.20	\$87.65	\$105.18	\$126.22	\$145.15	\$145.15
2 Inch Meter	\$129.20	\$140.24	\$168.29	\$201.95	\$232.24	\$232.24
3 Inch Meter	\$225.21	\$262.96	\$315.55	\$378.66	\$435.46	\$435.46
4 Inch Meter		\$438.26	\$525.91	\$631.10	\$725.76	\$725.76
6 Inch Meter		\$876.52	\$1,051.83	\$1,262.19	\$1,451.52	\$1,451.52

Variable rates are levied according to two tiers. The first tier collects variable expenses from each customer class according to their NSY allowance as allocated by the Seaside Basin Watermaster. The second tier of water rates recovers the cost of exceeding the NSY assessment. The proposed variable rates are shown below.

Volumetric Rates

Water – Variable Rates \$/tcf	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Tier 1 Water Use (\$/tcf)	Varies	\$0.71	\$0.85	\$1.02	\$1.17	\$1.17
Tier 2 Water Use (\$/tcf)	Varies	\$1.36	\$1.51	\$1.69	\$1.87	\$1.89

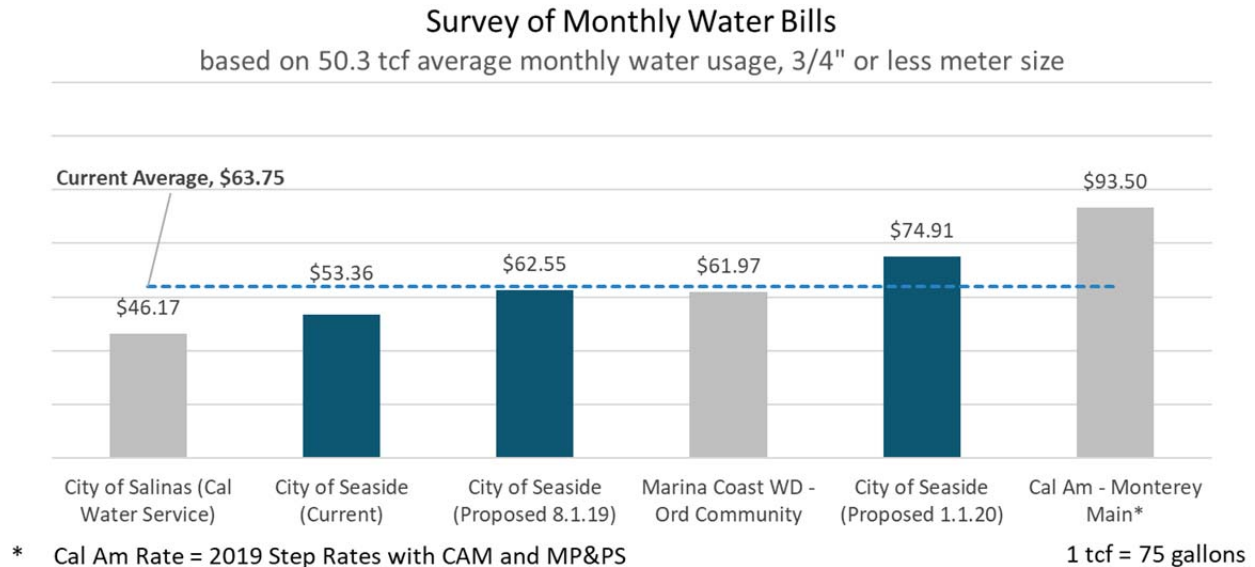
Each customer class is allocated Tier 1 water use according to an equitable distribution of the NSY of groundwater for the City of Seaside/SMWS. Water allocations for Tier 1 are shown below. All use above the Tier 1 allocation will be billed at the Tier 2 water rate.

Tier Allowances

Water – Tier 1 Water Allocation (tcf)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Single Family Residential (Per dwelling)	Varies	57	49	49	49	37
Multifamily No. 1 (Per meter)	Varies	9,547	8,165	8,165	8,165	6,182
Multifamily No. 2 (Per meter)	Varies	2,417	2,067	2,067	2,067	1,565
School No. 1 (Per student)	Varies	6,682	5,714	5,714	5,714	4,327
School No. 2 (Per student)	Varies	6,857	5,864	5,864	5,864	4,440
School No. 3 (Per student)	Varies	6,264	5,357	5,357	5,357	4,056
Church No. 1 (Per meter)	Varies	306	262	262	262	198
Church No. 2 (Per meter)	Varies	58	49	49	49	37
Fire Department	Varies	57	49	49	49	37

Residential Bill Impact

A survey of residential water bills in surrounding agencies is provided below. The City of Seaside is currently below the average monthly water bill for the area.



Public Notice and Majority Protest Process

The City of Seaside City Council will hold a public hearing as a part of the City Council meeting to be held on September 5, 2019 at 7:00 pm at City Hall, 440 Harcourt Avenue Seaside, California 93955.

Proposition 218 requires that public utility providers follow a strictly defined process for increasing fees such as water service rates. Customers directly responsible for the payment of the rates and/or property owners, if different, may submit a written protest against the rate changes. If the City receives written protests from a majority of the affected customers and/or property owners of the identified parcels, then the proposed rate changes cannot be adopted by the City Council. It is important to follow these instructions in order for your protest to be valid:

1. The protest must be in writing and received by the City Clerk at or before the close of the public hearing on September 5, 2019. The protest must specifically identify what is being protested. Written protests may be mailed or personally delivered to the City Clerk at City Hall – 440 Harcourt Avenue Seaside, California 93955
2. All written protests must include the service address
3. The protest must be signed by the person who is listed on the utility account and is responsible for paying the utility bill and/or the property owner. The name of the signer should also be printed legibly. Only one protest will be counted for each property.

For more information and questions please contact Misty Bradshaw at (831) 899-6825 or visit City Hall at 440 Harcourt Ave. Seaside, California 93955

Seaside Municipal Water System Water Rate Study 2019



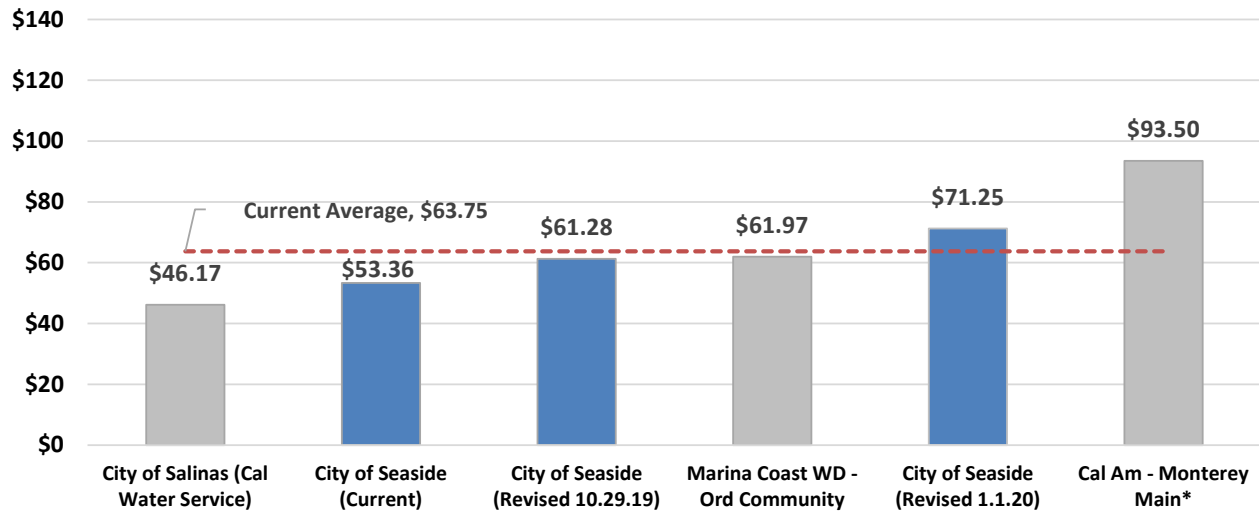
Revised Tables - Reduced Rate Scenario 10/10/2019



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

Figure 1: Water Rate Survey

Seaside Municipal Water System
Water Rate Study



*Cal Am Rate = 2019 Step Rates with CAM and MP&PS

Table ES-1**Executive Summary - October 2019 Revised Fixed Meter Rates**

		Proposed Rates (\$/Month)				
Current						
WATER		10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Meter Size						
3/4" or less	\$25.32	\$26.09	\$30.00	\$34.50	\$39.67	\$39.67
1 Inch Meter	\$25.32	\$43.48	\$50.00	\$57.50	\$66.12	\$66.12
1.5 Inch Meter	\$82.20	\$86.95	\$99.99	\$114.99	\$132.24	\$132.24
2 Inch Meter	\$129.20	\$139.12	\$159.99	\$183.99	\$211.59	\$211.59
3 Inch Meter	\$225.21	\$260.85	\$299.98	\$344.98	\$396.73	\$396.73
4 Inch Meter		\$434.76	\$499.97	\$574.96	\$661.21	\$661.21
6 Inch Meter		\$869.51	\$999.94	\$1,149.93	\$1,322.42	\$1,322.42

Based on revised capital plan and debt issuance recommendations = lower than prop 218 noticed rates

Table ES-2

Executive Summary - October 2019 Revised Volumetric Water Rates

WATER	Current Monthly Rates	
Current Residential Allocations per Month		(\$/tcf)
Tier 1	0 - 40	\$0.387
Tier 2	40 - 100	\$0.837
Tier 3	100 - 200	\$1.356
Tier 4	200 - 300	\$1.935
Tier 5	300 - 400	\$2.653
Tier 6	400 +	\$3.462

		10/29/2019		1/1/2020		1/1/2021		1/1/2022		1/1/2023	
Proposed Volumetric Rates	(\$/tcf)	Tier 1 \$0.70	Tier 2 \$1.36	Tier 1 \$0.80	Tier 2 \$1.46	Tier 1 \$0.93	Tier 2 \$1.60	Tier 1 \$1.06	Tier 2 \$1.76	Tier 1 \$1.06	Tier 2 \$1.78
Proposed Allocations per Month [1]		Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2
Single Family Residential (per dwelling)	(tcf)	0 to 57	57 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Multifamily #1 (per meter)	(tcf)	0 to 9,547	9,547 +	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 6,182	6,182 +
Multifamily #2 (per meter)	(tcf)	0 to 2,417	2,417 +	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 1,565	1,565 +
School #1 (per student)	(tcf)	0 to 6.682	6.682 +	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 4.327	4.327 +
School #2 (per student)	(tcf)	0 to 6.857	6.857 +	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 4.440	4.440 +
School #3 (per student)	(tcf)	0 to 6.264	6.264 +	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 4.056	4.056 +
Church #1 (per meter)	(tcf)	0 to 306	306 +	0 to 262	262 +	0 to 262	262 +	0 to 262	262 +	0 to 198	198 +
Church #2 (per meter)	(tcf)	0 to 58	58 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Fire Department	(tcf)	0 to 57	57 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Proposed Temporary Account Rates	(\$/tcf)	\$1.36		\$1.46		\$1.60		\$1.76		\$1.78	

tcf = 10 cubic feet or 74.8 gallons

1 - Source: City of Seaside

Based on revised capital plan and debt issuance recommendations = lower than prop 218 noticed rates

Table ES-3
Water Volume Conversion Factors

1 ccf = 10 tcf = 100 cubic feet = 748 gallons = 7.5 cgl

1 tcf = 10 cubic feet = 74.8 gallons = 0.75 cgl

1 cgl = 100 gallons = 1.34 tcf

Table 1: Current Rates as of January 1, 2015

Seaside Municipal Water System

Water Rate Study

2015 Monthly Meter Charges			
Meter Size	Base Charges	Watermaster Fixed Expenses	Total
5/8"	\$15.32	\$10.00	\$25.32
1"	\$15.32	\$10.00	\$25.32
1.5"	\$72.20	\$10.00	\$82.20
2"	\$119.20	\$10.00	\$129.20
3"	\$215.21	\$10.00	\$225.21

Monthly Consumption Charges (\$/ccf)					
Residential			Parks (on a per acre basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	0 - 4	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	4 - 10	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	10 - 20	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	20 - 30	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	30 - 40	\$2.65	\$26.53
40 +	\$3.46	\$34.62	40 +	\$3.46	\$34.62
Multifamily (per dwelling)			Schools (on a per student basis)		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 4	\$0.39	\$3.87	1	\$0.57	\$5.69
4 - 10	\$0.84	\$8.37	1 - 3	\$0.84	\$8.37
10 - 20	\$1.36	\$13.56	3 - 4	\$1.36	\$13.56
20 - 30	\$1.94	\$19.35	4 - 5	\$1.94	\$19.35
30 - 40	\$2.65	\$26.53	5 - 6	\$2.65	\$26.53
40 +	\$3.46	\$34.62	6 +	\$3.46	\$34.62
Church #1			Church #2		
Consumption (ccf)	\$/tcf	\$/ccf	Consumption (ccf)	\$/tcf	\$/ccf
0 - 60	\$0.57	\$5.69	0 - 14	\$0.57	\$5.69
60 - 70	\$0.84	\$8.37	14 - 24	\$0.84	\$8.37
70 - 80	\$1.36	\$13.56	24 - 34	\$1.36	\$13.56
80 - 90	\$1.94	\$19.35	34 - 44	\$1.94	\$19.35
90 - 100	\$2.65	\$26.53	44 - 54	\$2.65	\$26.53
100 +	\$3.46	\$34.62	54 +	\$3.46	\$34.62

ccf = 100 cubic feet or 748 gallons

tcf = 74.8 gallons

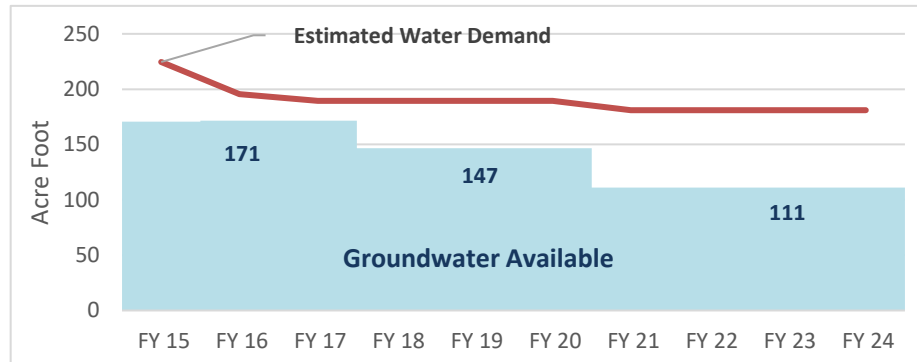
Table 2: Watermaster Natural Safe Yield Analysis

Seaside Municipal Water System
Water Rate Study

	Projected FYE 2018	Projected FYE 2019	Projected FYE 2020	Projected FYE 2021	Projected FYE 2022	Projected FYE 2023	Projected FYE 2024
Estimated Usage (Acre Feet)							
Natural Safe Yield (NSY)	147	147	147	111	111	111	111
Exceeding Natural Safe Yield	0	0	0	0	0	0	0
Over Draft	43	43	43	70	70	70	70
Estimated Water Demand	190	190	190	181	181	181	181

Estimated Costs

Natural Safe Yield (NSY) - Acre Feet	147	147	147	111	111	111	111
Unit cost	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Exceeding NSY - Acre Feet	43	43	43	70	70	70	70
Unit Cost [1]	\$2,872	\$2,958	\$3,047	\$3,138	\$3,232	\$3,329	\$3,429
Total Replenishment Assessment	\$123,496	\$127,201	\$131,017	\$219,682	\$226,272	\$233,060	\$240,052



All water production units in Acre-Feet
NSY = Natural Safe Yield

1 - FY 2018 actual provided by Watermaster, 3% estimated cost escalation thereafter

Table 3: Water BudgetsSeaside Municipal Water System
Water Rate Study

			FYE 2017	FYE 2018	FYE 2019	FYE 2020	FYE 2021	FYE 2022	FYE 2023	FYE 2024
			Tier 1	Tier 1	Tier 1	Tier 1	Tier 1	Tier 1	Tier 1	Tier 1
Annual Tier Allocation (AF)			171	147	147	147	111	111	111	111
Per Month Allocation (tcf)			62,226	53,216	53,216	53,216	40,296	40,296	40,296	40,296
				(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)	(tcf/mo)
<u>Residential</u>	<u>Units</u>	<u>Monthly Water Budget</u>								
Single-Family Residential	752	Per Dwelling	57	49	49	49	37	37	37	37
Multi-Family #1	1	Per Meter	9,547	8,165	8,165	8,165	6,182	6,182	6,182	6,182
Multi-Family #2	1	Per Meter	2,417	2,067	2,067	2,067	1,565	1,565	1,565	1,565
<u>Schools</u>										
School #1	571	Per Student	6.682	5.714	5.714	5.714	4.327	4.327	4.327	4.327
School #2	208	Per Student	6.857	5.864	5.864	5.864	4.440	4.440	4.440	4.440
School #3	225	Per Student	6.264	5.357	5.357	5.357	4.056	4.056	4.056	4.056
<u>Churches</u>										
Church - #1	1	Per Meter	306	262	262	262	198	198	198	198
Church #2	1	Per Meter	58	49	49	49	37	37	37	37
<u>Other</u>										
Fire Department	1	Per Station	57	49	49	49	37	37	37	37

tcf = ten cubic feet = 74.8 gallons

Table 4: Consumption - FYE 2015

Seaside Municipal Water System
Water Rate Study

Meter Size	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Total by Meter	
							Size	
3/4" or below	29,894	15,731	2,788	143	32	37	48,625	
1"	981	730	170	3	0	0	1,884	
1.5"	48	72	101	11	0	0	232	
2"	520	27	20	20	14	8	609	
3"	19,764	6,310	6	0	0	0	26,080	
Total (ccf)	51,207	22,870	3,085	177	46	45	77,430	
<i>Total (tcf)</i>	<i>512,070</i>	<i>228,700</i>	<i>30,850</i>	<i>1,770</i>	<i>460</i>	<i>450</i>	<i>774,300</i>	

Class	Tier 1	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Total By Class	Variable Revenue
Residential	30,689	16,404	2,958	146	32	37	50,266	\$301,133
Apartment	12,362	3,830	0	0	0	0	16,192	\$79,898
Church	688	84	20	20	14	8	834	\$7,104
Fire Department	48	72	101	11	0	0	232	\$2,458
School	7,402	2,480	6	0	0	0	9,888	\$62,956
Parks	18	0	0	0	0	0	18	\$102
Total (ccf)	51,207	22,870	3,085	177	46	45	77,430	\$453,653
<i>Total (tcf)</i>	<i>512,070</i>	<i>228,700</i>	<i>30,850</i>	<i>1,770</i>	<i>460</i>	<i>450</i>	<i>774,300</i>	

Source: City of Seaside Consumption Data FY2014/2015

Table 5: Meters by Class and Size - FY 2019

Seaside Municipal Water System

Water Rate Study

	Residential	Fire Department	School	Apartment	Parks	Church	Total
3/4" or less	729	0	0	0	7	1	737
1"	23	0	0	0	3	0	26
1.5"	0	1	0	0	0	0	1
2"	0	0	0	0	0	1	1
3"	0	0	0	1	0	0	1
4"	0	0	0	0	0	0	0
6"	<u>0</u>	<u>0</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>6</u>
	752	1	3	2	12	2	772

Source: City of Seaside, by email March 2019

Table 6: Estimated RevenueSeaside Municipal Water System
Water Rate Study

Class / Meter Size	No. of Meters	Fixed Monthly Rate [1]	Fixed	Variable	Total
Residential					
3/4" or less	729	\$25.32	\$221,499	\$291,923	\$513,423
1"	23	\$25.32	\$6,988	\$9,210	\$16,199
Fire Department					
1.5"	1	\$82.20	\$986	\$2,371	\$3,357
School					
6" [2]	3	\$225.21	\$8,108	\$62,956	\$71,064
Church					
3/4" or less	1	\$25.32	\$304	\$1,433	\$1,737
2"	1	\$129.20	\$1,550	\$5,671	\$7,222
Apartment					
3"	1	\$225.21	\$2,703	\$39,949	\$42,652
6" [2]	1	\$225.21	\$2,703	\$39,949	\$42,652
	760				
Total estimated FY2019 Service Revenue [3]			\$244,841	\$453,463	\$698,304
			35%	65%	

[1] Fixed Monthly Rate includes Watermaster Fixed Expenses charge (from Table 3)

[2] No current rate for 6" meter

[2] Does not include MPWMD surcharge or utility tax revenue

Table 7: Budgeted and Projected O&M ExpensesSeaside Municipal Water System
Water Rate Study

	% Fixed	% Variable	Current FY 2019	Escalation %	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Salaries	50%	50%	\$75,853	3%	\$78,129	\$80,472	\$82,887	\$85,373	\$87,934
Overtime	50%	50%	\$200	3%	\$206	\$212	\$219	\$225	\$232
Workers Compensation	40%	60%	\$306	3%	\$315	\$325	\$334	\$344	\$355
Managment Leave Payoff	40%	60%	\$200	3%	\$206	\$212	\$219	\$225	\$232
Vacation/Comp Time Payoff	40%	60%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Deferred Compensation	40%	60%	\$240	3%	\$247	\$255	\$262	\$270	\$278
Pers Pension Ob Bond	40%	60%	\$399	3%	\$411	\$423	\$436	\$449	\$463
Pers Pension	40%	60%	\$19,177	3%	\$19,752	\$20,345	\$20,955	\$21,584	\$22,231
Pars Pension	40%	60%	\$993	3%	\$1,023	\$1,053	\$1,085	\$1,118	\$1,151
Medical Insurance	40%	60%	\$16,233	3%	\$16,720	\$17,222	\$17,738	\$18,270	\$18,818
Dental Insurance-Guardian	40%	60%	\$1,232	3%	\$1,269	\$1,307	\$1,346	\$1,387	\$1,428
Vision Insurance	40%	60%	\$125	3%	\$129	\$133	\$137	\$141	\$145
LTD	40%	60%	\$329	3%	\$339	\$349	\$360	\$370	\$381
Life Insurance	40%	60%	\$393	3%	\$405	\$417	\$429	\$442	\$456
Medicare Tax	40%	60%	\$1,100	3%	\$1,133	\$1,167	\$1,202	\$1,238	\$1,275
Legal Costs	40%	60%	\$20,000	3%	\$20,600	\$21,218	\$21,855	\$22,510	\$23,185
Training & Education	40%	60%	\$1,500	3%	\$1,545	\$1,591	\$1,639	\$1,688	\$1,739
Fitness Program	40%	60%	\$54	3%	\$56	\$57	\$59	\$61	\$63
State And Agency Fees	40%	60%	\$5,000	3%	\$5,150	\$5,305	\$5,464	\$5,628	\$5,796
Outside Printing Service	40%	60%	\$7,000	3%	\$7,210	\$7,426	\$7,649	\$7,879	\$8,115
Lockbox Service	40%	60%	\$10,000	3%	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593
Contract Services	40%	60%	\$8,000	3%	\$8,240	\$8,487	\$8,742	\$9,004	\$9,274
Stationary Supplies	40%	60%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Department Consumables	40%	60%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Safety Equipment	10%	90%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Meetings & Travel	40%	60%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Dues & Membership	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Books & Periodicals	40%	60%	\$200	3%	\$206	\$212	\$219	\$225	\$232
Postage	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Water Rebates	0%	100%	\$5,000	3%	\$5,150	\$5,305	\$5,464	\$5,628	\$5,796
Vehicle Maintenance	40%	60%	\$9,500	3%	\$9,785	\$10,079	\$10,381	\$10,692	\$11,013
Liability Insurance	40%	60%	\$6,000	3%	\$6,180	\$6,365	\$6,556	\$6,753	\$6,956
Computer System	40%	60%	\$19,400	3%	\$19,982	\$20,581	\$21,199	\$21,835	\$22,490
Central Service Charges	30%	70%	\$180,455	3%	\$185,869	\$191,445	\$197,188	\$203,104	\$209,197
Bad Debt - Write Off	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Salaries	50%	50%	\$140,045	3%	\$144,246	\$148,574	\$153,031	\$157,622	\$162,351
Overtime	50%	50%	\$13,000	3%	\$13,390	\$13,792	\$14,205	\$14,632	\$15,071
Workers Compensation	40%	60%	\$10,096	3%	\$10,399	\$10,711	\$11,032	\$11,363	\$11,704
Managment Leave Payoff	40%	60%	\$500	3%	\$515	\$530	\$546	\$563	\$580
Vacation/Comp Time Payoff	40%	60%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Deferred Compensation	40%	60%	\$1,200	3%	\$1,236	\$1,273	\$1,311	\$1,351	\$1,391
Pers Pension Ob Bond	40%	60%	\$1,309	3%	\$1,348	\$1,389	\$1,430	\$1,473	\$1,517
Pers Pension	40%	60%	\$35,437	3%	\$36,500	\$37,595	\$38,723	\$39,885	\$41,081
Pars Pension	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Liuna Pension	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Medical Insurance	40%	60%	\$29,845	3%	\$30,740	\$31,663	\$32,612	\$33,591	\$34,599
Dental Insurance	40%	60%	\$2,112	3%	\$2,175	\$2,241	\$2,308	\$2,377	\$2,448
Vision Insurance	40%	60%	\$218	3%	\$225	\$231	\$238	\$245	\$253
LTD	40%	60%	\$284	3%	\$293	\$301	\$310	\$320	\$329
Life Insurance	40%	60%	\$210	3%	\$216	\$223	\$229	\$236	\$243
Medicare Tax	40%	60%	\$2,031	3%	\$2,092	\$2,155	\$2,219	\$2,286	\$2,354
Consultant	40%	60%	\$3,000	3%	\$3,090	\$3,183	\$3,278	\$3,377	\$3,478
Fitness Program	40%	60%	\$0	3%	\$0	\$0	\$0	\$0	\$0
Uniform Service/Laundry	40%	60%	\$2,000	3%	\$2,060	\$2,122	\$2,185	\$2,251	\$2,319
Water Sampling	10%	90%	\$10,000	3%	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593
Subcontracted Work	50%	50%	\$20,000	3%	\$20,600	\$21,218	\$21,855	\$22,510	\$23,185
Department Consumables	40%	60%	\$15,000	3%	\$15,450	\$15,914	\$16,391	\$16,883	\$17,389
Tools	10%	90%	\$1,000	3%	\$1,030	\$1,061	\$1,093	\$1,126	\$1,159
Gas & Electric	10%	90%	\$60,000	3%	\$61,800	\$63,654	\$65,564	\$67,531	\$69,556
Department Equipment	10%	90%	\$114,000	3%	\$117,420	\$120,943	\$124,571	\$128,308	\$132,157
Payment On Principal	40%	60%	\$4,944	3%	\$5,092	\$5,245	\$5,402	\$5,565	\$5,731
Interest Expense	40%	60%	\$480	3%	\$494	\$509	\$525	\$540	\$556
Watermaster Fixed Expenses [1]	100%	0%	\$18,572	3%	\$19,130	\$19,704	\$20,295	\$20,903	\$21,531
Total All Expenses			\$883,172		\$909,668	\$936,958	\$965,066	\$994,018	\$1,023,839
Total Fixed Costs [2]	35%		\$313,177		\$322,572	\$332,249	\$342,217	\$352,483	\$363,058
Total Variable Costs [2]	65%		\$569,996		\$587,096	\$604,708	\$622,850	\$641,535	\$660,781

1 - Source: supplementary documents provided by City of Seaside

Table 8: Capital Improvement Projects - October 2019 Reduced Funding Scenario

Seaside Municipal Water System

Water Rate Study

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Out Years [1]	Project Total
Water Security Upgrades	\$0	\$90,000	\$300,000	\$0	\$0	\$0	\$0	\$390,000
Well Replacement	\$0	\$350,000	\$1,000,000	\$600,000	\$0	\$0	\$0	\$1,950,000
Master Plan / Rate Study	\$0	\$0	\$0	\$170,000	\$150,000	\$50,000	\$20,000	\$390,000
Tank Improvements Project	\$0	\$440,000	\$0	\$20,000	\$0	\$740,000	\$0	\$1,200,000
Alternative Water Source	\$0	\$0	\$0	\$80,000	\$10,000	\$30,000	\$890,000	\$1,010,000
Arc Flash Hazard Mitigation	\$0	\$30,000	\$90,000					\$120,000
<u>Capital Improvements</u>	<u>\$130,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$50,000</u>	<u>\$100,000</u>	<u>\$50,000</u>	<u>\$100,000</u>	<u>\$430,000</u>
Total CIP Improvements	\$130,000	\$910,000	\$1,390,000	\$920,000	\$260,000	\$870,000	\$1,010,000	\$5,490,000

Source: Water CIP 2019, revised by Rick Reidl via email 9/20/2019

[1] Assumed to be spread out over three years, FY 2025 - FY 2027

Table 9: Long Term Debt

Seaside Municipal Water System
Water Rate Study

	FYE 2019	FYE 2020	FYE 2021	FYE 2022	FYE 2023	FYE 2024
Current Debt						
Internal Pension Liability [1]	17,500	17,500	17,500	17,500	17,500	17,500
Total Current Debt	17,500	17,500	17,500	17,500	17,500	17,500

Proposed Debt for Capital Funding FY 2020 and FY 2023

	#1 FY 2020	#2 FY 2023
	20-yr Bond	20-yr Bond
Total Debt Issue Size	\$3,400,000	\$1,300,000
Proceeds For Construction	\$3,200,500	\$1,121,500
Financial Advisor	\$50,000	\$50,000
Bond Counsel	50,000	50,000
Placement Agent Fee	0	0
Disclosure Counsel	25,000	25,000
Printing	2,000	2,000
Escrow Agent		
Trustee	3,500	3,500
Ratings	25,000	25,000
Misc/computer/legal review	10,000	10,000
Total Costs of Issuance	165,500	165,500
Underwriter's Discount (%)	1.00%	1.00%
Underwriter's Discount/Bank Fee (\$)	34,000	13,000
Total All Costs	199,500	178,500
Principal Maturities	20	20
Assumed Avg Interest Rate (Revised Oct 2019)	3.5%	3.5%
Average Interest Payment	119,000	45,500
Average Annual Principal Payment	120,228	45,969
Total Average Annual Payment	\$239,225	\$91,469
Total of All Payments	4,784,493	1,829,388
Present Value of Payments ¹	3,400,000	1,300,000
[1] Discounted at assumed borrowing rate.		
Total Costs as % of Issue	5.9%	13.7%
Total Payments	4,784,493	1,829,328
Debt Service Factor (\$/\$1M proceeds)	\$74,746	\$81,560

	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Total Debt Service						
Current Debt Service [1]	17,500	17,500	17,500	17,500	17,500	17,500
Proposed Debt Payments [2]	0	0	119,000	239,225	239,225	284,725
Total Long Term Debt	17,500	17,500	136,500	256,725	256,725	302,225

[1] Net Pension Liability, \$263,774, 15 year payoff

[2] Two 20 Year Bonds - Placeholder Assumption

Receive proceeds for construction in FY2020 and FY 2023, debt service begins following year. Interest only payment in first year

Table 10: Operating Cash Flow - Revised October 2019

Seaside Municipal Water System
Water Rate Study

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Overall Rate Increase		24% + 15%	15%	15%	0%	0%
Effective Date		10/29/2019 1/1/2020	1/1/2021	1/1/2022	1/1/2023	1/1/2024
Beginning Balance [2]		\$700,424	\$2,963,424	\$1,627,924	\$779,199	\$1,771,975
Operating Revenues		add'l revenue				
Base Charge	\$244,841	\$132,000 + \$175,000	\$387,000	\$445,000	\$476,000	\$476,000
Variable Charge	\$453,463	\$245,000 + \$323,000	\$716,000	\$823,000	\$881,000	\$881,000
All other operating revenue [3]	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Total Operating Revenue	\$723,304	\$402,000 \$498,000	\$1,128,000	\$1,293,000	\$1,382,000	\$1,382,000
		\$900,000				
Non-operating Revenue						
Proposed Debt - Proceeds for Construction	\$0	\$3,200,500	\$0	\$0	\$1,121,500	\$0
Total Non-operating Revenue	\$0	\$3,200,500	\$0	\$0	\$1,121,500	\$0
Total Operating Expenses	\$883,000	\$910,000	\$937,000	\$965,000	\$994,000	\$1,024,000
Long Term Debt & Pensions						
Internal Pension Liability	\$17,500	\$17,500	\$17,500	\$17,500	\$17,500	\$17,500
Proposed Loan	\$0	\$0	\$119,000	\$239,225	\$239,225	\$284,725
Total Long Term Debt	\$17,500	\$17,500	\$136,500	\$256,725	\$256,725	\$302,225
Capital Projects	\$130,000	\$910,000	\$1,390,000	\$920,000	\$260,000	\$870,000
Ending Balance		\$2,963,424	\$1,627,924	\$779,199	\$1,771,975	\$957,750
Minimum Fund Balance Target [4]		\$317,800	\$445,710	\$575,175	\$584,745	\$640,145
Reserve Target Met?		yes	yes	yes	yes	yes
Debt Service Coverage - Proposed Debt (Target 1.25x)			1.61	1.37	1.62	1.26

- [1] Current Variable Rate Varies due to tiered rate structure
[2] Estimated fund balance as of June 30, 2019 from City of Seaside
[3] Includes interest income, late fees, and penalties
[4] 33% of operating expenses plus debt service

Table 11: Meter Equivalents

Seaside Municipal Water System

Water Rate Study

Meter Size	# Meters	Max Flow Rate (GPM)	Flow Ratio	3/4" or less Meter Equivalents
3/4" or less	737	30	1	737
1" or less	26	50	1.7	43
1.5"	1	100	3.3	3
2"	1	160	5.3	5
3"	1	300	10.0	10
4"	0	500	16.7	0
6"	6	1000	33.3	200
Total				999

[1] American Water Works Association Standards, Manual M22, 2nd edition, 2004, page 62.

[2] Flow Ratio equal to 1" or less equivalent

Table 12: Fixed Meter Rate Calculation

Seaside Municipal Water System
Water Rate Study

Fixed Revenue Current Rates*	\$252,186
Meter Equivalent Units	999
Current \$/Meter Equivalent Unit	\$21.04

Fixed Rate Revenue

Effective Date	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Rate Revenue Increase - Table 10a	24%	15%	15%	15%	0%
Fixed Revenue Requirement [1]	\$312,711	\$359,617	\$413,560	\$475,594	\$475,594
Meter Equivalent Units (3/4" or less) [2]	999	999	999	999	999

Fixed Rate Calculation

Annually	\$313.02	\$359.98	\$413.97	\$476.07	\$476.07
Monthly	\$26.09	\$30.00	\$34.50	\$39.67	\$39.67

* Includes 3% delinquency factor

[1] Full year of fixed rate revenue with proposed increase

[2] From table 11

Table 13: Proposed Volumetric Rate Structure Calculation

Seaside Municipal Water System
Water Rate Study

Volumetric Revenue Current Rates*	\$467,067
Water Consumption (tcf)	827,696
Current \$/tcf consumption	\$0.56

Volumetric Rate Revenue

Effective Date	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Rate Revenue Increase - Table 10a	24%	15%	15%	15%	0%
Variable Revenue Requirement [1]	\$579,163	\$666,037	\$765,943	\$880,834	\$880,834

Tier 1 Rate Calculation

Tier 1 Variable Rate (\$/tcf)	\$0.70	\$0.80	\$0.93	\$1.06	\$1.06
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Tier 2 Rate Calculation

Exceeding NSY Assessment (\$/AF) - Actual	\$3,047	\$3,138	\$3,232	\$3,329	\$3,429
Exceeding NSY Assessment (\$/AF) - Adjusted [2]	\$2,872	\$2,872	\$2,958	\$3,047	\$3,138

Exceeding NSY Assessment (\$/AF) - Actual	\$0.70	\$0.72	\$0.74	\$0.76	\$0.79
Exceeding NSY Assessment (\$/tcf)	\$0.66	\$0.66	\$0.68	\$0.70	\$0.72
Tier 1 Variable Rate (\$/tcf)	\$0.70	\$0.80	\$0.93	\$1.06	\$1.06
Total Tier 2 Variable Rate (\$/tcf) - Actual	\$1.40	\$1.53	\$1.67	\$1.83	\$1.85
Total Tier 2 Variable Rate (\$/tcf) - Adjusted [2]	\$1.36	\$1.46	\$1.60	\$1.76	\$1.78

Total Annual Allocation (tcf)	827,696	827,696	827,696	827,696	827,696
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* Includes 3% revenue buffer

AF = Acre feet

tcf = 10 cubic feet or 74.8 gallons

[1] Full year of variable rate revenue with proposed increase

[2] Schedule of assessment costs delayed for a more gradual ramp up of rates

Table 14: Sample Monthly Bills (Based on Revised October 2019 Rates)

Seaside Municipal Water System

Water Rate Study

	Water Use tcf		Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Single Family - 3/4" Meter [1]	50.3	3/4" or less meter						
Tier 1 Consumption				50	49	49	49	37
Tier 2 Consumption				0.0	1.2	1.2	1.2	13.1
Estimated Bill			\$53.36	\$61.28	\$71.25	\$81.85	\$94.03	\$102.64
% Bill Increase				15%	16%	15%	15%	9%
Example School	4,000	571 students, 3" meter						
Tier 1 Consumption				3,263	3,263	2,471	2,471	2,471
Tier 2 Consumption				737	737	1,529	1,529	1,529
Estimated Bill			\$2,919.71	\$3,545.84	\$4,004.80	\$5,085.10	\$5,723.24	\$5,755.33
% Bill Increase				21%	13%	27%	13%	1%
Example Apartments	2,200	80 dwelling units, 3" meter						
Tier 1 Consumption				2,067	2,067	1,565	1,565	1,565
Tier 2 Consumption				133	133	635	635	635
Estimated Bill			\$1,386.21	\$1,888.20	\$2,158.24	\$2,812.13	\$3,182.19	\$3,195.52
% Bill Increase				36%	14%	30%	13%	0%
Example Church	400	2" meter						
Tier 1 Consumption				262	262	198	198	198
Tier 2 Consumption				138	138	202	202	202
Estimated Bill			\$413.70	\$510.03	\$572.89	\$691.08	\$778.31	\$782.54
% Bill Increase				23%	12%	21%	13%	1%

[1] Single Family Consumption based on Cal Am average single family usage 37.7 cgl converted to 50.3 tcf



City of Seaside/Seaside Municipal Water System
440 Harcourt Avenue
Seaside, California 93955

Proposition 218 Notification NOTICE TO PROPERTY OWNERS OF PROPOSED WATER RATE INCREASES AND PUBLIC HEARING PROCEEDINGS

NOTICE IS HEREBY GIVEN, pursuant to Article XIII(D) of the California Constitution that the City of Seaside (City) / Seaside Municipal Water System (SMWS) is proposing to increase its rates for water services. The City Council will conduct a public hearing on this matter, which will be held on:

Date: September 5, 2019

Time: 7:00 P.M.

**Place: Seaside City Hall
440 Harcourt Ave. Seaside, California 93955**

The public hearing will review the proposed changes to fees for water service, and other related fees and charges. At the time of the public hearing, the Council will hear and consider all protests and objections concerning these matters. This notice has been sent to all utility customers as of the last address available. If there is no majority protest, the Council will consider and may adopt the increased rates by resolution. The proposed rate changes will become effective no sooner than 30 days after adoption of the approved rate change.

This Notice of Public Hearing provides information on the proposed water rate changes as required by State law. The ordinance for the proposed rate change is anticipated to be presented to the City Council for adoption in September or as soon as practical thereafter. This notice also provides information on how the rates are calculated, the reasons for the required rate changes, how customers can receive more information on the effect of the rate changes, and how to file a protest the proposed rate change.

For more information and questions please contact Misty Bradshaw at (831) 899-6825 or visit City Hall at 440 Harcourt Ave. Seaside, California 93955

Why Am I Receiving This Notice?

You are receiving this notice in accordance with Proposition 218, a state law which requires providers of public utility services (including water service) to notify rate payers of increases in proposed rates. Your property receives water service from the City of Seaside/SMWS.

This notice is intended to provide you with information on the service provided by the City, the reasons for the proposed rates, and the methods by which you can protest the proposed rates if you desire.

What Services Do Rates Fund?

The Seaside Municipal Water System provides continuous, year-round, potable water service to approximately 780 accounts in the City of Seaside.

Why is a Rate Increase Needed?

Rate increases are needed to keep City revenues in line with the cost of providing service. The water system faces expenses such as labor, water supply, energy, capital projects, and the cost of regular maintenance of the system.

The City currently receives water from the Seaside Groundwater Basin. The amount of groundwater available is limited and the City's water use is currently above the Natural Safe Yield (NSY) requirement determined by the Watermaster. The City will soon face a replenishment cost for the water use that exceeds the NSY.

Proposed Water Rates

The City's proposed water rates are composed of two parts, a fixed rate determined by water meter size and a variable rate determined by water use. Fixed rates are increased according to capacity ratios determined by the American Water Works Association. The proposed fixed rates are shown below.

Fixed Rates						
Water – Fixed Rates \$/meter	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Meter Size						
3/4" or less	\$25.32	\$26.30	\$31.55	\$37.87	\$43.55	\$43.55
1 Inch Meter	\$25.32	\$43.83	\$52.59	\$63.11	\$72.58	\$72.58
1.5 Inch Meter	\$82.20	\$87.65	\$105.18	\$126.22	\$145.15	\$145.15
2 Inch Meter	\$129.20	\$140.24	\$168.29	\$201.95	\$232.24	\$232.24
3 Inch Meter	\$225.21	\$262.96	\$315.55	\$378.66	\$435.46	\$435.46
4 Inch Meter		\$438.26	\$525.91	\$631.10	\$725.76	\$725.76
6 Inch Meter		\$876.52	\$1,051.83	\$1,262.19	\$1,451.52	\$1,451.52

Variable rates are levied according to two tiers. The first tier collects variable expenses from each customer class according to their NSY allowance as allocated by the Seaside Basin Watermaster. The second tier of water rates recovers the cost of exceeding the NSY assessment. The proposed variable rates are shown below.

Volumetric Rates

Water – Variable Rates \$/tcf	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Tier 1 Water Use (\$/tcf)	Varies	\$0.71	\$0.85	\$1.02	\$1.17	\$1.17
Tier 2 Water Use (\$/tcf)	Varies	\$1.36	\$1.51	\$1.69	\$1.87	\$1.89

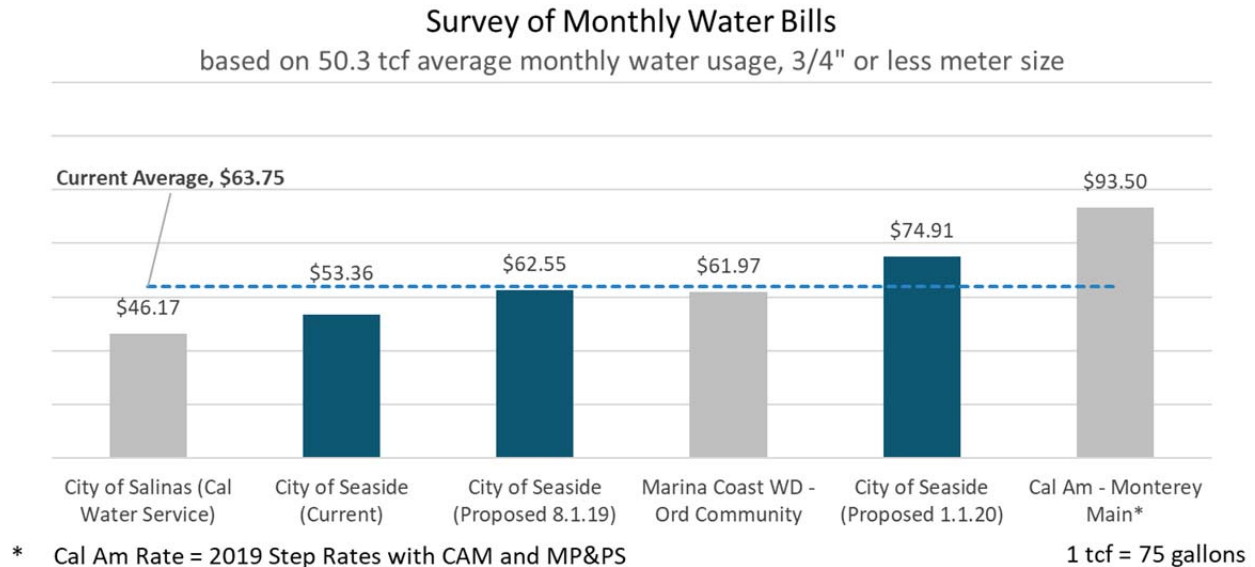
Each customer class is allocated Tier 1 water use according to an equitable distribution of the NSY of groundwater for the City of Seaside/SMWS. Water allocations for Tier 1 are shown below. All use above the Tier 1 allocation will be billed at the Tier 2 water rate.

Tier Allowances

Water – Tier 1 Water Allocation (tcf)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Current	10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Single Family Residential (Per dwelling)	Varies	57	49	49	49	37
Multifamily No. 1 (Per meter)	Varies	9,547	8,165	8,165	8,165	6,182
Multifamily No. 2 (Per meter)	Varies	2,417	2,067	2,067	2,067	1,565
School No. 1 (Per student)	Varies	6,682	5,714	5,714	5,714	4,327
School No. 2 (Per student)	Varies	6,857	5,864	5,864	5,864	4,440
School No. 3 (Per student)	Varies	6,264	5,357	5,357	5,357	4,056
Church No. 1 (Per meter)	Varies	306	262	262	262	198
Church No. 2 (Per meter)	Varies	58	49	49	49	37
Fire Department	Varies	57	49	49	49	37

Residential Bill Impact

A survey of residential water bills in surrounding agencies is provided below. The City of Seaside is currently below the average monthly water bill for the area.



Public Notice and Majority Protest Process

The City of Seaside City Council will hold a public hearing as a part of the City Council meeting to be held on September 5, 2019 at 7:00 pm at City Hall, 440 Harcourt Avenue Seaside, California 93955.

Proposition 218 requires that public utility providers follow a strictly defined process for increasing fees such as water service rates. Customers directly responsible for the payment of the rates and/or property owners, if different, may submit a written protest against the rate changes. If the City receives written protests from a majority of the affected customers and/or property owners of the identified parcels, then the proposed rate changes cannot be adopted by the City Council. It is important to follow these instructions in order for your protest to be valid:

1. The protest must be in writing and received by the City Clerk at or before the close of the public hearing on September 5, 2019. The protest must specifically identify what is being protested. Written protests may be mailed or personally delivered to the City Clerk at City Hall – 440 Harcourt Avenue Seaside, California 93955
2. All written protests must include the service address
3. The protest must be signed by the person who is listed on the utility account and is responsible for paying the utility bill and/or the property owner. The name of the signer should also be printed legibly. Only one protest will be counted for each property.

For more information and questions please contact Misty Bradshaw at (831) 899-6825 or visit City Hall at 440 Harcourt Ave. Seaside, California 93955



CITY OF SEASIDE STAFF REPORT

Item No.: 8.J.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: October 17, 2019

SUBJECT: ADOPT A COUNCIL MEMBER LETTERHEAD POLICY

PURPOSE & RECOMMENDATION

Approve a policy for the development and use of City Letterhead by Council Members.

BACKGROUND

The City of Seaside is a public body concerned about the use of official city letterhead. City stationery is more than merely a means of correspondence. It is a physical and digital representation of the City or the Council. Use of the letterhead or logo connotes official City business and City endorsement. This policy establishes the mechanism and parameters of which Council Members may use City stationery for personal correspondence related to city business and intends to make clear that any individual Council correspondence is created on behalf of the individual Council Member and is not reflective of the position of the entire City Council.

The draft policy outlines the following requirements:

- The Policy is to be read and applied in conjunction with the City of Seaside's Policy Governing Public Record Graphic Design Guideline and Use of City Seal and Logo
- The use of City Letterhead shall be used for official City Business only. No Council Member can use City stationery or the City logo, whether in hard-copy or in electronic form, for personal business or to offer a personal endorsement of any service, product or candidate. It is also inappropriate for a Council

Member to offer a letter of referral or personal reference using City stationery, except as authorized by the Council. City stationery cannot be used for anything related to elections, campaigns or fundraising.

- Prior to a Council Member's use of letterhead, they must request such use at an open City Council meeting and obtain approval of its use by a majority vote of the City Council.
- A copy of all correspondence on city stationery shall be provide to each Council Member and a copy be on file in the City Manager's office for public review.
- No Council Member can alter the design of the letterhead prior to use.

FISCAL IMPACT

There is no fiscal impact associated with this request.

ATTACHMENTS

1. Council Letterhead policy
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

CITY OF SEASIDE
City Council Letterhead Use Policy
Drafted October 9, 2019

This City Council Letter Head Policy is to be read and applied in conjunction with the City of Seaside's Policy Governing Public Record Graphic Design Guideline and Use of City Seal and Logo

I. Purpose

The City of Seaside is a public body, corporate and politic, concerned about the use of official city letterhead. City letterhead stationary displays the city logo on the top left with the City's address and phone numbers printed under the department heading. The City Council desires to establish a policy for the use of city letterhead for individual use by Council members.

II. General Policy

- A. City stationery is more than merely a means of correspondence. It is a physical and digital representation of the City or the Council. Use of the letterhead or logo connotes official City business and City endorsement. Council Members may use City stationery for personal correspondence related to city business. Any individual council correspondence is created on behalf of the individual council member and is not reflective of the position of the entire City Council.
- B. It shall be the policy of the City Council that the use of City Letterhead shall be used for official City Business only. No Council Member shall use City stationery or the City logo, whether in hard-copy or in electronic form, for personal business or to offer a personal endorsement of any service, product or candidate. It is also inappropriate for a Council Member to offer a letter of referral or personal reference using City stationery, except as authorized by the Council. City stationary cannot be used for anything related to elections, campaigns or fundraising.
- C. It shall be the policy of the City Council that prior to a Council Member's use of letterhead, they must request such use at an open City Council meeting and obtain approval of its use by a majority vote of the City Council and if used is approved, a copy of all correspondence on city stationary shall be provide to each Council Member and a copy be on file in the City Manager's office for public review.
- D. The City Manager's office maintains exclusive the rights to the City Letterhead design. No Council Member can alter the design of the letterhead prior to use.



CITY OF SEASIDE STAFF REPORT

Item No.: 8.K.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: October 17, 2019

**SUBJECT: ADOPT A BOARD, COMMISSION, AND COMMITTEE EMAIL
POLICY**

PURPOSE & RECOMMENDATION

Approve a policy for the development and use of city email addresses by Commissions.

BACKGROUND

Email is a tool that has become common and efficient means of communication. Over the past several years the City has prioritized community engagement and has developed mechanisms to encourage public input into the city processes and projects. Boards and Commissions are established in order to provide independent recommendations to Council and play an important role by being visible in the community and bring a broad representation of ideas into the process. They address a variety of topics of public interest; therefore it is important for them to have a mechanism to communicate with the public.

This proposed Board, Commission and Committee email policy establishes a mechanism to allow establishment of an email address to communicate directly with the public on topics specific to their commission priorities. Key elements of the policy include:

- The creation of one city email address for each board, commission or committee. City email addresses will not be provided to individual

commissioners.

- The responsibility of checking and responding to emails will be the responsibility of the appointed chair or the staff liaison. The chair may forward messages to the entire commission "for information only" but the email address cannot be used as a public form and use of City email is subject to the rules of the Brown Act.
- Prior to accepting responsibility and access to the email account, Board and Commission chairs must sign the form acknowledging the policies listed within City of Seaside's Board, Commission and Committee handbook, The California Public Records Act, the City's adopted Record Retention Schedule as well as the City's Network, Internet and E-mail acceptable use policy.
- The public's business is always supposed to be public and this policy establishes that there is no right or expectation of privacy in any email message drafted, sent, or received on the City's email system
- All emails sent from commission accounts must include the following statement: "This is a government email account. All emails sent to and received from this email address are subject to public disclosure pursuant to the Ralph M. Brown Act."

The policy is to be applied in conjunction with the City of Seaside's Board, Commission and Committee handbook, The California Public Records Act, the Ralph M. Brown Act, the City's adopted Record Retention Schedule as well as the City's Network, Internet and E-mail acceptable use policy.

FISCAL IMPACT

There is no fiscal impact associated with this action.

ATTACHMENTS

1. Commissioner Email policy

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

CITY OF SEASIDE
Board, Commission and Committee Email Policy
Drafted October 9, 2019

This Board, Commission and Committee Email Policy is to be read and applied in conjunction with the City of Seaside's Board, Commission and Committee handbook, The California Public Records Act, AKA the Ralph M. Brown Act, the City's adopted Record Retention Schedule as well as the City's Network, Internet and E-mail acceptable use policy.

I. Purpose

The City of Seaside is a public agency concerned about the use of email as it pertains to city business and public records. Email is a tool that has become common and efficient means of communication. Seaside has prioritized community engagement and has developed mechanisms to encourage public input into the city processes and projects. Boards and Commissions (herein referred to as Commission) are established in order to provide independent recommendations to Council and play an important role by being visible in the community and bring a broad representation of ideas into the process. They address a variety of topics of public interest; therefore it is important for them to have a mechanism to communicate with the public.

II. General Policy

- A. Seaside has made public engagement a priority and has employed several tactics and practices to ensure that public feedback is welcomed and staff and commissioners are accessible to hear public input.
- B. One city email address will be created for each commission. The email address will be the name of the commission@ci.seaside.ca.us. City email addresses will not be provided to individual commissioners.
- C. Emails sent through this email account shall only be used for official city business.
- D. The responsibility of checking and responding to emails will be the responsibility of the appointed chair or the staff liaison. The chair may forward messages to the entire commission "for information only" but the email address cannot be used as a public form and use of City email is subject to the rules of the Brown Act.
- E. Prior to accepting responsibility and access to the email account, Board and Commission chairs must sign the form acknowledging the policies listed within City of Seaside's Commission handbook, The California Public Records Act, the City's adopted Record Retention Schedule as well as the City's Network, Internet and E-mail acceptable use policy.
- F. The City Manager maintains rights to create or deactivate a commission email if it is not used or used in compliance with the above policies.

III. Email Privacy

- A. The public's business is public. Users of the City's email system shall have no right or expectation of privacy in any email message drafted, sent, or received on the City's email system and the City reserves the right to read, monitor, audit and delete all such

messages, in accordance with the California Public Records Act and other applicable rules and laws.

- B. All emails sent from commission accounts must include the following statement: “This is a government email account. All emails sent to and received from this email address are a public record and will be subject to public disclosure pursuant to the Ralph M. Brown Act, which shall include your contact information contained in the email.”



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.L.

TO: City Council

FROM: Craig Malin, City Manager

BY: David Foster Housing Program Manager
David Little, Building Official

DATE: October 17, 2019

**SUBJECT: ADOPT A RESOLUTION MODIFYING THE 2019-20 FEE
SCHEDULE TO ELIMINATE FEES FOR ACCESSORY DWELLING
UNITS**

PURPOSE & RECOMMENDATION

Adopt a resolution to modify the annual fee schedule to assist in furthering city council policy toward increasing affordable housing opportunities.

BACKGROUND

California Senate Bill, No. 1069, (Senate Bill) has provided a land use approval path for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), which are smaller habitable dwellings (up to 1,200 square feet) that may be attached or detached and accessory to a primary dwelling on residentially zoned properties. These ADUs/JADUs are a critical form of affordable infill development to offer increased housing opportunities that serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens and can augment a full and robust affordable housing program.

As part of the City Council's portfolio of strategies to increase affordable housing in the City, strategic direction has been given to staff to focus on mechanisms to encourage the development of accessory dwelling units. Encouraging the development of ADUs/JADUs can improve access to jobs, education and services for residents in our community as well as assist with reducing homelessness.

A way to encourage the private development of accessory dwelling units would be to eliminate barriers of the process. Staff recommends that the City Council consider a temporary modification to the 2019-20 fee schedule to eliminate any permit fees for ADUs/JADUs for two years as well as to waive the plan check fees for any applicant that will be using a pre-approved design for an ADU/JADU structure. This fee modification is recommended to be for a time period of two years to encourage private owners to take advantage of this fee holiday sooner rather than later.

FISCAL IMPACT

The 2019-20 Adopted Fee schedule has fees listed as follows:

- Permit fees for Accessory Dwelling Units typically range from \$1,100 to \$1,300.
- Plan Check fees for Accessory dwelling units are based on valuations and vary by the square footage of the proposed structure. The range is from \$1,329.12 for a 450 foot structure to \$1431.17 for a 600 square foot structure. (See Attachment)

In the 2019-20 budget, no ADU permit fee revenues were built into the budget so the forecasted budget will not be impacted. To date, we have permitted approximately 20 ADU/JDU applications. It is anticipated that this incentive based permit fee removal strategy, as well as recently adopted water allocation modifications, could increase the number of applications and affordable housing units built by as much as 50%. With this modification a predicted potential of 30 to 40 ADUs over the next two years could be permitted, built and added to our housing stock.

Under this resolution plan check fees would remain in place except for applicants using an architectural design that has been pre-approved by the City. Strong-Motion Instrumentation, Seismic Hazard Mapping Fees and Green Building Fees would remain in place as they are not within the City's power to regulate.

RECOMMENDATION:

It is recommended that the City Council adopt the proposed resolution to remove the permit fees for Accessory Dwelling Units (ADUs) and to waive the plan check fees for any application that is using a pre-approved architectural design for an ADU for a two year (24 month) period.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.M.

TO: City Council

FROM: Craig Malin, City Manager

BY: Kurt Overmeyer, Economic Development Manager

DATE: October 17, 2019

**SUBJECT: ADOPT A RESOLUTION AUTHORIZING EXECUTION OF A
PURCHASE AND SALE AGREEMENT AND CONVEYANCE
REQUEST FOR THE BASKETBALL COURT LOCATED AT THE
CORNER OF SONOMA AND CONTRA COSTA AND TO EXECUTE
ALL REQUIRED CLOSING DOCUMENTS FOR A PURCHASE
PRICE OF \$2,000 PLUS APPLICABLE CLOSING COSTS.**

PURPOSE & RECOMMENDATION

Adopt the resolution authorizing the City to purchase the property from Monterey Peninsula Unified School District and authorize the City Manager to execute any necessary agreements for a land purchase price of \$2,000.

BACKGROUND

The Monterey Peninsula Unified School District (MPUSD) owns a small lot that is currently a poorly maintained basketball court on the corner of Contra Costa and Sonoma St. Earlier this year MPUSD offered to sell the .2 acre parcel to the City of Seaside for \$2,000. The parcel does not currently have a water meter and is likely to be maintained as a play court of some type.

FISCAL IMPACT

Purchasing this property will have a fiscal impact of \$2,000 plus approximately \$1,000

for recording fees and title insurance at close.

ATTACHMENTS

1. Draft Resolution
 2. PSA for Basketball Courts
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 19-__

A RESOLUTION OF THE CITY OF SEASIDE

**AUTHORIZING THE PURCHASE OF A BASKETBALL COURT LOCATED
AT THE CORNER OF CONTRA COSTA STREET AND SONOMA AVENUE
(APN: 011-312-002)**

RECITALS:

WHEREAS, The City was offered the existing basketball court located at the corner of Contra Costa Street and Sonoma Avenue (APN: 011-312-002) for the price of \$2,000 in September 2019 by the Monterey Peninsula Unified School District.; and

WHEREAS, Monterey Peninsula Unified School District owns the fee title to the property and have agreed to sell at this price with closing expenses to be paid by the City of Seaside; and

WHEREAS, The property will provide a recreational amenity for the neighborhood; and

WHEREAS, City Staff has completed their due diligence and are ready to close on the property.

NOW, THEREFORE, BE IT RESOLVED that the City of Seaside hereby authorizes the City Manager to execute a Purchase and Sale Agreement, including any non-substantive changes, and all closing documents required.

PASSED AND ADOPTED at a meeting of the City Council this 17th day of October 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ian Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

AGREEMENT FOR THE SALE AND PURCHASE OF SURPLUS REAL PROPERTY

This Agreement for the Sale and Purchase of Surplus Real Property ("Agreement"), dated this _____ day of _____, 2019 (the "Effective Date") is made by and between the Monterey Peninsula Unified School District ("District" or "Seller") and the City of Seaside ("Buyer"). Seller and Buyer are each referred to as a "Party" and collectively as the "Parties" in this Agreement.

RECITALS

WHEREAS, Seller is the owner of that certain real property located on the northwest corner of Contra Costa Street and Sonoma Avenue in the City of Seaside, County of Monterey, with Assessor's Parcel Number ("APN") 011-312-002-000, and consisting of approximately 8,000 square feet or 0.2 acres ("Property"), as more particularly described in Exhibit A and depicted in Exhibit B, which Exhibit A and Exhibit B are incorporated herein by this reference; and

WHEREAS, Seller desires to sell the Property to Buyer, and Buyer desires to purchase the Property from Seller, pursuant to the terms and conditions set forth herein; and

WHEREAS, this Agreement and related documents set forth the complete understanding of the Parties with regard to the subject matter herein.

AGREEMENT

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Agreement of Purchase and Sale. Subject to the terms and conditions as set forth herein, Seller shall sell and Buyer shall purchase the Property for a total purchase price ("Purchase Price") of Two Thousand Dollars (\$2,000).

2. Payment of Purchase Price, Closing and Escrow Costs.

- 2.1 Within three (3) days of signing this Agreement, Buyer shall deposit into escrow the entire Purchase Price, in the amount of Two Thousand Dollars (\$2,000), in the form of a certified check, cashier's check, or money order made payable to Seller.
- 2.2 Buyer shall pay all closing and escrow costs ("Closing and Escrow Costs"), including, but not limited to, escrow fees, recording fees and documentary transfer taxes and title insurance premiums. Real property taxes shall not be prorated because the Property is currently exempt and will not be assessed until Buyer acquires title.

3. Escrow.

- 3.1 This Agreement shall constitute escrow instructions to the Escrow Holder as well as the Agreement for the sale and purchase of the Property; provided, however, Buyer and Seller shall execute such supplementary instructions as may be necessary to carry out the terms of this Agreement or as may be reasonably requested by the Escrow Holder prior to the closing date.
- 3.2 The sale and purchase of the Property shall be completed through an escrow to be opened with Chicago Title, 250 Bonifacio Place, Monterey, California ("Escrow Holder").
- 3.3 Instruments in respect to the sale and purchase of the Property shall be deposited in escrow by Buyer and Seller as follows:
 - (a) Seller shall execute, prior to close of escrow, a grant deed ("Grant Deed") prepared by the Escrow Holder.
 - (b) Buyer shall deposit all Closing and Escrow Costs and the Purchase Price, less any previous payments to Seller.
- 3.4 After all of the foregoing have been deposited by Buyer and Seller respectively, and Escrow Holder is prepared to issue a policy of title insurance in accord with Article 4 hereof, Escrow Holder shall:
 - (a) Deliver the Purchase Price, less previous payments to Seller, to or on the order of Seller.
 - (b) Record the Grant Deed to the Property and instruct the County Recorder to deliver the Grant Deed after recording to Buyer.
 - (c) Provide a pro-forma policy of title insurance for review and approval by Buyer and Seller.
- 3.5 Buyer shall advise the Escrow Holder prior to the close of escrow of the manner in which title shall vest.
- 3.6 Escrow shall close thirty (30) days after the Effective Date. Escrow may be extended upon written agreement by the Parties.

4. Title.

- 4.1 The Escrow Holder shall issue to Buyer an ALTA standard coverage policy of title insurance with total liability in the amount of the Purchase Price showing marketable, insurable title to the Property vested in the Buyer, subject only to the usual printed title company exceptions and any other exceptions shown on the Report described in section 4.3 and approved by the Buyer in writing.
- 4.2 Seller shall convey Title to the Property by Grant Deed in an “as is” condition, without warranty, express or implied, including the exact area and size of the site, the condition of the site or any other improvements thereon, and subject to all liens, easements, assessments and encumbrances thereon of any nature and kind whatsoever and whether of record or not and subject to the conditions of Title indicated on the Preliminary Title Report provided to Buyer by Escrow Holder.
- 4.3 Prior to close of escrow, Buyer shall acknowledge in writing that it has obtained a copy of a Preliminary Title Report on the Property, prepared by Escrow Holder (“Report”). Said writing shall confirm that Buyer has reviewed the Report and there is no condition of title that is objectionable or would serve as a basis to terminate this Agreement. Buyer acknowledges that Seller does not in any way guarantee the contents of the Report.

5. Investigation. Before close of escrow, Buyer shall have the right to review, in Buyer’s sole and absolute discretion, the suitability of the Property for Buyer’s use and development, including, without limitation, any governmental land regulations, zoning ordinances, development costs, financial and market feasibility, all covenants, conditions and restrictions affecting the Property, and the physical condition of the Property, including, without limitation, soil and geological assessments, environmental assessments and other documents relevant to the Property. Seller shall reasonably cooperate with Buyer in any and all such investigations and shall use its reasonable efforts to cause its engineers, architects, and surveyors, if any, to share with Buyer at Buyer’s cost, any information or knowledge they have concerning the Property. Failure by Buyer to give written notice of disapproval by the close of escrow shall be deemed notice of Buyer’s approval. Buyer acknowledges that as of the close of escrow, Buyer will be aware of all zoning regulations, other governmental requirements, site and physical conditions, and other matters affecting the use and condition of the Property and agrees to purchase the Property in the condition that it is in at close of escrow.

6. Entry onto Premises. Buyer may, upon 48 hours written request to Seller, enter said Property for purposes of conducting its investigations as provided in Article 6; Seller’s consent shall not be unreasonably withheld. Request of such entry shall specify the scope of Buyer’s activities upon the Property. Buyer shall hold Seller harmless from any and all claims caused by any actions undertaken pursuant to this Article, or actions of Buyer’s employees, agents, or contractors; provided, however, that Buyer shall indemnify, defend and hold Seller harmless against all liabilities, claims, demands, damages or costs (including reasonable attorneys’ fees), resulting from Buyer’s exercise of its rights under this Article. Buyer’s exercise of its right of entry shall not interfere with Seller’s use of the Property or cause damage or become a nuisance

thereon. Buyer at its sole cost and expense shall promptly restore the Property to the same condition in which it existed prior to the conduct of tests and inspections by Buyer thereon. The indemnification, defense, and hold harmless provisions of this Article shall survive the close of escrow or termination of this Agreement.

7. No Warranties. Buyer acknowledges that Buyer is purchasing the Property “as is”, solely in reliance on Buyer's own investigation, and that no representations or warranties of any kind whatsoever, including but not limited to the presence or absence of hazardous or toxic substances on the Property, express or implied, have been made by Seller, or Seller’s agents, with respect to the Property or its fitness for any purpose.

8. Notices.

8.1 Any notice, request, demand, approval, consent, instruction or other communication to be given to any Party hereunder shall be delivered by personal service, regular mail, certified mail, overnight mail with proof of delivery, facsimile with proof of transmission, or by email provided receipt is acknowledged as follows:

Seller:

Physical Address:

Monterey Peninsula Unified School District
Attn: Associate Superintendent of Business Services
700 Pacific Street, Room 27
Monterey, CA 93940
Facsimile: (831) 649-1729
Email: raltmeyer@mpusd.k12.ca.us

Mailing Address:

Monterey Peninsula Unified School District
Attn: Associate Superintendent of Business Services
P.O. Box 1031
Monterey, CA 93942

With a Copy to:

Lozano Smith
Attn: Claudia Weaver
4 Lower Ragsdale Drive, Suite 200
Monterey, CA 93940
Phone: 831-646-1501
Facsimile: 831-646-1801
Email: cweaver@lozanosmith.com

Buyer:

Name: City of Seaside
Attn: City Manager
Address: 440 Harcourt Avenue
Seaside, CA 93955
Phone: 831-899-6701
Facsimile: 831-718-8594
Email: _____

With a copy to:

[Seller's Attorney or Representative]
[Attn: Name]
[Address]
Phone: _____
Facsimile: _____
Email: _____

To the Escrow Officer:

Chicago Title Company
Attention: Kimberly Verania
Escrow No. FWMN-5251900412
Address: 250 Bonifacio Place, Monterey, California
Phone: (831) 375-2262
Facsimile: (831) 646-8544
Email: Kim.Verania@ctt.com

The addresses for the purposes of this Article may be changed by giving written notice of such change in the manner provided herein for giving notice. Unless and until such written notice is received, the last address and addressee as stated by written notice, or as provided herein if no written notice of change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

9. Brokers. Any real estate sales commission of any real estate salesperson or broker retained by Buyer shall be the responsibility of Buyer. Any real estate sales commission of any real estate salesperson or broker retained by Seller shall be the responsibility of Seller.

10. Further Assurance. Buyer and Seller agree that at any time, or from time to time after the execution of this Agreement whether before or after the close of escrow, they will, upon request of the other, execute and deliver such further documents and do such further acts and things as such Party may reasonably request in order to effect fully the purposes of this Agreement.

11. Survival of Covenants. Each of the covenants and agreements contained herein shall, to the extent applicable, survive the close of escrow.

12. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of each of the Parties hereto, and to their respective successors and assigns.

13. Captions. The captions in this Agreement are inserted only as a matter of convenience and for reference and in no way define the scope or extent of this Agreement or the construction of any provision herein or of any document or instrument referred to herein.

14. Time. Time is of the essence in this Agreement. If escrow does not close within the 30-day period as specified herein, except as provided in Article 3.6 or Article 6, all rights of Buyer to the Property shall immediately terminate and the consideration for liquidated damages shall be remitted to Seller.

15. Days. Any and all references in this Agreement to time periods which are specified by reference to a certain number of days refer to calendar days, unless “business days” is otherwise expressly provided. If any date by which a Party is required to provide the other Party with notice hereunder or is required to perform any act hereunder, occurs on a Saturday or Sunday or a banking holiday in the jurisdiction where the Property is located, then and in any of such events, such applicable date shall be deemed to occur, for all purposes of this Agreement, on that calendar day which is the next succeeding day that is not a Saturday, Sunday or banking holiday in the State of California.

16. Entire Agreement; Amendments. This Agreement embodies the entire Agreement and understanding between the Parties relating to the subject matter hereof and may not be amended, waived or discharged except by an instrument in writing executed by the Party against which enforcement of such amendment, waiver or discharge is sought. This Agreement supersedes all prior agreements and memoranda. The invalidity of any one of the covenants, agreements, conditions or provisions of the Agreement, nor any portion thereof, shall not affect the remaining portions thereof nor any part hereof and this Agreement shall be construed as if such covenant, agreement, condition or provision had not been inserted herein.

17. Interpretation; Governing Law. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against any Party. This Agreement shall be governed by and construed in accordance with the laws of the State of California. The Parties agree that venue for any action or proceeding seeking any relief under or with respect to this Agreement shall be Monterey County, California, subject to a motion for transfer of venue.

18. Approval/Ratification by Board of Education. This Agreement shall be subject to approval/ratification by the District’s Board of Education.

19. Execution in Counterparts. The execution of any document, including this Agreement, may be made in counterpart such that each document, when all signatures are appended together, shall constitute a fully executed original or copy thereof. Copies of signatures shall have the same force and effect as original signatures.

20. Legal Representation. The Parties acknowledge and agree that they each have been represented or have had the opportunity to be represented by independent legal counsel of their own choosing prior to entering this Agreement, and that each Party is entering into this Agreement having had sufficient opportunity to investigate the facts and obtain advice of such legal counsel.

21. Authority to Sign. Each person executing this Agreement on behalf of either Party does hereby personally represent and warrant that he or she had the authority to execute the Agreement on behalf of and to fully bind such Party.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the day and year first above mentioned.

Seller:

Monterey Peninsula Unified School District
By: _____

Its: _____

Buyer:

City of Seaside
By: _____

Its: _____

Exhibit A
Legal description of Property

Real property situated in the City of Seaside, County of Monterey, State of California, and is described as follows:

Lots Numbered 18 and 20, in Block Numbered 33, as shown on that certain Map entitled, "Vista Del Rey Tract", filed January 30, 1905 in Map Book 1, Maps of "Cities and Towns", at page 7, in the Office of County Recorder of Monterey County, California, and a Certificate of Compliance recorded July 14, 2017, in Document No. 2017037242, of Official Records.

APN: 011-312-002-000

Exhibit B
Site Map of Property
(Cross-hatched area)



Exhibit C

GRANT DEED

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Seaside
Attn: Craig Malin, City Manager
440 Harcourt Avenue
Seaside, CA 93955

Recording of this document is fee-exempt under Government Code Section 6103. No Documentary Transfer Tax is due on this document pursuant to Revenue and Taxation Code Section 11922.

GRANT DEED

Assessor's Parcel Number: 011-312-002-000

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT ("Grantor") hereby grants to CITY OF SEASIDE ("Grantee") that certain real property located in the County of Monterey, State of California described in Exhibit 1 attached hereto and incorporated herein, together with all improvements located thereon (the "Property").

IN WITNESS WHEREOF, Grantor has caused this Grant Deed to be executed as of the ____ day of _____, 2019.

GRANTOR:
MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

By: _____
Name: _____
Title: _____

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA

MONTEREY COUNTY

On _____, 2019, before me, _____ (here insert name and title of the officer), personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(NOTARY SEAL)

EXHIBIT 1

TO

GRANT DEED

[LEGAL DESCRIPTION OF PROPERTY]

Real property situated in the City of Seaside, County of Monterey, State of California, and is described as follows:

Lots Numbered 18 and 20, in Block Numbered 33, as shown on that certain Map entitled, “Vista Del Rey Tract”, filed January 30, 1905 in Map Book 1, Maps of “Cities and Towns”, at page 7, in the Office of County Recorder of Monterey County, California, and a Certificate of Compliance recorded July 14, 2017, in Document No. 2017037242, of Official Records.

APN: 011-312-002-000



CITY OF SEASIDE STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: October 17, 2019

**SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE
MUNICIPAL CODE CHAPTER 2.14 TO EXPAND THE PARKS AND
RECREATION COMMISSION AND ART AND HISTORY
COMMISSION AND TO CODIFY THE ENVIRONMENTAL
COMMITTEE AND HOMELESS COMMITTEE TO COMMISSIONS
(FIRST READING ROLL CALL VOTE)**

PURPOSE & RECOMMENDATION

Introduce and pass to print the draft ordinance amending Chapter 2.14 of the Municipal Code Boards and Commissions.

BACKGROUND

Cities should strive at all possible times to make decisions with its residents, not merely for them. As the needs of a city change, so too should its Commissions to reflect the mission and vision. Over the last three years, at the request of residents, the City has been focusing its efforts on improving the quality of life for its residents including the renovation of parks.

The City of Seaside mission is "Include Innovate and Inspire" and keeping the element of inclusiveness, staff is recommending expanding the membership of the Park and Recreation Commission and the Art and History Commission to allow more resident input into the process for increased citizen representation. These positions have become very coveted, as they do not come open often and have the ability to be very impactful.

This ordinance proposes to expand the membership of both committees by adding two additional positions to each, increasing membership from seven members to nine. All duties and objectives would remain unchanged.

Additionally, in 2018 the City Council approved the creation of the Environmental Committee as well as the Commission on the Status of Homelessness. Now that the committees are fully formed, their duties and responsibilities have been approved, the proposed ordinance would codify both committees, including the creation, composition, term and duties into the Municipal Code in perpetuity.

The draft ordinance was introduced at the May 2, 2019 Regular City Council meeting and there was concern that more input was needed from the Commissions directly regarding the expansion as well as the naming of the commissions. Staff discussed the draft ordinance with each commission and confirms this ordinance is in alignment with the direction provided by the commissions.

FISCAL IMPACT

The only fiscal impact associated with this item is the cost of codifying the ordinance, which will be less than \$500.

ATTACHMENTS

1. Draft Ordinance
-

Reviewed for Submission to the
City Council by:

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by several horizontal strokes.

Craig Malin, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AMEND CHAPTER 2.14 BOARD AND COMMISSIONS TO EXPAND THE MEMBERSHIP OF THE PARKS AND RECREATION COMMISSION AND THE ART AND HISTORY COMMISSION AND TO CODIFY THE ENVIRONMENTAL COMMISSION AND HOMELESS COMMISSION

WHEREAS, Cities should strive at all possible times to make decisions with its residents, not merely for them; and

WHEREAS, As the needs of a city change, so too should its Commissions to reflect the mission and vision. Over the last three years, at the request of residents, the City has been focusing its efforts on improving the quality of life for its residents including the renovation of parks; and

WHEREAS, The City of Seaside mission is "Include, Innovate and Inspire" and keeping with the element of inclusiveness, staff is recommending expanding the membership of the Park and Recreation Commission and the Art and History Commission to allow more resident input into the process for increased citizen representation; and

WHEREAS, the City Council approved the creation of an Environmental Committee and The Committee on the Status of Homelessness and those committees now formed can be codified into the Municipal Code as commissions.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose and Intent

The purpose of this ordinance is to expand the membership of both the Art and History Commission and the Parks and Recreation Commission by adding two additional positions to each, increasing membership from seven members to nine. All duties and objectives would remain unchanged. Additionally, in 2018 the City Council approved the creation of the Environmental Committee as well as a Homeless Committee. Now that the committees are fully formed, their duties and responsibilities have been approved, the proposed ordinance would codify both committees, including the creation, composition, term and duties into the Municipal Code in perpetuity.

SECTION 2. Revisions to Chapter 2.

SMC 2.24 NEIGHBORHOOD IMPROVEMENT COMMISSION

2.24.020 Compensation and Terms of Office

The commission shall consist of ~~seven~~ **nine** members. The appointed members shall hold office for three years. (Ord. 1055 § 3, 2018; Ord. 773§ 1 (Exh. A), 1990)

Chapter 2.28 RECREATION AND PARK COMMISSION

2.28.020 Composition and Terms of Office.

The recreation and park commission shall consist of ~~seven~~ **nine** regular members. The appointed members of the commission shall hold office for three years. (Ord. 971 § 2, 2008; Ord. 887 § 2, 2000; Ord. 773 § 1 (Exh. A), 1990)

SECTION 3. Additions to Chapter 2.

SMC 2.19 ENVIRONMENTAL COMMISSION

2.19.010 Created.

2.19.020 Composition and terms of office.

2.19.030 Duties.

2.19.040 Objectives.

2.19.010 Created

The Environmental Committee investigates and advocates sound environmental policy and action in the areas of air quality, water quality, energy and waste management, flora and fauna protection and community planning.

2.19.020 Composition and Terms of Office

The Environmental Committee shall have nine voting members, appointed by the City Council for a term of three years. Residents of Seaside or professionals, scholars or students in any

related field of the environmental sciences are eligible to serve as members. At least one high school student residing in Seaside and at least one student at CSUMB or MPC shall be appointed as a full voting member. A City Council member shall be appointed by the City Council as a non-voting member.

2.19.030 Duties.

The Environmental Committee shall conduct public meetings and prepare recommendations to the City Council on matters regarding the environment to include without limitation unless otherwise noted:

- A. Review and comment on City ordinances, policies and programs and state mandates relate to environmental regulations, risks and pollution abatement, clean water, air and energy, flora, fauna and biome protection and community planning topics expressly beyond the realm of the Planning Commission.
- B. Serve in advisory capacity to the City Council, commissions, committees, and boards on related issues
- C. Identify strategic environmental goals for the City and estimate resources needed to accomplish these goals; investigate funding to implement programs to benefit the community
- D. Develop policies and plans for increasing environmental awareness in cooperation with other public and private agencies to include school districts

2.19.040 Objectives.

- A. The Environmental Committee shall meet not less than six times per year.
- B. The Environmental Committee shall monitor the City's progress in complying with principles established in Resolution 17-47.
- C. The Environmental Committee shall prepare an annual recommended work plan to the City Council not later than three months in advance of each fiscal year.

SMC 2.20 HOMELESSS COMMISSION

2.20.010 Created.

2.20.020 Composition and terms of office.

2.20.030 Duties.

2.20.040 Objectives.

2.20.020 Composition and terms of office.

The Homeless Commission shall consist of seven appointed voting members and one, non-voting City Council member, all appointed by the City Council. Voting members shall hold office for three years.

2.20.030 Duties.

The Homeless Commission shall have the power, and it shall be the duty of the commission to make recommendations to the City Council and to advise the Council in the following matters:

- A. Review and comment on City ordinances, programs and policies and state mandates related to housing, CDBG grants and programs, and other poverty mitigation programs;
- B. Monitor and assist the City's progress in implementing needed homeless services and facilities;
- C. Develop policy recommendations and processes to measure the effectiveness of new and existing policies in ending and preventing homelessness and coordinate with the CDAC for their required reporting in the HUD mandated Annual Action Report;
- D. Identify strategic goals for the City and estimate resources needed to accomplish these goals; investigate funding to implement programs to benefit the homeless community.
- E. Identify partnerships with County, City and other community programs that can be leveraged to achieve the goals of ending or preventing homelessness in the City of Seaside.

2.20.040 Objectives.

The Homeless Commission shall:

- A. Hold public meetings on matters related to homelessness;
- B. Investigate best and contemporary practices with regard to eliminating and preventing homelessness;
- C. Serve in advisory capacity to the City Council, commissions, committees, and boards on related issues;
- D. Prepare an annual report to the City Council on progress and effectiveness of various programs and policies.

19.11.010. Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.”

SECTION 3. Effective date. This Ordinance shall take effect thirty (3) days after its final passage and adoption by the Council.

INTRODUCED AND PASSED TO PRINT at a regular meeting of the City Council of the City of Seaside held on ____, 2019.

ADOPTED as an Ordinance of the City Council of the City of Seaside at a regular meeting of the City Council held on _____ 2019, by the following vote:

AYES:	Council members:
NOES:	Council members:
ABSENT:	Council members:
ABSTAIN:	Council members:

Ian N. Oglesby, Mayor

Attest:

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sheri Damon, Assistant City Attorney

DATE: October 17, 2019

SUBJECT: CITY-INITIATED URGENCY ORDINANCE: ADDING CHAPTER 17.55 TO THE TO THE SEASIDE MUNICIPAL CODE (SMC) TO ADD A NEW CHAPTER SPECIAL PROVISIONS FOR SMALL WIRELESS FACILITIES, AND MAKING THEM SUBJECT TO A PERMIT AS SPECIFIED IN A NEW CITY COUNCIL POLICY

PURPOSE & RECOMMENDATION

Adopt an Urgency Ordinance amending City's municipal code to recognize small wireless facilities.

BACKGROUND

EXECUTIVE SUMMARY

In order to comply with recent changes in federal and state law that affect local authority over small wireless facilities, on October 17, 2019, the City Council will be asked to review and adopt a new chapter in the Municipal Code recognizing small wireless facilities and adopt a policy to regulate the permitting of said facilities.

BACKGROUND

On September 26, 2018, the Federal Communications Commission (FCC) adopted new rules that further limit local authority to regulate "small wireless facilities" as that term is defined in 47 C.F.R. § 1.6002(l). The FCC rules, which became fully effective on April 15, 2019, require the City to review small cell applications faster and under more limited criteria consistent with the FCC's national standard for permissible local

regulations. These rules are part of a larger rule-making that aims to reinterpret the federal Telecommunications Act of 1996.

Small wireless facilities generally include the smaller scale antennas and associated facilities (as compared to first generation macro facilities) that are part of the next generation of wireless technology, known as 5G. 5G operates at significantly faster speeds than the existing 4th Generation (4G) technology, using higher frequency, directional radio waves over shorter distances. 5G technology calls for smaller, more frequently-placed antennas than 4G, which lend themselves to placement on light-poles and similar existing infrastructure. Wireless carriers have begun 5G installation in a number of major cities areas across the country, including Sacramento and Los Angeles, and are working towards nationwide deployment by the end of 2020.

Under the new rules, the FCC defines the presumptively reasonable time for review as 60 days for small cell attachments to existing structures and 90 days for attachments to new structures. Any administrative appeal must also occur within the applicable shot clock. If the City fails to issue a timely final decision, the City's failure to act presumptively constitutes an effective prohibition of service and the applicant may file a claim in federal court for an injunction to issue "shovel-ready" permits.

In addition, the FCC provides that a local small cell regulation causes an effective prohibition in violation of federal law unless the regulation is (1) reasonable; (2) no more burdensome than regulations imposed on similar infrastructure deployments; and (3) objective and published in advance. Reasonable regulations are those that are technically feasible and reasonably directed to avoiding or remedying the "intangible public harm" (as it is described by the FCC) of unsightly or out-of-character deployments. Although the FCC declared that minimum spacing or under-grounding requirements would potentially violate the new test, the FCC provided little guidance as to the scope of specific local regulations that would likely be considered to be preempted. The regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly-owned and operated utility poles but can prescribe reasonable standards for their placement and design.

On December 10, 2018, the FCC clarified the effective dates for the rule, stating that the shot clock and fee regulations go into effect on January 14, 2019, with the aesthetic regulations going into effect on April 15, 2019. The City Council has directed that the staff bring forward policies regulating small cells.

AMENDMENT OF THE CITY'S WIRELESS ORDINANCE

Because small cell wireless technology is relatively new, the City's existing zoning code does not explicitly address small wireless facilities. Accordingly, staff seeks to add a new chapter 17.55 to the Seaside Municipal Code to recognize small wireless facilities and regulate those policies by adopting a City Council Policy overseeing the permitting

of these facilities.

ADOPTION OF COUNCIL POLICY REGULATING SMALL WIRELESS FACILITIES

The purpose of the Council's Small Wireless Facilities Policy (Policy) is to establish reasonable and comprehensive standards and procedures for the permitting of small wireless facilities within the City, including but not limited to the siting of facilities, aesthetics, construction, operation, modification, and removal. The Policy is intended to promote the community interest of protecting the City's visual character from potential adverse impacts from facilities while providing access to high quality advanced wireless technology for the City's residents, businesses, and visitors. The City Council should note that, as a policy rather than an Ordinance, the City may amend or revoke the provisions more quickly. This approach is recommended by the City's outside counsel due to the rapid and sometimes unpredictable changes in the federal law.

Key provisions of the Policy

1. Application Requirements

Applicants are required to submit a variety of items, including but not limited to, a project narrative, construction drawings, a site survey, a radio frequency ("RF") report certifying compliance with federal standards, photo simulations, an executed Pole License Agreement, and review/permitting fees.

2. Community Development Director shall review all applications

The Community Development Director, or his/her designee, shall be responsible for reviewing all applications and approving, conditionally approving or denying the application.

3. Noticing

The Community Development Director shall ensure that notice of the project application is mailed to all properties and record owners of properties within 300 feet of the project site. The notice will contain a description of the project, the applicant's contact information, and a statement to send comments to the Director within a specified time frame.

4. Decisions and Appeals

The findings for approval have been amended to reflect the new objectivity requirement in the FCC rules. Due to the extremely short shot clocks, the initial decision to approve or deny will be made by the Community Development Director. Interested persons will have the opportunity to appeal the decision directly to the City Council. The entire process will be fast-tracked to ensure adequate time for public participation in the appeal process.

5. Location Preferences and Design Standards

The policy sets forth ranked preferences for locations and support structures within those locations. Residential areas and new freestanding poles or similar structures are the least preferred and require the applicant to demonstrate why no more preferred location within a reasonable distance from the site is technically feasible. Staff has also worked with outside counsel to develop detailed and objective design criteria and standards that preserve local authority and comply with the FCC's restrictions.

6. Automatic Conditions of Approval

The policy contains a substantial number of "standard conditions" applicable to all deployments. These ensure that the maintenance and operational requirements for all facilities are evenly applied, and also ensure that all facilities meet minimum standards in the event that an approval is mandated by law.

ENVIRONMENTAL ASSESSMENT

The proposed code amendment is exempt from further environmental review in accordance with CEQA Guidelines section 15061(b)(3) because it involves the adoption of regulations for small cell wireless facilities and does not directly or indirectly authorize or approve any actual physical changes in the environment.

SUMMARY/CONCLUSION

The proposed ordinance and policy are necessary for compliance with new FCC regulations. Although these new regulations are intended to restrict local authority, staff has worked with outside counsel to develop a flexible approach that preserves as much of the City's authority as possible while still achieving compliance. Staff recommends that the City Council review and adopt the proposed ordinance.

FISCAL IMPACT

There is no fiscal impact for this item.

ATTACHMENTS

1. Urgency Ordinance Telecom

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

ORDINANCE NO. XXXX

AN URGENCY ORDINANCE OF THE CITY OF SEASIDE

**ADDING CHAPTER 17.55 OF THE SEASIDE MUNICIPAL CODE ESTABLISHING
REGULATIONS FOR SMALL WIRELESS FACILITIES PURSUANT TO
APPLICABLE FEDERAL LAWS**

**THE CITY COUNCIL OF THE CITY OF SEASIDE HEREBY ORDAINS AS
FOLLOWS:**

SECTION 1. Findings. On October 17, 2019, the City Council considered the adoption of this Ordinance at a duly noticed public meeting and on the basis of the record thereof finds the following facts to be true.

a. Pursuant to Article XI, section 7 of the California Constitution and sections 36931 and following of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

b. Significant changes in federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

1. On August 2, 2018, the Federal Communications Commission ("FCC") adopted a declaratory ruling that prohibits state and local governments from adopting temporary moratoria on telecommunications infrastructure deployment; and
2. On September 26, 2018, the FCC adopted new rules that limit local authority to regulate "small wireless facilities" as that term is defined in 47 Code of Federal Regulations §1.6002(l); and
3. The FCC rules included a declaratory ruling and report and order, that, among other things, creates a new regulatory classification for small wireless facilities, requires State and local governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition; and
4. The FCC rules became partially effective on January 14, 2019, and fully effective on April 15, 2019, would require the City of Seaside ("City") to review small cell applications consistent with the FCC's national standard for permissible local regulations; and
5. The FCC rules provide that a local small cell regulation causes an effective prohibition in violation of federal law unless the regulation is 1) reasonable; 2) no more burdensome than regulations imposed on similar infrastructure deployments; and 3) objective and published in advance; and
6. The FCC regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly-owned and operated utility poles but can prescribe reasonable standards for their placement and design; and
7. On December 10, 2018, the FCC clarified the effective dates for the rule, stating that the shot clock and fee regulations would go into effect on January 14, 2019, and the aesthetic regulations go into effect on April 15, 2019.

- c. Given the rapid and significant changes in federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with federal and state law, the City Council desires to add Seaside Municipal Code section 17.55, to allow greater flexibility and responsiveness to new federal and state laws in order to preserve the City's traditional authority to the maximum extent practicable (collectively, the "Amendments"); and
- d. The City intends to study, within a reasonable time, the adequacy of its existing ordinances and the potential need to adopt or amend its regulations regarding its policy on small wireless facilities and other infrastructure deployments within the public rights-of-way and other areas. The City Council and the people of Seaside require a sufficient and reasonably limited time to consider and study legally appropriate and reasonable policies regulating small wireless facilities and other infrastructure in order to prevent negative impacts on neighboring residents. The City Council has the authority to adopt an urgency interim ordinance pursuant to the Seaside Municipal Code and Government Code Section 65858 in order to protect the public health, safety, or welfare for a 45-day period.
- e. The City Council finds that the public health and welfare needs of the community is met by the immediate adoption of the Policy on Small Wireless Facilities since unregulated wireless communications facilities are aesthetically displeasing and out of harmony with the character of this community so as to constitute visual blight which reduces the quality of life within the community to the extent that the overall public health and welfare is detrimentally affected. Given the short time the City has to process applications for small wireless communication facilities there is an immediate need for such policy.

SECTION 2. Adding Seaside Municipal Code Chapter 17.55. A new section 17.55 is added to the Seaside Municipal Code which reads as follows:

Special Provisions for Small Wireless Facilities. Notwithstanding any other provision of this chapter or Chapter 17.54 related to wireless facilities, as provided herein, all small wireless facilities as defined by the FCC in 47 CFR §1.6002(l), as may be amended or superseded, which are located within the public rights-of-way, are subject to a permit as specified in City Council Policy, Small Wireless Facilities, which is adopted and may be amended by City Council resolution. All small wireless facilities within the public rights-of-way shall comply with the Policy on Small Wireless Facilities. In the event that the FCC Order adopting said regulations is invalidated by a court of competent jurisdiction or repealed and not replaced, the provision in this Chapter shall control over the Policy on Small Wireless Facilities.

SECTION 3 Adoption of City Council Policy Small Wireless Facilities. The City Council further adopts the policy attached hereto as Exhibit A as the initial City Council policy on Small Wireless Facilities, referenced in Chapter 17.55 hereinabove.

SECTION 4 Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Seaside Municipal Code Section 2.02.380.D and Government Code Section 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption. This Ordinance shall expire 45 days after its adoption unless extended by the City Council at a regularly noticed public hearing pursuant to California Government Code Section 65858(a).

SECTION 5 CEQA Finding. The City Council finds there is no possibility the adoption of this Ordinance will have a significant effect on the environment. This

Ordinance merely amends the Seaside Municipal Code to authorize the adoption of regulations related to WCFs. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new WCF or change to an existing WCF would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance would be exempt from CEQA Guidelines at Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

SECTION 7. Conflicts with Prior Ordinances. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

INTRODUCED, PASSED AND ADOPTED at a regular City Council meeting duly held on the 17th day of October, 2019 by the following vote:

AYES:	COUNCIL MEMBERS
NOES:	COUNCIL MEMBERS
ABSENT:	COUNCIL MEMBERS
ABSTAIN:	COUNCIL MEMBERS

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sheri Damon, Assistant City Attorney

DATE: October 17, 2019

**SUBJECT: ADOPTION BY RESOLUTION OF A CITYWIDE CITY COUNCIL
POLICY; SMALL WIRELESS FACILITIES, REGULATING THE
PERMITTING, DESIGN, AND LOCATION OF SUCH FACILITIES.**

PURPOSE & RECOMMENDATION

Adopt by resolution the proposed City Council Policy Regulating Small Wireless Facilities.

BACKGROUND

EXECUTIVE SUMMARY

In order to comply with recent changes in federal and state law that affect local authority over small wireless facilities, on October 17, 2019, the City Council will be asked to adopt a policy to regulate the permitting of said facilities.

BACKGROUND

On September 26, 2018, the Federal Communications Commission (FCC) adopted new rules that further limit local authority to regulate "small wireless facilities" as that term is defined in 47 C.F.R. § 1.6002(l). The FCC rules, which became fully effective on April 15, 2019, require the City to review small cell applications faster and under more limited criteria consistent with the FCC's national standard for permissible local regulations. These rules are part of a larger rule-making that aims to reinterpret the federal Telecommunications Act of 1996.

Small wireless facilities generally include the smaller scale antennas and associated facilities (as compared to first generation macro facilities) that are part of the next generation of wireless technology, known as 5G. 5G operates at significantly faster speeds than the existing 4th Generation (4G) technology, using higher frequency, directional radio waves over shorter distances. 5G technology calls for smaller, more frequently-placed antennas than 4G, which lend themselves to placement on light-poles and similar existing infrastructure. Wireless carriers have begun 5G installation in a number of major cities areas across the country, including Sacramento and Los Angeles, and are working towards nationwide deployment by the end of 2020.

Under the new rules, the FCC defines the presumptively reasonable time for review as 60 days for small cell attachments to existing structures and 90 days for attachments to new structures. Any administrative appeal must also occur within the applicable shot clock. If the City fails to issue a timely final decision, the City's failure to act presumptively constitutes an effective prohibition of service and the applicant may file a claim in federal court for an injunction to issue "shovel-ready" permits.

In addition, the FCC provides that a local small cell regulation causes an effective prohibition in violation of federal law unless the regulation is (1) reasonable; (2) no more burdensome than regulations imposed on similar infrastructure deployments; and (3) objective and published in advance. Reasonable regulations are those that are technically feasible and reasonably directed to avoiding or remedying the "intangible public harm" (as it is described by the FCC) of unsightly or out-of-character deployments. Although the FCC declared that minimum spacing or under-grounding requirements would potentially violate the new test, the FCC provided little guidance as to the scope of specific local regulations that would likely be considered to be preempted. The regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly-owned and operated utility poles but can prescribe reasonable standards for their placement and design.

On December 10, 2018, the FCC clarified the effective dates for the rule, stating that the shot clock and fee regulations go into effect on January 14, 2019, with the aesthetic regulations going into effect on April 15, 2019. The City Council has directed that the staff bring forward policies regulating small cells.

AMENDMENT OF THE CITY'S WIRELESS ORDINANCE

Because small cell wireless technology is relatively new, the City's existing zoning code does not explicitly address small wireless facilities. Accordingly, staff seeks to add a new chapter 17.55 to the Seaside Municipal Code to recognize small wireless facilities and regulate those policies by adopting a City Council Policy overseeing the permitting of these facilities.

ADOPTION OF COUNCIL POLICY REGULATING SMALL WIRELESS FACILITIES

The purpose of the Council's Small Wireless Facilities Policy (Policy) is to establish reasonable and comprehensive standards and procedures for the permitting of small wireless facilities within the City, including but not limited to the siting of facilities, aesthetics, construction, operation, modification, and removal. The Policy is intended to promote the community interest of protecting the City's visual character from potential adverse impacts from facilities while providing access to high quality advanced wireless technology for the City's residents, businesses, and visitors. The City Council should note that, as a policy rather than an Ordinance, the City may amend or revoke the provisions more quickly. This approach is recommended by the City's outside counsel due to the rapid and sometimes unpredictable changes in the federal law.

Key provisions of the Policy

1. Application Requirements

Applicants are required to submit a variety of items, including but not limited to, a project narrative, construction drawings, a site survey, a radio frequency ("RF") report certifying compliance with federal standards, photo simulations, an executed Pole License Agreement, and review/permitting fees.

2. Community Development Director shall review all applications

The Community Development Director, or his/her designee, shall be responsible for reviewing all applications and approving, conditionally approving or denying the application.

3. Noticing

The Community Development Director shall ensure that notice of the project application is mailed to all properties and record owners of properties within 300 feet of the project site. The notice will contain a description of the project, the applicant's contact information, and a statement to send comments to the Director within a specified time frame.

4. Decisions and Appeals

The findings for approval have been amended to reflect the new objectivity requirement in the FCC rules. Due to the extremely short shot clocks, the initial decision to approve or deny will be made by the Community Development Director. Interested persons will have the opportunity to appeal the decision directly to the City Council. The entire process will be fast-tracked to ensure adequate time for public participation in the appeal process.

5. Location Preferences and Design Standards

The policy sets forth ranked preferences for locations and support structures within

those locations. Residential areas and new freestanding poles or similar structures are the least preferred and require the applicant to demonstrate why no more preferred location within a reasonable distance from the site is technically feasible. Staff has also worked with outside counsel to develop detailed and objective design criteria and standards that preserve local authority and comply with the FCC's restrictions.

6. Automatic Conditions of Approval

The policy contains a substantial number of "standard conditions" applicable to all deployments. These ensure that the maintenance and operational requirements for all facilities are evenly applied, and also ensure that all facilities meet minimum standards in the event that an approval is mandated by law.

ENVIRONMENTAL ASSESSMENT

The proposed code amendment is exempt from further environmental review in accordance with CEQA Guidelines section 15061(b)(3) because it involves the adoption of regulations for small cell wireless facilities and does not directly or indirectly authorize or approve any actual physical changes in the environment.

SUMMARY/CONCLUSION

The proposed ordinance and policy are necessary for compliance with new FCC regulations. Although these new regulations are intended to restrict local authority, staff has worked with outside counsel to develop a flexible approach that preserves as much of the City's authority as possible while still achieving compliance. Staff recommends that the City Council review the policy and adopt the resolution to recommend the same to the City Council.

FISCAL IMPACT

There is no fiscal impact for this item.

ATTACHMENTS

1. Resolution
 2. Exhibit A Small Cell Policy
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. [REDACTED]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE, CALIFORNIA ADOPTING A POLICY FOR THE REGULATION OF SMALL WIRELESS FACILITIES AND OTHER INFRASTRUCTURE DEPLOYMENTS IN THE PUBLIC RIGHTS-OF-WAY

WHEREAS, pursuant to the California Constitution, Article XI, section 7; California Government Code section 37100 and other applicable law, the City Council of the City of Seaside (“**City Council**”) may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws.

WHEREAS, significant changes in federal laws that affect local authority over personal wireless service facilities and other related infrastructure deployments have occurred, including, but not limited to, the following:

- On August 2, 2018, the Federal Communications Commission (“**FCC**”) adopted a Third Report and Order and Declaratory Ruling in the rulemaking proceeding titled *Accelerating Wireline and Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, 33 FCC Rcd. 7705 (rel. Aug. 3, 2018) (the “**August Order**”), that formally prohibited express and *de facto* moratoria for all personal wireless services, telecommunications services and their related facilities under 47 U.S.C. § 253(a) and directed the Wireless Telecommunications Bureau and Wireline Competition Bureau to hear and resolve all complaints on an expedited basis; and
- On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order in the same rulemaking proceeding, 33 FCC Rcd. 9088, FCC 18-133 (rel. Sep. 27, 2018) (the “**September Order**”), which, among many other things, creates a new regulatory classification for small wireless facilities, alters existing “shot clock” regulations to require local public agencies to do more in less time, establishes a national standard for an effective prohibition that replaces the existing “significant gap” test adopted by the United States Court of Appeals for the Ninth Circuit and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.

WHEREAS, in addition to the changes described above, local authority may be further impacted by other pending legislative, judicial and regulatory proceedings, including but not limited to:

- The “STREAMLINE Small Cell Deployment Act” (S. 3157) proposed by Senator John Thune that, among other things, would apply specifically to small wireless

facilities and require local governments to review applications based on objective standards, shorten the shot clock timeframes, require all local undertakings to occur within the shot clock timeframes and provide a “deemed granted” remedy for failure to act within the applicable shot clock; and

- Further orders and/or declaratory rulings by the FCC from the same rulemaking proceeding as the August Order and September Order; and
- Multiple petitions for reconsideration and judicial review filed by state and local governments against the August Order and September Order, which could cause the rules in either order to change or be invalidated.

WHEREAS, given the rapid and substantial changes in applicable law, the federal prohibition on reasonable moratorium ordinances to allow local public agencies to study these changes and develop appropriate responses and the significant adverse consequences for noncompliance with these changes in applicable law, the City Council finds that aesthetic and operational regulations adopted through a resolution that supplements the Seaside Municipal Code, and that may be quickly amended, is a necessary and appropriate means to protect the public health, safety and welfare from the potential harm caused by unregulated small wireless facilities and other infrastructure deployments.

WHEREAS, the City Council policy, attached hereto as **Exhibit “A”** and incorporated herein by this reference, establishes reasonable, uniform and comprehensive standards and procedures for small wireless facilities and other infrastructure deployment, construction, installation, collocation, modification, operation, relocation and removal within the City of Seaside’s territorial boundaries, consistent with and to the extent permitted under federal and California state law.

WHEREAS, on October 17, 2019, the City Council held a duly noticed public hearing to consider this Resolution, at which the City Council received, reviewed and considered the staff report, written and oral testimony from the public and other information in the record.

NOW, THEREFORE, THE CITY OF SEASIDE CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

1. **Findings.** The City Council finds that: (a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; (b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Resolution; (c) the provisions in this Resolution are consistent with the General Plan, Seaside Municipal Code and applicable federal and state law; and (d) this Resolution will not be detrimental to the public interest, health, safety, convenience or welfare.

2. **City Council Policy.** The City Council approves and adopts the policy regulating small wireless facilities and other infrastructure deployments in the public rights-of-way, attached hereto and incorporated herein as Exhibit “A”.
3. **Environmental Review.** Pursuant to California Environmental Quality Act (“CEQA”) Guidelines § 15061(b)(3), the City Council finds that there is no possibility that this project will have a significant impact on the physical environment. This Resolution does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new small wireless facility or other infrastructure deployment, or change to an existing small wireless facility or other infrastructure deployment, would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Resolution is exempt from CEQA under the general rule.
4. **Severability.** If any section, subsection, paragraph, sentence, clause, phrase or term (each a “Provision”) in this Resolution, or any Provision’s application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision’s application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Resolution, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.
5. **Effective Date.** This Resolution will become immediately effective upon adoption by the City Council and will remain effective until amended, superseded or repealed by a separate resolution adopted by the City Council.
6. **Publication.** The City Clerk shall cause this Resolution to be published in electronic form on the City of Seaside’s website, in physical form for public inspection at City of Seaside City Hall and at least two other public places within the City of Seaside and in any other manner required by law.

* * *

PASSED, APPROVED and ADOPTED on October 17, 2019

Ian Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

EXHIBIT “A”

CITY COUNCIL POLICY

(appears behind this coversheet)

CITY OF SEASIDE	Policy No. [reserved]
CITY COUNCIL POLICY	Adopted: <i>[date]</i> Revised:
GENERAL SUBJECT: SMALL WIRELESS FACILITIES	

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SECTION 1. GENERAL PROVISIONS

SECTION 1.1. PURPOSE AND INTENT

- (a) On September 27, 2018, the Federal Communications Commission ("FCC") adopted a *Declaratory Ruling and Third Report and Order*, FCC 18-133 (the "*Small Cell Order*"), in connection with two informal rulemaking proceedings entitled *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84. The regulations adopted in the *Small Cell Order* significantly curtail the local authority over wireless and wireline communication facilities reserved to State and local governments under sections 253 and 704 in the federal Telecommunications Act.
- (b) The City of Seaside intends this Policy to establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Policy are intended to and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. This Policy is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interests is maintained; (2) protecting the City's visual character from potential adverse impacts and/or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the City's environmental resources; (4) protecting and preserving the City's public rights-of-way and municipal infrastructure located within the City's public rights-of-way; and (5) promoting access to high-quality, advanced wireless services for the City's Residents and businesses and visitors.
- (c) This Policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or

California state law; (6) impose any unreasonable discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

SECTION 1.2. GENERAL DEFINITIONS

- (a) **Undefined Terms.** Undefined phrases, terms or words in this section will have the meanings assigned to them in 1 U.S.C. § 1, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings. If any definition assigned to any phrase, term or word in this section conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.
- (b) **Defined Terms.**
- (1) **"antenna"** means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.
 - (2) **"arterial road"** means a road designed to feed through-traffic to freeways, provide access to adjacent land uses - mostly at intersections - and feature traffic control measures. The term "arterial road" as used in this Policy is defined in the City of Seaside General Plan, Circulation Element.
 - (3) **"collector road"** means a road designed to provide access to adjacent land uses and feed local traffic to arterials. The term "collector road" as used in this Policy includes collectors and residential collectors as defined in the City of Seaside General Plan, Circulation Element.
 - (4) **"collocation"** means the same as defined by the FCC in 47 C.F.R. § 1.6002(9), as may be amended or superseded.
 - (5) **"Community Development Director"** means the Community Development Director or his/her designee and shall be the City official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve or deny such applications as provided in this Policy.
 - (6) **"concealed" or "concealment"** means concealing techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include but are not limited to: (1) antennas mounted within a radome above a streetlight; (2) equipment cabinets in the public rights-of-way painted or wrapped to match the

background; and (3) cables and wiring concealed within a shroud and/or routed internally through the support structure.

- (7) **"decorative pole"** means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.
- (8) **"FCC"** means the Federal Communications Commission or its duly appointed successor agency.
- (9) **"FCC Shot Clock"** means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended or superseded.
- (10) **"ministerial permit"** means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City's jurisdiction. Ministerial permits may include, without limitation, any building permit, construction permit, electrical permit, encroachment permit, excavation permit, traffic control permit and/or any similar over-the-counter approval issued by the City's departments.
- (11) **"personal wireless services"** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded.
- (12) **"personal wireless services facilities"** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded.
- (13) **"RF"** means radio frequency or electromagnetic waves.
- (14). **"Section 6409"** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act 012012, Pub.- L No. 112-96, 126 Stat 156, codified as 47 U.S.C. '§ 1.455(a), as may be amended or superseded.
- (15) **"small wireless facility" or "small wireless facilities"** means the same as defined by the FCC in 47 C.F.R. § 1.6002 as may be amended or superseded.
- (16) **"tower"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9), as may be amended or superseded.

SECTION 2. SMALL WIRELESS FACILITIES

SECTION 2.1. APPLICABILITY; REQUIRED PERMITS AND APPROVALS

- (a) **Applicable Facilities.** Except as expressly provided otherwise in this Policy, the provisions in this Policy shall be applicable to all existing small wireless facilities

and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate, remove or otherwise deploy small wireless facilities within the public rights-of-way or on private property within the City's jurisdictional and territorial boundaries.

- (b) **Small Cell Permit.** A "small cell permit," subject to the Community Development Director's prior review and approval, is required for any small wireless facility proposed on an existing, new or replacement structure.
- (c) **Request for Approval Pursuant to Section 6409.** Notwithstanding anything in the Policy to the contrary, requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be subject to the current FCC rules and regulations "eligible facilities requests" as defined by FCC and as may be amended or superseded.
- (d) **Other Permits and Approvals.** In addition to a small cell permit, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or other approvals issued by other City departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid small cell permit issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such small cell permit may be denied without prejudice. Furthermore, any small cell permit granted under this Policy shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.

SECTION 2.2. SMALL CELL PERMIT APPLICATION REQUIREMENTS

- (a) **Small Cell Permit Application Contents.** All applications for a small cell permit must include all the information and materials required in this Section 2.2(a).
 - (1) **Application Form.** The applicant shall submit a complete, duly executed small cell permit application on the then-current form prepared by the Community Development Director.
 - (2) **Application Fee.** The applicant shall submit the applicable small cell permit application fee established by City Council resolution. Batched applications must include the applicable small cell permit application fee for each small wireless facility in the batch. If no small cell permit application fee has been established, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to reimburse the City for its reasonable costs incurred in connection with the application within 10 days after the City issues a written demand for reimbursement.

- (3) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within 500 feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- (4) **Site Survey.** For any small wireless facility; the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 50.0 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v.) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.
- (5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the small wireless facility from a vantage point approximately 50 feet from the proposed support structure or location.
- (6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(*l*). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met-bare conclusions not factually supported do not constitute a

complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a "structure" as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a small cell permit as provided in Section 2.4(c).

- (7) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (8) **Public Notices.** The applicant shall reimburse the City for the cost of preparing and mailing public notices.
- (9) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application.
- (10) **Pole License Agreement.** For any small wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant shall submit an executed Pole License Agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's Pole License Agreement except as may be indicated on the form itself. Any unpermitted changes to the City's Agreement shall be deemed a basis to deem the application incomplete. Refusal to accept the terms and conditions in the City's Agreement shall be an independently sufficient basis to deny the application.
- (11) **Title Report and Property Owner's Authorization.** For any small wireless facility proposed to be installed on any private property not owned or controlled by the City, the applicant must submit: (i) a title report issued within 30 days from the date the applicant filed the application; and (ii) if the applicant is not the property owner, a written authorization signed by the property owner identified in the title report that authorizes the applicant to submit and accept a small cell permit in connection with the subject property. For any small wireless facility proposed to be installed on a support structure in the public right-of-way,

the applicant must submit a written authorization from the support structure owner(s).

- (12) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer licensed by the State of California for the proposed small wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.

- (b) **Additional Requirements.** The City Council authorizes the Community Development Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Community Development Director finds necessary, appropriate or useful for processing any application governed under this Policy. All such requirements and materials must be in written form and publicly available to all interested parties.

SECTION 2.3. SMALL CELL PERMIT APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- (a) **Requirements for a Duly Filed Application.** Any application for a small cell permit will not be considered duly filed unless submitted in accordance with the requirements in this Section 2.3(a).
 - (1) **Submittal Appointment.** All applications must be submitted to the City at a pre-scheduled appointment with the Community Development Director. Potential applicants may generally submit one application per appointment, or up to five individual applications per appointment for batched applications as provided in Section 2.3(d). Potential applicants may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants for any other development project. The Community Development Director shall use reasonable efforts to offer an appointment within five working days after the Community Development Director receives a written request from a potential applicant. Any purported application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed, whether the City retains, returns or destroys the materials received.

(2) **Pre-Submittal Conferences.** The City strongly encourages, but does not require, potential applicants to schedule and attend a pre-submittal conference with the Community Development Director for all proposed projects that involve small wireless facilities. A voluntary pre-submittal conference is intended to streamline the review process through informal discussion between the potential applicant and staff that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, potential applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such draft applications or other materials may be incomplete or unacceptable. The Community Development Director shall use reasonable efforts to provide the potential applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.

- (b) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and to mitigate unreasonable delays or barriers to entry caused by chronically incomplete applications, any application governed under this Policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Community Development Director within 60 calendar days after the Community Development Director deems the application incomplete in a written notice to the applicant. As used in this Section 2.3(c), a "substantive response" must include the materials identified as incomplete in the Community Development Director's notice.
- (c) **Batched Applications.** Applicants may submit up to five individual applications for a small cell permit in a "batch" to be reviewed together at the same time; provided, however, that (i) all small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type; (ii) each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch; (iii) if any individual application within a batch is deemed incomplete, the entire batch shall be automatically deemed incomplete; (iv) if any application is withdrawn or deemed withdrawn from a batch, all other applications in the entire batch shall be automatically deemed withdrawn; and (v) if any application in a batch fails to meet the required findings for approval, the entire batch shall be denied in the manner described in Section 2.4(e).

- (d) **Additional Procedures.** The City Council authorizes the Community Development Director to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for appointments with applicants, as the Community Development Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

SECTION 2.4. APPROVALS AND DENIALS; NOTICES

- (a) **Public Notice.** Within approximately 10 days after an application is received and prior to any approval, conditional approval or denial, the City shall mail public notice to all properties and record owners of properties within 300 feet from the project site. The notice must contain: (1) a general project description; (2) the applicant's identification and contact information as provided on the application submitted to the City; (3) contact information for the Community Development Director for interested parties to submit comments; (4) a statement that the Community Development Director will act on the application without a public hearing but that any interested person or entity may appeal the Community Development Director's decision directly to the City Council; and (5) a general statement that the FCC requires the City to take final action on small cell applications within 60 days or 90 days, depending on the nature of the proposed facility.
- (b) **Administrative Review.** Not less than 10 calendar days after the public notice required in Section 2.4(a) is sent, and not more than 29 calendar days after the application has been deemed complete, the Community Development Director shall approve, conditionally approve or deny a complete and duly filed small cell permit application without a public hearing.
- (c) **Required Findings.** The Community Development Director may approve or conditionally approve a complete and duly filed application for a small cell permit when the Community Development Director finds:
- (1) the proposed project meets the definition for a "small wireless facility" as defined by the FCC;
 - (2) the proposed project would be in the most preferred location within 750 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 750 feet would be technically infeasible;
 - (3) the proposed project would not be located on a prohibited support structure identified in this Policy;

- (4) the proposed project would be on the most preferred support structure within 750 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) within 750 feet would be technically infeasible;
 - (5) the proposed project complies with all applicable design standards in this Policy;
 - (6) the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
 - (7) all public notices required for the application have been given.
- (d) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or California laws, nothing in this Policy is intended to limit the Community Development Director's ability to conditionally approve or deny without prejudice any small cell permit application as may be necessary or appropriate to ensure compliance with this Policy.
- (e) **Decision Notices.** Within five calendar days after the Community Development Director acts on a small cell permit application, the Community Development Director shall notify the applicant and all parties entitled to receive notice of the application by written notice. If the Community Development Director denies the application (with or without prejudice), the written notice must contain the reasons for the decision.
- (f) **Appeals.** Any interested person or entity may appeal the decision by the Community Development Director to the City Council. Appeals must be filed within seven days after the date of the Community Development Director's decision; provided, however, that appeals from an approval shall not be permitted when based solely on the environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines. The notice of appeal must contain a short and plain statement of the basis for the appeal, which may be supplemented after the notice period has expired but before the hearing. The City Council shall hear appeals *de novo* and issue the applicant a written decision within five calendar days after the date of the public hearing.

SECTION 2.5. STANDARD CONDITIONS OF APPROVAL

- (a) **General Conditions.** In addition to all other conditions adopted by the Community Development Director for a small cell permit, all small cell permits issued under this Policy shall be automatically subject to the conditions in this Section 2.5(a).

- (1) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance unless California Government Code § 65964(b) authorizes the City to establish a shorter term for public safety reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
- (2) **Permit Renewal.** Within one (1) year before the expiration date of this permit, the permittee may submit an application for permit renewal. To be eligible for administrative review and renewal, the permittee must demonstrate that (a) the subject wireless facility is in compliance; with all the conditions of approval associated with this permit and all applicable provisions in the Seaside Municipal Code and this Policy that exist at the time the decision to renew the permit would be rendered. The Community Development Director shall have discretion to modify or amend the conditions of approval for permit renewal on a case-by-case basis as may be necessary or appropriate to protect and promote the public health, safety and welfare, allow for the proper operation of the approved wireless facility, maintain compliance with applicable laws and/or to advance the goals or policies in the General Plan and any specific plan, the Seaside Municipal Code and/or this Policy. Upon renewal, this permit will automatically expire 10 years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the City to establish shorter term for public safety reasons.
- (3) **Post Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small wireless facility approved or deemed-approved, the permittee shall provide the Community Development Director with documentation reasonably acceptable to the Community Development Director that the small wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and Photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
- (4) **Build-Out Period.** This small cell permit will automatically expire six (6) months from the approval date (the "build-out period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the small wireless facility or its use. If this build-out period expires, the City will not extend the build-out period but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project

(5) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved construction drawings and all conditions in this small cell permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

(6) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this small cell permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt or enforce compliance with any applicable provision in the Seaside Municipal Code, this Policy any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all aspects with all applicable provisions in the Seaside Municipal Code, this policy, any permit, any permit condition or any applicable law or regulation.

(7) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not, perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Seaside Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Community Development Director may issue a stop work order for any activities that violates this condition in whole or in part.

(8) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and

equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.

- (9) **Permittee's Contact Information.** Within 10 days from the final approval, the permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.
- (10) **Indemnification.** The permittee and, if applicable, the property owner upon which the small wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all (i) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this small cell permit, and (ii) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this small cell permit or the small wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this small cell permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this small cell permit.

- (11) **Performance Bond.** Before the Building Division issues any permits required to commence construction in connection with this permit, the permittee shall

post a performance bond from a surety and in a form acceptable to the Community Development Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California government Code §65964(a), the Community Development Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.

- (12) **Permit Revocation.** Any permit granted under this Policy may be revoked in accordance with the provisions and procedures in this condition. The Community Development Director may initiate revocation proceedings when the Community Development Director has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before the Community Development Director may conduct a public hearing to revoke any permit granted under this Policy, the Community Development Director must issue a written notice to the permittee that specifies
- (i) the facility; (ii) the violation(s) to be corrected; (iii) the timeframe in which the permittee must correct such violation(s); and (iv) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s). A permit granted under this Policy may be revoked only by the City Council after a duly noticed public hearing. The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Community Development Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

- (13) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes

without limitation the small cell permit application, small cell permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the small cell permit (collectively, "records"). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

(14)

Abandoned Wireless Facilities. The small wireless facility authorized under this small cell permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Seaside Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligation under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and

restoration with, or without notice, and the permittee and property owner (where private property) shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.

(15)

15 Landscaping. At the discretion of the Community Development Director, the permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site, or pay a fee to the City's Urban Forestry Fund if replacement landscaping is not feasible or desired at the location. If any trees are damaged or displaced, the permittee shall replace landscaping as determined by the City's unless approved by the City's arborist. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree unless approved by the City's arborist. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

(16) **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.

(b) **Conditions for Small Wireless Facilities in the Public Rights-of-Way.** In addition to all conditions in subsection (a), all small cell permits for small wireless facilities in the public rights-of-way issued under this Policy shall be automatically subject to the conditions in this Section 2.5(b).

(1) **Future Undergrounding Programs.** Notwithstanding any term remaining on any small cell permit, if other utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must also underground its equipment, except the antennas and any approved electric meter, at approximately the same time. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small wireless facilities installed on utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.

- (2) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.

- (3) **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (i) change any street grade, width or location; (ii) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (iii) perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in this small cell permit. If the Public Works Director determines that any City work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

SECTION 2.6. LOCATION REQUIREMENTS

- (a) **Preface to Location Requirements.** This subsection (a) provides guidance as to how to interpret and apply the location requirements in this Section 2.6. To better assist applicants and decision makers understand and respond to the community's aesthetic preferences and values, subsections (b) (c), (d) and (e) set out listed preferences for locations and support structures to be used in connection with small wireless facilities in ordered hierarchies. Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 750 feet from the proposed site; or (2) any more preferred locations or structures within 750 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Subsection (f) identifies "prohibited" support structures on which the City shall not approve any small cell permit application for any competitor or potential competitor.
- (b) **Locations in the Public Rights-of-Way.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:

- (1) locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," or "Open Space" categories (except where in or adjacent to public parks and open space areas), on or along arterial roads as defined and mapped in the General Plan;
 - (2) locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," or "Open Space" categories (except where in or adjacent to public parks and open space areas), on or along collector streets as defined and mapped in the General Plan;
 - (3) locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," or "Open Space" categories (except where in or adjacent to public parks and open space areas), on or along local streets as defined and mapped in the General Plan;
 - (4) locations within or adjacent to public parks and open space areas, or areas designated "Institutional" in the (General Plan, on or along arterial, collector or local streets as defined and mapped in the General Plan;
 - (5) within the West Broadway Urban Village Specific Plan Area, any location within any non-residential, or mixed-use Specific Plan land use designation;
 - (6) locations within areas designated as any of the land use categories listed in the General Plan Under the "Residential" category, on or along arterial streets as defined and mapped in the General Plan;
 - (7) locations within areas designated as any of the land use categories listed in the General Plan under the "Residential" category, on or along collector streets defined and mapped in the General Plan;
 - (8) locations within areas designated as any of the land use categories listed in the General Plan under the "Residential" category, on or along local streets as defined and mapped in the General Plan;
 - (9) within the West Broadway Urban Village Specific Plan Area, locations within residential Specific Plan land use designations;
 - (10) within the West Broadway Urban Village Specific Plan Area.
- (c) **Locations Outside the Public Rights-of-Way.** The City prefers small wireless facilities outside the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:

- (1) locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," or "Open Space" categories (except within any public park or open space areas);
 - (2) locations within areas designated "Institutional" in the General Plan;
 - (3) within the West Broadway Urban Village Specific Plan Area, any location within any non-residential or mixed-use Specific Plan land use designation;
 - (4) locations within areas designated as any of the land use categories listed in the General Plan under the "Residential" category;
 - (5) locations within any public park or open space area;
 - (6) within the West Broadway Urban Village Specific Plan Area, locations within residential Specific Plan land use designations;
 - (7) within the West Broadway Urban Village Specific Plan Area.
- (d) **Support Structures in the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures in the public rights-of-way, ordered from most preferred to least preferred, as follows:
- (1) existing or replacement metal or composite streetlight or utility poles;
 - (2) new, non-replacement metal or composite streetlight poles;
 - (3) new, non-replacement poles for small wireless facilities;
 - (4) existing or replacement wood utility or streetlight poles.
- (e) **Support Structures Outside the Public Rights-of-Way.** The City prefers small wireless facilities to be installed on support structures outside the public rights-of-way, ordered from most preferred to least preferred, as follows:
- (1) Existing, non-historic buildings, or other non-tower structures previously approved for use as a support structure for personal wireless service facilities;
 - (2) other existing non-historic buildings or non-tower structures;
 - (3) existing or replacement utility poles or towers;
 - (4) new, non-replacement towers for small wireless facilities;

- (5) existing historic buildings.
- (f) **Prohibited Support Structures.** The City prohibits small wireless facilities to be installed on the following support structures, whether located in the public rights-of-way or not:
 - (1) decorative poles and decorative streetlights;
 - (2) traffic signals, signs, poles, cabinets and related devices;
 - (3) new, non-replacement wood poles.

SECTION 2.7. DESIGN STANDARDS

(a) **General Standards.**

- (1) **Noise.** Small wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Seaside Municipal Code Chapter 17.30.060, as either may be amended or superseded, and shall not exceed, either on an individual or cumulative basis.
- (2) **Lights.** Small wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Policy.
- (3) **Landscape Features.** At the discretion of the Community Development Director, the permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site, or pay a fee to the City's Urban Forestry Fund if replacement landscaping is not feasible or desired at the location. If any trees are damaged or displaced, the permittee shall replace landscaping as determined by the City's arborist. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree unless approved by the City's arborist. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

- (4) **Site Security Measures.** Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The Community Development Director shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from or coated with graffiti-resistant materials.
- (5) **Signage Advertisements.** All small wireless facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, Occupational Safety and Health Administration or other United States governmental agencies for compliance with RF emissions regulations.
- (6) **Compliance with Health and Safety Regulations.** All small wireless facilities shall be designed, constructed, operated and maintained with all generally applicable health and safety regulations which includes without limitation all applicable regulations for human exposure to RF emissions and compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*).

(b) **Small Wireless Facilities in the Public Right-of-Way**

(1) **Overall Height.** Small wireless facilities may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations, plus four feet or (B) four feet above the existing support structure.

(2) **Antennas.**

(A) **Concealment:** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.

(B) **Antenna Volume.** Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.

(3) **Accessory Equipment.**

(A) **Installation Preferences.** All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred: (i) underground in any area in which the existing

utilities are primarily located underground; (ii) on the pole or support structure; or (iii) integrated into the base of the pole or support structure. Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically feasible as supported by clear and convincing evidence in the written record.

- (B) **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced, unless approved by the Community Development Director.
- (C) **Pole-Mounted Accessory Equipment** All pole-mounted accessory equipment must be installed in a single equipment shroud unless the applicant demonstrates that a single shroud would be technically infeasible as supported by clear and convincing evidence in the written record. All pole-mounted accessory equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from public view. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.
- (D) **Base-Mounted Accessory Equipment.** All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.
- (E) **Ground-Mounted Accessory Equipment.** The Community Development Director shall not approve any ground-mounted accessory equipment

including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels or electric meters.

- (F) **Accessory Equipment Volume.** All accessory equipment associated with a small wireless facility installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential district; or (ii) seventeen (17) cubic feet in volume if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.
- (4) **Streetlights.** Applicants that propose to install small wireless facilities on an existing streetlight must remove and replace the existing streetlight with one substantially similar to and which meets the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the streetlighting patterns, the replacement pole must: (A) be located as close to the removed pole' \$ possible; (B) be aligned with the other existing streetlights and (C) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers for the pole.
- (5) **Wood Utility Poles.** Applicants that propose to install small wireless facilities on an existing wood utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side—arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations. Applicants that propose to install small wireless facilities on a replacement wood utility pole must remove and replace the existing wood utility pole with one that is substantially similar in height and diameter unless the applicant demonstrates that a substantially familiar replacement pole would be technically infeasible as supported by clear and convincing evidence in the written record.

- (6) **New, Non-Replacement Poles.** Applicants that propose to install small wireless facilities on a new, non-replacement pole must install a new streetlight in accordance with the City's standards, specifications and spacing requirements but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.
- (7) **Strand-Mounted Wireless Facilities.** No more than one strand-mounted wireless facility may be installed on any single span between two poles. The Community Development Director shall not approve any ground-mounted equipment in connection with any strand-mounted wireless facility. All equipment and other improvements associated with a strand-mounted wireless facility must comply with all applicable health and safety regulations. Strand-mounted wireless facilities shall not exceed one cubic foot in total volume. All strand-mounted equipment shall be finished in a non-reflective grey color. Any accessory equipment mounted on the pole shall be painted and textured to match the underlying pole. "Snow shoes" and other spooled fiber or cables are prohibited.
- (8) **Encroachments over Private Property.** Small wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent.
- (9) **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the public rights-of-way; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.

- (10) **Obstructions; Public Safety.** Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede: (A) worker access to any above ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, or barricade reflectors; (B) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (C) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (D) access to any fire hydrant or water valve; (E) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or (F) access to any fire escape.
- (11) **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (A) internal risers or conduits if on a concrete, composite or similar pole; or (B) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The Community Development Director shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- (12) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- (13) **Electric Meters.** Small wireless facilities shall: set flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. The Community Development Director shall not approve a separate ground-mounted electricmeter pedestal.
- (14) **Street Trees.** To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.

(c) **Small Wireless Facilities Outside the Public Right of Way.**

- (1) **Overall Height.** Small wireless facilities on private property may not exceed the applicable height limit for primary structures in the applicable zoning district

o r overlay zone, except as follows.

- (A) Residential or Open Space land use districts as designated in the General Plan: 30 feet .
- (B) Non-Residential. General Plan land use designations (including designations listed under Commercial; Open Space; Mixed-Use and Institutional categories: 40 feet
- (C) Where the facility would be mounted on an existing building or structure, the height of the wireless facility shall not exceed the maximum height of the building or structure, including any existing parapet or roof-mounted screen, by more than five feet.
- (D) Exceptions to height limits that are otherwise allowed by SMC Section 17.54.060 (B) for antennas, transmission towers and similar appurtenances shall not apply to small wireless facilities in any zoning district or PUD.

- (2) **Setbacks.** Small wireless facilities on private property may not encroach into any applicable setback for Class I or Class II accessory structures in the subject zoning district.
- (3) **Backup Power Sources.** The Community Development Director shall not approve any fossil fuel generators or other similarly noisy or fume-emitting generators in or within 250 feet from any residence; provided, however, the Community Development Director may approve sockets or other connections used for temporary backup generators used in an emergency declared by federal, state or local officials.
- (4) **Parking; Access.** Any equipment or improvements constructed or installed in connection with any small wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, small wireless facilities must use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements must meet City standards.
- (5) **Towers, Poles and Other Freestanding Small Wireless Facilities.** All new towers, poles or other freestanding structures that support small wireless facilities must be made from a metal or composite material capable of concealing all the accessory equipment, including cables, mounting brackets, radios, and utilities, either within the support structure or within an integrated enclosure located at the base of the support structure. All antennas must be installed above the pole in a single, canister-style shroud or radome. The support structure and all transmission equipment must be painted with flat/neutral colors that match the support structure. The pole height shall not exceed thirty-five (35) feet or the applicable height limit listed in Section (c)(1) whichever is less. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches.
- (6) **Building-Mounted Small Wireless Facilities.**
- (A) **Preferred Concealment Techniques.** All applicants must propose new non-tower small wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys).

- (B) **Facade-Mounted Equipment.** When small wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the Community Development Director may approve facade-mounted antenna equipment in accordance with this Section 2.7(c)(6)(B). All facade-mounted equipment must be concealed behind screen walls and mounted flush to the facade. The Community Development Director may not approve "pop-out" screen boxes. The Community Development Director may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 10.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Rick Riedl, City Engineer
Misty Bradshaw, Associate Engineer

DATE: October 17, 2019

**SUBJECT: APPROVE A RESOLUTION ADOPTING THE NEW PROPOSED
WATER RATES STRUCTURE FOR THE SEASIDE MUNICIPAL
WATER SYSTEM**

PURPOSE & RECOMMENDATION

Approve a resolution to adopt the rate structure included in Exhibit A.

BACKGROUND

The Seaside Municipal Water System (SMWS) is comprised of 772 non-city owned metered service connections serving approximately 2,800 customers. The water system consists of one water well, two water tanks (500,000 gallons each), and seven miles of distribution piping. The water system serves the northeast portion of the City of Seaside and is bounded by La Salle Avenue to the north, Hilby Avenue to the south, Soto Street to the west and General Jim Moore Boulevard to the east. The City operates the water system as an Enterprise Fund. Upgrading of the system is funded through revenues in excess of maintenance and operation expenses. The majority of revenue comes from billings for consumption and meter charges. A very small portion of revenue comes from service installations, interest income, and other miscellaneous income sources. California America Water Company (Cal Am) and Marina Coast Water District (MCWD) are the water utility purveyors that serve the remaining Seaside residents.

On April 20, 2015, the Fourth District Court of Appeal, Division Three, ruled that the

City of Capistrano's inclining, tiered block rate structure violated Proposition 218's proportionality requirements (California Constitution, article XIII D, section 6). Although the opinion in *Capistrano Taxpayers Association v. City of San Juan Capistrano* held that tiered rates, or inclining block rates that go up progressively in relation to usage, are compatible with Proposition 218, in this instance, the court concluded that the City failed to demonstrate that the tiers correspond to the actual cost of providing service at a given level of usage. The City of Seaside currently employs a six tiered rate structure that may need to be modified to be in accordance with this court's ruling.

The City of Seaside Municipal Water System last completed a water rate study in 2008 which resulted in increases to the billing rates which took effect in 2009. Since then, the needs of the water system have increased, including operational costs of the water utility, and funding of necessary Capital Improvement Projects in order to repair and improve the facilities so as to continue to provide customers with available and safe potable drinking water.

In February of 2019, the City entered into an agreement with Bartle Wells Associates (Bartle Wells) to prepare a water rate study for the Seaside Municipal Water System, and to make proposed recommendations in order to fund operational expenses and capital projects for the water system. Bartle Wells prepared two alternative rate scenarios, both of which include establishing a two tier rate structure in order to ensure compliance with the Capistrano Decision. Both scenarios propose that the City apply for a loan with a 20 year term to fund the proposed Capital Improvements.

On June 6, 2019, City Council reviewed the proposed draft water study tables. City Council selected the preferred proposed rate structure outlined in Exhibit A. Council further directed staff to distribute the public notification titled "Notice to owners of the Proposed Rate Increase and Public Hearing Proceedings". Notifications were mailed by July 15, 2019 to all property owners within the Seaside Municipal Water System. The notifications included reasons for the proposed changes, information about the proposed rates, and information on the customer's right to protest.

Raising utility rates in California requires the City to follow what is known as the Proposition 218 laws. This requires the City to give notice to affected property owners and/or customers of the proposed rate increase and hold a subsequent public hearing to set the new rates. The hearing must be at least 45 days from the date when notice was given. In the event that a majority of the customers do not object, the new rates can be implemented after the public hearing. In the event that more than half of the affected property owners/customers object to the proposed rate increase, then the proposed rates could not be implemented and alternatives would have to be considered to recoup costs and serve the water utility customers. Considering that there are 772 non-city owned water service accounts, a majority protest would be 387 protest votes.

On September 5, 2019, the public hearing was held for the proposed water rates during a regularly scheduled City Council Meeting. The City received a total of four protest ballots, which is less than the required amount of 387 to overturn the proposed rate structure. In addition, there were 12 notices that were undeliverable and returned to the City. With a conservative estimate assuming that all undeliverable notices belonged to customers who protested, that would revise the total calculated protests to 16 protest ballots, which is less than the 387 protests required to overturn the proposed rate increase.

Staff was then directed for Bartle Wells to look into a reduced rate alternative. In order to provide a reduced rate increase, the proposed Capital Improvement program costs were re-evaluated, and select projects were deferred to future years where applicable. In addition, debt financing rates are now projected to be 3.5%, as compared to the originally projected 4%, on loans proposed in fiscal year 2020 and 2023. These revised values were updated into the revised tables dated October 10, 2019. The reduced rate schedule is included as Exhibit A.

ENVIRONMENTAL COMPLIANCE

Per title 14 of the California Code of Regulations, Chapter 3, "Guidelines for Implementation of California Environmental Quality Act (CEQA)," section 15378.b, a project does not include government funding mechanisms or fiscal activities. The proposed project is categorically exempt.

FISCAL IMPACT

The proposed rate structure will go into effect on October 29, 2019. The increase in revenues will be used to add revenue to the City's Water Fund (#401) for use in Operational, maintenance, and capital projects.

ATTACHMENTS

1. Resolution and Exhibit A
2. Verified Ballot Totals

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 19-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**ADOPTING THE NEW WATER RATE STRUCTURE FOR THE SEASIDE
MUNICIPAL WATER SYSTEM**

WHEREAS, The City of Seaside owns and operates the Seaside Municipal Water System (SMWS) which provides water service to 772 non-city owned properties/customers; and

WHEREAS, the SMWS is operated as a self-sustaining enterprise where the expenses to operate and maintain the system are primarily sourced through water rates; and

WHEREAS, a water rate study was prepared for the City of Seaside in August 2019 that reviewed and analyzed the historic expenditures and revenues, the proposed Capital Improvement Program, and account balances and projected future revenue requirements for the SMWS; and

WHEREAS, the rate study determined water utility rates that would be sufficient to recoup costs for implementing necessary capital improvements, and for operating and maintaining the water system, and to make payments to the Watermaster; and

WHEREAS, the rate study determined the appropriate rate structure required to generate revenue to meet operating, maintenance, and capital expenditures and some Watermaster fees; and

WHEREAS, on June 6, 2019, the City Council approved the proposed rates and directed staff to proceed with the notification to customers; and

WHEREAS, the City gave notice to all affected property owners through a Public Notice mailed on July 15, 2019, which included the proposed rate increase and information on the public hearing on September 5, 2019; and

WHEREAS, a public protest hearing was held on September 5, 2019 at a regularly scheduled City Council meeting; and

WHEREAS, a majority protest of fifty percent plus one, or 387 protest votes of the customers must be received by the City to overturn the proposed water rates; and

WHEREAS, the City Clerk received four (4) protest votes; and

WHEREAS, the City Clerk received twelve (12) notices that were undeliverable

and returned to the City; and

WHEREAS, a conservative estimate is that all undeliverable notices could have been delivered to customers who would have protested; and

WHEREAS, the maximum number of protests could be calculated as the actual protests received (4) plus the undeliverable notices (12) for a total to sixteen (16) protest ballots, which is less than the 387 protests required to overturn the proposed rate increase; and

WHEREAS, per Title 14 of the California Code of Regulations, Chapter 3, "Guidelines for Implementation of California Environmental Quality Act (CEQA)," section 15378.b, a project does not include government funding mechanisms or fiscal activities. The proposed project is categorically exempt.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside adopt the water rate structure attached as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 17th day of October 2019 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

Exhibit A

Fixed Rates

WATER	Current	Proposed Rates (\$/Month)				
		10/29/2019	1/1/2020	1/1/2021	1/1/2022	1/1/2023
Meter Size						
3/4" or less	\$25.32	\$26.09	\$30.00	\$34.50	\$39.67	\$39.67
1 Inch Meter	\$25.32	\$43.48	\$50.00	\$57.50	\$66.12	\$66.12
1.5 Inch Meter	\$82.20	\$86.95	\$99.99	\$114.99	\$132.24	\$132.24
2 Inch Meter	\$129.20	\$139.12	\$159.99	\$183.99	\$211.59	\$211.59
3 Inch Meter	\$225.21	\$260.85	\$299.98	\$344.98	\$396.73	\$396.73
4 Inch Meter		\$434.76	\$499.97	\$574.96	\$661.21	\$661.21
6 Inch Meter		\$869.51	\$999.94	\$1,149.93	\$1,322.42	\$1,322.42

Volumetric Rates

		10/29/2019		1/1/2020		1/1/2021		1/1/2022		1/1/2023	
Proposed Volumetric Rates	(\$/tcf)	Tier 1 \$0.70	Tier 2 \$1.36	Tier 1 \$0.80	Tier 2 \$1.46	Tier 1 \$0.93	Tier 2 \$1.60	Tier 1 \$1.06	Tier 2 \$1.76	Tier 1 \$1.06	Tier 2 \$1.78
Proposed Allocations per Month		Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2	Tier 1	Tier 2
Single Family Residential (per dwelling)	(tcf)	0 to 57	57 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Multifamily #1 (per meter)	(tcf)	0 to 9,547	9,547 +	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 8,165	8,165 +	0 to 6,182	6,182 +
Multifamily #2 (per meter)	(tcf)	0 to 2,417	2,417 +	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 2,067	2,067 +	0 to 1,565	1,565 +
School #1 (per student)	(tcf)	0 to 6.682	6.682 +	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 5.714	5.714 +	0 to 4.327	4.327 +
School #2 (per student)	(tcf)	0 to 6.857	6.857 +	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 5.864	5.864 +	0 to 4.440	4.440 +
School #3 (per student)	(tcf)	0 to 6.264	6.264 +	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 5.357	5.357 +	0 to 4.056	4.056 +
Church #1 (per meter)	(tcf)	0 to 306	306 +	0 to 262	262 +	0 to 262	262 +	0 to 262	262 +	0 to 198	198 +
Church #2 (per meter)	(tcf)	0 to 58	58 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Fire Department	(tcf)	0 to 57	57 +	0 to 49	49 +	0 to 49	49 +	0 to 49	49 +	0 to 37	37 +
Proposed Temporary Account Rates	(\$/tcf)	\$1.36		\$1.46		\$1.60		\$1.76		\$1.78	

Water Bill Customer Name										OWNER	
PARCEL_NUM	SITE ADDRESS	CITY	STATE	ZIP	(as of 6/20/19)	PROPERTY OWNER NAME	OWNER ADDRESS	OWNER CITY	STATE	OWNER ZIP	
Protested Ballots											
12664003000	9 MAURITANIA CT	SEASIDE CA	CA	93955	Earl Rowland	ROWLAND EARL	9 MAURITANIA CT	SEASIDE	CA	93955	
12621005000	1732 LA SALLE AVE	SEASIDE CA	CA	93955	Bruce & Sandra Weaver	WEAVER WILLIAM BRUCE & SANDRA DALE TRS	1732 LA SALLE AVE	SEASIDE	CA	93955-4123	
12015022000	1832 JUAREZ ST	SEASIDE CA	CA	93955		HANANO WAYNE D & MICHAEL H HANANO &	45153 MANZANITA CT	FREMONT	CA	94539	
12015041000	1836 JUAREZ ST	SEASIDE CA	CA	93955		DAHMS DAPHNE D	PO BOX 3333	MONTEREY	CA	93942	
Undeliverable Notices											
12622024000	7 STOWE CT	SEASIDE CA	CA	93955	Sergio Perez	DICKERSON SHIRLEY ANN ET AL	7 STOWE CT	SEASIDE CA	CA	93955	
12644011000	1495 ANCON ST	SEASIDE CA	CA	93955	Peter F Abraham	ABRAHAM PETER F	1495 ANCON ST	SEASIDE	CA	93955	
12674005000	1386 SKYVIEW DR	SEASIDE CA	CA	93955	Ken Hamilton	HAMILTON RUTH E TR	1386 SKYVIEW DR	SEASIDE	CA	93955-5622	
12116006000	1716 HAVANA ST	SEASIDE CA	CA	93955	Matthew Randall	REED RONDA J & ANTHONY P STINCELLI TRS	1716 HAVANA ST	SEASIDE CA	CA	93955	
12621037000	1685 SAN PABLO AVE	SEASIDE CA	CA	93955		LUBBES MICHAEL	1685 SAN PABLO AVE	SEASIDE	CA	93955	
12622017000	1881 SAN PABLO AVE	SEASIDE CA	CA	93955	Julian Keogh	MC KAY STEPHEN R & MCKAY TAMARA L	1881 SAN PABLO AVE	SEASIDE	CA	93955	
12114015000	1776 HAVANA ST	SEASIDE CA	CA	93955	Kuniko/Estelle Garner	RANDAZZO SAUNDRA L TR	1776 HAVANA ST	SEASIDE	CA	939554038	
12113039000	1768 GRANADA ST	SEASIDE CA	CA	93955	Jennifer Curtice	BILLECI ROSEMARIE	1768 GRANADA ST	SEASIDE	CA	93955-4039	
12111038000	1732 FERNANDO ST	SEASIDE CA	CA	93955	Jeanette Walton	MCFARLAND KAYE & WALTON JEANETTE	50 OLD MOUNTAIN RD	POWDER SPRINGS	GA	30127	
12621058000	1895 LINCOLN ST	SEASIDE CA	CA	93955	Frederick Warren	DE BEER CHAD G & ALTHEA R	1895 LINCOLN ST	SEASIDE	CA	93955	
12621062000	1857 LINCOLN ST	SEASIDE CA	CA	93955	Frances A Greene	CASTRO MARCIE E	1857 LINCOLN ST	SEASIDE	CA	93955	
12109037000	1765 FERNANDO ST	SEASIDE CA	CA	93955	Mario Cardenas	PATEL SAMIR & NITA	1765 FERNANDO ST	SEASIDE	CA	93955	

TOTAL PROTEST BALLOTS RECEIVED	4
TOTAL UNDELIVERABLE NOTICES	12
TOTAL PROTESTED	16