

City of Santa Paula

City Council

MAYOR LESLIE CORNEJO
VICE MAYOR PEDRO A. CHAVEZ
COUNCILMEMBER JENNY CROSSWHITE
COUNCILMEMBER CARLOS JUAREZ
COUNCILMEMBER ANDY SOBEL



CITY COUNCIL REGULAR MEETING OF THE SANTA PAULA CITY COUNCIL

WEDNESDAY, MARCH 6, 2024

6:30 PM - City Council Regular Meeting

SANTA PAULA CITY HALL
970 VENTURA STREET
SANTA PAULA, CA 93060

JULIE LATSHAW, CITY CLERK
DAN SINGER, CITY MANAGER
MONICA CASTILLO, CITY ATTORNEY

CITY COUNCIL REGULAR MEETING

You are invited to participate in all Regular City Council meetings. Agendas are posted in the front of Santa Paula City Hall, 970 Ventura Street, Santa Paula, 72 hours in advance of the scheduled meetings. The City Council's regular meetings start at 6:30 p.m. the first and third Wednesday of each month in the City Hall Council Chambers located at 970 Ventura Street in Santa Paula. Special and Closed Sessions vary by date and time.

HOW TO PARTICIPATE IN PERSON DURING THE MEETING: If you wish to speak at a City Council meeting, please fill out a **Public Comment Form** noting your name and address and submit the form to the City Clerk. Include the Agenda item number, when appropriate. **Public comments are limited to 3 minutes.**

1. **Items Not on the Agenda:** If you wish to discuss an item which is not scheduled on the Agenda, you may address the City Council during *Public Comment*. Please realize that due to the limitations placed on the City Council by provisions of the *California Government Code*, the City Council ordinarily cannot take action on any item that is not on the agenda. Because of these restrictions, expect that matters that you identify during public comment may be referred to staff or considered on a future agenda.
2. **Agenda Items:** Items being considered by the City Council may appear on the Consent Calendar, as an Action Item, or as a Public Hearing. Public comments on each type of item are handled differently, as explained below:
 - a. For items appearing on the Consent Calendar, please submit a Public Comment Form before the Council takes action on the Consent Calendar. Items that receive a Public Comment Form may be pulled from the Consent Calendar by the Mayor and discussed separately by the City Council.
 - b. For items appearing as an Action Item, the Mayor will announce the Agenda item and request the staff report, the staff member responsible will give a brief summary of the report; the City Council will have an opportunity to ask questions of staff; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); and the City Council will discuss the item and then take appropriate action.
 - c. For items on which a Public Hearing is scheduled, the Mayor will open the public hearing and receive the staff report; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); the City Council will discuss the item; and the Mayor will close the public hearing after City Council action.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence on any agenda item by sending an email to cityclerk@spcity.org. All public correspondence received by 3:00 p.m. (PT) on the meeting date will be provided to the legislative body before the meeting. Public Comments received after 3:00 p.m. will be provided to the legislative body the next day.

Your Participation in this meeting is in the public domain; meetings are cablecast; minutes of this meeting will reflect your participation in this meeting and are posted on the city's website.

PLEASE NOTE: *Be advised that if you bring a legal challenge to an action, you may be limited to raising only those issues you or someone else raised at the meeting described in this Agenda, or in written correspondence delivered to the City Council at or before the meeting. Any action is subject to the ninety-day time period set forth in Code of Civil Procedure § 1094.6.*

*In compliance with the **Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk at (805) 933-4208. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35, 102-35.104 ADA Title II). Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office.*

HOW TO VIEW ON YOUR TELEVISION, COMPUTER, OR MOBILE DEVICE: Watch from home live on the local Channel 10, or view the live feed on the city website at the following link: <https://www.spcity.org/523/Public-Meeting-Agendas>

NOTE: Special and Closed Sessions are not recorded and not available on Channel 10 or live feed on the city website.

REGULAR MATTERS - COUNCIL CHAMBERS

1. CALL TO ORDER

REMINDER: in order to minimize distractions during public meetings, all personal communication devices should be turned off or put in a non-audible mode.

2. INVOCATION

3. FLAG SALUTE

4. ROLL CALL

5. PUBLIC COMMENT

At this time, members of the public may comment on any item not appearing on the agenda that is within the subject-matter jurisdiction of the City Council. A Public Comment Form must be submitted to the City Clerk prior to the beginning of the Public Comment period in order to be recognized to speak. Individuals submitting Public Comment Forms after the beginning of the Public Comment period will not be allowed to speak at this time, but may be recognized to speak by the Mayor at the conclusion of the meeting. Individual Councilmembers may briefly respond to Public Comments or ask questions for clarification. The City Council may direct staff to report to the City Council on the item at a later meeting. For items appearing on the Agenda, the public will be invited to make comments at the time the item comes up for City Council consideration. If a member of the public wishes to address a Consent Calendar item, please submit a Public Comment Form for that item. It may then be discussed separately by the Council, and the public will be invited to make comments at that time. At all times, please use the microphone and write your name and address on the Public Comment Form provided.

6. PRESENTATIONS

6.A LEAD FOR AMERICA AMERICAN CONNECTION CORPS WEEK 2024 PROCLAMATION

6.B **POLICE DEPARTMENT REPORT**

RECOMMENDATION:

(1) Receive and file Police Department Quarterly Report, covering the period August 1, 2023, through October 31, 2023.

7. CITY COUNCIL REPORTS

8. CITY MANAGER REPORTS

9. CONSENT CALENDAR

Background information has been provided to the City Council on all matters listed under the Consent Calendar and these items are considered to be routine by the City Council and are normally approved by one motion. If discussion is requested by a Councilmember on any item, or a member of the public wishes to comment on an item, that item may be removed from the Consent Calendar for separate action.

9.A APPROVAL OF MINUTES

- **Joint City Council and Planning Commission Minutes January 29, 2024**
- **City Council Special Minutes February 13, 2024**
- **City Council Special Regular Minutes February 13, 2024**
- **City Council Special Minutes February 21, 2024**
- **City Council Regular Minutes February 21, 2024**

RECOMMENDATION:

Staff recommends Council approve minutes.

9.B AMERICAN RESCUE PLAN ACT (ARPA) FUNDING AMENDMENT

RECOMMENDATION:

Staff recommends City Council:

1. Review staff recommendations for an amendment to the ARPA reallocations which took place on February 21, 2024; and
2. Adopt Resolution No. 7503 memorializing an amendment to the ARPA allocations.

9.C SENATE BILL 1 PROJECT FUNDING ALLOCATIONS FOR FISCAL YEAR 2023-2024

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve budget adjustments and allocations for the Harvard Boulevard Project SB 1 Fund as recommended by staff.

9.D EXPENDITURE PLAN FOR THE FY 23/24 OFFICER WELLNESS AND MENTAL HEALTH GRANT AWARD

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the recommended Expenditure Plan appropriating the FY 23/24

Board of State and Community Corrections Officer Wellness and Mental Health allocation.

2. Authorize the City Manager to execute any documents necessary to accept the funding.

10. PUBLIC HEARING

- Verification of posting notice by City Clerk
- Declaration of conflicts (if any)
- Declaration of ex parte contacts (if any)
- Open public hearing
- Staff presentation
- Public comments
- Close public hearing
- Discussion and action

- 10.A **24-MISC-01: A REQUEST THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 1335 AMENDING CHAPTER 16.35 "HOUSING OPPORTUNITIES OVERLAY ZONE" OF THE SANTA PAULA MUNICIPAL CODE, UPDATING THE CITY'S DESIGN REVIEW PROCEDURES PERTAINING TO AFFORDABLE HOUSING LOCATED WITHIN THE CITY'S COMMERCIAL/LIGHT INDUSTRIAL ZONE, AND FIND THAT THE ORDINANCE IS NOT A "PROJECT" OR IS OTHERWISE EXEMPT FROM CEQA**

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance No. 1335 amending Chapter 16.35 "Housing Opportunities Overlay Zone" of the Santa Paula Municipal Code, updating the City's Design Review procedures pertaining to Affordable Housing located within the City's Commercial/Light Industrial Zone, and find that the Ordinance is not a "Project" or is otherwise exempt from CEQA.

Presented by: James Mason, Community Development Director

11. ACTION ITEMS

- 11.A **STREETS CIP PROJECT PLANNING REPORT**
RECOMMENDATION:

Staff recommends that the City Council:

1. Receive CIP information and recommendations and provide guidance to staff to address priority of projects.

Prepared by:

Bob Woodward, City Engineer
Tatiana Arnaout, Deputy City Engineer

- 11.B **PROFESSIONAL SERVICES AGREEMENT WITH NBS FOR 2024 WATER AND WASTEWATER RATE STUDY**
RECOMMENDATION:

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Professional Services Agreement with NBS in an amount not to exceed \$53,235 for professional consulting services related to the 2024 Water and Wastewater Rate Study in a form approved by the City Attorney.
2. Appoint two Councilmembers to serve on the Sewer and Water Rate Standing Committee in accordance with Resolution 7036.

Presented by: Clete Saunier, Public Works Director

12. ITEMS FOR FUTURE AGENDAS

12.A FUTURE AGENDA ITEMS

RECOMMENDATION:

Staff recommends City Council review future agenda items.

13. ADJOURNMENT

State of California)-

County of Ventura)- ss

City of Santa Paula)-

I declare under penalty of perjury that I posted this City Council Agenda on the bulletin board near the front door of City Hall, 970 Ventura Street, Santa Paula, California.

On _____ at _____ Signed: _____

Julie Latshaw

City Clerk

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Donald Aguilar, Police Chief

Subject: POLICE DEPARTMENT REPORT

Date: March 6, 2024

Agenda Item: 6.B

RECOMMENDATION:

(1) Receive and file Police Department Quarterly Report, covering the period August 1, 2023, through October 31, 2023.

BACKGROUND:

For providing progress in several aspects of the Police Department, it is important to report quarterly to the City Council.

ANALYSIS:

In the past, the Chief of Police has provided quarterly reports to the City Council, highlighting key areas such as crime statistics, trends, grants status', dispatch response, achievements, and noteworthy events.

1. Crime Statistics
2. Wellness
3. Department Projects
4. Staffing/Recruitments
5. Grants
6. Engagement
7. Emergency Preparedness

STRATEGIC PLAN:

The quarterly report provides a metric for Strategic Plan Goal E., Objective #3. E. Public Safety.

Goal:

Create an environment within the City in which our residents feel safe, and which promotes the City as a location of choice for living, working, visiting and recreating.

Objective 3:

Work towards the execution and implementation of the Police Department Strategic Plan.

FISCAL IMPACTS:

None

OPTIONS:

ATTACHMENTS:

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Julie Latshaw, City Clerk

Subject: APPROVAL OF MINUTES

- Joint City Council and Planning Commission Minutes January 29, 2024
- City Council Special Minutes February 13, 2024
- City Council Special Regular Minutes February 13, 2024
- City Council Special Minutes February 21, 2024
- City Council Regular Minutes February 21, 2024

Date: March 6, 2024

Agenda Item: 9.A

RECOMMENDATION:

Staff recommends Council approve minutes.

BACKGROUND:

An account of all proceedings of the Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available. Unless requested by a majority of the quorum, the minutes may be approved without reading.

At the Planning Commission meeting on February 27, 2024, the Commission approved the Joint City Council and Planning Commission Minutes for January 29, 2024, and are now ready for City Council approval.

ANALYSIS:

None.

STRATEGIC PLAN:

This item is not a goal or objective in the City Council's two-year Strategic Plan, however, the Minutes shall constitute the official record of the Legislative Body.

FISCAL IMPACTS:

There are no fiscal impacts for this item.

OPTIONS:**ATTACHMENTS:**

[2024.01.29 Joint City Council_Planning Commission Minutes.pdf](#)

[2024.02.13 City Council Special Minutes.pdf](#)

[2024.02.13 City Council Special Regular Minutes.pdf](#)

[2024.02.21 City Council Special Minutes.pdf](#)

[2024.02.21 City Council Regular Minutes.pdf](#)



**CITY OF SANTA PAULA
Joint City Council/Planning Commission Meeting
January 29, 2024, 6:30 PM
MINUTES**

SPECIAL MEETING - COUNCIL CHAMBER

1) CALL TO ORDER

Mayor Cornejo called the Joint City Council and Planning Commission meeting to order at 6:30 p.m.

2) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel, Aaron Dunkel, Grace Kelly, Jason Herber, and Austin Auger

Members Absent: Noel Kiesewetter

3) PUBLIC COMMENT

None.

4) STUDY SESSION - JOINT CITY COUNCIL AND PLANNING COMMISSION

4.A) EIR ADDENDUM FOR THE EAST AREA 1 PROJECT AND AMENDMENT NO. 3 TO THE DEVELOPMENT AGREEMENT (HARVEST AT LIMONEIRA PROJECT)

Vice Mayor Chavez recused himself from this item.

City Attorney Monica Castillo, Community Development Director James Mason, and City Manager Dan Singer began the Joint City Council and Planning Commission Study Session, providing information on the EIR Addendum for the East Area 1 Project and Amendment No. 3 to the Development Agreement (Harvest at Limoneira Project).

David Lauletta with Lewis Management Corp. provided a presentation on the project, and Harold Edwards with Limoneira Co., provided information on development on the East Area 1 Project.

Michael Penrod with Parkstone, development management entity for Limoneira Company spoke of the plan.

Kinsey with Jensen Design and Survey provided information on the depth of well 8.

Erren O'Leary with Lewis Management provided a closing statement on the housing benefits.

Ron Wu and Shawn Boyd with Redtail provided a recap on their project of 166 affordable housing.

Public speaker, (Concerned Citizen) had questions on the Santa Paula Unified School District site.

5) ADJOURNMENT

Mayor Cornejo adjourned the City Council portion of the meeting at 7:49 p.m. The meeting continued with the Planning Commission.

6) PUBLIC HEARING

6.A) EIR ADDENDUM FOR THE EAST AREA 1 PROJECT AND AMENDMENT NO. 3 TO THE DEVELOPMENT AGREEMENT (HARVEST AT LIMONEIRA PROJECT)

Commissioners discussed the EIR Addendum for the East Area 1 Project and Amendment No. 3 to the Development Agreement.

Chairperson Dunkel opened the public hear.

Ken Trigueiro CEO with People's Self Help Housing, was called to speak in support of the project.

Mary Ann Krause was called to speak in support of the development agreement.

Mark DiCecco was called to speak in support of the development.

Chairperson Dunkel closed the public hearing after public comments.

Motion: Approve Adopting Resolution No. 3858 recommending the City Council (i) approve Addendum No. 3 to the Final Supplemental Environmental Impact Report (EIR) associated with the East Area 1 Specific Plan Amendment No. 4 and Amendment No. 3 to the Development Agreement, and (ii) adopt an ordinance to approve Amendment No. 3 to the Development Agreement subject to City Council approval of East 1 Specific Plan Amendment No. 4.

Moved by Jason Herber, seconded by Grace Kelly

Vote: Motion carried 4-0

Yes: Aaron Dunkel, Grace Kelly, Jason Herber, Austin Auger

7) ADJOURNMENT

Chairperson Dunkel adjourned the Planning Commission meeting at 8:20 p.m.

ATTEST:

Julie Latshaw, City Clerk



**CITY OF SANTA PAULA
City Council Special Meeting
February 13, 2024, 6:00 PM
MINUTES**

SPECIAL MEETING - COUNCIL CHAMBERS

1) CALL TO ORDER

Mayor Cornejo called the meeting to order at 6:00 p.m.

2) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, and Andy Sobel

3) PUBLIC COMMENT

None.

4) CLOSED SESSION

Council recessed to closed session at 6:01 p.m.

4.A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code § 54956.9(d)(1) – Verdun v. The City of Santa Paula, et al.; Ventura County Superior Court Case No. 56-2024-CUWMO19170

City Attorney Monica Castillo reported there was no reportable action taken.

5) ADJOURNMENT

Mayor Cornejo adjourned the meeting at 6:25 p.m.

ATTEST:

Julie Latshaw, City Clerk



**CITY OF SANTA PAULA
City Council Special Regular Meeting
February 13, 2024, 6:30 PM
MINUTES**

SPECIAL REGULAR MEETING - COUNCIL CHAMBERS

1) CALL TO ORDER

Mayor Cornejo called the meeting to order at 6:30 p.m.
Invocation was provided by Chaplain Kay Wilson-Bolton.

2) FLAG SALUTE

Councilmember Sobel led the flag salute.

3) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, and Andy Sobel

4) CLOSED SESSION REPORT

City Attorney Monica Castillo reported there was no reportable action taken on the following item:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code § 54956.9(d)(1) – Verdun v. The City of Santa Paula, et al.; Ventura County Superior Court Case No. 56-2024-CUWMO19170

5) PRESENTATIONS

5.A) PARKS & RECREATION DEPARTMENT ACTIVITY REPORT

Parks & Recreation Director Gregory Barnes provided a presentation on Parks & Recreation Department Activity Report August 2023 - December 2023.

5.B) SANTA PAULA YOUTH AMBASSADORS PROGRAM

This item was pulled by staff for a future date.

6) PUBLIC COMMENT

None.

7) CITY COUNCIL REPORTS

Councilmember Crosswhite:

Attended Southern California Association of Governments; Clean Power Alliance; Ventura County Transportation Commission; employee recognition breakfast; Ventura College study session; event for permanent Police Chief Aguilar; and 211 open house.

Councilmember Juarez:

Spoke of the farmworker's monument is in need of repair; Community College District; Police Chief swearing in; annual meeting of the Chamber Commerce; Boys & Girls Club fund raiser; attended swearing in of several new Police Officers and promotion of Police Department staff.

Vice Mayor Chavez:

Provided a positive shoutout to Chef David due to illness, appreciation to the Santa Paula Lions Club for free vision and eyeglasses; announced Parks & Recreation welcomed newest member Kasidy; and that Anita Ramirez passed away.

Councilmember Sobel:

Attended the Quarterly Business Round Table; Joint City Council and Planning Commission; spoke on the sponsored coffee with the City Manager and Police of Chief; Boys & Girls Club fund raiser; Sip n Shop event with downtown vendors, and swearing in of the permanent Police of Chief and Police Officers.

Mayor Cornejo:

Attended the swearing in of the permanent Police of Chief and new Officers; recognition breakfast for city employees; Business Round Table; Boys & Girls Club fund raiser; and Art about Ag event.

8) CITY MANAGER REPORTS

City Manager Dan Singer:

Announced Chief Williams provided a tour of soon to be open Fire Station; attended HOA meeting at the Harvest; swearing in of the permanent Police of Chief and Police Officers; announced the city Housing Element is now certified; and that the city has been selected to participate in a consortium sponsored by the National League of Cities to work on early childhood learning and development opportunities.

Public Works Director Clete Saunier reported on the status of the concerns of residents on 12th and Harvard of the dust and debris.

9) CONSENT CALENDAR

9.A) APPROVAL OF MINUTES

City Council Regular Minutes January 24, 2024

9.B) AGREEMENT WITH THE SANTA PAULA UNIFIED SCHOOL DISTRICT FOR SUMMER CAMP PROGRAMS

9.C) AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PHOENIX CIVIL ENGINEERING FOR THE MESA TANKS REPLACEMENT PROJECT

Interim City Engineer Robert Woodward answered questions from Council on the project.

Motion: Approve the City Manager to execute Contract Amendment No. 1 to the Professional Services Agreement with Phoenix Civil Engineering in a form approved by the City Attorney; and approve budget adjustments as shown in Table 2 of the Staff Report to allocate \$242,644.29 in funds from the Water Main Replacement Program to the Mesa Tanks Replacement Project, to complete the necessary funding of \$621,574.29 needed for this contract.

Moved by Andy Sobel, seconded by Pedro A Chavez

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

9.D) TELEGRAPH ROAD WIDENING AND MAIN STREET/HARVARD BOULEVARD/TELEGRAPH ROAD ROUNDABOUT PROJECT

Interim City Engineer Robert Woodward answered questions from Council on the project.

Motion: Approve budget adjustments and allocations as recommended by staff for the Telegraph Road Widening Project and Main Street/Harvard Boulevard/Telegraph Road Roundabout Project.

Moved by Pedro A Chavez, seconded by Carlos Juarez

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

9.E) SANTA PAULA CREEK BRIDGE OFFSITE IMPROVEMENT AGREEMENT (HARVEST AT LIMONEIRA PROJECT)

City Attorney Monica Castillo announced Vice Mayor Chavez would need to recuse himself from this item due to a conflict of interest. Vice Mayor Chavez recused himself from this item and left the Dias.

Mark Wilde with Willdan provided information on the plans for the site.

David Lauletta spoke on the timeline on the bridge.

Motion: Approve the City Manager to execute the proposed Offsite Improvement Agreement with Limoneira Lewis Community Builders LLC for construction of the Santa Paula Creek Bridge; and authorize the City Manager or designee to make technical corrections to the proposed Offsite Improvement Agreement subject to the approval of the City Attorney.

Moved by Andy Sobel, seconded by Jenny Crosswhite

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Jenny Crosswhite, Carlos Juarez, Andy Sobel

Items 9C, 9D and 9E were pulled for separate discussion and vote.

Motion: Approve Consent Calendar items 9A and 9B.

Moved by Carlos Juarez, seconded by Pedro A Chavez

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

10) PUBLIC HEARING

10.A) EIR ADDENDUM FOR THE EAST AREA 1 PROJECT AND AMENDMENT NO. 3 TO THE DEVELOPMENT AGREEMENT (HARVEST AT LIMONEIRA PROJECT)

Vice Mayor Chavez recused himself from this item.

Mayor Cornejo opened the public hearing.

City Attorney Monica Castillo, City Manager Dan Singer, and Economic Development Director James Mason presented a presentation on the project.

David Lauletta presented information on the project.

Mayor Cornejo closed the public hearing after public comment.

Nidia Bello was called to speak of concerns on affordable housing.

Amalia Ochoa was called to speak of concerns on affordable housing.

Graciano Magana was called to speak of concerns on affordable housing.

Nicole Kearby was called to speak of concern on transparency, fast moving project, and does not want affordable housing next to her area.

Joe Beerhalter was called to speak opposing additional housing added to the project.

Fabiola Gomez was called to speak. Not available to speak at time called.

Lucas Reyes was called to speak. Not available to speak at time called.

George Esses was called to speak on concern of the devalue of homes with this project.

Laura Miller was called to speak with questions on mello-roos tax fees and distribution between tenants.

Susan Esses was called to speak with concern on safety with increased housing.

Tim Eubanks was called to speak. Not available to speak at time called.

Motion: Approve Resolution No. 7500 approving Addendum No. 3 to the Final Supplemental Environmental Impact Report (EIR) associated with the East Area 1 Specific Plan Amendment No. 4 and Amendment No. 3 to the Development Agreement; and Introduce and waive first reading of Ordinance No. 1333 entitled "An Ordinance Approving (1) Addendum No. 3 to the Final Supplemental Environmental Impact Report (EIR) Associated with East Area 1 Specific Plan Amendment No. 4 and Amendment No. 3 to the Development Agreement and (2) Amendment No. 3 to the Development Agreement Subject to City Council Approval of East 1 Specific Plan Amendment No. 4."

Moved by Andy Sobel, seconded by Carlos Juarez

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Jenny Crosswhite, Carlos Juarez, Andy Sobel

11) **ACTION ITEMS**

11.A) URGENCY ORDINANCE NO. 1334 AMENDING CHAPTER 16.35 "HOUSING OPPORTUNITIES OVERLAY ZONE" OF THE SANTA PAULA MUNICIPAL CODE, UPDATING THE CITY'S PERMIT REVIEW PROCEDURES FOR QUALIFYING HOUSING DEVELOPMENT PROJECTS CONSISTENT WITH STATE LAW AND THE HOUSING ELEMENT OF THE SANTA PAULA GENERAL PLAN, AND FINDING THAT THE ORDINANCE IS NOT A "PROJECT" OR IS OTHERWISE EXEMPT FROM CEQA

Motion: Approve adopting Urgency Ordinance No. 1334 amending Chapter 16.35 "Housing Opportunities Overlay Zone" of the Santa Paula Municipal Code, updating the City's permit review procedures for qualifying housing development projects consistent with state law and the Housing Element of the Santa Paula General Plan, and finding that the Ordinance is not a "Project" or is otherwise exempt from CEQA.

Moved by Andy Sobel, seconded by Pedro A Chavez

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

11.B) SANTA PAULA HOUSING AUTHORITY REQUEST FOR AFFORDABLE HOUSING TRUST FUNDS

Community Development Director James Mason presented this item. Elenore Vaughn provided a presentation on the Santa Paula Housing Authority and the request for affordable housing trust funds.

Motion: Approve the allocation of Housing In-lieu fees from the Affordable Housing Trust Fund to the Housing Authority of Santa Paula in an amount not to exceed \$389,209.82; and Authorize the City Manager to pay up to \$389,209.82 in funds from the Affordable Housing Trust Fund to the Housing Authority of Santa Paula.

Moved by Pedro A Chavez, seconded by Carlos Juarez

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

11.C) FUTURE AGENDA ITEMS

Council discussed bringing both items back on a future item.

Councilmember Sobel created an Agenda Request form for Establishment of a Climate Action Plan ad-hoc. Council discussed bringing back on future agenda with the following vote: AYES: Sobel, Chavez. NOES: Crosswhite, Juarez, Cornejo. Vote failed 3-2.

Vice Mayor Chavez created an Agenda Request form for Tenant Protections & Eviction Prevention Ordinance. Council discussed bringing back on a future agenda with the following vote: With no objection, no vote was needed.

12) ADJOURNMENT

Mayor Cornejo adjourned the meeting at 11:03 p.m.

ATTEST:

Julie Latshaw, City Clerk



**CITY OF SANTA PAULA
City Council Special Meeting
February 21, 2024, 5:30 PM
MINUTES**

SPECIAL MEETING - COUNCIL CHAMBERS

1) CALL TO ORDER

Mayor Cornejo called the meeting to order at 5:30 p.m.

2) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, and Andy Sobel

3) PUBLIC COMMENT

None.

4) CLOSED SESSION

4.A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to Government Code §54956.9(d)(2) and (e)(1): 1 potential case

Council recessed to closed session at 5:31 p.m.

5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported there was no reportable action taken.

6) ADJOURNMENT

Mayor Cornejo adjourned the meeting at 6:30 p.m.

ATTEST:

Julie Latshaw, City Clerk



**CITY OF SANTA PAULA
City Council Regular Meeting
February 21, 2024, 6:30 PM
MINUTES**

REGULAR MATTERS - COUNCIL CHAMBERS

1) CALL TO ORDER

Mayor Cornejo called the meeting to order at 6:34 p.m.

2) INVOCATION

Rev. Doctor Betty Stapleford provided the Invocation.

3) FLAG SALUTE

Councilmember Crosswhite led the flag salute.

4) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, and Andy Sobel

5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported there was no reportable action taken on the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (e)(1): 1 potential case.

6) PUBLIC COMMENT

Richard Rudman was called to speak providing an update on the dates and location of the upcoming Farmer's Market.

Cytlalli, Yardira, and Amalia with CAUSE were called to speak to thank Council for bringing forward tenant protections.

7) PRESENTATIONS

7.A) SANTA PAULA CHAMBER OF COMMERCE MID-YEAR SERVICE AGREEMENT PROGRESS REPORT

Chamber of Commerce Executive Director John Marquez provided a presentation on the Santa Paula Chamber of Commerce Mid-Year Service Agreement Progress Report.

7.B) COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT QUARTERLY REPORT (OCTOBER 2023 - JANUARY 2024)

Community & Economic Development Director James Mason provided the Community & Economic Development Department Report October 2023 through January 2024.

8) **CITY COUNCIL REPORTS**

Councilmember Sobel:

Attended the Ventura County Regional Energy Alliance.

Vice Mayor Chavez:

Provided a written activity report and announced fund raising event for Chef David.

Councilmember Juarez:

Attended the Ventura Regional Sanitation District; Farmer's Market; and announced 140th year of Oddfellows.

Councilmember Crosswhite:

Attended Southern California Association of Governments; and announced she was appointed as chair of the Local Agency Formation Commission.

Mayor Cornejo:

Met with Parks & Recreation staff and members from Girls Softball to workout issues; and will attend the Channel Chapter of the League of Cities.

9) **CITY MANAGER REPORTS**

City Manager Dan Singer:

Attended the Finance Committee meeting; Santa Paula Unified School District/City Council Joint Committee 2x2; employee birthday celebration; and announced the RFP on the Union Oil Building has closed, and the subcommittee will meet soon to go over the applicants, with an estimated timeframe of April/May on recommendations.

10) **CONSENT CALENDAR**

10.A) JANUARY 2024 WARRANTS AND CERTIFICATIONS

10.B) ALCOHOL ENFORCEMENT AGREEMENT FOR PROJECT 23-CUP-03, PROJECT 1912, LLC (DBA: COCINA 1912) LOCATED AT 1069 E. MAIN STREET. (TYPE 41-ON-SALE BEER AND WINE - EATING PLACE)

Motion: Approve the Enforcement Agreement for Project No. 23-CUP-03, Project 1912, LLC (dba: Cocina 1912) at 1069 E. Main Street.
Moved by Andy Sobel, seconded by Pedro A Chavez

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Andy Sobel

10.C) ZUMA CONSTRUCTION GROUP, INC. CONSTRUCTION CONTRACT FOR POLICE STATION REMODEL PROJECT PHASE I

10.D) QUALITY FENCE COMPANY, INC. CONSTRUCTION CONTRACT FOR POLICE STATION AND CITY HALL PERIMETER SECURITY FENCE

10.E) EIR ADDENDUM FOR THE EAST AREA 1 PROJECT AND AMENDMENT NO. 3 TO THE DEVELOPMENT AGREEMENT (HARVEST AT LIMONEIRA PROJECT)

Motion: Approve second reading of and adopt Ordinance No. 1333 entitled "An Ordinance Approving (1) Addendum No. 3 to the Final Supplemental Environmental Impact Report (EIR) Associated with East Area 1 Specific Plan Amendment No. 4 and Amendment No. 3 to the Development Agreement and (2) Amendment No. 3 to the Development Agreement Subject to City Council Approval of East 1 Specific Plan Amendment No. 4."

Moved by Carlos Juarez, seconded by Andy Sobel

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Jenny Crosswhite, Carlos Juarez, Andy Sobel

City Attorney Monica Castillo announced there are two Councilmembers that will need to recuse themselves.

Councilmember Juarez recused himself on item 10.B if it is pulled and will abstain if uncontested. Vice Mayor Chavez recused himself on item 10.E if it is pulled and will abstain if uncontested.

Motion: Approve Consent Calendar, items 10.A, 10.C, and 10.D.

Moved by Pedro A Chavez, seconded by Andy Sobel

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

11) **ACTION ITEMS**

11.A) MID-YEAR FISCAL REPORT

Finance Director Christy Ramirez provided the Mid-Year Fiscal Report.

Motion: Approve as amended Resolution No. 7502 Amending the City's Operating and CIP Budgets for FY 2022/2023 & 2023/24 and correcting date from February 1 to February 21.

Moved by Jenny Crosswhite, seconded by Andy Sobel

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

11.B) AMERICAN RESCUE PLAN ACT (ARPA) UPDATE & FUNDING CONSIDERATIONS

Deputy City Manager Jonathan Royas presented this item.

Motion: Approve Resolution 7501 amending previous ARPA allocations and establishing additional priorities for the use of unused funds.

Moved by Carlos Juarez, seconded by Andy Sobel

Vote: Motion carried 5-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel

11.C) CONSIDERATION OF EXPANDING VIDEO RECORDINGS TO COMMISSIONS, SPECIAL MEETINGS & STUDY SESSIONS

Deputy City Manager Jonathan Royas presented this item.

Council provided staff with direction on video recordings, to come up with a process and language of what Special meetings are recorded.

12) ITEMS FOR FUTURE AGENDAS

12.A) FUTURE AGENDA ITEMS

13) ADJOURNMENT

Mayor Cornejo adjourned the meeting at 9:45 p.m.

ATTEST:

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Jonathan Royas, Deputy City Manager

Subject: AMERICAN RESCUE PLAN ACT (ARPA) FUNDING AMENDMENT

Date: March 6, 2024

Agenda Item: 9.B

RECOMMENDATION:

Staff recommends City Council:

1. Review staff recommendations for an amendment to the ARPA reallocations which took place on February 21, 2024; and
2. Adopt Resolution No. 7503 memorializing an amendment to the ARPA allocations.

BACKGROUND:

On February 21, 2024, Council received an update and presentation from staff on the American Rescue Plan Act (ARPA) funds and allocations previously made by Council over the course of the past two years. That evening, staff also presented several projects, programs or purchases for Council to consider in reallocating funds to support new requests from staff.

During staff's presentation to Council, Councilmember Sobel recognized an error in the ARPA table whereby "Youth Facilities," for which a \$20,000 reallocation request was intended, was not identified within the staff report for reallocation. While it was a part of staff's intended reallocation requests and was identified in the Exhibit A in the report, it was not properly reflected in the Resolution nor described in the staff report. Exhibit A is now being included again with the "Youth Facilities" section highlighted and an analysis for the request provided below. A revised Resolution is also attached, which properly reflects the \$20,000 reallocation.

ANALYSIS:

Youth Facilities - \$20,000

Current Allocation: \$20,000 - Funding was originally intended to be used to explore expansion of youth facilities and resources, namely a redesign of the Youth Activity Center at Las Piedras Park. Luckily, a generous donor has already agreed to cover the cost of the design efforts these funds were intended for. As a result, the Parks & Recreation Department no longer requires the funding originally budgeted for this item and staff feels funding would be better suited to meet the needs of other citywide efforts.

Council is asked to approve Resolution No. 7503, memorializing the intended reallocation of \$20,000 in ARPA funding.

STRATEGIC PLAN:

Funding support for the projects and programs presented above will assist in moving several of Council's Strategic Goals forward.

FISCAL IMPACTS:

The allocation request in attached Resolution No. 7503 includes a decrease in GL 412-5-1502-610, "ARPA Youth Facilities," recommended by staff of \$20,000 to fund previously approved ARPA items from February 21, 2024. Other than administrative staff time, there are no direct fiscal impacts to the City.

OPTIONS:

City Council has the following options available:

1. Do not approve Resolution No. 7503; however, doing so will put on hold some of the recently approved programs and projects which require funding to move forward. Staff would need to identify \$20,000 in other funding to support the approved items from Resolution No. 7501; or
2. Provide other direction as desired.

ATTACHMENTS:

[Exhibit A - ARPA Allocations To Date Actuals as of 02.05.24.pdf](#)
[Resolution 7503 Amending_The_City_s_Operating_and_CIP_Budget_for_FY2023-24 \(ARPA\).docx](#)

EXHIBIT A - ARPA BUDGET ALLOCATIONS

<u>Method of Allocation</u>	<u>Method of Allocation</u>	<u>Description</u>	<u>Total Budget Allocation</u>	<u>Recommend for Reallocation</u>
Reso 7351	Reso 7467	City Council Event Support - Parks & Recreation Special Event Sponsorship Program for the for the purpose of supporting local festivals, parades and special events.	\$ 60,000	\$10,000
Reso 7467		Districting Efforts - Covered remained costs of Districting effort.	\$ 5,000	
Reso 7351		Grant Writing - Grant Writing funds to hire a professional grant writing firm to bolster staff's ability to respond to upcoming grant cycles.	\$ 84,000	
Reso 7416		Clean Power Alliance - Fund paid for a feasibility study to determine if the City should join the Clean Power Alliance (CPA)	\$ 10,000	
Reso 7421		Interpretation Services - Funding to test out a pilot program for interpretation services at public meetings.	\$ 10,000	\$1,638

Reso 7467		Façade Improvement Program - The PBID Board in June 2022 voted to set aside \$50,000 of their funds to partner with the City towards the implementation of a Façade Improvement Program. The PBID is looking to Council for support of this initiative to assist with this effort. "Pilot Program" for PBID area only.	\$ 50,000	
Reso 7421		Internship Programs - Funding to support Lead for America Fellow Program, AmeriCorps or internal internships	\$ 10,000	
Budget		Parks & Recreation Community/Senior Center - Funding allows Senior Programming supplies, equipment, etc.	\$ 14,000	
Budget		American Bloom - Funding to support downtown planter beautification efforts by American Bloom for FY21/22 & FY22/23	\$ 40,000	
Reso 7467		Senior Master Plan - Develop a Senior Master Plan.	\$ 15,000	

Reso 7351		Mobile Activity Center - Funding to support a traveling Parks & Recreation Mobile Activity Center (MAC) which provides opportunities for youth throughout the community to participate in various spring/summer activities.	\$ 85,000	\$8,000
Reso 7351		Boys & Girls Club - Funding to remodel the bathroom facilities at the Boys & Girls Club Building	\$ 100,000	
Reso 7351		Reduced/Waived Recreation Fees - Funding to provide residents reduced/waived Parks & Recreation fees coming out of the pandemic.	\$ 25,000	
Reso 7421		City Corps - Funding to support the purchase of startup equipment for City Corps such as canopies, recycling canes, pickers, gloves, tables, chairs, uniforms, etc.	\$ 15,000	\$111
Reso 7421	Reso 7381	Portable LED Lighting - Funds to purchase LED Portable Lights which can be used for public events, road work, Parks & Recreation activities, sports, etc.	\$ 25,000	

Reso 7467		Youth Facilities - Explore expansion of youth facilities and resources.	\$ 20,000	\$20,000
Budget		P&R Soccer Goals - Funds have been used to purchase Parks & Recreation soccer goals for Teague and Las Piedras Park.	\$ 11,105	
Budget		Parks Field Rentals - Funding for rental supplies and the purchase of a striping robot, equipment and paint for fields for sports activities.	\$ 20,000	
Reso 7421		Electric Mower - Funds have been used to purchase a 72" electric riding mower to replace an older diesel mower.	\$ 49,215	
Reso 7467		Customer Service Enhancements - Funding will assist with customer service enhancements, enhanced payment options and the transition to new utility bills. This item could be funded through the enterprise fund.	\$ 17,489	
Various		User/DIF Fee Study - Funds will be utilized to complete a User Fee Study and Development Impact Fee (DIF) Study	\$ 84,285	

Reso 7421	Reso 7381	Downtown Beautification - Funding will be used to support downtown enhancements, amenities and beautification efforts such as wayfinding, tree wells, benches, lighting, new trash receptacles. Will be utilized for capital improvements downtown.	\$ 175,000	
Reso 7421		Homeless - Funding to assist with homeless encampment cleanup and/or assistance along the watershed basin, river bottom and rail corridor.	\$ 50,000	\$40,000
Budget	Reso 7381	Economic Development - Funding to support various Economic Development and community engagement opportunities to bolster the Santa Paula economy such as downtown enhancement studies, increased communications with local businesses, funds for a new community Welcome Kit, business roundtable meetings, in person business counseling sessions, ribbon cutting ceremonies, advertising costs for Farmers Markets, community events, etc.	\$ 80,000	

Budget		Heritage Valley Tourism - Funds to support the reestablishment of the Heritage Valley Tourism Bureau (HVTB) for FY22/23 and FY23/24	\$ 20,000	
Reso 7467		Navigational Signage - Attract "pass-through" traffic by improving and implementing new wayfinding or "gateway" signage throughout the City and SR126 to promote business and tourist opportunities. Could partner w PBID but intention is outside of PBID such as triangle property or entrances into town.	\$ 50,000	
Reso 7467		EnerGov Consultant - Hire a consultant to impliment "turn on" previously budgeted permitting software to streamline the application and permitting processes for businesses.	\$ 20,000	
Budget		SPPD Radio Upgrades / Key Mgmt. System - Purchase of equipment to upgrade SPPD radio systems and implement a key security access system.	\$ 65,495	

Reso 7381	Reso 7421	SPPD CAD System - Funding is supporting the purchase of a new Police Department Computer Aided Dispatch (CAD) System which is 24 years old.	\$ 218,000	
Reso 7351		Anti-Vehicle Barriers - Funded the purchase of 18 Archer anti-vehicle barriers and a trailer to provide a safe and efficient method to close down and secure City streets during events such as downtown parades, events and festivals.	\$ 159,785	
Reso 7467		Surveillance Cameras - Funding will support the replacement and installation of approx. 30 surveillance cameras throughout the City to assist with monitoring school zones, key intersections, public facilities, persons of interest or missing persons. Any substantial amount of funding would move this effort forward.	\$ 35,000	

Budget		Public Relations - Funding to support a public relations firm in FY21/22 and FY22/23 to bolster communications efforts, assist with press releases/social media and to strategize with staff on outreach activities.	\$ 115,000	
Reso 7421		Green Infrastructure - Funds will be utilized to make investments in “green” infrastructure, charging stations, etc.	\$ 50,000	\$30,000
Reso 7421	Budget	Bike Master Plan - Funds will be utilized to support the creation of a citywide Bike Master Plan / Bike Assessment Study throughout the City.	\$ 50,000	

Reso 7381	Reso 7467	Banner Program - Funds were used to revitalize the downtown Banner Program, in partnership with the Property Business Improvement District (PBID), as well as the Military Banner program / Banners - The current allocation of ARPA funds for the banner program are almost completely spent and were used to revitalize the downtown Banner Program, in partnership with the Property Business Improvement District (PBID), as well as the Military Banner program. Several streets (Mill St. and 10th St.) currently do not have banners. There is an opportunity in the coming months to partner with the County and Cultural Arts Collective related to the County 150th anniversary to have a citywide youth art exhibition displayed through the downtown	\$ 17,500	
Reso 7421		Skip Loader - Funds were utilized to purchase a skip loader for multi-department use in Public Works, Parks & Recreation, Water Division, Street Division, etc.	\$ 100,000	

Reso 7351		FEMA Study - Funds will be utilized to hire a consultant to develop an alternative floodplain study to address deficiencies in current FEMA assessment of the City which places many residents in an unfavorable position, requiring those homeowners to purchase flood insurance.	\$ 150,000	
Reso 7351		Business Outreach - Funds were utilized to partner with the Chamber of Commerce to conduct business outreach with small business owners to inform them of a variety of grant programs to bounce back from the effects of the pandemic.	\$ 10,000	
Reso 7342	Reso 7351	Employee Enhancements - Funds provided a one time premium payment to city employees who were deemed essential workers throughout the entirety of the pandemic and were asked to have their benefits and pay reduced when the City was concerned with large losses in revenues due to the pandemic.	\$ 157,319	

Reso 7381		Community Nonprofits - Funds were used to fund a Nonprofit Emergency Relief Grant Fund which provided funding support to 10 local nonprofits who served the Santa Paula community during the pandemic.	\$ 250,000	
Reso 7421		Street Improvement Funding/Pavement Management Plan (PMP) - Funding will be utilized to upgrade/replace traffic signals at the intersections of Palm/Peck in conjunction with the Harvard Blvd. project as part of the Street Improvement Funding/Pavement Management Plan (PMP).	\$ 553,010	
Reso 7421		MESA Tanks - Funding will be utilized for the replacement of two water tanks known as the MESA Tanks.	\$ 1,500,000	

Reso 7467		Boys & Girls Club Kitchen Remodel/Storm Improvements - Jan Marholin has secured \$100,000 in funds from Ventura County Child Development Resources (CDR) and would use those funds in conjunction with an estimated \$160,000 to complete a needed kitchen remodel which plans have already been drawn up for. Additionally, the building was recently red tagged during the weather related storms and requires improvements. Boys & Girls Club Storm Improvements - The building has weather related storm drainage issues and may require improvements. Any unused funding will be dedicated to the kitchen remodel project.	\$ 140,000	
Reso 7366		Harvard Blvd. Project - Funding to assist with the Harvard Blvd. Water/Sewer and Pavement Improvement Project	\$ 1,500,000	
Reso 7421		SPPD Remodel - Funding will be utilized to support building upgrades and security enhancements to the SPPD facility.	\$ 150,000	

Reso 7421		Community Center - Funding will be used in conjunction with \$100K in County ARPA funding to remodel the restrooms and lobby at the Community Center.	\$ 100,000	
Reso 7352		WRF Equipment - Funding used to purchase replacement equipment at the Water Recycling Facility (WRF) when former operator ceased operations.	\$ 90,000	
Budget		Fleet Shop - Funded the installation of insulation in the fleet shop and upcoming heating upgrades.	\$ 33,000	
Various		Eucalyptus Tree Removal & Tree Replacement - Removal and pruning of trees throughout the City.	\$ 200,000	
Reso 7421		Train Depot - Funds will help with facility repairs to the Train Depot which could include 2nd story improvements, structural repairs, and deck repairs.	\$ 100,000	\$30,000

Budget		LRSP Grant - Funds will provide the local match required to complete a citywide Local Road Safety Plan (LRSP) grant which will allow the City to seek further grant funding opportunities for our roads.	\$ 20,000	
Budget		City Bldg Lighting Retrofit - Funds will support the installation of new lighting and energy efficiency measures throughout the City.	\$ 74,000	
Reso 7366	Reso 7467	ADA Study - Funding to conduct an ADA Self Evaluation Transition Plan study.	\$ 47,025	
		Apprenticeship Program - The Youth Apprenticeship Readiness Accelerator Program (YARA) is a 12-week accelerator pipeline for youth and young-adults, ages 16-24 years old, that helps them enter traditional and emerging workforce areas.	\$ 100,000	
		TOTAL	7,130,228	\$149,749
ARPA Projects / Programs / Purchase Spending Requests for Council Consideration				COST
		LEG Consulting Services		\$115,550
		Community Educational Materials		\$16,699
		Santa Paula Leadership Academy Program		\$5,000

		Customer Relationship Management (CRM) Software		\$7,500
		Union Oil Building Ribbon Cutting / Anniversary		\$5,000
TOTAL REQUESTS				\$149,749

RESOLUTION NO. 7503

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA,
CALIFORNIA, AMENDING THE CITY'S OPERATING AND CIP BUDGET FOR
FISCAL YEAR 2023/24.**

SECTION 1: The City Council for the City of Santa Paula does resolve as follows:

- A. The City Council adopted the Operating Budget and Capital Improvement program for Fiscal Year 2023/24 on June 21, 2023.
- B. The Council discussed various ways to allocate American Rescue Plan Act (ARPA) funds in various study sessions over the past nineteen months.
- C. Previous budget allocations for ARPA funds for Fiscal Years 2020/21, 2021/22, 2022/23, and 2023/24 were approved by Council via Resolutions 7467, 7342, 7347, 7351, 7352, 7366, 7381, 7416, 7418, 7479, 7499, and 7501.

SECTION 2: The City Council has reviewed the proposed budget for use of a portion of the ARPA funds and does hereby find the recommendation to be necessary and in the City's best interest.

SECTION 3: The City of Santa Paula's operating and CIP Budget for Fiscal Year 2023/24 is hereby amended as follows:

GENERAL LEDGER	USE OF FUNDS DESCRIPTION	INCREASE	DECREASE
412-5-1502-610	Youth Facilities		\$20,000

SECTION 4: The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

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PASSED, AND ADOPTED, this 6th day of March, 2024.

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw, City Clerk

Approved as to form:

Monica Castillo, City Attorney

Approved as to content:

Dan Singer, City Manager

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Clete Saunier, Public Works Director

Subject: SENATE BILL 1 PROJECT FUNDING ALLOCATIONS FOR FISCAL
YEAR 2023-2024

Date: March 6, 2024

Agenda Item: 9.C

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve budget adjustments and allocations for the Harvard Boulevard Project SB 1 Fund as recommended by staff.

BACKGROUND:

On April 28, 2017, the Governor signed Senate Bill 1 (SB1), Road Repair and Accountability Act of 2017, to address transportation funding shortfalls statewide. SB1 established a Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund. A portion of the RMRA funds are distributed on a monthly basis to the City for basic road maintenance, rehabilitation, and critical safety projects on local streets and road systems.

On April 20, 2022, City Council adopted Resolution No. 7394 (Exhibit A) approving the Fiscal Year 2022-2023 Project List for SB1 RMRA Funding for which Santa Paula would receive an estimated \$699,591 and be allocated to the Harvard Boulevard Water and Sewer Pipeline Replacement and Paving Rehabilitation Project (Harvard Project).

On April 19, 2023, City Council adopted Resolution No. 7454 (Exhibit B) approving the Fiscal Year 2023-2024 Project List for SB1 RMRA Funding for which Santa Paula would receive an estimated \$763,658 and be allocated to the Harvard Project.

Staff is requesting the Fiscal Year 2023-2024 allocations for Harvard Project per Resolution No. 7454 be utilized for additional construction and professional services needed for the project.

ANALYSIS:

The Harvard Project has experienced several delays primarily due to unmarked/unknown utilities, poor soil conditions affecting production of construction as well as weather impacts, which prevent working during rain events. The additional time it will take to complete the project will require extension of services for construction management, inspection, and

materials testing. Following the approval of Resolution No. 7454, the City received \$220,803 of SB1 funds for professional services. Staff will return at a future date to amend the professional service contracts to cover these additional services utilizing these funds, should Council approve the recommended actions.

Further, the pavement along Harvard Blvd has experienced severe degradation since early 2023 primarily due to heavy rains, especially between Peck Road and Palm Ave. Following the approval of Resolution No. 7454, the City received \$572,819.07 of SB1 funds for construction. Staff is requesting these funds be allocated to the Harvard project streets contingency to cover additional asphalt that is anticipated to be needed due to the additional degradation since this project was awarded.

Any remaining SB1 funds after the Harvard Project is completed will be presented to Council for re-allocation.

STRATEGIC PLAN:

The Project supports the currently adopted Strategic Plan in achieving the following goals:

Infrastructure, Transportation & Mobility

Goal: Maintain and develop the City’s infrastructure to be safe, sustainable, innovative and cost-efficient.

FISCAL IMPACTS:

Staff proposes to create a Harvard project specific CIP program number to track the project more effectively. Table 1 below shows the budgetary adjustments for the Harvard Project into the Harvard project-specific CIP accounts. Table 2 shows the addition of the Fiscal Year 2023-2024 SB1 allocations. Table 3 below shows an updated project construction cost for the Harvard project including the additional SB1 funds requested.

Table 1: Budget Adjustment Request for Existing Allocations

Fund Source	From Account	To Account	Total
Measure T	104-5-9285-660	104-5-9386-660	\$1,144,278
SB1	283-5-9285-660	283-5-9386-660	\$821,674
Sewer	610-5-9286-660	610-5-9386-660	\$9,655,781
Water	620-5-9324-660	620-5-9386-660	\$6,449,602
		Total =	\$18,071,335

Table 2: Budget Allocation Request for Harvard Project

Fund Source	Account No.	Description	Allocation
SB1	283-5-9386-290	Professional Services	\$220,803
SB1	283-5-9386-660	Construction	\$572,819.07
		Total =	\$793,622.07

Table 3: Project Construction Costs

Item	Original Amount	Proposed Amount	Change
Construction Contract	\$16,278,052	\$16,278,052	\$0
Construction Contingency	\$813,903	\$1,386,722.07*	\$572,819.07*
Construction Management	\$979,380	\$1,200,183	\$220,803
Total =	\$18,071,335	\$18,864,957	\$793,622.07

Table 4: Updated Project Budget Allocations

Fund Source	Account No.	Description	Total
Measure T	104-5-9386-660	Construction	\$1,144,278
SB1	283-5-9386-290	Professional Services	\$220,803
SB1	283-5-9386-660	Construction	\$1,394,493
Sewer	610-5-9386-660	Construction	\$9,655,781
Water	620-5-9386-660	Construction	\$6,449,602
Total =		Total =	\$18,864,957

* The entirety of the increase in construction contingency is intended for the streets portion of the Harvard project only. There will be no change to water or sewer contingency amounts.

OPTIONS:

The Council has the following available alternative options to staff's recommendations:

1. Do not approve adjustments and allocations as recommended by staff. Doing so may not allow for the Harvard project to be properly managed through the additional construction time or address the additional asphalt degradation.

ATTACHMENTS:

[EXHIBIT A - Resolution 7394 SB1 RRAA Funding FY 22-23.pdf](#)

[EXHIBIT B - Resolution 7454 SB 1 RRAA Funding FY 2023-2024.pdf](#)

EXHIBIT A

Resolution No. 7394

RESOLUTION NO. 7394

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-2023 TO BE FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

The City Council of the City of Santa Paula does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

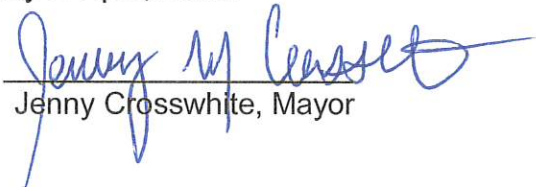
- A. Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law in April 2017. SB 1 is intended to address the significant multi-modal transportation funding shortfalls statewide by funding basic road maintenance, rehabilitation and critical safety needs on the City's local streets and roads;
- B. In order to be eligible for funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, the City must adopt resolution approving a list of projects proposed to receive fiscal year funding to the California Transportation Commission. The list of project must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement;
- C. The City will receive an estimated \$699,591 in RMRA funding in Fiscal Year 2022-2023 from SB 1.
- D. This is the sixth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1.
- E. The City has undergone a robust public process to ensure public input into our community's transportation priorities/the project list.
- F. The City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment.

SECTION 2: The City Council hereby approves the SB 1 Project List for RMRA funds provided in Attachment A.

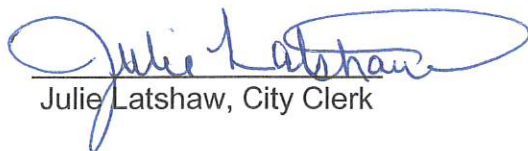
SECTION 4: The City Manager or his/her designee, is hereby authorized to execute all documents necessary to implement and secure any and all funds the may become available to the City from the RMRA.

SECTION 3: This Resolution becomes effective immediately upon adoption and will remain effective until superseded by a subsequent resolution.

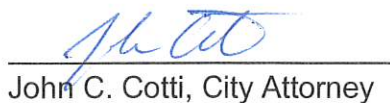
PASSED AND ADOPTED this 20th day of April, 2022.


Jenny Crosswhite, Mayor

ATTEST:


Julie Latshaw, City Clerk

APPROVED AS TO FORM:


John C. Cotti, City Attorney



APPROVED AS TO CONTENT:


Dan Singer, City Manager

CITY OF SANTA PAULA)
COUNTY OF VENTURA)§
STATE OF CALIFORNIA)

I, Julie Latshaw, City Clerk of the City of Santa Paula, California, do hereby certify that the foregoing Resolution No. 7394 was duly passed and adopted by the City Council of the City of Santa Paula at the regular meeting thereof, held on the 20th day of April, 2022, and was signed by the Mayor of said City, and that the same was passed and adopted by the following vote:

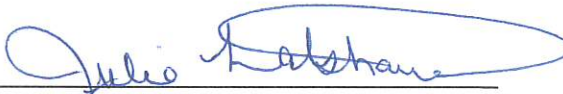
AYES: ARAIZA, CORNEJO, CROSSWHITE, JUAREZ, SOBEL

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE





JULIE LATSHAW, City Clerk

STREET NAME	FROM	TO
Harvard Blvd	Peck Road	10 th Street

Proposed Project: Harvard Boulevard from Peck Road to 10th Street Pavement Rehabilitation Project.

Project Type: Road Reconstruction and Rehabilitation

Project Description: This project consists of the reconstruction and rehabilitation of Harvard Boulevard between Peck Road and 10th Street for FY 22/23. This includes slurry seal and repaving.

Project Location: Major reconstruction and rehabilitation to be performed on 1.9 miles of Harvard Boulevard on the southwest side of the city.

Estimated Completion Date: June 2023

Estimated Useful Life: 15 – 20 years

EXHIBIT B

Resolution No. 7454

RESOLUTION NO. 7454

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-2024 TO BE FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

The City Council of the City of Santa Paula does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

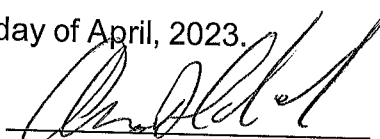
- A. Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law in April 2017. SB 1 is intended to address the significant multi-modal transportation funding shortfalls statewide by funding basic road maintenance, rehabilitation and critical safety needs on the City's local streets and roads;
- B. In order to be eligible for funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, the City must adopt resolution approving a list of projects proposed to receive fiscal year funding to the California Transportation Commission. The list of project must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement;
- C. The City will receive an estimated \$763,658 in RMRA funding in Fiscal Year 2023-2024 from SB 1.
- D. This is the seventh year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1.
- E. The City has undergone a robust public process to ensure public input into our community's transportation priorities/the project list.
- F. The City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment.

SECTION 2: The City Council hereby approves the SB 1 Project List for RMRA funds provided in Attachment A.

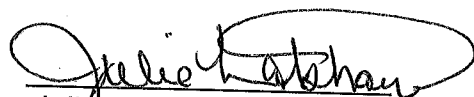
SECTION 4: The City Manager or his/her designee, is hereby authorized to execute all documents necessary to implement and secure any and all funds the may become available to the City from the RMRA.

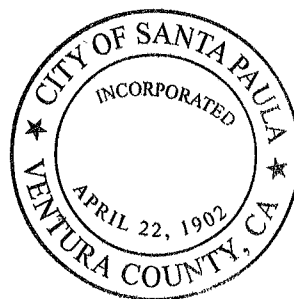
SECTION 3: This Resolution becomes effective immediately upon adoption and will remain effective until superseded by a subsequent resolution.

PASSED AND ADOPTED this 19th day of April, 2023.


Andy Sobel, Mayor

ATTEST:


Julie Latshaw, City Clerk



APPROVED AS TO FORM:


Monica Castillo, City Attorney

APPROVED AS TO CONTENT:


Dan Singer, City Manager

CERTIFICATION

CITY OF SANTA PAULA)
COUNTY OF VENTURA)§
STATE OF CALIFORNIA)

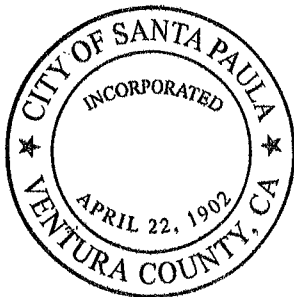
I, Julie Latshaw, City Clerk of the City of Santa Paula, California, do hereby certify that the foregoing Resolution No. 7454 was duly passed and adopted by the City Council of the City of Santa Paula at the regular meeting thereof, held on the 19th day of April 2023, and was signed by the Mayor of said City, and that the same was passed and adopted by the following vote:

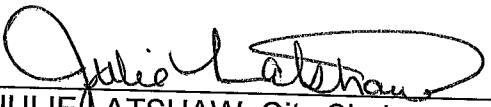
AYES: JUAREZ, CROSSWHITE, CHAVEZ, SOBEL

NOES: NONE

ABSENT: CORNEJO

ABSTAIN: NONE




JULIE LATSHAW, City Clerk

STREET NAME	FROM	TO
Harvard Blvd	Peck Road	10 th Street

Proposed Project: Harvard Boulevard from Peck Road to 10th Street Pavement Rehabilitation Project.

Project Type: Road Reconstruction and Rehabilitation

Project Description: This project consists of the reconstruction and rehabilitation of Harvard Boulevard between Peck Road and 10th Street for FY 23/24.

Project Location: Major reconstruction and rehabilitation to be performed on 1.9 miles of Harvard Boulevard on the southwest side of the city.

Estimated Completion Date: June 2024

Estimated Useful Life: 15 – 20 years

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Donald Aguilar, Police Chief

Subject: EXPENDITURE PLAN FOR THE FY 23/24 OFFICER WELLNESS AND MENTAL HEALTH GRANT AWARD

Date: March 6, 2024

Agenda Item: 9.D

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the recommended Expenditure Plan appropriating the FY 23/24 Board of State and Community Corrections Officer Wellness and Mental Health allocation.
2. Authorize the City Manager to execute any documents necessary to accept the funding.

BACKGROUND:

The Board of State and Community Corrections processed Officer Wellness and Mental Health grants included in the Budget Act of 2022. Disbursement of grant funds was made in accordance with Assembly Bill 178, Chapter 45, Statutes of 2022, item 5227-121-0001. The funding is available to all city and county law enforcement agencies employing officers described in Section 830.1 of the Penal Code, including Santa Paula.

ANALYSIS:

Approving the Expenditure Plan (Attachment A) will provide a revenue source for the purpose of improving officer wellness and expanding mental health resources as follows:

1. Establishing officer wellness units or expanding existing officer wellness units.
2. Establishing peer support units or expanding peer support units.
3. Funding services provided by a licensed mental health professional, counselor, or other professional that works with law enforcement.
4. Expanding multi-agency mutual aid programs focused on officer wellness and mental health.
5. Supporting other programs or services that are evidence-based or have a successful track record of enhancing officer wellness.

STRATEGIC PLAN:

This item supports City Council's goal of creating an environment within the City in which our residents feel safe, and which promotes the City as a location of choice for living, working,

visiting and recreating, identified in Section E. Public Safety & Emergency Preparedness of the two-year Strategic Plan.

It specifically achieves Objective #6:

- SPPD Wellness – Expand wellness options for employees such as peer support counseling services, and mindfulness and resiliency training.

FISCAL IMPACTS:

The Wellness Grant fund was received in a previous fiscal year, and the expense allocation has already been incorporated in the FY 2023/24 budget.

OPTIONS:

As an alternative to Staff's recommendation, the City Council may take one of the following alternative actions;

1. Do not approve the proposed Expenditure Plan.
2. Direct staff to modify the proposed Expenditure Plan.
3. Give other direction to staff as desirable.

ATTACHMENTS:

[BSCC Officer Wellness 23-24 Expenditure Plan.xlsx](#)

[BSCC Wellness Grant Announcement.pdf](#)



DATE: December 21, 2022
TO: Police Chiefs and Sheriffs
FROM: Linda Penner, Chair
SUBJECT: OFFICER WELLNESS AND MENTAL HEALTH GRANT AWARD

I am pleased to let you know that the BSCC has begun processing the Officer Wellness and Mental Health grants, which were included in the Budget Act of 2022. All eligible law enforcement agencies will receive their payment by February 15, 2023. This memorandum provides further information about the purposes of the grant, and requests your assistance in identifying the person in your agency who will be responsible for required data reporting.

This disbursement is being made in accordance with Assembly Bill 178, Chapter 45, Statutes of 2022, Item 5227-121-0001. This funding is available to all city and county law enforcement agencies employing officers described in Section 830.1 of the Penal Code. The Officer Wellness grant is for the purpose of improving officer wellness and expanding mental health sources as follows:

1. Establishing officer wellness units or expanding existing officer wellness units.
2. Establishing peer support units or expanding peer support units.
3. Services provided by a licensed mental health professional, counselor, or other professional that works with law enforcement.
4. Expanding multiagency mutual aid programs focused on officer wellness and mental health.
5. Other programs or services that are evidence based or have a successful track record of enhancing officer wellness.

For further information about this funding and to identify the amount of funding allocated to your agency, please visit the Board of State and Community Corrections' webpage for the Officer Wellness and Mental Health Grant available at <https://www.bscc.ca.gov/officer-wellness-and-mental-health-grant-program/>.

Provision 2 of the Budget Act requires each grant recipient to submit an expenditure report and a final impact report no later than December 1, 2025. Additionally, grant recipients will submit a brief annual expenditure report. Reports will be provided to the Commission on Peace Officer Standards and Training (POST). Detailed information regarding reporting requirements and reporting requirement webinars will be sent out in early 2023.

Please send the name and email address of the individual(s) within your agency who will be responsible for the implementation and reporting requirements for this grant to OfficerWellnessGrant@bscc.ca.gov by February 28, 2023 so they may receive additional information regarding detailed reporting requirements, webinars, and deadlines.

If you have any questions regarding this funding distribution, please email OfficerWellnessGrant@bscc.ca.gov and a BSCC staff member will respond.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda Penner', written in a cursive style.

LINDA PENNER
Chair
Board of State & Community Corrections

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: James Mason, Community & Economic Development Director

Subject: 24-MISC-01: A REQUEST THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 1335 AMENDING CHAPTER 16.35 "HOUSING OPPORTUNITIES OVERLAY ZONE" OF THE SANTA PAULA MUNICIPAL CODE, UPDATING THE CITY'S DESIGN REVIEW PROCEDURES PERTAINING TO AFFORDABLE HOUSING LOCATED WITHIN THE CITY'S COMMERCIAL/LIGHT INDUSTRIAL ZONE, AND FIND THAT THE ORDINANCE IS NOT A "PROJECT" OR IS OTHERWISE EXEMPT FROM CEQA

Date: March 6, 2024

Agenda Item: 10.A

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance No. 1335 amending Chapter 16.35 "Housing Opportunities Overlay Zone" of the Santa Paula Municipal Code, updating the City's Design Review procedures pertaining to Affordable Housing located within the City's Commercial/Light Industrial Zone, and find that the Ordinance is not a "Project" or is otherwise exempt from CEQA.

Presented by: James Mason, Community Development Director

BACKGROUND:

The City of Santa Paula ("City") General Plan includes a Housing Element, which was updated for the 2021-2029 planning period pursuant to state law and adopted by the City Council on May 18, 2022 (Resolution No. 7401).

As required by state law, the City's adopted Housing Element Update ("HEU") was submitted for review by the California Department of Housing and Community Development ("HCD"). In its written comments dated August 19, 2022 and June 26, 2023, HCD found that the adopted HEU addressed most statutory requirements; however, additional revisions were necessary to substantially comply with State Housing Element Law.

Pursuant to Section 4.B of City Council Resolution No. 7401, subsequent clerical and technical revisions to the adopted HEU addressing HCD comments were prepared and submitted to HCD in April, June, July, November and December 2023.

On January 25, 2024 HCD notified the City that the revised HEU submitted on December 22,

2023 substantially complies with the requirements of state law and the City would be in full compliance with state housing element law when the City demonstrates conformance with Government Code section 65583.2 subdivisions (c) and (i) relating to by-right permit review for qualifying housing developments in which at least 20 percent of the units are affordable to lower-income households on vacant parcels identified in two prior Housing Elements to accommodate a portion of the housing need for lower income households, as shown in Table B-5 of the 2021-2029 HEU.

On February 13, 2024, this Council adopted Urgency Ordinance No. 1334 (Attachment B), to immediately bring the City into the required conformance as detailed above. Ordinance No. 1335, being heard tonight, mirrors the amendments to Chapter 16.35 in Urgency Ordinance No. 1334.

At their regular meeting on January 23, 2024, the Planning Commission approved Resolution No. 3856 recommending the City Council adopt a non-urgency Ordinance amending Chapter 16.35 "Housing Opportunities Overlay Zone" of the Santa Paula Municipal Code, updating the City's Design Review procedures pertaining to Affordable Housing located within the City's Commercial/Light Industrial Zone, and find that the ordinance is not a "Project" or is otherwise exempt from CEQA (Attachment C).

ANALYSIS:

Amendment & Conformity

Prior to adoption of the urgency ordinance, the City's design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial zone, codified in Chapter 16.35 "Housing Opportunities Overlay Zone" of Title XVI "Development Code" of the Santa Paula Municipal Code, contained criteria that are discretionary, instead of "by-right" in violation of state law. Adopting the proposed non-urgency ordinance, Ordinance No. 1335, would retain the same amendments as those enacted through the urgency ordinance, as required by state law for certification of the City's Housing Element (Attachment A).

The proposed code amendment was reviewed by the City's Planning Division for, in part, consistency with the General Plan and conformity with the Santa Paula Municipal Code. Those findings of consistency are incorporated in Section 2 *General Plan and Development Objectives* and Section 3 *Development Code Amendments* of Resolution No. 3856 (Attachment C).

Environmental / CEQA

Staff has determined that the City's amendment of its design review procedures pertaining to affordable housing within the Commercial/Light Industrial zone will not result in an indirect nor direct physical change to the environment, and that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(c)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 4, because it has no potential for resulting in physical change to the environment, directly or indirectly.

STRATEGIC PLAN:

The amendments herein are necessary to retain HCD certification of the City's 2021-2029 Housing Element. A certified Housing Element is critical to achieving the City Council's strategic goals of inclusivity and community vitality.

FISCAL IMPACTS:

No direct impacts; however, lack of a certified Housing Element may prevent the City and potential affordable housing developers from obtaining certain tax credits and participating in various funding programs.

OPTIONS:

In addition to staff's recommended action, the City Council has the following available alternative options:

1. Decline to adopt the ordinance.
2. Continue the item to gather more information.

ATTACHMENTS:

[A - Ordinance No. 1335.pdf](#)

[B - Urgency Ordinance No. 1334.pdf](#)

[C - PC Resolution No. 3856 inc. Ex. A - Draft Ord. Amend..pdf](#)

ATTACHMENT A

ORDINANCE NO. 1335

ORDINANCE NO. 1335

AN ORDINANCE OF THE CITY OF SANTA PAULA, AMENDING CHAPTER 16.35 “HOUSING OPPORTUNITIES OVERLAY ZONE” OF THE SANTA PAULA MUNICIPAL CODE, UPDATING THE CITY’S DESIGN REVIEW PROCEDURES PERTAINING TO AFFORDABLE HOUSING LOCATED WITHIN THE CITY’S COMMERCIAL/LIGHT INDUSTRIAL ZONE, AND FIND THAT THE ORDINANCE IS NOT A “PROJECT” OR IS OTHERWISE EXEMPT FROM CEQA

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

SECTION 1: The City Council finds as follows:

- A. The City of Santa Paula's (“City”) design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial zone is currently codified in Chapter 16.35 “Housing Opportunities Overlay Zone” of Title XVI “Development Code” of the City’s Municipal Code.
- B. In its comments on the latest draft of the City’s 2021-2029 Housing Element Update (“HEU”), the California Department of Housing and Community Development (“HCD”) directed the City to demonstrate that its permits procedures comply with the by-right requirements of Government Code section 65583.2, subdivision (c) and (i), in order to obtain Housing Element certification.
- C. Government Code section 65583.2, subdivision (c) provides that the inventory of land suitable for residential development that is used to identify sites that can be developed for housing within the planning period sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels, must : (i) specify for each site the number of units that can realistically be accommodated on that site; (ii) and whether the site is adequate to accommodate lower-income housing, moderate-income housing, or above moderate-income housing. As part of this requirement, any vacant sites listed in two previous consecutive Housing Element sites inventories shall not be deemed adequate to accommodate a portion of the housing need for lower-income households that must be accommodated in the current housing element planning period, unless residential development is allowed “by-right” for housing developments in which at least 20 percent of the units are affordable to lower-income households.
- D. Government Code section 65583.2, subdivision (i) defines “by right” to mean that the local government's review of the owner-occupied or multifamily residential use shall not require: a conditional use permit, planned unit development permit, nor other discretionary local government review or approval that would constitute

a “project” for purpose of the California Environmental Quality Act (“CEQA”)(Public Resources Code §§ 21000, *et seq.*)

- E. Therefore, and in compliance with subdivisions (c) and (i) of Government Code section 65583.2, the City has updated Table B-5 of the HEU to include all vacant sites that have been used in two prior Housing Elements, and the City’s review of qualifying owner-occupied or multifamily residential uses in such sites must be ministerial (i.e. “by-right”).
- F. The City’s current design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial zone, codified in Chapter 16.35 “Housing Opportunities Overlay Zone” of Title XVI “Development Code” of the Santa Paula Municipal Code, contain criteria that are discretionary, instead of “by-right” in violation of state law.
- G. The proposed Development Code (“Code”) amendment would eliminate the discretionary criteria in the City’s site design review permit procedures.
- H. The City finds that this ordinance is necessary for the preservation of the public peace, health and safety of residents living within the City, to ensure the City meets the February 29, 2024 deadline to qualify for grant funding that will help to alleviate critical housing and public health problems in Santa Paula. Without access to grant funds such as PLHA, public health and safety problems related to housing in Santa Paula, including homelessness, overcrowding, overpayment and unsafe housing conditions will be exacerbated.

SECTION 2: *General Plan and Development Objectives.* Pursuant to SPMC § 16.208.030(C), the City Council has reviewed the Planning Commission’s recommendation, and finds that the proposed amendment is consistent with the objectives of Title 16 of the SPMC, the General Plan, and development policies of the City as follows:

- A. The purpose of Chapter 16.208 *Development Code Amendments* is to allow for amendment to the Code in recognition of the fact that physical, economic, and other conditions in the city may change over time. The City’s current design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial Zone, codified in Chapter 16.35 “Housing Opportunities Overlay Zone” of Title XVI “Development Code” of the Santa Paula Municipal Code, contain criteria that are discretionary, instead of “by-right” in violation of state law. The City must bring its permitting procedures in compliance with state law in order to obtain Housing Element certification from HCD. The

proposed amendment is consistent with Title 16 of the SPMC because it brings the City's design review procedures for in compliance with state law.

B. The proposed code amendment is consistent with the objectives, policies, general land uses, and programs of the Santa Paula General Plan (2040), as further described below in Section 3, particularly the following:

- Housing Element, Adequate Housing Sites: H3.1
- Housing Element, Removal of Government Constraints: H4.2

SECTION 3: *Development Code Amendment Findings.* Pursuant to SPMC §16.208.050, the City Council makes the following required findings:

- A. *The proposed code amendment is consistent with the goals, policies, and objectives of the General Plan.* Consistent with Housing Element Policy 3.1 (Adequate Housing Sites), the proposed amendment will support housing development within the City by requiring that an up to date inventory of potential sites available for future housing development, including residential owner-occupied or multifamily developments be maintained by the City. The proposed amendment is also consistent with Housing Element Policy 4.2 (Removal of Government Constraints) because it updates the City's current design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial Zone, codified in Chapter 16.35 "Housing Opportunities Overlay Zone" of Title XVI "Development Code" of the Santa Paula Municipal Code, to be ministerial rather than discretionary as required by State law.
- B. *The proposed code amendment will not adversely affect surrounding properties.* The proposed amendment will not adversely affect surrounding properties because the proposed amendment is administrative in nature, in that it updates specified provisions of the City's Development Code pertaining to affordable housing design review procedures within the Commercial/Light Industrial Zone, to bring it into compliance with state law.
- C. *The proposed code amendment promotes public health, safety, and general welfare and serves the goals and purposes of Title 16.* The public health, safety, and general welfare, and purposes of the City's Development Code codified in Title 16 by ensuring that it's provisions are in compliance with State law. Further, the proposed changes benefit the public welfare by allowing for ministerial review of qualifying affordable housing projects within the City. For the reasons described in paragraphs A. and B. of Section 2, the proposed amendment will serve the goals and purposes of Title 16 of the SPMC.

SECTION 4: Environmental Assessment. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(c)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 4, because it has no potential for resulting in physical change to the environment, directly or indirectly. Here it can be seen with certainty that the City’s amendment of its design review procedures pertaining to affordable housing within the Commercial/Light Industrial zone will not result in an indirect nor direct physical change to the environment.

SECTION 5: Text Amendments. The City Council hereby amends Chapter 16.35 “Housing Opportunities Overlay Zone” to read in full as follows:

Chapter 16.35: MINISTERIAL REVIEW FOR QUALIFYING HOUSING
PROJECTS

Section

- 16.35.01 Purpose and Intent.
- 16.35.02 Application.
- 16.35.03 Eligibility Criteria.
- 16.35.04 Relationship to State Density Bonus Law.
- 16.35.05 Procedure.
- 16.35.06 Site Development Permit.
- 16.35.07 Temporary Uses Permitted.
- 16.35.08 Accessory Used Permitted.
- 16.35.09 Site Development Standards for Residential Uses.
- 16.35.10 General Requirements.
- 16.35.11 Administration and Appeals.

§ 16.35.01 PURPOSE AND INTENT.

The purpose of this chapter is to ensure conformance with Government Code Section 65583.2(c) and (i) regarding by-right permit processing for qualifying housing developments on sites identified to accommodate lower-income units in Table B-5 of the Santa Paula Housing Element of the General Plan.

§ 16.35.02 APPLICATION.

This chapter applies only to qualifying housing projects that are located on parcels identified as accommodating lower-income units in Housing Element Table B-5. Any development that does not meet the eligibility criteria set forth in Section 16.35.03 shall comply with all applicable provisions of this Title.

§ 16.35.03 ELIGIBILITY CRITERIA.

To be considered a qualified housing development under this chapter, the housing development must meet the following criteria:

A. The development is located on a parcel identified as accommodating lower-income housing units in Housing Element Table B-5.

B. At least 20% of the units are affordable to lower-income households.

§ 16.35.04 RELATIONSHIP TO STATE DENSITY BONUS LAW.

Qualifying developments shall be eligible for applicable incentives and concessions pursuant to §§ 16.13.310 et seq. consistent with State Density Bonus Law as it may be amended from time to time.

§ 16.35.05 PROCEDURE.

The Director will review an application received for a site development permit issued in accordance with this chapter and must issue a site development permit within 60 days of deeming the application complete if the Director finds all of the following:

(A) The application complies with all applicable law including, without limitation, this chapter; and

(B) The application complies with the applicable objective development and design requirements for the zoning district in which the project is located.

§ 16.35.06 SITE DEVELOPMENT PERMIT.

(A) The qualified housing projects allowed by this chapter require a non-discretionary site development permit.

(B) Applications for a site development permit pursuant to this chapter are subject to an administrative review process. Pursuant to Cal. Gov't Code § 65583.2(i), such permits do not require discretionary local government review or approval that constitutes a project for purposes Cal. Public Resources Code §§ 21000 et seq.

(C) The administrative review process shall not require a public hearing.

§ 16.35.07 TEMPORARY USES PERMITTED.

Temporary uses are allowed as provided in the applicable zoning district in which the project is located.

§ 16.35.08 ACCESSORY USES PERMITTED.

Accessory uses are allowed as provided in the applicable zoning district in which the project is located.

§ 16.35.09 SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL USES.

The site development and design standards for qualifying projects are the base site development standards of the zoning district in which the qualified housing development is located. Standards shall be applied in a manner consistent with Cal. Government Code § 65583.2(i).

§ 16.35.10 GENERAL REQUIREMENTS.

The following conditions apply to all qualified housing developments:

(A) Occupancy standards for each dwelling unit must meet the minimum standards of the California Uniform Housing Code or the California Employee Housing Act, or successor statutes, depending upon which is applicable.

(B) Affordable dwelling units must comply with the applicable requirements of §§ 16.13.310 et seq. of this title.

§ 16.35.11 ADMINISTRATION AND APPEALS.

The Director is authorized to administer this chapter. An applicant may appeal any decision of the Director to the Planning Commission by filing a written notice of appeal with the City Clerk within ten calendar days after notice of the Director's action has been communicated to the applicant.

SECTION 6: *Effective Date.* This ordinance takes effect immediately upon its adoption.

SECTION 7: Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Santa Paula Municipal Code.

SECTION 8: *Severability.* If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

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PASSED, APPROVED, AND ADOPTED this 6th day of March 2024.

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw, CMC, City Clerk

APPROVED AS TO FORM:

Monica Castillo, City Attorney

ATTACHMENT B

URGENCY ORDINANCE NO. 1334

URGENCY ORDINANCE NO. 1334

AN URGENCY ORDINANCE OF THE CITY OF SANTA PAULA, AMENDING CHAPTER 16.35 "HOUSING OPPORTUNITIES OVERLAY ZONE" OF THE SANTA PAULA MUNICIPAL CODE, UPDATING THE CITY'S PERMIT REVIEW PROCEDURES FOR QUALIFYING HOUSING DEVELOPMENT PROJECTS CONSISTENT WITH STATE LAW AND THE HOUSING ELEMENT OF THE SANTA PAULA GENERAL PLAN, AND FINDING THAT THE ORDINANCE IS NOT A "PROJECT" OR IS OTHERWISE EXEMPT FROM CEQA

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

SECTION 1: The City Council finds as follows:

- A. The City of Santa Paula ("City") General Plan includes a Housing Element, which was updated for the 2021-2029 planning period pursuant to state law and adopted by the City Council on May 18, 2022 (Resolution No. 7401).
- B. As required by state law, the City's adopted Housing Element Update ("HEU") was submitted for review by the California Department of Housing and Community Development ("HCD"). In its written comments dated August 19, 2022 and June 26, 2023, HCD found that the adopted HEU addressed most statutory requirements; however, additional revisions were necessary to substantially comply with State Housing Element Law.
- C. Pursuant to Section 4.B of City Council Resolution No. 7401, subsequent clerical and technical revisions to the adopted HEU addressing HCD comments were prepared and submitted to HCD in April, June, July, November and December 2023.
- D. On January 25, 2024 HCD notified the City that the revised HEU submitted on December 22, 2023 substantially complies with the requirements of state law and the City will be in full compliance with state housing element law when the City demonstrates conformance with Government Code section 65583.2 subdivisions (c) and (i) relating to by-right permit review for qualifying housing developments in which at least 20 percent of the units are affordable to lower-income households on vacant parcels identified in two prior Housing Elements to accommodate a portion of the housing need for lower income households, as shown in Table B-5 of the 2021-2029 HEU.
- E. Government Code section 65583.2, subdivision (i) defines "by right" to mean that the local government's review of the owner-occupied or multifamily residential use

shall not require: a conditional use permit, planned unit development permit, nor other discretionary local government review or approval that would constitute a "project" for purpose of the California Environmental Quality Act ("CEQA")(Public Resources Code §§ 21000, *et seq.*)

- F. Therefore, and in compliance with subdivisions (c) and (i) of Government Code section 65583.2, this Development Code amendment eliminates discretionary criteria in the City's permit review procedures for qualifying projects on parcels identified as suitable for lower-income housing in Table B-5 of the HEU.
- G. HCD has notified the City that the HEU must be found in full compliance with state housing element law by February 2024 in order to meet eligibility requirements for grant funding such as the Permanent Local Housing Allocation ("PLHA") program. Therefore, the City Council finds that this ordinance is necessary for the preservation of the public peace, health and safety of residents living within the City, to ensure the City meets the deadline to qualify for grant funding that is urgently needed to help to alleviate critical housing and public health problems in Santa Paula. Without access to grant funds such as PLHA, public health and safety problems related to housing in Santa Paula, including homelessness, overcrowding, overpayment and unsafe housing conditions, will be exacerbated.

SECTION 2: General Plan and Development Objectives. Pursuant to SPMC § 16.208.030(C), the City Council has reviewed the Planning Commission's recommendation, and finds that the proposed amendment is consistent with the objectives of Title 16 of the SPMC, the General Plan, and development policies of the City as follows:

- A. The purpose of Chapter 16.208 *Development Code Amendments* is to allow for amendment to the Code in recognition of the fact that physical, economic, and other conditions in the city may change over time. Changes in state housing law now require by-right permit processing for housing development projects under certain conditions. The City must bring its permitting procedures in compliance with state law in order to obtain Housing Element certification from HCD and expand the availability of grant funding to address critical housing problems in the city. The proposed amendment is consistent with Title 16 of the SPMC because it brings the City's permit review procedures into compliance with state law.
- B. The proposed code amendment is consistent with the objectives, policies, general land uses, and programs of the Santa Paula General Plan (2040), as further described below in Section 3, particularly the following:

- Housing Element, Adequate Housing Sites: H3.1
- Housing Element, Removal of Government Constraints: H4.2

SECTION 3: *Development Code Amendment Findings.* Pursuant to SPMC §16.208.050, the City Council makes the following required findings:

- A. *The proposed code amendment is consistent with the goals, policies, and objectives of the General Plan.* Consistent with Housing Element Policy 3.1 (Adequate Housing Sites), the proposed amendment will support housing development within the City by requiring that an up to date inventory of potential sites available for future housing development, including residential owner-occupied or multifamily developments be maintained by the City. The proposed amendment is also consistent with Housing Element Policy 4.2 (Removal of Government Constraints) because it updates the City's current permit review procedures pertaining to the development of qualifying housing development projects to be ministerial rather than discretionary as required by State law.
- B. *The proposed code amendment will not adversely affect surrounding properties.* The proposed amendment will not adversely affect surrounding properties because the proposed amendment is administrative in nature, in that it updates specified provisions of the City's Development Code pertaining to permit review procedures for qualifying housing developments on parcels listed in Housing Element Table B-5 in compliance with state law.
- C. *The proposed code amendment promotes public health, safety, and general welfare and serves the goals and purposes of Title 16.* The public health, safety, and general welfare, and purposes of the City's Development Code codified in Title 16 are promoted by ensuring that its provisions are in compliance with State law. Further, the proposed changes benefit the public welfare by allowing for ministerial review of qualifying affordable housing projects within the City and the expanded availability of housing grant funds. For the reasons described in paragraphs A. and B. of Section 2, the proposed amendment will serve the goals and purposes of Title 16 of the SPMC.

SECTION 4: *Environmental Assessment.* The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(c)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 4, because it is procedural in nature and has no potential for resulting in physical change to the environment, directly or indirectly. Here it can be seen with certainty that the City's

amendment of its permit review procedures pertaining to qualifying housing developments will not result in an indirect nor direct physical change to the environment.

SECTION 5: Text Amendments. The City Council hereby amends Chapter 16.35 "Housing Opportunities Overlay Zone" to read in full as follows:

Chapter 16.35: MINISTERIAL REVIEW FOR QUALIFYING HOUSING
PROJECTS

Section

- 16.35.01 Purpose and Intent.
- 16.35.02 Application.
- 16.35.03 Eligibility Criteria.
- 16.35.04 Relationship to State Density Bonus Law.
- 16.35.05 Procedure.
- 16.35.06 Site Development Permit.
- 16.35.07 Temporary Uses Permitted.
- 16.35.08 Accessory Used Permitted.
- 16.35.09 Site Development Standards for Residential Uses.
- 16.35.10 General Requirements.
- 16.35.11 Administration and Appeals.

§ 16.35.01 PURPOSE AND INTENT.

The purpose of this chapter is to ensure conformance with Government Code Section 65583.2(c) and (i) regarding by-right permit processing for qualifying housing developments on sites identified to accommodate lower-income units in Table B-5 of the Santa Paula Housing Element of the General Plan.

§ 16.35.02 APPLICATION.

This chapter applies only to qualifying housing projects that are located on parcels identified as accommodating lower-income units in Housing Element Table B-5. Any development that does not meet the eligibility criteria set forth in Section 16.35.03 shall comply with all applicable provisions of this Title.

§ 16.35.03 ELIGIBILITY CRITERIA.

To be considered a qualified housing development under this chapter, the housing development must meet the following criteria:

- A. The development is located on a parcel identified as accommodating lower-income housing units in Housing Element Table B-5.

B. At least 20% of the units are affordable to lower-income households.

§ 16.35.04 RELATIONSHIP TO STATE DENSITY BONUS LAW.

Qualifying developments shall be eligible for applicable incentives and concessions pursuant to §§ 16.13.310 et seq. consistent with State Density Bonus Law as it may be amended from time to time.

§ 16.35.05 PROCEDURE.

The Director will review an application received for a site development permit issued in accordance with this chapter and must issue a site development permit within 60 days of deeming the application complete if the Director finds all of the following:

(A) The application complies with all applicable law including, without limitation, this chapter; and

(B) The application complies with the applicable objective development and design requirements for the zoning district in which the project is located.

§ 16.35.06 SITE DEVELOPMENT PERMIT.

(A) The qualified housing projects allowed by this chapter require a non-discretionary site development permit.

(B) Applications for a site development permit pursuant to this chapter are subject to an administrative review process. Pursuant to Cal. Gov't Code § 65583.2(i), such permits do not require discretionary local government review or approval that constitutes a project for purposes Cal. Public Resources Code §§ 21000 et seq.

(C) The administrative review process shall not require a public hearing.

§ 16.35.07 TEMPORARY USES PERMITTED.

Temporary uses are allowed as provided in the applicable zoning district in which the project is located.

§ 16.35.08 ACCESSORY USES PERMITTED.

Accessory uses are allowed as provided in the applicable zoning district in which the project is located.

§ 16.35.09 SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL USES.

The site development and design standards for qualifying projects are the base site development standards of the zoning district in which the qualified housing

§ 16.35.10 GENERAL REQUIREMENTS.

The following conditions apply to all qualified housing developments:

(A) Occupancy standards for each dwelling unit must meet the minimum standards of the California Uniform Housing Code or the California Employee Housing Act, or successor statutes, depending upon which is applicable.

(B) Affordable dwelling units must comply with the applicable requirements of §§ 16.13.310 et seq. of this title.

§ 16.35.11 ADMINISTRATION AND APPEALS.

The Director is authorized to administer this chapter. An applicant may appeal any decision of the Director to the Planning Commission by filing a written notice of appeal with the City Clerk within ten calendar days after notice of the Director's action has been communicated to the applicant.

SECTION 6: *Effective Date.* This ordinance takes effect immediately upon its adoption.

SECTION 7: Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Santa Paula Municipal Code.

SECTION 8: *Urgency Declaration.* The City Council finds and declares that the immediate adoption and implementation of this ordinance is necessary for the preservation of the public peace, health and safety of residents living within the City, because without access to grant funds such as PLHA, public health and safety problems related to housing in Santa Paula, including homelessness, overcrowding, overpayment and unsafe housing conditions will be exacerbated. In order for the City to be eligible for grant funding that will help to alleviate critical housing and public health problems in Santa Paula this urgency ordinance must be adopted on an immediate urgency basis. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

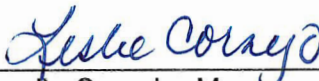
SECTION 9: *Severability.* If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause and

development is located. Standards shall be applied in a manner consistent with Cal. Government Code § 65583.2(i).

phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

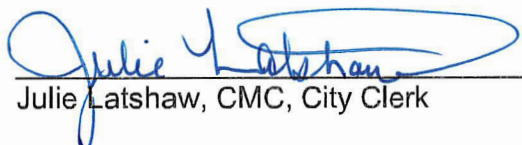
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PASSED, APPROVED, AND ADOPTED this 13th day of February 2024.



Leslie Cornejo, Mayor

ATTEST:



Julie Latshaw, CMC, City Clerk



APPROVED AS TO FORM:



Monica Castillo, City Attorney

CERTIFICATION

CITY OF SANTA PAULA)
COUNTY OF VENTURA)§
STATE OF CALIFORNIA)

I, Julie Latshaw, City Clerk of the City of Santa Paula, California, do hereby certify that the foregoing Urgency Ordinance No. 1334 was **PASSED AND ADOPTED** this 13th day of February 2024, upon the following roll call vote:

AYES: CROSSWHITE, SOBEL, JUAREZ, CHAVEZ, CORNEJO

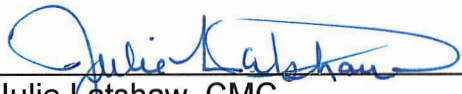
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Santa Paula, California this 13th day of February 2024.




Julie Latshaw, CMC
City Clerk

ATTACHMENT C

PC RESOLUTION NO. 3856
&
EXHIBIT A – DRAFT ORDINANCE AMENDMENT

RESOLUTION NO. 3856

A RESOLUTION OF THE CITY OF SANTA PAULA PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 16.35 “HOUSING OPPORTUNITIES OVERLAY ZONE” OF THE SANTA PAULA MUNICIPAL CODE, UPDATING THE CITY’S DESIGN REVIEW PROCEDURES PERTAINING TO AFFORDABLE HOUSING LOCATED WITHIN THE CITY’S COMMERCIAL/LIGHT INDUSTRIAL ZONE, AND FIND THAT THE ORDINANCE IS NOT A “PROJECT” OR IS OTHERWISE EXEMPT FROM CEQA

The Planning Commission of the City of Santa Paula does resolve as follows

SECTION 1: The Planning Commission finds and declares that:

- A. In its comments on the latest draft of the City’s 2021-2029 Housing Element Update (“HEU”), the California Department of Housing and Community Development (“HCD”) directed the City to demonstrate that its permits procedures comply with the by-right requirements of Government Code section 65583.2, subdivision (c) and (i), in order to obtain Housing Element certification.
- B. Government Code section 65583.2, subdivision (c) provides that the inventory of land suitable for residential development that is used to identify sites that can be developed for housing within the planning period sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels, must : (i) specify for each site the number of units that can realistically be accommodated on that site; and (ii) whether the site is adequate to accommodate lower-income housing, moderate-income housing, or above moderate-income housing. As part of this requirement, any vacant sites listed in two previous consecutive Housing Element sites inventories shall not be deemed adequate to accommodate a portion of the housing need for lower-income households that must be accommodated in the current housing element planning period, unless residential development is allowed “by-right” for housing developments in which at least 20 percent of the units are affordable to lower-income households.
- C. Government Code section 65583.2, subdivision (i) defines “by right” to mean that the local government’s review of the owner-occupied or multifamily residential use shall not require: a conditional use permit, planned unit development permit, nor other discretionary local government review or approval that would constitute a “project” for purpose of the California Environmental Quality Act (“CEQA”)(Public Resources Code §§ 21000, *et seq.*)
- D. Therefore, and in compliance with subdivisions (c) and (i) of Government Code section 65583.2, the City has updated Table B-5 of the HEU to include all vacant sites that have been used in two prior Housing Elements, and the City’s review of

qualifying owner-occupied or multifamily residential uses in such sites must be ministerial (i.e. “by-right”).

- E. The City’s current design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial zone, codified in Chapter 16.35 “Housing Opportunities Overlay Zone” of Title XVI “Development Code” of the Santa Paula Municipal Code, contain criteria that are discretionary, instead of “by-right” in violation of state law.
- F. The proposed Development Code (“Code”) amendment would eliminate the discretionary criteria in the City’s site design review permit procedures.
- G. The proposed amendment was reviewed by the City’s Planning Division for, in part, consistency with the General Plan and conformity with the Santa Paula Municipal Code.
- H. The City Planning Division reviewed the proposed amendment’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”), the regulations promulgated there under (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”), and the City’s Environmental Guidelines (“Santa Paula Guidelines”; CEQA, CEQA Guidelines and Santa Paula Guidelines collectively referred to as “CEQA Regulations”).
- I. The Planning Division completed its review and scheduled a public hearing regarding the application before this Commission for January 23, 2024.
- J. On January 23, 2024, the Commission opened a public hearing to receive public testimony and other evidence regarding the proposed amendment.
- K. The Commission considered the information provided by City staff and public testimony. This Resolution, and its findings, are made based upon the evidence presented to the Commission at its January 23, 2024 hearing including, without limitation, the staff report submitted by the Planning Division.

SECTION 2: *General Plan and Development Objectives.* Pursuant to SPMC § 16.208.030, the Planning Commission determines that the proposed amendment is consistent with the objectives of Title 16 of the SPMC, the General Plan, and development policies of the City as follows:

- A. The purpose of Chapter 16.208 *Development Code Amendments* is to allow for amendment to the Code in recognition of the fact that physical, economic, and other conditions in the city may change over time. The City’s current design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial Zone, codified in Chapter 16.35 “Housing Opportunities Overlay Zone” of Title XVI “Development Code” of the Santa Paula

Municipal Code, contain criteria that are discretionary, instead of “by-right” in violation of state law. The City must bring its permitting procedures in compliance with state law in order to obtain Housing Element certification from HCD. The proposed amendment is consistent with Title 16 of the SPMC because it brings the City’s design review procedures for in compliance with state law.

B. The proposed code amendment is consistent with the objectives, policies, general land uses, and programs of the Santa Paula General Plan (2040), as further described below in Section 3, particularly the following:

- Housing Element, Adequate Housing Sites: H3.1
- Housing Element, Removal of Government Constraints: H4.2

SECTION 3: *Development Code Amendments.* Pursuant to SPMC §16.208.050, the Planning Commission makes the following findings for consideration by the City Council:

- A. *The proposed code amendment is consistent with the goals, policies, and objectives of the General Plan.* Consistent with Housing Element Policy 3.1 (Adequate Housing Sites), the proposed amendment will support housing development within the City by requiring that an up to date inventory of potential sites available for future housing development, including residential owner-occupied or multifamily developments be maintained by the City. The proposed amendment is also consistent with Housing Element Policy 4.2 (Removal of Government Constraints) because it update it updates the City’s current design review procedures pertaining to the development of affordable housing within the Commercial/Light Industrial Zone, codified in Chapter 16.35 “Housing Opportunities Overlay Zone” of Title XVI “Development Code” of the Santa Paula Municipal Code, to be ministerial rather than discretionary as required by State law.
- B. *The proposed code amendment will not adversely affect surrounding properties.* The proposed amendment will not adversely affect surrounding properties because the proposed amendment is administrative in nature, in that it updates specified provisions of the City’s Development Code pertaining to affordable housing design review procedures within the Commercial/Light Industrial Zone, to bring it into compliance with state law.
- C. *The proposed code amendment promote public health, safety, and general welfare and serves the goals and purposes of Title 16.* The public health, safety, and general welfare, and purposes of the City’s Development Code codified in Title 16 by ensuring that it’s provisions are in compliance with State law. Further, the proposed changes benefit the public welfare by allowing for ministerial review of qualifying affordable housing projects within the City. For the reasons described in paragraphs A. and B. of Section 2, the proposed amendment will serve the goals and purposes of Title 16 of the SPMC.

SECTION 4: *Environmental Assessment.* The Planning Commission finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(c)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 4, because it has no potential for resulting in physical change to the environment, directly or indirectly. Here it can be seen with certainty that the City’s amendment of its design review procedures pertaining to affordable housing within the Commercial/Light Industrial zone will not result in an indirect nor direct physical change to the environment.

SECTION 5: *Recommendation.* The Planning Commission recommends that the City Council:

Adopt an ordinance amending Chapter 16.35 “Housing Opportunities Overlay Zone” of the Santa Paula Municipal Code, attached as Exhibit “A” hereto, updating the City’s design review procedures pertaining to affordable housing located within the City’s Commercial/Light Industrial Zone, and find that the ordinance is not a “project” or is otherwise exempt from CEQA.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

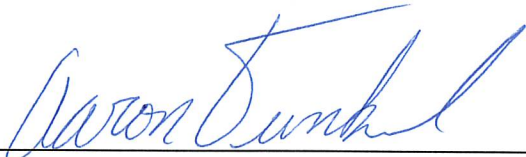
SECTION 9: The Secretary is directed to transmit the Resolution to the City Clerk for scheduling the matter for consideration by the City Council.

SECTION 10: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 11: This Resolution is advisory to the City Council and will take effect immediately upon adoption.

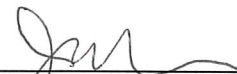
[SIGNATURES ON NEXT PAGE]

PASSED AND ADOPTED this 23rd day of January 2024



Aaron Dunkel
Chair of the Planning Commission

ATTEST:



James Mason
Secretary

Approved as to form by:



Henry Castillo
Assistant City Attorney

EXHIBIT A: DRAFT ORDINANCE AMENDMENT

Chapter 16.35: MINISTERIAL REVIEW FOR QUALIFYING HOUSING PROJECTS

Section

- 16.35.01 Purpose and Intent.
- 16.35.02 Application.
- 16.35.03 Eligibility Criteria.
- 16.35.04 Relationship to State Density Bonus Law.
- 16.35.05 Procedure.
- 16.35.06 Site Development Permit.
- 16.35.07 Temporary Uses Permitted.
- 16.35.08 Accessory Used Permitted.
- 16.35.09 Site Development Standards for Residential Uses.
- 16.35.10 General Requirements.
- 16.35.11 Administration and Appeals.

§ 16.35.01 PURPOSE AND INTENT.

The purpose of this chapter is to ensure conformance with Government Code Section 65583.2(c) and (i) regarding by-right permit processing for qualifying housing developments on sites identified to accommodate lower-income units in Table B-5 of the Santa Paula Housing Element of the General Plan.

§ 16.35.02 APPLICATION.

This chapter applies only to qualifying housing projects that are located on parcels identified as accommodating lower-income units in Housing Element Table B-5. Any development that does not meet the eligibility criteria set forth in Section 16.35.03 shall comply with all applicable provisions of this Title.

§ 16.35.03 ELIGIBILITY CRITERIA.

To be considered a qualified housing development under this chapter, the housing development must meet the following criteria:

(A) The development is located on a parcel identified as accommodating lower-income housing units in Housing Element Table B-5.

(B) At least 20% of the units are affordable to lower-income households .

§ 16.35.04 RELATIONSHIP TO STATE DENSITY BONUS LAW.

Qualifying developments shall be eligible for applicable incentives and concessions pursuant to §§ 16.13.310 et seq. consistent with State Density Bonus Law as it may be amended from time to time.

§ 16.35.05 PROCEDURE.

The Director will review an application received for a site development permit issued in accordance with this chapter and must issue a site development permit within 60 days of deeming the application complete if the Director finds all of the following:

- (A) The application complies with all applicable law including, without limitation, this chapter; and
- (B) The application complies with the applicable objective development and design requirements for the zoning district in which the project is located.

§ 16.35.06 SITE DEVELOPMENT PERMIT.

- (A) The qualified housing projects allowed by this chapter require a non-discretionary site development permit.
- (B) Applications for a site development permit pursuant to this chapter are subject to an administrative review process. Pursuant to Cal. Gov't Code § 65583.2(i), such permits do not require discretionary local government review or approval that constitutes a project for purposes Cal. Public Resources Code §§ 21000 et seq.
- (C) The administrative review process shall not require a public hearing.

§ 16.35.07 TEMPORARY USES PERMITTED.

Temporary uses are allowed as provided in the applicable zoning district in which the project is located.

§ 16.35.08 ACCESSORY USES PERMITTED.

Accessory uses are allowed as provided in the applicable zoning district in which the project is located.

§ 16.35.09 SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL USES.

The site development and design standards for qualifying projects are the base site development standards of the zoning district in which the qualified housing development is located. Standards shall be applied in a manner consistent with Cal. Government Code § 65583.2(i).

§ 16.35.10 GENERAL REQUIREMENTS.

The following conditions apply to all qualified housing developments:

- (A) Occupancy standards for each dwelling unit must meet the minimum standards of the California Uniform Housing Code or the California Employee Housing Act, or successor statutes, depending upon which is applicable.
- (B) Affordable dwelling units must comply with the applicable requirements of §§ 16.13.310 et seq. of this title.

§ 16.35.11 ADMINISTRATION AND APPEALS.

The Director is authorized to administer this chapter. An applicant may appeal any decision of the Director to the Planning Commission by filing a written notice of appeal with the City Clerk within ten calendar days after notice of the Director's action has been communicated to the applicant.

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Clete Saunier, Public Works Director

Subject: STREETS CIP PROJECT PLANNING REPORT

Date: March 6, 2024

Agenda Item: 11.A

RECOMMENDATION:

Staff recommends that the City Council:

1. Receive CIP information and recommendations and provide guidance to staff to address priority of projects.

Prepared by:

Bob Woodward, City Engineer
Tatiana Arnaout, Deputy City Engineer

BACKGROUND:

The Public Works Department has oversight over public streets, traffic signals, intersection controls, and related traffic safety and circulation City-wide. The City's street network consists of approximately 55 centerline miles of roadway, with associated sidewalks, crosswalks, street lighting and traffic signals at specific intersections. Significant portions of the City's roadway infrastructure are in excess of 75-100 years of age. In addition, Public Works has oversight over water, sewer and storm drain systems which serve vital, though less visible, functions of utility service and flood control function throughout the City. Population growth, development projects, and trends in traffic safety and technology require on-going innovation in the management of public right of way and related practice, and both currently programmed capital improvement projects (CIPs) as well as proposed CIPs need to consider these factors in their planning and execution. In addition, the City's 2040 General Plan sets goals for improving traffic circulation and pedestrian safety, reducing greenhouse gases and improving air quality, as well as continuing reliability of utility service and flood mitigation.

Streets and Pavement Management

With the development of the City's Pavement Management Program (PMP) the City's Public Works Department established a systematic approach to the assessment, repair and maintenance of roadways Citywide. The integration of innovative pavement resurfacing and preservation treatments into this program of pavement management allows for the maximizing of available funding while systematically improving the City's overall Pavement Condition

Index (PCI). Public Works developed the PMP using the 2016 Pavement Condition Index data (updated 2020) and best pavement management practices. The specific objectives included:

1. Perform street maintenance regularly to extend the service life of existing roads.
2. Use pavement preservation and rehabilitation strategies to improve more roads within limited funding projections.
3. Coordinate with sewer and water utility projects to maximize use of available funding sources.

The PMP contemplated four (4) 5-year cycles of paving, organized geographically throughout the City. On May 6, 2020, the City Council approved Resolution 7270 adopting the Cycle 1 5-year Pavement Management Plan (FY 2020-2021 to FY 2024-2025) requiring staff to annually update the plan and address the status of road pavement conditions within the City. The City is currently in the 4th year of Cycle 1, and staff is developing recommendations for both the final year of this first 5-year PMP, as well as the next Cycle of PMP programming.

Sidewalks

The City's 55 centerline miles of roadway include a variety of sidewalk conditions to accommodate pedestrian mobility. These sidewalk conditions vary in width, connectivity and accessibility, depending on their location within the City. Sidewalks are commonly constructed in conjunction with the associated roadway, and many sidewalks within the City are in excess of 100 years of age. In recent years the need to both maintain and improve sidewalks to address disabled accessibility has been mandated to public agencies, and the construction of disabled access ramps, together with site-specific sidewalk repairs, is programmed to occur in conjunction with the annual paving program. Recently the City completed a survey of streets, sidewalks and associated structures as part of a disabled access transition plan under Title II of the ADA, and identified more than 12,000 mobility issues citywide, including broken, missing or uplifted sidewalks, missing or non-compliant curb ramps, and other barriers to the disabled. The City has traditionally maintained a sidewalk repair program as part of its capital improvement program, and observed or reported sidewalk and curb ramp issues are integrated into the annual PMP. Sidewalks and related pedestrian mobility are both a maintenance and safety consideration, and the on-going process of identifying and addressing areas of damaged, uplifted and missing sections of sidewalk poses a challenge for Public Works staff and higher risk exposure for the City. Public Works has been increasing the scope of sidewalk and curb ramp improvements over the past few years as part of their PMP to address deficiencies that are contiguous to the PMP areas of improvement.

Streets CIP

Development Related Improvements: The City's 2040 General Plan identifies trends in both City planning and development that in turn translate to a vision of the ultimate configuration of the City's roadway infrastructure to address future growth and associated traffic demands. Development projects occurring in the City are conditioned to either provide roadway improvements to address their project's traffic impacts, pay traffic mitigation fees, or both. Fees paid by developers accumulate in related fee accounts for later use in funding street improvement projects to widen roads, upgrade traffic signals, and improve circulation.

Drainage: Streets provide for conveyance of storm drainage from contributory portions of adjacent property, as well as adjacent streets. The drainage capacity of streets is defined by

the geometry of each individual street section, including curb height, street width and slope. As the street capacity is reached, catch basins with associated storm drainage pipes are installed. Due to the age and topography of the City, limited storm drainage facilities exist, and most of these systems are in excess of 50 years of age. Much of these existing storm drainage systems consist of corrugated metal pipe (CMP) that has exceeded its useful life. Many of the roadway failures that have been observed in the City are a result of CMP storm drains that have collapsed under the pressure of storm water flow related to the recent winter storms. When storm drains collapse, the only viable repair methodology is excavation and replacement of the entire section of pipe, which is both disruptive to the travelling public and costly to the City.

Traffic Signals: The City's traffic signals and their controllers regulate vehicle and pedestrian movements at some of the City's busier intersections. With the exception of the new signal at Hallock/Telegraph (a developer improvement), all of the City's traffic signals and controllers exceed 50 years of age. The age of traffic signal control systems limits the ability to upgrade to new technology, including bike detection, accessible pedestrian signals, and video detection. Additionally, traffic signal poles, mast arms and signal heads experience damage from vehicles, as well as progressive fatigue due to wind conditions over many years. Upgrades to existing traffic signals become necessary to maintain operation, improve function, and meet current code standards.

Street Lighting: Street lighting provided by roadway fixtures (electroliers) provides illumination of roadway and sidewalk areas that is essential for vehicle and pedestrian visibility. Generally street lights are owned and maintained by Southern California Edison (SCE), however portions of these street lighting systems are owned and maintained by the City. The portions systems owned by the City are some of the earliest street lighting systems, which were installed in excess of 100 years ago. These systems are challenging to maintain in service, as components of these street lights are no longer manufactured and parts are difficult to procure. Additionally, these systems operate at hazardous voltages, supplied by conduit and wiring systems that do not meet current electrical codes, and working on these systems poses risks to both City staff and contractors. Portions of these systems are currently non-functional, and the lack of illumination of these street sections poses hazards to pedestrians and vehicles alike.

Overhead Power and Communications Lines/Rule 20 Fund: Electrical and communications lines are primarily supported by overhead poles throughout much of the City. Most of these poles are owned by SCE, who maintains these poles and attendant wiring. SCE's Rule 20 provides a funding allowance for the underground conversion of these overhead poles. The available funding is limited, and underground conversion is costly, requiring the City to be strategic in their identification of corridors where undergrounding is feasible and cost-effective. Additionally, SCE has requested that the City's Council identify areas where underground conversion is contemplated by resolution, so that SCE may allocate available Rule 20 funds.

Crosswalks and Crosswalk Safety

The Crosswalk Safety Improvement Program (CSIP) is an ongoing capital improvement program to maintain or replace crosswalk warning lights, striping and curb ramps in accordance with disabled access regulations, inclusive of pedestrian safety and conspicuity treatments that may include curb extensions, raised crosswalks and warning signage. The following intersections on Main Street and SR 150 (10th Street/Ojai Road) feature existing in-

ground, non-functioning crosswalk warning lights that require replacement, together with the above-noted safety upgrades, as well as locations on Harvard Boulevard that are being repaired or upgraded in conjunction with the current improvement project:

Main Street

- Lucada Street and Main Street
- Cameron Street and Main Street
- South 4th Street and Main Street
- Dean Drive and Main Street

State Route (SR) 150

- Oakdale and Ojai Road
- Virginia Terrace and Ojai Road
- Ventura Street and 10th Street

Harvard Boulevard

- Harvard at 5th Street (upgrade)
- Harvard at Laurie Lane (repair)

The existing in-ground warning light systems on Main Street and SR 150 are obsolete and non-functioning. Staff has developed designs for improved crosswalk safety at these locations utilizing Rectangular Rapid Flashing Beacons (RRFBs), curb extensions and other improvements to elevate pedestrian visibility to drivers and improve related driver compliance. The four locations on Main Street were released for bid in 2023, however only a single bid was received, which significantly exceeded the allocated construction funds.

ANALYSIS:

Streets and Pavement Management

The City is approaching the final year of the first 5-year cycle of a larger 4-cycle, 20 year pavement management program (PMP). The Public Works Department has made significant progress in resurfacing deteriorating streets around the City in these first years, and anticipates accomplishing further improvements in the coming years. Public Works staff have simplified the traditional design, bid, build process for street rehabilitation that was typical for paving projects prior to 2019, instead utilizing prescriptive approaches to maintenance specifications for streets in conjunction with on-call contractors. This prescriptive approach eliminates the time and consultant costs associated with traditional plans, specifications, and estimates (PS&E) development, allowing for a high percentage (99 percent) of funds allocated to paving maintenance and rehabilitation to be directed to actual construction of improved roads, sidewalks and drainage. These efficiencies, coupled with occasional Measure T surpluses and the prudent utilization of taxpayer dollars, have allowed staff to maximize the amount of projected paving in each fiscal year, often exceeding the original planned paving scope with streets completed. The City continues to exercise strong fiscal accountability practices, allowing for the use of occasional surpluses in Measure T, voter-approved funding.

Together with roadway resurfacing projects come requirements to address pedestrian mobility and disabled access within the City's public right of way. Under Title II of the Americans with

Disabilities Act (ADA), the City is responsible for providing accessible facilities within their right of way, as well as within City owned buildings and facilities accessible to the public. As there are many portions of the City constructed prior to the passage of the ADA in 1991, a transition plan is required to address existing barriers to mobility and access, which can be implemented over a period of time. Additionally, federal law requires that alterations to roadways, including resurfacing, requires non-compliant curb ramps to be upgraded in conjunction with annual paving projects. The City completed a survey of existing streets and sidewalks in 2023, and these findings will be addressed together with annual paving projects in the years to come. A formal Sidewalk Master Plan, addressed in subsequent sections, will address scoping, cost and priorities of public right of way improvements as part of the City's ADA transition plan.

The goals of pavement management include repairing and rehabilitating streets to improve the pavement condition index (PCI) of City roadway segments, as well as applying preservative treatments to extend the longevity of improved roadways. The goal for roadway segments throughout the City is a PCI of 70 and above, with emphasis for rehabilitation on roadways with a PCI of less than 55, which includes poor and very poor PCI classifications. Currently, 49% of City streets, or 26.9 centerline miles, are in this target zone for rehabilitation, while 11% of streets, or 5.8 centerline miles, are in fair condition. The following Tables A and B respectively illustrate the cost to rehabilitate remaining roadway segments according to PCI, as well as costs to maintain with preservative treatments recently paved roads. Costs to complete are based on conservative values for street repairs due to the variability in condition of poor and very poor streets and adjusted for inflation over a period of 10 years. The tabulated costs include allowances for addressing missing or non-compliant curb ramps, damaged or missing sidewalks, as well as the replacement of damaged curbs and gutters in affected street segments.

Table A: Cost to Complete – Citywide Pavement PCI Upgrade (Poor/Very Poor Streets)

Street PCI/Description	Centerline Miles	Cost
Very Poor (PCI < 25)	11.7	\$6,545,440
Poor (PCI 25-55)	15.0	\$8,940,158
Total:		\$15,485,598

Table B: Cost to Maintain/Preserve – Citywide Pavement PCI > 55

Street PCI/Description	Centerline Miles	Cost
Fair (PCI 55-70)*	4.2	\$590,500
Satisfactory/Good (PCI > 70)**	25.0	\$2,926,175
Total:		\$3,516,675

*Assume thin-lift overlay to rehabilitate Fair roads over 5-year period.

**Assume rejuvenator seal for Satisfactory/Good roads.

With the above summary in mind and assuming a consistent paving fund allocation of \$1.5 million per year, the paving program would require an additional \$2.3 million (\$11.5 million total) annually in order to attain a citywide PCI of 70 or above within the next 5 years, or an additional \$1.15 million annually over a 10-year period.

Near term, for the fiscal year 2023/2024, staff recommends that current budgetary and

management efforts focus on completing street improvements associated with the Harvard Water and Sewer Replacement Project, assuring that this project will be completed in conjunction with well-established expectations. Completion of anticipated FY 2024/2025 pavement management plan areas is expected to commence in the Fall of 2024 to address programmed streets in conjunction with projected SB1 and Measure T funds expected to be available subsequent to July 1, 2024. This will complete PMP efforts associated with Cycle 1 of the City's paving program, with planning related to Cycle 2 to be established this spring in accordance with the direction of Council, with considerations for accelerated completion options as outlined above.

Additional considerations for the City's streets are maintenance and repair of drainage systems, which should be evaluated prior to paving overlying street sections. Recent extreme weather events and related runoff have exacerbated existing issues in storm drain systems, many of which have exceeded their useful life. Many of the City's storm drain systems are constructed with corrugated metal pipe, which is subject to corrosion and related structural deterioration over time. Failures of underground storm drains have been observed at multiple locations around the City. Storm drain failures often manifest with sudden subsidence of roadways, posing hazards to pedestrians and drivers, and requiring costly repair efforts. Storm drains which are deteriorated but have not yet failed may be rehabilitated to maintain function and extend their useful lives, but the identification of these facilities with associated prioritization for rehabilitation needs to be completed as part of a formalized process of investigation and analysis. Such investigations are currently on-going, and identification of at-risk storm drains with associated prioritization for repair will occur as part of the future Master Plan of Drainage Update.

Streets and Drainage Project

Due to the age of the drainage infrastructure in the City, staff anticipates a greater need for replacement of the storm drain system. These failures typically identify themselves through sinkholes that are discovered after intense storm events. At this time, there is one on-going storm drain replacement project which is noted below, however as the 2024 wet weather season ensues, staff may recommend additional storm drain replacement projects be approved.

Staff recommends that the following repair project proceed in FY 2023/2024 with associated funding source as noted:

1. Storm Drain Replacement (View Drive to Virginia Terrace) Project (Street Preservation/Maint, Measure T).

Additionally, staff recommends that the following studies proceed in FY 2023/2024, assuming the noted funding source is available:

1. Master Plan of Drainage Update (ARPA)
2. FEMA Re-Mapping of Fagan/Peck/Adams Canyon Floodplains (ARPA)

Staff recommends a prioritization of the Master Plan of Drainage Update, due to a heightened need to determine existing storm drain condition, areas of repair and associated costs, as well as the nature of on-going drainage issues throughout the City.

Streets CIP

Staff has identified several Streets related CIPs that have already been presented to council for funding allocation. These projects include development related improvements such as the widening of Telegraph Road (between Hallock and Santa Paula Creek Bridge) and the roundabout at Telegraph/Main/Harvard, as well as improvements to the aging traffic signals at Harvard/Peck/Main, and finally extension of the existing Community Bike Trail.

Staff recommends that Capital Improvement Project development proceed for the following CIPs in FY 2024/2025 assuming the noted funding sources are available:

1. Telegraph Road (Hallock to Santa Paula Creek Bridge) Improvement Project (DIF);
2. Telegraph/Main/Harvard Roundabout Project (DIF);
3. Harvard/Main/Peck Traffic Signal Improvements Project (ARPA/Measure T);
4. Community Bike Trail Project (Measure T/TDA).

Staff recommends that Capital Improvement Project development proceed for the following CIPs in FY 2025/2026 assuming the noted funding sources are available:

1. Peck/Calpipe Road Extension Project (Measure T/Developer Impact Funds)

Sidewalks

The recently completed mobility and disabled access survey, conducted in conjunction with the City's disabled access transition planning study identifies deficiencies in sidewalks and associated curb ramps Citywide. These deficiency findings will need to be prioritized and organized to address the recommendations in a structured format that can be implemented on a yearly basis as part of the annual Sidewalk Repair Program. The formalization of these findings will constitute a Sidewalk Master Plan, which will also serve as the public right of way transition plan that addresses disabled accessibility in the City's street system consistent with the ADA and related accessibility standards. Typical deficiencies are uplifted, broken or missing sidewalks, low-hanging branches, utility and signposts that obstruct disabled paths of travel, missing or steeply sloped curb ramps, and other barriers to mobility in public right of way. The significant level of deficiencies identified, together with the on-going need to upgrade curb ramps in conjunction with annual paving efforts will elevate the required budgetary commitments.

Staff recommends that commencing in FY 2024/2025 the existing Sidewalk Repair program be supplemented with \$100,000 per year in additional funding to support additional sidewalk repairs in conjunction with the City's transition plan efforts.

Additionally, staff recommends that the following studies proceed in FY 2023/2024, assuming the noted funding sources are available:

1. Sidewalk Master Plan (Measure T)

Traffic Signals

The City owns and maintains 13 signalized intersections throughout the City, at the following locations:

1. Faulkner Rd. and Peck Rd.
2. 8th St. and Harvard Blvd.

3. Peck Rd. and Harvard Blvd / Main St.
4. 12th St. and Harvard Blvd.
5. Steckel Dr. and Harvard Blvd.
6. Mill St. and Main St.
7. Craig Dr. and Harvard Blvd.
8. 12th St. and Main St.
9. Palm Ave. and Harvard Blvd.
10. Palm Ave. and Main St.
11. Olive St. and Harvard Blvd
12. 8th St. and Main St.
13. Hallock Dr. and Telegraph Rd.

With the exception of the Hallock/Telegraph location, these intersection signals and related controllers are obsolete and require replacement. As the average cost of a signalized intersection upgrade is approximately \$700,000 for design and construction for each intersection, a progressive program of traffic signal upgrades is recommended to accomplish this process in upcoming years.

There is currently not a capital budget fund established for the upgrade of these traffic signals Citywide, though funding has been established for the initial location planned for Peck/Harvard/Main. Staff recommends that the following proceed in FY 2023/2024 assuming the noted funding sources are available:

1. Establishment of a CIP for Citywide Traffic Signal Upgrade to address progressive upgrade of the City's older signalized intersections (locations 1-12 above) (Measure T).
2. Commence design for Peck Rd. and Harvard Blvd / Main St (ARPA).

Street Lighting

The City owns 45 ornamental streetlights located along portions of Santa Paula Street, Palm Court, McKeveatt and 8th Street. The electrical supply for these streetlights operates at a hazardous voltage (over 2000V), and conduits with conductors are located within or behind existing concrete curbs, at shallow depths and are regularly encountered in the course of routine maintenance work. In excess of 100 years of age, the lighting system is obsolete and does not comply with any current codes.

Portions of street light system along 8th Street are currently non-functional between Harvard and Main. The existing power distribution system requires complete replacement, including trenching of new underground electrical conduit and conductors, pull boxes, electrolier replacement, and a new electrical service. While past lighting system repairs have been completed by the City's maintenance electricians, the necessary parts are no longer available, and the system components and voltage are hazardous to maintenance personnel.

There is currently not a capital budget fund established for replacement of these street lights. Staff recommends that the following proceed in FY 2023/2024 assuming the noted funding sources are available:

1. Establishment of a CIP for Street Light Replacement to address progressive replacement of the City's street light system.
2. 8th Street Ornamental Light Replacement Project (Measure T).

Overhead Power and Communications Lines/Rule 20 Undergrounding.

SCE has an established fund that provides for underground conversion of existing overhead utility lines and supporting pole structures. Staff received notification from SCE that as of June 13, 2023 the California Public Utilities Commission (CPUC) issued a decision that discontinues the Rule 20 funding program, and that no further credits would be provided towards the City's fund balance, which currently stands at \$1,109,596. Further, the City is required to form an Underground Utility District (UUD) by Council resolution prior to April 30, 2025 to specify the extents of the area of planned underground conversion in which the funds will be applied.

Crosswalks and Crosswalk Safety

Staff recommends four intersections on Main be constructed in Summer 2024 to address periods of lower school pedestrian traffic associated with the summer period of school recess. Staff is coordinating three locations on SR 150 with Caltrans for construction in FY 2024/2025. Collaborative efforts between the Caltrans design and construction team and the City to integrate the SR 126 crosswalks into their comprehensive rehabilitation project set to commence in 2025 may provide optimal value for the City relative to overall project cost. These discussions are currently underway.

The estimated project cost for the Main Street Crosswalks is \$900,000, and the estimated project cost for the SR 150 crosswalks is \$700,000. The total estimated project cost is \$1,600,000.

Staff recommends that the following proceed in FY 2023/2024 assuming the noted funding sources are available:

1. Main Street Crosswalk Improvement Project (Crosswalks 9297, Measure T).

Staff recommends that the following proceed in FY 2024/2025 with associated funding source as noted:

1. SR 150 (10th Street/Ojai Road) Crosswalk Improvement Project (Crosswalks 9297, Measure T).

STRATEGIC PLAN:

The items addressed in this report support City Council's goal to *maintain and develop the City's infrastructure to be safe, sustainable, innovative and cost-efficient* in Section C. Infrastructure, Transportation & Mobility of Council's two-year Strategic Plan. Additionally, these several of these projects support *Objective 1. Streets - Work to maximize funding going to streets*, in Section C.

FISCAL IMPACTS:

The capital improvement projects that have been previously established and funded by City Council are summarized below.

Storm Drain Replacement (View Drive to Virginia Terrace) Project

Table 1: Funding Sources – Roadway Repair and General Fund

Fund Source	Account No.	Budget
Measure T	104-5-9285-660	\$75,000
Citywide Street Preservation and Maintenance	104-5-9359-660	\$200,000
Total:		\$275,000

Telegraph Road (Hallock to Santa Paula Creek Bridge) Improvement Project**Table 1: Funding Sources – CIP No. 9384**

Fund Source	Account No.	Budget
Traffic Impact Fee Fund	229-5-9384-290	\$300,000
Total:		\$300,000

Telegraph/Main/Harvard Roundabout Project**Table 1: Funding Sources – CIP No. 9385**

Fund Source	Account No.	Budget
Traffic Impact Fee Fund	229-5-9385-290	\$250,000
Total:		\$250,000

Harvard/Main/Peck Traffic Signal Improvements Project**Table 1: Funding Sources – CIP No. 9382**

Fund Source	Account No.	Budget
ARPA	412-5-9382-290	\$300,000
ARPA	412-5-9382-660	\$253,010
Total:		\$553,010

Community Bike Trail Project**Table 1: Funding Sources – CIP No. 9378**

Fund Source	Account No.	Budget
Measure T*	104-5-9378-290	\$200,000.00
Measure T*	104-5-9378-660	\$189,790.00
TDA	282-5-9378-290	\$154,927.50
TDA	282-5-9378-660	\$1,327,950.00
Total:		\$1,872,667.50

*Previously CRRSAA (Fund 413)

Established capital improvement projects that are either not yet approved by Council, or are unfunded, or both, are summarized below:

Crosswalks and Crosswalk Safety

Table 1: Unfunded Cost

Project	FY	Cost
Main Street Crosswalk Improvement Project	2023/2024	\$900,000
SR 150 (10th Street/Ojai Road) Crosswalk Improvement Project	2024/2025	\$700,000
Total:		\$1,600,000

Harvard/Main/Peck Traffic Signal Improvements Project**Table 1: Unfunded Cost**

Project	FY	Cost
Harvard/Main/Peck Traffic Signal Improvements Project (Additional Construction Funding)	2024/2025	\$250,000
Total:		\$250,000

Street Light Replacement Project**Table 1: Unfunded Cost**

Project	FY	Cost
8 th Street Light Replacement Project	2023/2024	\$450,000
Total:		\$450,000

Streets CIP**Table 1: Unfunded Cost**

Project	FY	Cost
Sidewalk Master Plan	2023/2024	\$75,000
Sidewalk Repair Program (Additional Funds)	2024/2025	\$100,000
Peck/Calpipe Extension Project	2025/2026	\$900,000
Total:		\$1,075,000

Total projected unfunded costs for the above projects beyond FY 23/24, over a 5-year period are summarized below:

Table 1: Unfunded Projects/Costs (5-Year)

Project	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
PMP	\$2,300,000	\$2,300,000	\$2,300,000	\$2,300,000	\$2,300,000
Sidewalk	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Drainage	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Traffic Signal	\$250,000	\$700,000	\$800,000	\$700,000	\$800,000
Street Lights	\$500,000	\$500,000	\$500,000	\$500,000	-
Crosswalks	\$700,000	\$500,000	-	-	-

Peck/Calpipe Extension	\$175,000	\$725,000	-	-	-
Total:	\$4,525,000	\$5,325,000	\$4,200,000	\$4,100,000	\$3,700,000

OPTIONS:

The Council has the following available alternative options to staff's recommendations:

1. Provide alternative recommendations to staff to inform prioritization of projects and associated funding for the remainder of FY 2023/2024, FY 2024/2025, and future fiscal years and associated budgeting efforts.

ATTACHMENTS:

[EXHIBIT A - FY 23-24 Citywide PCI Map.pdf](#)

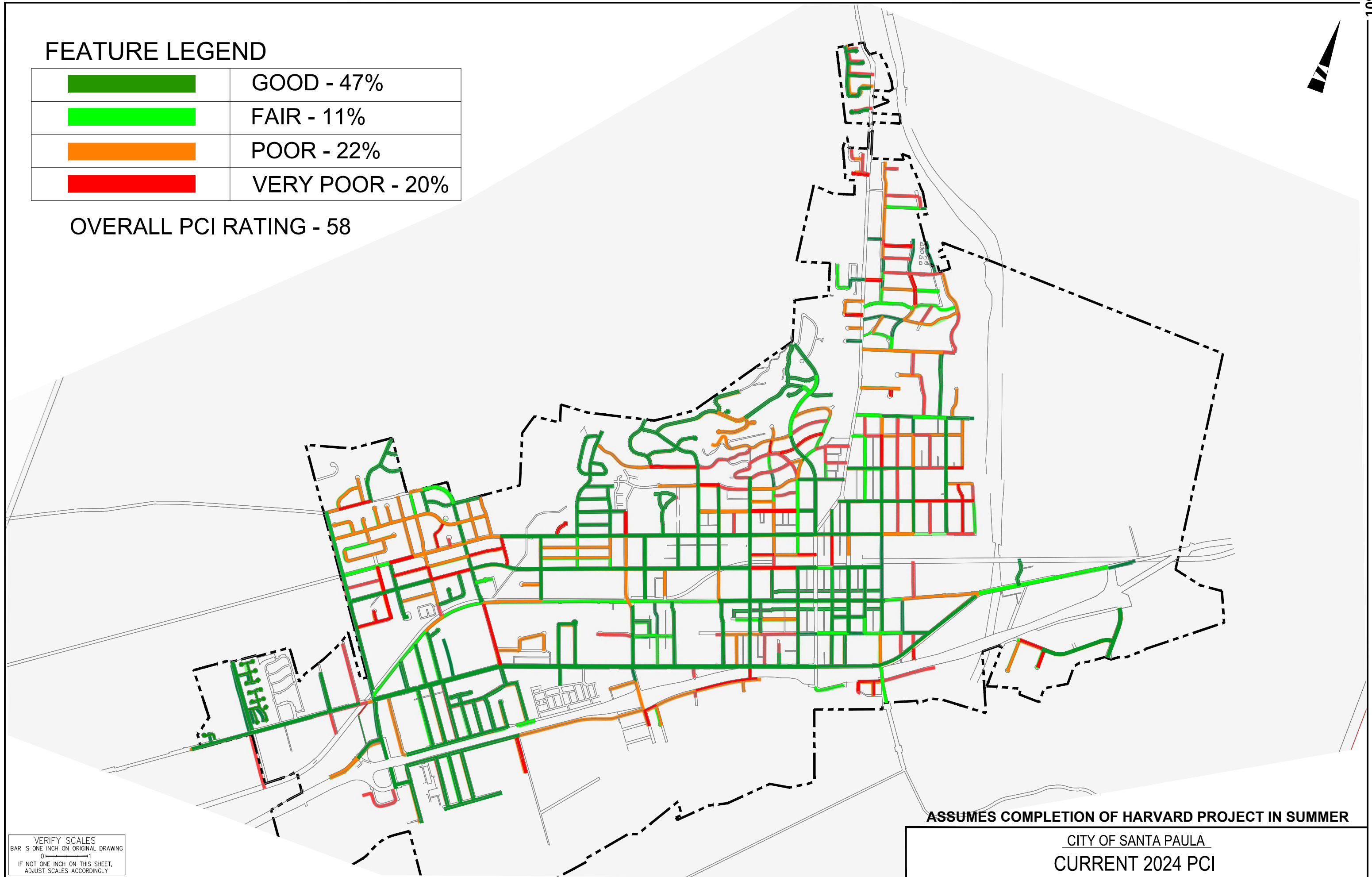
EXHIBIT A

FY 23-24 Citywide PCI Map

FEATURE LEGEND

	GOOD - 47%
	FAIR - 11%
	POOR - 22%
	VERY POOR - 20%

OVERALL PCI RATING - 58



ASSUMES COMPLETION OF HARVARD PROJECT IN SUMMER

CITY OF SANTA PAULA
CURRENT 2024 PCI

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Clete Saunier, Public Works Director

Subject: PROFESSIONAL SERVICES AGREEMENT WITH NBS FOR 2024
WATER AND WASTEWATER RATE STUDY

Date: March 6, 2024

Agenda Item: 11.B

RECOMMENDATION:

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Professional Services Agreement with NBS in an amount not to exceed \$53,235 for professional consulting services related to the 2024 Water and Wastewater Rate Study in a form approved by the City Attorney.
2. Appoint two Councilmembers to serve on the Sewer and Water Rate Standing Committee in accordance with Resolution 7036.

Presented by: Clete Saunier, Public Works Director

BACKGROUND:

The City retained NBS in 2019 to update the water and wastewater rates for FY 2019/20 through FY 2023/24. The previous study now needs to be updated in accordance with the legal requirements of Prop 218 to incorporate the most current customer data, operating costs, water consumption, and capital improvement costs.

The proposed water and wastewater rates will address the next five years (FY 2024/25 through FY 2028/29), but the rate models and financial plans will extend over a 20-year period for informational purposes. The selected consultant will review all revenue sources and develop a financial plan for each utility that will fully fund the City's operating, maintenance, and capital improvements costs, as well as meet other financial obligations, such as debt service requirements and adequate reserve levels. This will include a cost-of-service analysis and a review of the current rate structure, for both the water and wastewater utilities, to ensure revenue stability.

The rate study will include projections that show the effects of no rate increases on the financial health of the City's water and wastewater enterprise funds. Customer bill comparisons similar to those developed in the 2019 study will be prepared to show the financial impacts of the proposed rate adjustments on the City's ratepayers.

These preliminary results of the rate study will be presented for review by and direction from

the Sewer and Water Rate Committee and ultimately the City Council. At least initially, the costs will include all those identified in the City's master plans and capital improvement plans (CIP). Once the City provides direction on the preferred alternative for level of rate adjustments for each utility, additional funding alternatives and phasing of capital projects will be evaluated by the consultant and City staff.

During the course of the study, the consultant will provide the expertise required to navigate the requirements under Proposition 218 to ensure that rates are defensible and in line with industry standards. The ultimate goal is to ensure that the study recommendations are legally defensible, comply with industry standards, founded on reasonable assumptions, and designed to meet the broader objectives of the City and its ratepayers. Finally, the consultant will need to assist City staff in communicating the outcomes and recommendations of the study in presentations to the public and City Council.

ANALYSIS:

Staff solicited proposals from NBS and Willdan Financial Services for the 2024 Water and Wastewater Rate Study. Upon reviewing the respective proposals and in consideration of the necessary qualifications and familiarity with the City's sewer and water utilities, Staff has concluded that NBS meets all essential requirements. NBS' staff include 60 professionals with extensive experience in the fields of finance, management, engineering, and local governance. The staff selected in the proposal for the City's 2024 Water and Wastewater Rate Study are those most qualified based on their experience, backgrounds and expertise in conducting utility rate studies in accordance with Prop 218 requirements. Across all practice areas, NBS has worked with more than 500 public agencies to date, including cities, counties, school districts, utilities, and special districts. NBS is also a registered municipal advisor and is able to address potential debt funding scenarios.

Since the City's current rate schedule is in effect through FY 2023/24, time is of the essence in completing the rate study to implement rates for the next five-year period. As NBS completed the previous study in 2019, they are best positioned to perform the updates to the financial plan, cost-of-service analysis and rate design for both the water and wastewater utilities. In addition to meeting an accelerated timeline, there will be less overall consultant staff time required, as NBS has already developed the water and wastewater models and is already familiar with the City's water and wastewater infrastructure as well as the existing rate structures. NBS staff are currently available to begin work on this project and to perform the work within the proposed timeline.

Staff recommends Council approval of the Professional Services Agreement with NBS for preparation of the 2024 Water and Wastewater Rate Study and related services (Exhibit A). Staff also recommends the Mayor appoint two Councilmembers to serve on the Sewer and Water Rate Standing Committee in accordance with Resolution 7036 (Exhibit B).

STRATEGIC PLAN:

The 2024 Water and Wastewater Rate Study supports the currently adopted Strategic Plan in achieving the following goals:

Infrastructure, Transportation and Mobility

Goal: Maintain and develop the City's infrastructure to be safe, sustainable, innovative and

cost-efficient.

FISCAL IMPACTS:

The professional services agreement with NBS is for a not to exceed amount of \$53,235. This cost allocation is equally shared under the professional services line item from the Water Enterprise Account 620-5-5072-209 and the Sewer Enterprise Account 610-5-5061-209. There are sufficient funds in the FY 2023/24 budget to cover this expense.

OPTIONS:

The Council has the following available alternative options to Staff's recommendations:

1. Do not authorize the City Manager to sign the proposed professional services agreement. Doing so would result in no change to the current water and wastewater rates, which may jeopardize the financial position of the Water Enterprise and the Sewer Enterprise, and delay funding for critically needed Capital Improvement Projects.
2. Reject the professional services agreement with NBS and seek additional interested consulting firms for the 2024 Water and Wastewater Rate Study. Doing so would significantly delay the implementation of new rates for water and wastewater services for FY 2024/25 through FY 2028/29.

ATTACHMENTS:

[EXHIBIT A - NBS Professional Services Agreement for Water and Wastewater Rate Study.pdf](#)
[EXHIBIT B - Resolution No. 7036.pdf](#)

EXHIBIT A

NBS Professional Services Agreement for Water and Wastewater Rate Study

**CITY OF SANTA PAULA
PROFESSIONAL SERVICES AGREEMENT
AND
NBS GOVERNMENT FINANCE GROUP, dba NBS**

1. PARTIES AND DATE.

This Agreement is made and entered into this 6th day of March, 20 24, by and between the City of Santa Paula, a municipal corporation organized under the laws of the State of California with its principal place of business at 970 Ventura Street, Santa Paula, CA 93060, County of Ventura, State of California ("City") and NBS Government Finance Group, dba NBS, a California Corporation, with its principal place of business at 32605 Temecula Pkwy, #100, Temecula, CA 92592 ("Consultant"). City and Consultant are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. RECITALS.

2.1 Consultant.

Consultant desires to perform and assume responsibility for the provision of certain professional services required by the City on the terms and conditions set forth in this Agreement. Consultant represents that it is experienced in providing professional services for rate study services to public clients, is licensed in the State of California, and is familiar with the plans of City.

2.2 Project.

City desires to engage Consultant to render such professional services for the Water and Wastewater Rate Study project ("Project") as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Consultant promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional consulting services necessary for the Project ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement shall be from March 6, 2024 to March 5, 2025, unless earlier terminated as provided herein. Consultant shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Services.

3.2 Compensation.

3.2.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed **Fifty Three Thousand Two Hundred Thirty-Five Dollars and no cents (\$53,235.00)** without written approval of the City Council or City Manager, as applicable. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

3.2.2 Payment of Compensation. Consultant shall submit to City a monthly invoice which indicates work completed and hours of Services rendered by Consultant. The invoice shall describe the amount of Services provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the invoice. City shall, within 30 days of receiving such invoice, review the invoice and pay all non-disputed and approved charges. If the City disputes any of Consultant's fees, the City shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth therein. Payment shall not constitute acceptance of any Services completed by Consultant. The making of final payment shall not constitute a waiver of any claims by the City for any reason whatsoever.

3.2.3 Reimbursement for Expenses. Consultant shall not be reimbursed for any expenses unless authorized in writing by City and included in Exhibit "C" of this Agreement.

3.2.4 Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the Parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without written authorization from the City.

3.3 Responsibilities of Consultant.

3.3.1 Independent Contractor; Control and Payment of Subordinates. The Services shall be performed by Consultant or under its supervision. Consultant will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. City retains Consultant on an independent contractor basis and not as an employee. Any personnel performing the Services on behalf of Consultant shall not be employees of City and shall at all times be under Consultant's exclusive direction and control. Neither City, or any of its officials, officers, directors, employees or agents shall have control over the conduct of Consultant or any of Consultants officers, employees or agents, except as set forth in this Agreement. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.3.2 Schedule of Services. Consultant shall perform the Services in a prompt and timely manner and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Consultant represents that it has the

professional and technical personnel required to perform the Services expeditiously. Upon request of City, Consultant shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.3.3 Conformance to Applicable Requirements. All work prepared by Consultant shall be subject to the approval of City.

3.3.4 Substitution of Key Personnel. Consultant has represented to City that certain key personnel will perform and coordinate the Services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. In the event that City and Consultant cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause. The key personnel for performance of this Agreement are as follows: Jeremy Tamargo, Associate Director.

3.3.5 City's Representative. The City hereby designates Clete Saunier, Public Works Director, or his/her designee, to act as its representative in all matters pertaining to the administration and performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of the City for review and approval of all products submitted by Consultant but not the authority to enlarge the Scope of Services or change the total compensation due to Consultant under this Agreement. The City Manager shall be authorized to act on City's behalf and to execute all necessary documents which enlarge the Scope of Services or change the Consultant's total compensation subject to the provisions contained in this Agreement. Consultant shall not accept direction or orders from any person other than the City Manager, City's Representative or his/her designee.

3.3.6 Consultant's Representative. Consultant hereby designates Jeremy Tamargo, Associate Director, or his/her designee, to act as its representative for the performance of this Agreement ("Consultant's Representative"). Consultant's Representative shall have full authority to represent and act on behalf of the Consultant for all purposes under this Agreement. The Consultant's Representative shall supervise and direct the Services, using his/her best skill and attention, and shall be responsible for all means, methods, techniques, sequences, and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.3.7 Coordination of Services. Consultant agrees to work closely with City staff in the performance of Services and shall be available to City's staff, consultants and other staff at all reasonable times.

3.3.8 Standard of Care; Performance of Employees. Consultant shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the Services. Consultant warrants that all employees and subconsultants shall have sufficient skill and experience to perform the Services assigned to them. Consultant represents that it, its employees and subconsultants have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Consultant shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Consultant's failure to comply

with the standard of care provided for herein. Any employee of the Consultant or its subconsultants who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Consultant and shall not be re-employed to perform any of the Services or to work on the Project.

3.3.9 Period of Performance.

3.3.9.1 Consultant shall perform and complete all Services under this Agreement within the term set forth in Section 3.1.2 above ("Performance Time"). Consultant shall also perform the Services in strict accordance with any completion schedule or Project milestones described in Exhibits "A" or "B" attached hereto, or which may be separately agreed upon in writing by the City and Consultant ("Performance Milestones"). Consultant agrees that if the Services are not completed within the aforementioned Performance Time and/or pursuant to any such Performance Milestones developed pursuant to provisions of this Agreement, it is understood, acknowledged and agreed that the City will suffer damage.

3.3.9.2 Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing Party. For purposes of this Agreement, such circumstances include a Force Majeure Event. A Force Majeure Event shall mean an event that materially affects a Party's performance and is one or more of the following: (1) Acts of God or other natural disasters; (2) terrorism or other acts of a public enemy; (3) orders of governmental authorities (including, without limitation, unreasonable and unforeseeable delay in the issuance of permits or approvals by governmental authorities that are required for the services); (4) strikes and other organized labor action occurring at the site and the effects thereof on the services, only to the extent such strikes and other organized labor action are beyond the control of Consultant and its subcontractors, and to the extent the effects thereof cannot be avoided by use of replacement workers; and (5) pandemics, epidemics or quarantine restrictions. For purposes of this section, "orders of governmental authorities," includes ordinances, emergency proclamations and orders, rules to protect the public health, welfare and safety, and other actions of a public agency applicable to the services and Agreement.

3.3.9.3 Should a Force Majeure Event occur, the non-performing Party shall, within a reasonable time of being prevented from performing, give written notice to the other Party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement. Force Majeure Events and/or delays, regardless of the Party responsible for the delay, shall not entitle Consultant to any additional compensation. Notwithstanding the foregoing in this section, the City may still terminate this Agreement in accordance with the termination provisions of this Agreement.

3.3.10 Laws and Regulations; Employee/Labor Certification.

3.3.10.1 Compliance with Laws. Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Consultant shall be liable for all violations of such laws and regulations in connection with the Services and this Agreement. All violations of such laws and regulations shall be grounds for the City to terminate the Agreement for cause.

3.3.10.2 Employment Eligibility; Consultant. Consultant certifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time and shall require all subconsultants and sub-subconsultants to comply with the same. Consultant certifies that it has not committed a violation of any such law within the five (5) years immediately preceding the date of execution of this Agreement, and shall not violate any such law at any time during the term of the Agreement.

3.3.10.3 Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Consultant shall also comply with all relevant provisions of City's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.3.10.4 Air Quality. To the extent applicable, Consultant must fully comply with all applicable laws, rules and regulations in furnishing or using equipment and/or providing services, including, but not limited to, emissions limits and permitting requirements imposed by the South Coast Air Quality Management District (SCAQMD) and/or California Air Resources Board (CARB). Consultant shall indemnify City against any fines or penalties imposed by SCAQMD, CARB, or any other governmental or regulatory agency for violations of applicable laws, rules and/or regulations by Consultant, its subconsultants, or others for whom Consultant is responsible under its indemnity obligations provided for in this Agreement.

3.3.10.5 Water Quality Management and Compliance. Consultant shall keep itself and all subcontractors, staff, and employees fully informed of and in compliance with all local, state and federal laws, rules and regulations that may impact, or be implicated by the performance of the Services including, without limitation, all applicable provisions of the City's ordinances regulating water quality and storm water; the Federal Water Pollution Control Act (33 U.S.C. § 1251, *et seq.*); the California Porter-Cologne Water Quality Control Act (Water Code § 13000 *et seq.*); and any and all regulations, policies, or permits issued pursuant to any such authority. Consultant must additionally comply with the lawful requirements of the City, and any other municipality, drainage district, or other local agency with jurisdiction over the location where the Services are to be conducted, regulating water quality and storm water discharges. City may seek damages from Consultant for delay in completing the Services caused by Consultant's failure to comply with the laws, regulations and policies described in this Section, or any other relevant water quality law, regulation, or policy.

3.3.10.6 Safety. Consultant shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Consultant shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed.

3.3.11 Insurance.

3.3.11.1 Time for Compliance. Consultant shall not commence work under this Agreement until it has provided evidence satisfactory to the City that it has secured all

insurance required under this section. In addition, Consultant shall not allow any subconsultant to commence work on any subcontract until it has provided evidence satisfactory to the City that the subconsultant has secured all insurance required under this section. Failure to provide and maintain all required insurance shall be grounds for the City to terminate this Agreement for cause.

3.3.11.2 Types of Insurance Required. As a condition precedent to the effectiveness of this Agreement for work to be performed hereunder, and without limiting the indemnity provisions of the Agreement, the Consultant, in partial performance of its obligations under such Agreement, shall procure and maintain in full force and effect during the term of the Agreement the following policies of insurance. If the existing policies do not meet the insurance requirements set forth herein, Consultant agrees to amend, supplement or endorse the policies to do so.

(A) Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 00 01, or the exact equivalent, with limits of not less than \$1,000,000 per occurrence and no less than \$2,000,000 in the general aggregate. Defense costs shall be paid in addition to the limits. The policy shall contain no endorsements or provisions (1) limiting coverage for contractual liability; (2) excluding coverage for claims or suits by one insured against another (cross-liability); (3) products/completed operations liability; or (4) containing any other exclusion(s) contrary to the terms or purposes of this Agreement.

(B) Automobile Liability Insurance: Automobile Liability Insurance with coverage at least as broad as Insurance Services Office Form CA 00 01 covering "Any Auto" (Symbol 1), or the exact equivalent, covering bodily injury and property damage for all activities with limits of not less than \$1,000,000 combined limit for each occurrence.

(C) Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than \$1,000,000 per accident for bodily injury and disease.

(D) Professional Liability (Errors & Omissions): Professional Liability insurance or Errors & Omissions insurance appropriate to Consultant's profession with limits of not less than \$1,000,000. Covered professional services shall specifically include all work to be performed under the Agreement and delete any exclusions that may potentially affect the work to be performed (for example, any exclusions relating to lead, asbestos, pollution, testing, underground storage tanks, laboratory analysis, soil work, etc.). If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of the initial Agreement and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least five (5) years from termination or expiration of this Agreement.

3.3.11.3 Insurance Endorsements. Required insurance policies shall contain the following provisions, or Consultant shall provide endorsements on forms approved by the City to add the following provisions to the insurance policies:

(A) Commercial General Liability: (1) Additional Insured: The City, its officials, officers, employees, agents, and volunteers shall be additional insureds with regard to liability and defense of suits or claims arising out of the performance of the Agreement. Additional Insured Endorsements shall not (1) be restricted to "ongoing operations"; (2) exclude "contractual liability"; (3) restrict coverage to "sole" liability of Consultant; or (4) contain any other

exclusions contrary to the terms or purposes of this Agreement. For all policies of Commercial General Liability insurance, Consultant shall provide endorsements in the form of ISO CG 20 10 10 01 and 20 37 10 01 (or endorsements providing the exact same coverage) to effectuate this requirement. (2) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium.

(B) Automobile Liability. (1) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium.

(C) Professional Liability (Errors & Omissions): (1) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium. (2) Contractual Liability Exclusion Deleted: This insurance shall include contractual liability applicable to this Agreement. The policy must "pay on behalf of" the insured and include a provision establishing the insurer's duty to defend.

(D) Workers' Compensation: (1) Cancellation: Required insurance policies shall not be canceled or the coverage reduced until a thirty (30) day written notice of cancellation has been served upon the City except ten (10) days shall be allowed for non-payment of premium. (2) Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the City, its officials, officers, employees, agents, and volunteers.

3.3.11.4 Primary and Non-Contributing Insurance. All policies of Commercial General Liability and Automobile Liability insurance shall be primary and any other insurance, deductible, or self-insurance maintained by the City, its officials, officers, employees, agents, or volunteers shall not contribute with this primary insurance. Policies shall contain or be endorsed to contain such provisions.

3.3.11.5 Waiver of Subrogation. All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to waiver of subrogation in favor of the City, its officials, officers, employees, agents, 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 City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

3.3.11.6 Deductibles and Self-Insured Retentions. Any deductible or self-insured retention must be approved in writing by the City and shall protect the City, its officials, officers, employees, agents, and volunteers in the same manner and to the same extent as they would have been protected had the policy or policies not contained a deductible or self-insured retention.

3.3.11.7 Evidence of Insurance. The Consultant, concurrently with the execution of the Agreement, and as a condition precedent to the effectiveness thereof, shall deliver either certified copies of the required policies, or original certificates on forms approved by the City, together with all endorsements affecting each policy. Required insurance policies shall

not be in compliance if they include any limiting provision or endorsement that has not been submitted to the City for approval. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15 days) prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced and not replaced immediately so as to avoid a lapse in the required coverage, Consultant shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies.

3.3.11.8 Acceptability of Insurers. Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and authorized to transact business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

3.3.11.9 Enforcement of Agreement Provisions (non estoppel). Consultant acknowledges and agrees that actual or alleged failure on the part of the City to inform Consultant of non-compliance with any requirement imposes no additional obligation on the City nor does it waive any rights hereunder.

3.3.11.10 Requirements Not Limiting. Requirement of specific coverage or minimum limits contained in this Section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance.

3.3.11.11 Additional Insurance Provisions

(A) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(B) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(C) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(D) Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

(E) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of

liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

(F) Consultant shall report to the City, in addition to Consultant's insurer, any and all insurance claims submitted by Consultant in connection with the Services under this Agreement.

3.3.11.12 Insurance for Subconsultants. Consultant shall include all subconsultants engaged in any work for Consultant relating to this Agreement as additional insureds under the Consultant's policies, or the Consultant shall be responsible for causing subconsultants to purchase the appropriate insurance in compliance with the terms of these Insurance Requirements, including adding the City, its officials, officers, employees, agents, and volunteers as additional insureds to the subconsultant's policies. All policies of Commercial General Liability insurance provided by Consultant's subconsultants performing work relating to this Agreement shall be endorsed to name the City, its officials, officers, employees, agents and volunteers as additional insureds using endorsement form ISO CG 20 38 04 13 or an endorsement providing equivalent coverage. Consultant shall not allow any subconsultant to commence work on any subcontract relating to this Agreement until it has received satisfactory evidence of subconsultant's compliance with all insurance requirements under this Agreement, to the extent applicable. The Consultant shall provide satisfactory evidence of compliance with this section upon request of the City.

3.4 Labor Code Requirements.

3.4.1 Prevailing Wages. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. City shall provide Consultant with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Consultant shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Consultant's principal place of business and at the project site. It is the intent of the parties to effectuate the requirements of sections 1771, 1774, 1775, 1776, 1777.5, 1813, and 1815 of the Labor Code within this Agreement, and Consultant shall therefore comply with such Labor Code sections to the fullest extent required by law. Consultant shall defend, indemnify and hold the City, its officials, officers, employees, agents, and volunteers free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

3.4.2 Registration/DIR Compliance. If the Services are being performed on a public works project of over \$25,000 when the project is for construction, alteration, demolition, installation, or repair work, or a public works project of over \$15,000 when the project is for maintenance work, in addition to the foregoing, then pursuant to Labor Code sections 1725.5 and 1771.1, the Consultant and all subconsultants must be registered with the Department of Industrial Relations ("DIR"). Consultant shall maintain registration for the duration of the Project

and require the same of any subconsultants.

3.4.3 Compliance Monitoring. This Project may also be subject to compliance monitoring and enforcement by the DIR. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements, including the submission of payroll records directly to the DIR. Any stop orders issued by the DIR against Consultant or any subconsultant that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the DIR against Consultant or any subconsultant.

3.4.4 Labor Certification. By its signature hereunder, Consultant certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.5 Termination of Agreement.

3.5.1.1 Grounds for Termination. City may, by written notice to Consultant, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those Services which have been adequately rendered to City, and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause. The rights and remedies of the City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law, equity or under this Agreement.

3.5.1.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Consultant to provide all finished or unfinished Documents and Data and other information of any kind prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such document and other information within fifteen (15) days of the request.

3.5.1.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.6 Indemnification.

3.6.1 To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's Services, the Project

or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses except such loss or damage caused by the sole negligence or willful misconduct of the City. Consultant's obligation to indemnify shall survive expiration or termination of this Agreement and shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

3.6.2 If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance as a "design professional" (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

3.7 General Provisions.

3.7.1 Accounting Records. Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.7.2 Independent Contractors and Subcontracting.

3.7.2.1 Use of Consultants. Consultant is aware of statutory and case law regarding classification of workers as independent contractors, including California Labor Code Section 2750.3 and Dynamex Operations West, Inc. v. Superior Court, 4 Cal. 5th 903 (2018). To ensure that Consultant is in compliance with the California Labor Code, Consultant shall only utilize its employees to provide the Services. Consultant may not provide the services through any independent contractor, subcontractor or subconsultant ("Subcontractor(s)") unless approved by the City as set forth in Section 3.7.2.2 below. Consultant represents and warrants that all personnel who perform the Services on Consultant's behalf are Consultant's employees, and that Consultant complies with all applicable laws, rules and regulations governing its employees, including, but not limited to, the California Labor Code, Unemployment Insurance Code and all applicable Industrial Welfare Commission Wage Orders.

3.7.2.2 Prior Approval Required. Consultant shall not use any Subcontractor to provide the Services, or any portion of the work required by this Agreement, without prior written approval of City. In the event that City authorizes Consultant to use a Subcontractor, Consultant shall enter into a written agreement with the Subcontractor, which must include all provisions of the Agreement, including a restriction on the Subcontractor's use of further independent contractors, subcontractors or subconsultants without the City's prior written consent.

3.7.3 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the

respective parties may provide in writing for this purpose:

Consultant: NBS Government finance Group, dba NBS
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
ATTN: Michael Rentner, President and CEO

City: City of Santa Paula
PO Box 569
Santa Paula, CA 93061
ATTN: Clete Saunier, Public Works Director

Such notice shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named above; (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named above; (iii) by overnight courier, on the first (1st) business day after being delivered to a recognized overnight courier; or (iv) on the date and time of delivery shown in the records of the transmitting party after transmission by facsimile machine or email to the recipient named above.

3.7.4 Ownership of Materials and Confidentiality.

3.7.4.1 Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data"). All Documents & Data shall be and remain the property of City, and shall not be used in whole or in substantial part by Consultant on other projects without the City's express written permission. Within thirty (30) days following the completion, suspension, abandonment or termination of this Agreement, Consultant shall provide to City reproducible copies of all Documents & Data, in a form and amount required by City. City reserves the right to select the method of document reproduction and to establish where the reproduction will be accomplished. The reproduction expense shall be borne by City at the actual cost of duplication. In the event of a dispute regarding the amount of compensation to which the Consultant is entitled under the termination provisions of this Agreement, Consultant shall provide all Documents & Data to City upon payment of the undisputed amount. Consultant shall have no right to retain or fail to provide to City any such documents pending resolution of the dispute. In addition, Consultant shall retain copies of all Documents & Data on file for a minimum of fifteen (15) years following completion of the Project, and shall make copies available to City upon the payment of actual reasonable duplication costs. Before destroying the Documents & Data following this retention period, Consultant shall make a reasonable effort to notify City and provide City with the opportunity to obtain the documents.

3.7.4.2 Subconsultants. Consultant shall require all subconsultants to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subconsultant prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regard to Documents & Data which were prepared by design

professionals other than Consultant or its subconsultants, or those provided to Consultant by the City.

3.7.4.3 Right to Use. City shall not be limited in any way in its use or reuse of the Documents and Data or any part of them at any time for purposes of this Project or another project, provided that any such use not within the purposes intended by this Agreement or on a project other than this Project without employing the services of Consultant shall be at City's sole risk. If City uses or reuses the Documents & Data on any project other than this Project, it shall remove the Consultant's seal from the Documents & Data and indemnify and hold harmless Consultant and its officers, directors, agents and employees from claims arising out of the negligent use or re-use of the Documents & Data on such other project. Consultant shall be responsible and liable for its Documents & Data, pursuant to the terms of this Agreement, only with respect to the condition of the Documents & Data at the time they are provided to the City upon completion, suspension, abandonment or termination. Consultant shall not be responsible or liable for any revisions to the Documents & Data made by any party other than Consultant, a party for whom the Consultant is legally responsible or liable, or anyone approved by the Consultant.

3.7.4.4 Indemnification. Consultant shall defend, indemnify and hold the City, its directors, officials, officers, employees, volunteers and agents free and harmless, pursuant to the indemnification provisions of this Agreement, for any alleged infringement of any patent, copyright, trade secret, trade name, trademark, or any other proprietary right of any person or entity in consequence of the use on the Project by City of the Documents & Data, including any method, process, product, or concept specified or depicted.

3.7.4.5 Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the Services. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Services or the Project. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs of the Project, or any publicity pertaining to the Services or the Project in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

3.7.4.6 Confidential Information. The City shall refrain from releasing Consultant's proprietary information ("Proprietary Information") unless the City's legal counsel determines that the release of the Proprietary Information is required by the California Public Records Act or other applicable state or federal law, or order of a court of competent jurisdiction, in which case the City shall notify Consultant of its intention to release Proprietary Information. Consultant shall have five (5) working days after receipt of the release notice to give City written notice of Consultant's objection to the City's release of Proprietary Information. Consultant shall indemnify, defend and hold harmless the City, and its officers, directors, employees, and agents from and against all liability, loss, cost or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. City shall not release the Proprietary Information after receipt of an objection notice unless either: (1) Consultant fails to fully indemnify, defend (with City's choice of legal counsel), and hold City harmless from any legal

action brought to compel such release; and/or (2) a final and non-appealable order by a court of competent jurisdiction requires that City release such information.

3.7.5 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.7.6 Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements.

3.7.7 Attorneys' Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorneys' fees and all costs of such action.

3.7.8 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Ventura County. In addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Consultant must comply with the claim procedures set forth in Government Code sections 900 et seq. prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Consultant. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Consultant shall be barred from bringing and maintaining a valid lawsuit against the City.

3.7.9 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.7.10 City's Right to Employ Other Consultants. City reserves right to employ other consultants in connection with this Project.

3.7.11 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.7.12 Assignment or Transfer. Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Consultant shall not subcontract any portion of the Services required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

3.7.13 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Consultant include all personnel, employees, agents, and subconsultants

of Consultant, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

3.7.14 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.7.15 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

3.7.16 No Third-Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.7.17 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.7.18 Prohibited Interests. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. **Consultant further agrees to file, or shall cause its employees or subconsultants to file, a Statement of Economic Interest with the City's Filing Officer as required under state law in the performance of the Services.** For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.7.19 Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.7.20 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.7.21 Survival. All rights and obligations hereunder that by their nature are to continue after any expiration or termination of this Agreement, including, but not limited to, the indemnification obligations, shall survive any such expiration or termination.

the terms of this contract and/or the provisions of state law and except as otherwise required under federal law or regulation, the more stringent requirement shall control.

[SIGNATURES ON NEXT PAGE]

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF SANTA PAULA AND
NBS GOVERNMENT FINANCE GROUP, dba NBS**

IN WITNESS WHEREOF, each of the Parties has caused this Contract to be executed on the day and year first above written.

CITY OF SANTA PAULA

NBS Government Finance Group, dba NBS

Approved By:

Dan Singer,
City Manager

[If Corporation, TWO SIGNATURES,
President OR Vice President AND Secretary
OR Treasurer REQUIRED]

Approved as to Form:

Monica Castillo,
City Attorney

By: _____

Its: _____

Printed Name: _____

Attested By:

Julie Latshaw,
City Clerk

By: _____

Its: _____

Printed Name: _____

EXHIBIT "A, B & C"
SCOPE OF SERVICES, SCHEDULE AND COMPENSATION

(BB&K 2017)

65283.00007\41133458.1



32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516
nbsgov.com

February 26, 2024

Clete J. Saunier
Public Works Director
City of Santa Paula
866 E. Main Street
Santa Paula, CA 93060

RE: Proposal for Water and Wastewater Rate Study

Dear Mr. Saunier,

Thank you for the opportunity to continue working with the City of Santa Paula ("City") to update the City's water and wastewater rates. The previous study conducted by NBS in 2019 now needs to be updated to incorporate the most current customer data, operating costs, water consumption, and capital improvement costs.

Approach to Updating the Rate Alternatives – NBS will update the water and wastewater models to reflect the same alternatives developed in the 2019 study with the latest data available. These results will be put forth for review by and direction from the City's advisory committee and City Council. At least initially, the costs will include all those identified in the City's master plans and capital improvement plans (CIP). Once the City provides direction on the level of rate increases that are politically viable, additional funding alternatives and phasing of capital projects will be evaluated.

Approach to Adopting New Rates – NBS will develop proposed water and wastewater rates for the next five years (FY 2024/25 through FY 2028/29), although the rate models and financial plans will extend out for a 20-year period for informational purposes. NBS will include projections that show the results of no rate increases. Also, customer bill comparisons similar to those developed in the 2019 study will be prepared.

The following proposal sections outline the scope of work, assumptions, budget, and schedule for updating the water and wastewater rate study. We note that the study schedule will require an expedited data collection effort, City review, and meeting schedule to implement new rates by August 2024.

Please contact me at 800.676.7516 or via email at jtamargo@nbsgov.com if you have any questions or concerns. We would genuinely like to work on this project and help the City move forward successfully.

Sincerely,

A handwritten signature in blue ink, reading "Jeremy Tamargo", is written over a light blue circular background.

Jeremy Tamargo
Associate Director

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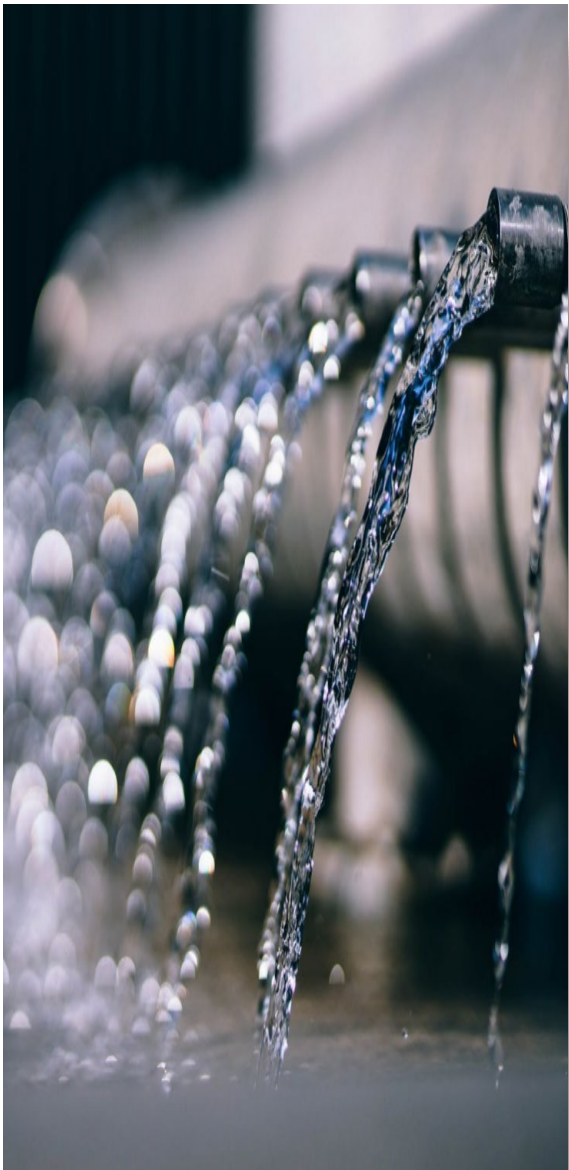
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SECTION 1 | COMPANY OVERVIEW

**NBS**[™]

AT-A-GLANCE: HELPING COMMUNITIES FUND TOMORROW

28
YEARS

In
Business

100%
ESOP

NBS is a 100%
employee-owned
S-Corporation



NBS HEADQUARTERS
32605 Temecula Pkwy | Suite 100
Temecula, CA 92592

SAN FRANCISCO REGIONAL OFFICE
870 Market Street | Suite 1223
San Francisco, CA 94102



CONTACT
Jeremy Tamargo | 800.676.7516
jtamargo@nbsgov.com



LEGAL NAME
NBS Government
Finance Group

DBA
NBS

60
employees



**INDIVIDUAL AUTHORIZED TO NEGOTIATE
AGREEMENT**
Michael Rentner, President

Since 1996, NBS has supported California municipalities with the implementation and ongoing administration of local funding tools.

While the firm originally focused on Special Financing Districts (SFDs), specifically the formation and administration of special assessments and taxes, we have evolved with our clients' needs and now provide a full range of revenue consulting services. We focus on sustainable water and wastewater utility rate programs, cost allocation plans, cost recovery, and legally justified fee design. Across all practice areas, we have worked with more than **500 public agencies** to date, including cities, counties, school districts, utilities, and special districts.



Utility Rate Group

The NBS Utility Rate Group ensures your utility rates, system capacity fees, and financial plans provide an appropriate level of funding and are also justifiable in a fluid legal and regulatory environment.

500
STUDIES
PERFORMED

We act as strong advocates for our many utility clients to ensure that rates and fees address the multitude of challenges facing each community. Just ask the municipalities where we have performed more than 500 studies!

**PROP
218**
COMPLIANT

Once study results are in, we support you through the Proposition 218 approval process. Working within legal and industry standards, we partner with you to implement solutions for the most challenging financial issues.



Throughout the process, we strive to educate the public, manage community expectations, and work within the often-confusing legal framework to develop the best solutions for your utility. Our analytical support and expert consultants help agency staff and legal counsel navigate the practical and legal challenges.

How NBS Stands Out



NBS' Overview of Rates, Fees and Charges. We believe in continuing education, not only for our own team, but also for our clients and municipal staff.

As industry leaders, we have a unique set of qualifications and experience in the work we perform. In that regard, we have published four booklets on related industry topics that can be downloaded at no charge at www.nbsgov.com/insights (click on NBS Publications). For a hard copy, please call 800.676.7516 or email contactnbs@nbsgov.com

Rates, Fees and Charges Compendium has received high regard and interest from industry professionals and precisely relates to the City's current needs.

Additional NBS publications include:

Special Financing Districts (SFDs) has been credited as the best publication on SFDs in a decade by prominent industry professionals.

Stormwater: A Ten-Step Funding Plan addresses the spectrum of stormwater needs in California. We have been asked to present this funding topic at CSMFO and FMA.

Community Facilities Districts (CFDs) explains this robust funding and financing tool for local governments.



As communication is paramount, the NBS team developed the **CivicMic** platform, which focuses on providing collaborative governance services including outreach, public engagement, and adaptive management, bringing citizen voices into the governance process. Through our customized approach, we engage residents of diverse backgrounds for unique perspectives using social media and other collaborative activities.

SECTION 2 | PROJECT OVERVIEW & ASSUMPTIONS

The 2019 water and wastewater rate study provided a thorough analysis of various financial and rate design alternatives that considered the level of rate increase, the amount of rate revenue collected from fixed vs. volumetric charges, and uniform vs. multi-tiered water rates. Those same alternatives are still viable for comparing options for how the City would like to address the financial needs for the City's water and wastewater utilities.

The following are the key assumptions underlying the rate study update:

Rate Model Assumption:

1. NBS will update the water and wastewater rate models with the most current operating budgets, customer account data, and operational data (e.g., water production, water sales, effluent treated at the wastewater treatment plant, etc.).
2. NBS assumes City staff will provide the necessary data in a timely manner.
3. NBS assumes the current financial plan and rate design alternatives embedded in the rate models will be used.

Meetings and Report Assumption:

1. NBS will prepare presentation materials and assist City staff with public meetings with the Citizens Advisory Committee and a study session with the City Council to review the rate alternatives and related customer bill impacts.
2. Based on input and direction from these meetings, NBS will prepare a draft and final rate study report. City comments on the draft report will be incorporated into the final report.

SECTION 3 | SCOPE OF WORK

Water and Wastewater Rate Study

NBS will work cooperatively with City staff, management and the City Council, to develop a financial plan and rate recommendations that are well suited to the City's needs, are practical and implementable, and can be confidently defended from both a technical and legal perspective.

The scope of services NBS offers for completing the study is presented in this section. We will also be prepared to make adjustments during the course of the study to reflect the direction of City staff and stakeholders as the study progresses. NBS will provide the leadership necessary to guide you through the various options, key concerns, and explaining the issues involved. These tasks serve as the basis for the proposed budget for this study.

TASK 1. KICKOFF MEETING AND DATA COLLECTION

NBS will hold a kick-off meeting with City staff at the beginning of the study. The kick-off meeting will be used to review and discuss the data from the billing/accounting system and data requirements in general and review study objectives, tasks, and schedule. A preliminary plan for public presentations will be discussed with the City during this meeting. The data the City will need to provide includes customer account information, such as:

- Customer billing information that includes: meter sizes, customer class and monthly water consumption for each customer (Excel file preferred).
- Financial data typically reported in financial statements.
- Capital Improvement and/or Master Plans (CIP projects by name, cost, and timing).

TASK 2. FINANCIAL PLAN

NBS will prepare a detailed financial plan for the water and wastewater utilities that includes revenue, expenditures, reserves, debt coverage ratios, capital improvement costs, repair and replacement costs and net revenue requirements. Task deliverables will include:

- Financial projection model that will serve as a financial “roadmap” for the water and wastewater utilities.
- Summary of current and projected net revenue requirements.
- Update reserve fund policies and targets potentially including reserves for operations, rate stabilization, repair and replacement, debt service and capital projects.
- Projected year-end reserve fund levels.
- Calculated debt service coverage ratios.
- Three alternatives (i.e., annual rate increases) that meet projected net revenue requirements.
- Funding sources (cash vs. debt) for capital improvements.

This financial plan will lay the groundwork for the cost-of-service and rate design analyses addressed in Tasks 3 and 4. The following are subtasks to the Financial Plan:

Projected Revenues and Expenditures – Using a cash-basis reflecting the City's system of accounts, NBS will prepare a projection of revenues, expenses, and increases in rate revenue needed to meet all obligations. This will provide the City with a financial planning tool to plan for rate adjustments to address

operating and maintenance costs, infrastructure improvements, asset replacement and maintaining appropriate reserve fund levels. The City's projected customer growth rates from master plan documents and planned cost inflation factors will be incorporated in this analysis.

Evaluate Reserve Fund Sufficiency – NBS will evaluate the sufficiency of existing reserve funds, target reserves, reserve fund policies, and related issues such as meeting debt service coverage ratios and other rate covenants. We will provide recommendations for reserve fund targets that are tailored to the City's specific needs such as operating, capital rehabilitation/replacement, rate stabilization and catastrophes, etc. We will develop a phased-in approach to funding reserves to minimize the impact on ratepayers.

Review Capital Improvement Program Funding – NBS will incorporate City plans for new facilities, infrastructure improvements, and asset replacement plans into the financial plan. We will evaluate the timing, costs, and available reserves used to fund various projects. We will work with City staff to develop a well-conceived approach to funding these capital needs, which may include an appropriate balance between debt-funded and cash-funded projects. The recommended solution will provide an appropriate balance between funding from rates, system development fees and, if necessary, the use of outside financing. Up to three levels of capital improvement program funding will be developed in the study for comparison purposes.

TASK 3. COST OF SERVICE ANALYSIS

Using the net revenue requirements developed in Task 2, NBS will equitably allocate costs to individual customer classes based on cost-of-service principles that comply with Prop 218. NBS will review and incorporate the historical consumption characteristics by customer class, including changes related to Covid-19 impacts, and determine how to best project future water consumption.

3.1 Water Cost-of-Service Analysis

NBS will prepare a cost-of-service analysis to equitably allocate the revenue requirements to the individual customer classes based on industry standards. We will review existing customer classes and analyze the historical characteristics of each customer class. The main components of the cost-of-service analysis are as follows:

- 1. Functionalization/Classification of Expenses** – Functionalizing the expenses means arranging costs into basic categories, such as source of supply, treatment, transmission, and distribution, as well as administrative and overhead costs. Once the costs have been functionalized, they are then classified into their various cost components (i.e., capacity, commodity, or customer-related costs).
- 2. Allocation of Costs to Customer Classes** – These costs are then allocated to individual customer classes based on allocation factors specific to each cost classification, producing fixed and variable revenue requirements for each customer class. These allocations will be used for the actual rate calculations.

3.2 Sewer Cost-of-Service Analysis

NBS will follow a similar cost allocation process used in the water cost-of-service analysis for the wastewater analysis. We will rely on the City's wastewater budget to classify all expenses into their various cost components, such as flow (volume), strength (BOD, or COD, and TSS), and customer-related costs. With the City's customer billing data, we will develop the customer usage statistics, or allocation factors, that will be used to assign costs to each customer class. The allocations will consider water consumption

data, wastewater treatment plant flow and loading data, and industry standard customer classification data. The cost allocation factors that will be developed include:

- Volume Allocation Factor – Estimates of the total annual volume of wastewater treated for each customer class.
- Strength Allocation Factors – Estimates of the annual pounds of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) collected for each customer class.
- Customer Allocation Factors – Calculate the number of customers by customer class in the City's wastewater service area.

NBS will then apportion the costs to individual customer classes based on the allocation factors specific to each cost classification, producing fixed and variable revenue requirements for each customer class. These allocations will be used in the actual rate calculations for each customer class.

TASK 4. RATE DESIGN ANALYSIS

NBS will work with City staff to review the current rate structure and evaluate whether there are alternatives that better meet the City's broader rate design goals and objectives. NBS will provide up to three water and wastewater rate structure alternatives for the City's consideration, which will include the City's existing rate structures and two alternatives. An evaluation of the pros and cons of each rate structure alternative will be included in this analysis. The following are subtasks to the Rate Design Analysis:

Develop Rate Design Recommendations – Utility rates will be developed based on the cost-of-service analyses, and we will include a discussion of the relative pros and cons of the current rate structure and the alternatives. Evaluating the City's desired rate complexity and resulting customer bills will be essential components of this process.

Criteria for Improving the Rate Design – When evaluating rate design, revenue sufficiency and financial resiliency are critical considerations. NBS' general approach is to avoid significant **under-collection** of rate revenue, which is the worst-case scenario from a financial perspective. Other criteria for evaluating rate structures include:

- Ease of understanding the rate structure by customers.
- How costs allocated to fixed and volumetric rates affect revenue stability.
- How water conservation is reflected in the analysis.
- How summer peaking patterns are reflected in water rate design.
- How meter sizes are used in calculating fixed charges.
- The amount of revenue that should be collected within each tier.
- Impacts on customer monthly bills.
- How treatment plant costs are allocated to customers.
- Differences, if any, in collection system and general overhead and administrative costs and how they are allocated to various customers.
- Changes due to drought, conservation efforts, and Covid-19 over the last several years that may affect rates on a going-forward basis.
- The amount of revenue collected from fixed and variable charges (which can significantly impact customer bills).

The rate structure alternatives selected will ultimately provide the basis for comparing monthly customer bills under both the current and new rate structures. However, all rate structures will be “revenue neutral” because they will all collect the same amount of revenue, both in total and within each customer class.

Calculate Fixed and Volumetric Charges – Ideally, fixed charges should be used to cover fixed costs; however, due to the emphasis on using pricing signals to encourage conservation, this is rarely the case. As a result, many agencies have struggled with revenue stability during times of uncertain demands. Fixed charges will reflect the number of accounts, equivalent meters, and size of meters. In contrast, volumetric rates should cover variable costs and should be allocated in proportion to consumption. Determining the best combination of fixed and variable charges is also influenced by other factors, such as revenue stability, conservation, ease of understanding, and ease of administration. NBS will strive for an appropriate balance between fixed and variable charges.

Comparison of Customer Bills – In order to compare various financial plan and rate alternatives, we will prepare rate tables and bill comparisons for various customer classes to illustrate how the rate adjustments will affect customer bills. It is important to note that all rate structure alternatives will be “revenue neutral”: they all collect the same amount of revenue within each customer class. Basic customer bill comparisons will include:

- Impacts on customer bills for low-, average-, and high-strength customers.
- Impacts on single-family customer bills for low-, medium-, and high-consumption customers.
- Comparisons of customer bills based on the treatment plant cost allocation methodologies used.

TASK 5. REGIONAL BILL COMPARISON

NBS will compare current and proposed water rates with up to ten neighboring communities to see how the City’s rates compare to other nearby water Agencies. The results of this comparison will be presented in the rate study report and in public presentations. The comparisons will provide City staff and City Council, with a basis to compare the cost of delivering water service to customers in the region.

TASK 6. PREPARE ELECTRONIC RATE MODEL

NBS will develop the Excel-based rate model for use by City staff (users not limited) once the study is complete. The model will be custom-built to the City’s specific needs and will have the functionality to update revenue and expenses, prepare what-if scenarios, and determine annually if the proposed rate increase is needed, or if it can be modified or delayed. The model will have a dashboard where assumptions can be modified and will flow through to the rate alternative results, and a documentation tab that explains each tab and the interrelationships of each tab.

In addition, the model will include adjustable inflation factors and other variables and will graphically display charts and figures to communicate outcomes and recommendations. We will review the model with staff during the development of the rate study to make sure it meets the City’s requirements and preferences.

A training session can be provided with the City’s Project Manager at the conclusion of the study. The goal of this session will be to review all tabs in the model and to provide sufficient information for the City to accept the model and have the ability to use it going forward.

TASK 7. PREPARE RATE STUDY REPORT

NBS will prepare a draft study report that include proposed rates for the next five years. An executive summary and introduction will present the purpose of the report and results of the study. Tables, graphs, and charts will be used as appropriate, but the emphasis will be on providing a clear, concise and understandable report that will provide the City with a thorough administrative record. Key assumptions, methodologies, and factors affecting the development of proposed rates will be highlighted with charts and graphs when helpful. However, more technical aspects of the study, particularly the tables documenting the calculations and sources of data, will be separately provided in technical appendices.

NBS will provide an electronic file in Microsoft Word format of the draft report for the City's review and comment. Once we have received the City's comments¹, we will incorporate those comments into a final report.

TASK 9. MEETINGS AND PRESENTATIONS

NBS plans to provide support to the City in public meetings to support the new rate adoption process. We will also plan to meet with City staff to review study results and recommendations throughout the project. The following meetings and presentations are anticipated for this study:

Meetings with City Staff – NBS proposes to hold progress meetings with City staff via conference call or web meeting format. These meetings will be used to review initial work products and gain input from Staff on the direction of the study. Prior to the public meetings, we also expect to have regular phone conversations with City staff to discuss how the study is proceeding, solicit input from Staff, and to review and discuss the study's initial results and work products. In addition, NBS will work with City Staff to discuss and understand talking points while continuously providing guidance on how to manage questions for community members to ensure a clear and transparent message.

Other Public Workshops/Presentations – NBS rate study staff will provide up to five (5) public meetings² including with a City Committee and City Council. The rate team will prepare a PowerPoint presentation for these meetings, which will include visual aids, graphics, charts and additional worksheets or handouts. In these presentations, NBS will present study results, recommendations, receive input and guidance on the direction of the study and answer questions. Our team will work with City Staff to create an agenda and develop presentations that allow for clear and insightful presentations.

TASK 10. NOTICE OF PUBLIC HEARING MAILING

NBS will create a mailing list using the most recent County Assessor secured roll data available, combining that with the City's customer database. Duplicates will be removed to create a comprehensive mailing list. NBS will also draft the Notice to property owners subject to the proposed fee. Final form of the Notice will be reviewed and approved by legal counsel and City staff.

NBS will work with City staff to answer any questions that come up and guide you through the adoption process. The key technical tasks will be to prepare a draft and final Prop 218 Notice and provide the proposed rate tables included in the notices. NBS will work with City staff to review the draft and final

¹ We assume City staff's comments will be in an electronic Microsoft Word file using track-changes mode.

² The number of meetings/presentations that NBS provides can be adjusted as necessary by City staff. We plan to discuss the number of meetings and plans for presentation at the kick-off meeting and adjust throughout the process as needed.

notice prior to public release. The City should have legal counsel review all notices for legal compliance with the provisions of Prop 218, such as wording related to pass-throughs.

Optional Administration Services

FIXED COMPONENT WATER CHARGE AND SEWER TAX ROLL BILLING SERVICES

NBS understands that the City of Santa Paula is considering establishing a process that ensures the City's Sewer and Fixed component water charges are appropriately managed and enrolled onto the annual tax bills. Both charges have relatively similar initial processes and scope action items included below. The following describes the proposed scope of work for our annual tax roll billing services as well as our initial consulting services for both the sewer charge and the fixed component water charge.

INITIAL KICK-OFF MEETING, ONE TIME SET UP, AND SYSTEMS DOCUMENTATION

This is a one-time meeting with City staff to discuss the items below.

- Review the tax roll billing process and appropriate annual timeline.
- Method of application of the charge and the data required.
- Review the process for any appeals or disputes.
- For initial year tax roll billings, NBS will develop format, print and send a mailing of notice regarding tax roll billing to all parcels (City staff to review this change with internal legal counsel).
- For initial year tax roll billings, we should discuss the potential public engagement and education on the change in billing method (additional scope, fees, and costs, if any, are to be determined).
- Collect Data from the City and/or other third parties, utilizing NBS' proprietary software D-FAST, GIS, and satellite imagery, match each active water meter to an Assessor's Parcel Number for placement on the tax rolls.

DATA COLLECTION

Gather and review data pertinent to the calculation and billing of the charge. Data will be obtained from various sources such as the County Assessor's Secured Roll, Assessor's parcel maps and the City's utility database as determined to be necessary based on the requirements of the formula.

QUALITY CONTROL

Perform cross-reference tests looking at the various data sources, land use codes, and other pertinent information to improve accuracy of application of the charges. NBS has a multi-step approach to our quality control. We have built custom analysis tools within our software that assists in this process. Every database is reviewed by a top-level staff member before finalizing.

DATABASE MAINTENANCE

Maintain and periodically update a database for all parcels and relevant parcel information within the service area. Annually, the master list of water meters is updated with new meters to account for new development.

LEVY CALCULATION

Calculate the annual levy for each parcel within the service area following the guidelines established in the methodology.

LEVY SUBMITTAL

Submit the levy to the County Auditor Controller in the required electronic format. Levies rejected by the County Auditor Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not accepted by the County for collection will be invoiced with payment to be directed to the City.

REPORTING

Provide an Annual Levy Report. The report will include a parcel listing with levy amounts and rate category identifiers. Parcel and levy data can be provided electronically if desired.

CONSULTING SUPPORT

NBS will provide a toll-free phone number for use by the City, other interested parties and all property owners. Our staff will be available to answer questions regarding the charge. Bilingual staff is available for Spanish-speaking property owners.

Optional Engagement Services

COMMUNICATION TOOLKIT

NBS will develop a comprehensive toolkit including talking points, multilingual FAQs, content releases, timelines for posting on the City's website, and guidelines for various communication activities. This toolkit will aid staff and elected officials in communicating a cohesive message to the community and stakeholders.

RATE CALCULATOR

NBS will create a rate calculator for ratepayers to view the updated rates. This calculator can be hosted on the City's website or CivicMic.com.

218 NOTICE SUPPLEMENT

NBS will also develop and design a detailed fact sheet to be mailed to community members. The fact sheet will include historical information that will help educate the community on the current project needs. The fact sheet will be translated into up to two languages based on community census data.

SECTION 4 | BUDGET

Our professional fees are based on our understanding of City's needs and the effort we believe is necessary to complete the scope of services described in our proposal. Work will be performed on a time and materials basis, at the hourly labor rates show in the budget table below, with a not-to-exceed fee of **\$53,235**.

PROJECT BUDGET: City of Santa Paula							
Study Tasks	Consultant Labor (Hours)					Grand Totals	
	Senior Reviewer ¹ (Highstreet)/ Sara Mares (MA)	Associate Director (Tamargo)	Rate Consultant (Bou)	Project Analyst (Hoenig)	Project Resource Analyst (Henry)	Consultant Labor (Hrs.)	Consultant Costs (\$)
Hourly Rate	\$250	\$225	\$175	\$150	\$130		
Task 1 – Kick-off Meeting & Data Collection	-	4.0	-	12.0	-	16.0	\$ 2,700
Task 2 – Financial Plan							
2.1 – Projected Revenues and Expenditures	2.0	2.0	2.0	10.0	-	16.0	\$ 2,800
2.2 – Evaluate Reserve Fund Sufficiency	4.0	2.0	2.0	10.0	-	18.0	\$ 3,300
2.3 – Review Capital Improvement Program Funding	2.0	2.0	2.0	10.0	-	16.0	\$ 2,800
Task 3 – Cost-of-Service Analysis (COSA)	1.0	4.0	2.0	24.0	-	31.0	\$ 5,100
Task 4 – Rate Design Analysis							
4.1 – Develop Rate Design Recommendations	1.0	1.0	-	-	-	2.0	\$ 475
4.2 – Criteria for Improving the Rate Design	1.0	2.0	-	6.0	-	9.0	\$ 1,600
4.3 – Calculate Fixed & Volumetric Charges	1.0	2.0	-	10.0	-	13.0	\$ 2,200
4.4 – Comparison of Customer Bills	1.0	1.0	-	8.0	-	18.0	\$ 3,300
Task 5 – Regional Bill Comparison	1.0	2.0	2.0	10.0	-	15.0	\$ 2,550
Task 6 – Prepare Electronic Rate Model	-	2.0	4.0	10.0	-	16.0	\$ 2,650
Task 7 – Prepare Rate Study Report	4.0	10.0	2.0	8.0	6.0	30.0	\$ 5,580
Task 8 – Meetings and Presentations							
8.1 – Meetings with Agency Staff	2.0	10.0	-	6.0	-	18.0	\$ 3,650
8.2 – Public Workshops/Presentations (5 meetings)	2.0	20.0	-	12.0	-	34.0	\$ 6,800
Task 9 – Notice of Public Hearing Mailing ¹	1.0	6.0	2.0	-	6.0	15.0	\$ 2,730
TASK TOTALS	23.0	70.0	18.0	136.0	12.0	267.0	\$ 48,235
Travel Costs for 5 In Person Meetings (not to exceed) ²							\$ 5,000
GRAND TOTAL NOT TO EXCEED	23.0	70.0	18.0	136.0	12.0	267.0	\$ 53,235
Additional Optional In Person Visits							
Additional Costs for Optional Site Visits and Presentations							
Labor Cost Per Visit/Presentation (NBS PM)							\$ 2,000
Travel Expenses per Meeting (not to exceed)							1,000
Total: Per Optional Visit/Presentation							\$ 3,000

1. Mailing expenses excluded. NBS passes through mailing expense at cost without markup. Cost will depend on design choices and length of notice.

2. Travel-related cost and direct reimbursable expenses; all other expenses are included in labor rates. This will be zero if all meetings are attended virtually.

Additional services requested, such as additional public meetings or additional rate or fee alternatives, can be provided based on the hourly labor rates included in the table above. All tasks would be mutually agreed upon by NBS and the City prior to proceeding.

TAX ROLL BILLING OPTIONAL SERVICES FEES

Fixed Component Water Charges: Tax Roll Billing Services

Initial One-time Set up and Consulting Fee	\$10,500
Annual Administration Tax Roll Billing Services	\$9,500
Estimated Annual Expenses NTE (as needed)	\$500

Note Estimated Expenses does not include onetime/initial costs for mailing and other engagement costs.

Sewer Charges: Tax Roll Billing Services

Initial One-time Set up and Consulting Fee	\$14,500
Annual Administration Tax Roll Billing Services	\$16,500
Estimated Annual Expenses NTE (as needed)	\$500

Note Estimated Expenses does not include onetime/initial costs for mailing and other engagement costs.

PUBLIC ENGAGEMENT OPTIONAL SERVICES FEES

Communication Toolkit	\$9,500
Rate Calculator	\$4,750
218 Notice Supplement*	\$4,575

*Printing and mailing expenses excluded.

Expenses

Customary out-of-pocket expenses will be billed to the City at actual cost to NBS. These expenses may include, but not be limited to, mailing fulfillment, postage, reproduction, telephone, travel, meals and various third-party charges for data, maps, and recording fees.

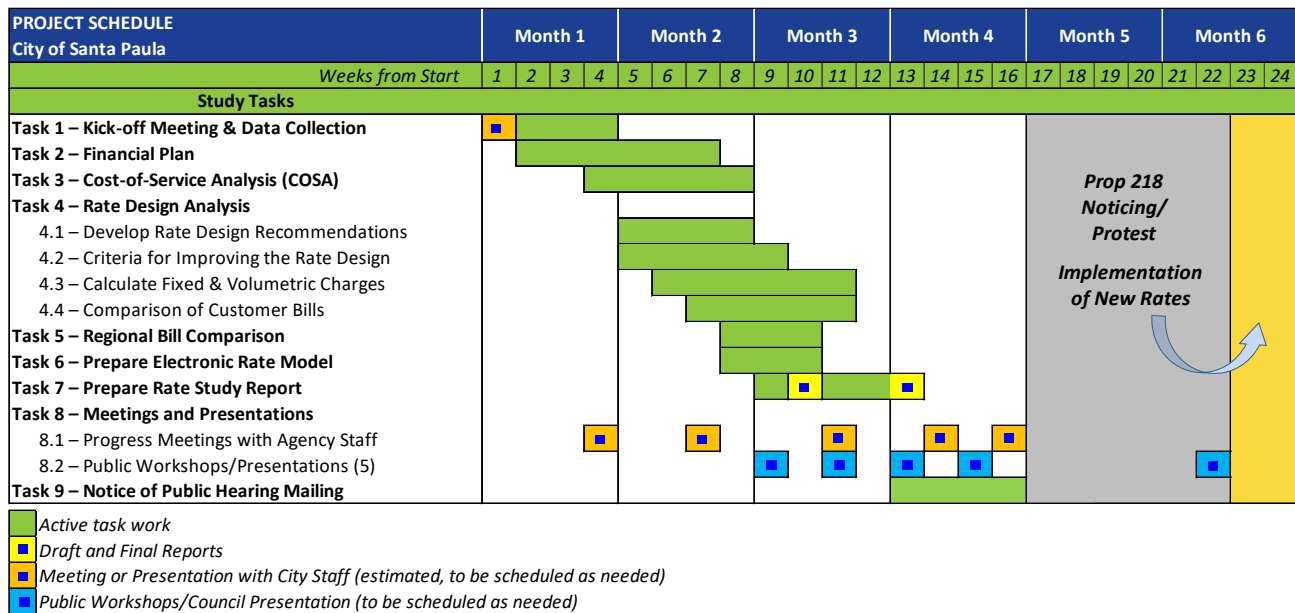
Annual Fee Increases

Cost of living increases may be applied to the Tax Roll Billing Optional Services Fees listed above in October each year, beginning with October 2025, should the City extend for additional year(s). The increase would be the actual cost of living increase based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for all urban consumers for the City's area.

SECTION 5 | SCHEDULE

The following is an overview of our proposed project schedule. We will discuss a detailed schedule at the kick-off meeting, along with the expected timing for individual tasks.

PROJECT SCHEDULE FOR THE CITY OF SANTA PAULA

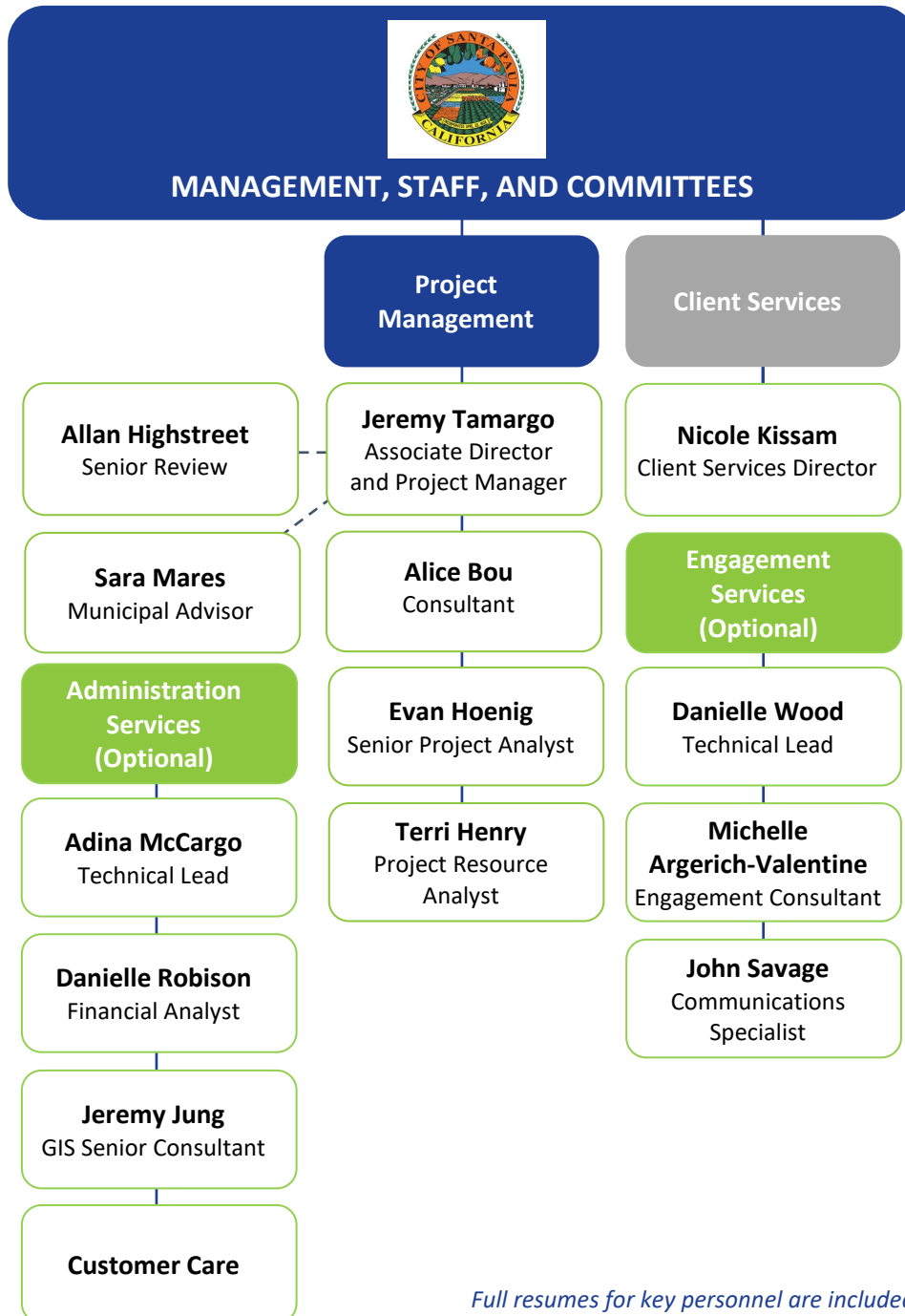


SECTION 6 | TEAM OVERVIEW

Key Personnel

NBS' staff include 60 professionals with extensive experience in the fields of finance, management, engineering, and local governance. The staff selected for City of Santa Paula's Water and Wastewater Rate Study are those most qualified based on their experience and backgrounds. The following is a brief overview of NBS' proposed consulting team. Our team members work together seamlessly allowing your staff to focus on other priorities.

NBS Project Team Organization



Full resumes for key personnel are included in the Appendix.

JEREMY TAMARGO, ASSOCIATE DIRECTOR

Role and Responsibilities: Jeremy Tamargo will lead the work efforts as project manager. He will work closely with the City to review the overall approach, develop rate alternatives, and suggest creative solutions to consider. Jeremy will direct analytical efforts of the project team and monitor the schedule and delivery of work products to the City's satisfaction. He will be available for meetings with City staff and public presentations for this project.

Work Experience: Jeremy Tamargo is a professional engineer licensed in the State of Oregon and has an application in technical review with the California Board for Professional Engineers, Land Surveyors, and Geologists for comity licensure in the State of California. He has extensive experience in both the public and private sectors in civil engineering design as well as preparing utility master plans for municipal agencies in both Oregon and Washington. In his role as Assistant City Engineer at City of Tigard, Jeremy managed the City's System Development Charge program for the Public Works Department, which was used to pay for the installation, construction, extension, and expansion of the City's water, sanitary, sewer, stormwater, park and transportation systems. A member of the American Society of Civil Engineers, he is solutions-oriented and has a passion for focusing on excellence and sustainability on every project. Jeremy has a Master of Science in Environmental Engineering from Syracuse University and a Bachelor of Science in Civil Engineering from University of Notre Dame.

ALLAN HIGHSTREET, SENIOR REVIEW

Role and Responsibilities: Allan Highstreet will provide senior technical review on this project. He will be available as needed throughout the project to assist the project team with the analysis and technical issues as they arise.

Work Experience: Allan Highstreet has 41 years of experience in the water industry where he was a senior vice president managing water resource planning and development projects for Jacobs Engineering (previously CH2M Hill). Allan's four decades of experience includes preparing water and sewer rate and capacity fee studies, and he provides invaluable experience to the NBS project team for this engagement. His academic background includes a BS in Agricultural Business and a MS in Agricultural Economics.

SARA MARES, REGISTERED MUNICIPAL ADVISOR REPRESENTATIVE

Role and Responsibilities: Sara Mares is a Director with NBS and will be the Registered Municipal Advisor Representative for this project.

Work Experience: Sara Mares has more than 23 years of experience with NBS and is a Registered Municipal Advisor Representative. She has extensive experience with modeling and structuring revenue mechanisms that support debt issuance. Sara forms Special Financing Districts (SFDs), including Community Facilities Districts and 1913 Act Assessment Districts, which provide land secured financing for limited obligation bonds. She has also provided bond issuance disclosure related to revenue bonds, both stand-alone that are secured by utility rate revenue or as part of a pool bond structure. Sara also has more than 20 years of experience preparing and disseminating continuing disclosure annual reporting and listed event filings.

ALICE BOU, UTILITY RATE CONSULTANT

Role and Responsibilities: Alice Bou is on staff with NBS and brings more than two decades of project experience. She will support the project team in performing large scale data analysis and validation, data input, and will also help develop the financial plan, cost-of-service analysis, and rate design alternatives.

Work Experience: Alice Bou has a Bachelor of Arts degree from University of California San Diego and offers more than two decades of experience working in accounting and financial management performing data analysis, variance analysis, budgeting and forecasting, financial modeling, and managerial reporting.

EVAN HOENIG, SENIOR PROJECT ANALYST

Role and Responsibilities: Under direction of the Project Manager, Evan Hoenig will perform large-scale data analysis and validation as needed on this project. He will support facilitating data collection and reminders to staff to keep efforts moving along the agreed upon timeline for the completion of each task.

Work Experience: Evan Hoenig is a Senior Project Analyst with NBS. He brings more than a decade of compliance management experience to our project team, as well as public budget development and administration, research, project management and financial analysis experience. He has extensive skills in analytical software, databases, and spreadsheets. Evan has a Bachelor of Science in Business Administration/ Management from California State University, San Marcos.

TERRI HENRY, PROJECT RESOURCE ANALYST

Role and Responsibilities: Under direction of the Project Manager, Terri Henry will coordinate content and review documentation and data analysis as needed on this project.

Work Experience: As a Project Resource Analyst, Terri Henry brings more than 30 years of experience to our project team. She has an extensive background in journalism, marketing, public relations, as well as administration, research, and project management. Terri earned a Bachelor of Arts in English from Christopher Newport University and has employed her skills as a newspaper reporter, editor, creative director, and legal administrative assistant.

ADINA MCCARGO, TECHNICAL LEAD | OPTIONAL ADMINISTRATION

Role and Responsibilities: Adina McCargo will lead project management oversight for the annual administration activities. She will work closely with the administration team and provide support to the City as needed.

Work Experience: Adina is a Director with NBS and has more than 20 years of experience working with all aspects of SFD formation, annexation and administration including project management, budget analysis, levy calculation and submittal, continuing disclosure reporting and delinquency management as well as development of special assessment/tax formulas, and presentations.

DANIELLE ROBISON, FINANCIAL ANALYST | OPTIONAL ADMINISTRATION

Role and Responsibilities: Under the direction of the Project Manager, Danielle Robinson will be actively involved with City staff on a regular basis. She will support facilitating data collection and reminders to City staff in order to keep efforts moving along the agreed upon timeline for the completion of each task.

Work Experience: Danielle Robinson brings more than six years of experience to the NBS team. Her extensive background in accounting includes financial reporting, data collection and analysis, and maintenance of case cost and billing processes for an array of client projects. As a Financial Analyst with NBS, Danielle administers Special Financing Districts (SFDs) and is actively involved with the daily management of district administration operations. She has a Bachelor of Science degree in Actuarial Science from California Baptist University.

JEREMY JUNG, GIS SENIOR CONSULTANT | OPTIONAL ADMINISTRATION

Role and Responsibilities: Jeremy Jung will provide as needed GIS support services to confirm boundaries and/or map City improvements.

Work Experience: Jeremy Jung has extensive experience as a GIS technician. He creates and analyzes maps and data associated with County Assessor's Parcels, District Boundaries, and custom images utilizing the latest GIS technology. In addition, Jeremy is able to display GIS maps over satellite imagery in order to view properties and maps with a high degree of detail as well as extract GIS parcel data to compare to other data sources, such as county-secured property tax rolls.

CUSTOMER CARE TEAM | OPTIONAL ADMINISTRATION

Role and Responsibilities: Under the direction of the NBS staff, our Customer Care team will be readily available to answer all inquiries from third parties related to the City's project. Customer Care consists of tenured staff members (with decades of combined experience), fully trained and experienced in customer service support to answer all inquiries via toll free phone number and via email. NBS also offers bilingual staff to answer in Spanish.

DANIELLE WOOD, TECHNICAL LEAD | OPTIONAL ENGAGEMENT

Role and Responsibilities: As the lead consultant on public engagement, Danielle Wood will communicate directly with City staff to discuss engagement milestones, create and adjust engagement approaches and lead community meetings on behalf of the City. Danielle will serve as the primary contact for this effort.

Work Experience: Danielle has more than two decades of experience as a Director at NBS. As one of the developers of CivicMic.com, an online outreach, and collaboration tool, she is a seasoned professional in outreach, public engagement, collaborative governance, special financing district formation, and administration.

MICHELLE ARGERICH-VALENTINE, ENGAGEMENT CONSULTANT | OPTIONAL ENGAGEMENT

Role and Responsibilities: Michelle will work with the City's project manager to develop strategies for engaging the public. She will lead and facilitate meetings and communication on behalf of the City.

Work Experience: Michelle Argerich-Valentine is a seasoned professional with more than nine years of specialized experience in community engagement and outreach. Her extensive background involves fostering positive relationships with diverse community groups, while implementing strategies to address their unique needs. Known for her innovative programs and initiatives, she has consistently demonstrated her passion for creating inclusive environments and promoting social impact. With a commitment to enhancing community welfare, Michelle's work is a testament to her dedication, effective communication skills, and intuitive understanding of the intricacies of community dynamics.

JOHN SAVAGE, COMMUNICATIONS SPECIALIST | OPTIONAL ENGAGEMENT

Role and Responsibilities: John Savage will work closely with the project manager to develop content that will be used to educate the community. He will create dedicated web pages and targeted content on CivicMic.com, monitor and record community meetings, and develop engagement materials such as surveys to promote a high level of community engagement and participation.

Work Experience: John is an experienced communications specialist with more than a decade of professional experience in public engagement, outreach, project management, and relationship management.

NICOLE KISSAM, CLIENT SERVICES DIRECTOR

Roles and Responsibilities: Nicole Kissam will act as a representative of our corporate commitment to providing the highest level of service. She will ensure that the City's fundamental objectives are being met at all times.

Work Experience: Nicole Kissam is Director of NBS' Financial Consulting Group. She has an extensive background in public sector consulting, city government, corporate management, marketing and public relations. Nicole has been a financial and management consultant to local government for 20 years, specializing in cost recovery policy, strategy, and analysis. Her subject matter expertise includes cost allocation plans, user and regulatory fee analysis, impact fee analysis, financial plans, business process improvement, and operational best management practices for California agencies. Nicole holds a Bachelor of Science in Business Administration from California Polytechnic State University in San Luis Obispo.

APPENDICES

The appendices contain:

- Appendix A: Full resumes for our proposed project team's key personnel
- Appendix B: Municipal Advisor Disclosure

APPENDIX A | KEY PERSONNEL RESUMES

EDUCATION

- Master of Science, Environmental Engineering, Syracuse University
- Bachelor of Science, Civil Engineering, University of Notre Dame
- Certificate, Advanced Study in Sustainable Enterprise, Syracuse University

PROFESSIONAL AFFILIATION

- American Society of Civil Engineers

HIGHLIGHTS

- Experience in both public and private sectors
- Civil engineering design
- Utility master planning
- Development review
- Mapping and analysis in ArcGIS
- AutoCAD



“Jeremy did a great job presenting to our governing Board and answering tough questions. We threw lots of curve balls at NBS, and Jeremy always kept pace with our needs and timeline.”

*Rich Stevenson
Director of Finance
Sweetwater Authority*



BIOGRAPHY

Jeremy Tamargo has nearly a decade of professional civil engineering experience in both the public and private sectors. He is a licensed professional engineer in the State of Oregon and has an application in technical review with the California Board for Professional Engineers, Land Surveyors, and Geologists for comity licensure in the State of California.

Jeremy’s recent experience as an Assistant City Engineer and Principal Engineer included the following activities:

- Supervising, planning, designing, and inspecting all phases of civil engineering public works construction projects
- Defining the scope of the project; securing adequate funding from Federal and State grant programs and other funding sources
- Coordinating with permitting and public utility agencies
- Surveying and engineering analysis of alternatives
- Preparing plans, specifications, and cost estimates
- Coordinating construction schedules with other projects and agencies
- Preparing and reviewing cost estimates and inspecting construction of projects to ensure compliance with construction documents
- Reviewing compliance criteria for the design and construction of streets, sidewalks, and public utilities

RELEVANT PROJECT EXPERIENCE

- **City of Redding – Water, Sewer, and Solid Waste Rate Studies:** Prepared a cost-of-service study for water, sewer, and solid waste rates. Rate design for utilities included addressing policies objectives and analyzing structure alternatives.
- **El Dorado Irrigation District, Placerville – Water, Sewer, and Recycled Water Cost-of-Service and Rate Design Study:** Worked with the district board and a dedicated committee to review/recommend policy changes; alternative rate designs; and recommended water, sewer, and recycled water rates.
- **City of Victorville –Sewer and Solid Waste Rate Studies:** Prepared a cost-of-service study of sewer and solid waste utility rates. Sewer and solid waste studies analyzed alternative rate structures as well as alternative recommended reserve targets for consideration by City staff.
- **Sweetwater Authority – Water Rate Study:** Prepared a cost-of-service study of water utility rates. Water rate study included numerous rate alternatives for residential tiered rates based on source of supply as well as a “phase-in” approach to adjusting the allocation of fixed vs. variable charges over the course of the rate implementation period.

EDUCATION

- Master of Science,
Agricultural Economics,
UC Davis
- Bachelor of Science,
Agricultural Business
Management,
California State University,
San Luis Obispo

AFFILIATIONS

- Project Management
Professional (2002,
No. 52367)
- American Water Works
Association (AWWA),
Member

PROJECTS | CONT.

- **City of Tracy, Tracy, CA – Sewer Rate Studies:** Has prepared sewer rate updates for the City of Tracy since 1979. Originally done to satisfy SRF requirements, more recent updates focused on cost of service studies.
- **Senior Consultant, San Mateo Clean Water Program, San Mateo, CA.** Overseeing the preparation of the State Revolving Fund loan applications for the \$800M Clean Water Program. These efforts include developing a financial model to evaluate funding scenarios and preparing the application packages.
- **Project Economist, Wastewater Master Plan, Laguna County Sanitation District, Santa Barbara, CA.** Prepared a financial model that estimated user charges and demand fees for various capital improvement scenarios. The model's financial dashboard could vary in growth, timing of projects, escalation rates, financing terms, and rate structure alternatives to develop the appropriate master plan for the District.

HIGHLIGHTS

After retiring from Jacobs Engineering as a senior vice-president, Allan Highstreet has since joined NBS as a technical consultant with the highest level of expertise in water-related financial analyses.

Allan is a senior economist with 43 years of experience in financial planning for water, wastewater, and stormwater utilities, including rate studies, project funding, and cost allocations. He has performed economic assessments, cost analyses, finance plans, and rate studies, including preparing loan applications and related documents for many municipal clients.

RELEVANT PROJECT EXPERIENCE

- **Rowland Water District – Water and Recycled Water Rate Study.** Update water and recycled water rates. Proposed a minor increase in order to fund maintenance of the water system. Update the cost-based rates and drought rates to coincide with the District's Water Shortage Contingency. Objectives for the recycled water system: develop a method for allocating costs in the District's budget to the potable and recycled water systems, establish a financial plan to have recycled water customers bear a greater percentage of their costs.
- **Project Economist, Groundwater Recovery Enhancement and Treatment Program, City of Oxnard, CA.** Prepared a Title 16 feasibility study to obtain a \$20 million grant from U.S. Bureau of Reclamation. This project comprised of a recycled water treatment, conveyance, and injection. Tasks included providing recycled water for groundwater injection and irrigation that would enable the City to build groundwater credits through injection and obtain groundwater allocations from agricultural users who would use recycled water in lieu of groundwater. Allocations and credits could then be used to make up the City's water supply deficit.
- **Project Economist, Finance Planning Framework, California Water Plan, California Department of Water Resources, CA.** Assisting in preparing the Finance Planning Framework for the 2013 and 2018 California Water Plan. The effort includes describing the current financial setting, developing approaches to prioritizing investments, and developing a menu of available financing strategies.
- **Merced Irrigation District, Merced, CA – Water Cost of Service Study:** Prepared a cost-of-service study that estimated user charges and fees for the water deliveries within the District. Also prepared the Proposition 218 material for the vote to enact the rates.
- **Byron Bethany Irrigation District, Byron, CA – Water Cost of Service Study:** Prepared a cost-of-service study that estimated user charges for the water deliveries within the District. Also prepared the Proposition 218 material for the vote to enact the rates.
- **Westlands Water District, CA – Evaluating Land Based Assessments:** Led an evaluation of possible land based assessments in the District, then prepared an Engineers Report to implement a benefit assessment for the District.
- **Oakdale Irrigation District, Oakdale, CA – Water Rate Study:** Prepared a cost-of-service study that estimated user charges for the water deliveries within the District. This study moved the District from a flat rate to tiered volumetric rates to comply with the Water Conservation Act of 2009 (SBx 7-7). Also prepared the Proposition 218 material for the vote to enact rates.

EDUCATION

- Bachelor of Arts, with honors, Economics, Mills College
- Continuing education from UC Davis, UCLA, CDIAC, etc.

HIGHLIGHTS

- Registered Municipal Advisor Representative
- 23 years of experience
- Bond Issuance Modeling & Disclosure
- Expert Special Tax Consultant
- Assessment District Formation
- Reassessment Consulting
- Proposition 218

AFFILIATIONS

- California Society of Municipal Finance Officers (CSMFO)
- California Special Districts Association (CSDA)
- Committee on Special Assessments, Taxes and Other Financing Facilities (CASTOFF)
- Women in Public Finance (WPF)

SPEAKING / MEDIA

- Maintenance Services Funding: A Finance/Public Works Convo, 2023 CSMFO Annual Conference
- Leading Your District through Financing Facilities and Fund Services with a Tax Measure 2022 CSDA GM Summit and Webinar
- Revenue Recovery: From Riches to Rags, and Back to Riches? 2022 CSMFO Annual Conference
- Show Me More Money: Optimizing Revenues in a Post-COVID World. 2022 CSMFO Annual Conference

BIOGRAPHY

Sara Mares is a Director with NBS and a Registered Municipal Advisor Representative. She has extensive experience with modeling and structuring revenue mechanisms that support debt issuance. Sara forms Special Financing Districts (SFDs), including Community Facilities Districts and 1913 Act Assessment Districts, which provide land secured financing for limited obligation bonds. She has also provided bond issuance disclosure related to revenue bonds, both stand-alone that are secured by utility rate revenue or as part of a pool bond structure. Sara also has more than 23 years of experience preparing and disseminating continuing disclosure annual reporting and listed event filings.

RELEVANT PROJECT EXPERIENCE

- **City of Rio Vista CFD Formation and Bond Issuance Disclosure.** Complex Workout including refinancing existing CFD debt, formation of a new CFD to restructure a portion of the existing CFD debt and funding of additional services. CFD Formation and Bond Issuance completed in 2018.
- **City of Patterson Water and Wastewater Revenue Bond Disclosure.** Continuing annual disclosure report filings for water revenue bonds, wastewater revenue bonds, land secured bonds and lease revenue bonds. Timely filings made annually, including notices of listed events as applicable.
- **United Water Conservation District Feasibility and Revenue Options Analysis.** Review CIP project list to determine available financing options and potential rate structures, including modeling of various rates.
- **City of American Canyon CFD Formation and Bond Issuance.** Analysis and formulation of special tax rate and method of apportionment structure. Data analysis and bond issuance disclosure data provided for debt issue.

“Thank you so much for all of your guidance, advice and support this year. We definitely wouldn't have been able to accomplish this amazing feat without your experience and knowledge!” Nikki Winslow, Library District Director, Altadena Library District

EDUCATION

- Bachelor of Arts, University of California San Diego, La Jolla

HIGHLIGHTS

- Two decades of financial, accounting and risk management experience
- Extensive experience in financial reporting, risk management analysis, budget management and development of accounting policies and procedures
- In-depth experience as a finance manager, consultant and controller in private industry
- Supports project teams completing public utility rate and fee studies in performing large-scale data analysis, financial modeling and rate analysis

“

“Thanks Alice, we certainly appreciate your patience, persistence, thoroughness, and ability to adapt on the fly! I believe our final product and recommended actions turned out very well.”

*Doug Mathews
 Director of Public Works &
 Water, City of Victorville*

”

BIOGRAPHY

Alice Bou is a Consultant in our Utility Rate and Fee group. She is an accomplished finance professional with proven success in the oversight of management accounting and business analysis. Alice has two decades of experience working in accounting and financial management, performing data analysis, variance analysis, budgeting and forecasting, financial modeling, and managerial reporting. She has also developed detailed procedures and systems documentation with a focus on productivity, data integrity and functionality to promote transparency of all finance and accounting functions across all departments of the entire organization. Alice's diverse experience is essential to the work performed by NBS.

As a member of the NBS team, Alice assists in the preparation of financial plans, cost of service, rate, and fee design analysis for our public utility clients. She reviews financial statements, budgets, capital improvement plans, operational data, and customer billing information for use in public utility rate and fee studies. Alice adds value to our team with her exceptional strategic financial planning and analytical skills.

RELEVANT PROJECT EXPERIENCE

- **City of Sausalito – Sewer Rate Study:** Developed a comprehensive financial plan to address the City's increasing operating and maintenance costs as well as the need to finance \$8.6 million in planned capital improvements over the 5-year rate period. Due to the deteriorating condition of the City's sewer system, the overall goal was to identify equitable sewer charges that addressed sewer upgrades and services and develop rates that balanced the use of outstanding bond proceeds, cash reserves, and additional revenue generated from rate increases.
- **City of Davis – Sewer Rate and System Capacity Fee Study:** Established sewer capacity fees for the City that reflect the cost of sewer system infrastructure that is available to serve new development. Many factors were considered in the study, including the allocation of the \$268 million in existing system assets, the cost of planned capital improvements, and adjustments for outstanding debt and cash reserves. The assigned EDU's per residential type of use were calculated based on the City's most recent sewer rate study and average winter water use.

RELEVANT PROJECT EXPERIENCE | CONTINUED

- City of Redding – Water, Sewer, and Solid Waste Rate Study:** Performed an update of the City's rate studies for its water, sewer, and solid waste utilities, which included updating long-term financial plans to incorporate funding capital improvements estimated at \$97.2 million and reviewing alternative rate structures. Although all three utilities were financially sound, rate increases were necessary to ensure the continued financial health of the City's utilities by generating sufficient revenue needed to meet projected capital funding requirements, providing revenue stability, and providing equity in rates among customer classes. In addition, the cost-of-service analysis for the solid waste utility examined specific allocation factors for each customer class and determined how costs are divided into various types of service (e.g., collection, disposal, and transfer station).
- Suisun-Solano Water Authority – Water Rate Study:** Conducted a comprehensive water rate study for the Authority which consisted of a long-term financial plan that includes the projection of revenues and expenditures on a cash-flow basis to help determine the amount of rate revenue required to maintain reserves at the recommended levels. Worked with Authority staff to develop a plan to fund over \$20 million in necessary capital improvement projects, with a combination of new debt issuances, existing cash reserves, and rate adjustments.
- Mill Valley – Sewer Rate Study:** In the process of preparing a long-term financial plan reflecting the City's growing concerns about shortfalls due to increased capital improvement costs and its current sewer rate structure, specifically the equitable assignment of costs to commercial customers (i.e., restaurants). Sewer rates will be evaluated to improve revenue stability in the light of current economic conditions as well as recent drought and continuing water conservation efforts. Water consumption data will be used to update commercial rates to assess how consumption has changed in the last few years and how projected water conservation might impact future consumption.
- LADWP – Water Temperature Zone Analysis:** LADWP currently has a four-tiered water-budget based volumetric rate structure that assigns water budgets to each customer based on lot size and temperature zone. As part of LADWP's Interim Rate Review, evaluated the findings of previous temperature zone assignments to determine potential customer bill impacts of modifying the existing temperature zones. Prepared an analysis of temperature zone impacts on water customers, including a thorough review of the temperature data as well as recent trends related to the number of customers, water use, and water bills by zone, tier, and lot size over the last five years. The primary focus of this study was to see if recent changes in temperature data as defined by LADWP's current temperature zones warranted changing the customers assigned to each temperature zone, or the criteria used to define each zone.

“

“Alice, You are the best rate analyst I have ever worked with; you are very talented.”

*Cammie Morin
Finance Director
Solano Irrigation District*

”

EDUCATION

- Bachelor of Science, Business Administration - Management, California State University, San Marcos

HIGHLIGHTS

- Four years of public budget development and administration, professional-level research, project management, and financial analysis
- More than 12 years of compliance management

AFFILIATIONS / AWARDS

- California Parks and Recreation Society (CPRS) - District 12 "Parks Make Life Better Spotlight – Event" Award Recipient, 2022

BIOGRAPHY

Evan Hoenig will perform large-scale data analysis and validation, design and implement cost allocation and rate models, and prepare technical outcomes, as needed on this project. He will support facilitating data collection and reminders to staff to keep efforts moving along the agreed upon timeline for the completion of each task.

Evan is a Senior Project Analyst with NBS. He brings more than a decade of compliance management experience to our project team, as well as public budget development and administration, research, project management and financial analysis experience. He has extensive skills in analytical software, databases, and spreadsheets.

RELEVANT PROJECT EXPERIENCE

Evan has consulted and served on many projects, including the following:

- **El Dorado Irrigation District, Placerville – Water, Sewer, and Recycled Water Cost-of-Service and Rate Design Study:** Assisted with the design of alternative rate designs; and recommended water, sewer, and recycled water rates.
- **City of Fresno – Impact Fee Study:** Study of the City's water and sewer capacity fees to ensure that the City's fees are updated to comply with legal and industry standards, and to ensure fees reflect the cost of capital infrastructure needed to serve new connections.
- **City of Rio Vista – Water, Sewer, and Storm Water Rate Studies:** Completed comprehensive financial plans, cost of service analyses, and rate design for water and sewer utility studies.
- **City of San Jacinto – Cost Estimation Tool:** Provided in-depth research and analysis on capital assets and improvements, interpreted, and organized data, and assigned and evaluated costs.
- **Sweetwater Authority – Financial Plan:** Performed detailed analysis of client operations and maintenance budgets, capital improvement and debt forecasting, and determination of rate revenue requirements.
- **City of Victorville – Sewer and Solid Waste Rate Studies:** Assisted with cost-of-service studies of sewer and solid waste utility rates. These studies analyzed alternative rate structures as well as alternative recommended reserve targets for consideration by City staff.

EDUCATION

- Master of Public Administration, Public Sector Management and Leadership, California State University Northridge
- Bachelor of Science, Accounting, DeVry University

HIGHLIGHTS

- Registered Municipal Advisor Representative
- Seasoned professional and project manager for Special Financing District (SFD) consulting projects
- Nearly two decades of experience actively managing formations, annexations and ongoing administration
- District Formation
- District Administration
- Proposition 218
- Financial Projects
- Continuing Disclosure
- Special District Refunding

AFFILIATIONS

- CSMFO
- Served for seven years on CSMFO's Annual Conference Planning Committee
- Featured speaker at multiple CSMFO chapter luncheons

BIOGRAPHY

Adina McCargo is a Director with NBS where she oversees the District Administration practice area for NBS. Her team administers over 2,000 different Fees, Charges and Special Financing Districts (SFDs) including Property and Business Improvement Districts (BIDs), Landscape Maintenance Districts (LMDs), 1913/1915 Act Assessment Districts, and Community Facilities Districts (CFDs).

Adina has extensive experience with district formations and bond issuance/refunding analysis, as well as the ongoing management of district administration operations. She has also performed feasibility studies and related audits and financial projects. Adina has worked directly with more than 200 agencies and is a Registered Municipal Advisor Representative.

RELEVANT PROJECT EXPERIENCE

- **City of San Jacinto SFD Formation and Administration.** The City of San Jacinto utilizes a number of Special Financing Districts (SFDs) to support infrastructure and services. NBS provides formation, administration, Proposition 218 compliance and support services to the City for numerous assessment and Community Facilities Districts (CFDs). NBS administers the City's 1972 Act Landscape & Lighting Districts and 1982 Act Benefit Assessment District, including more than 72 zones used mainly for maintenance of the City's many neighborhood parks as well as other landscape and lighting and street improvements throughout the City. In addition to administration services, NBS also assists the City in the formation and annexation services for various SFDs.
- **City of Alameda SFD Financing Formation and Administration.** NBS administers the City's Special Financing Districts (SFDs), which include Assessment Districts, Community Facilities Districts, and a Citywide Sewer Charge. NBS has formed both Bonded and Non-Bonded CFDs for the City. NBS has also provided assessment engineering services for several zones of the Landscaping and Lighting District, which allowed for significant increases in revenue and the addition of inflationary factors.
- **City of Eastvale SFD Formation and Annual SFD Administration.** The City of Eastvale in Riverside County utilizes Special Financing Districts (SFDs) including Landscape Maintenance Districts, Benefit Assessment Districts and Community Facilities Districts to support infrastructure and services. NBS provides a full range of annual administration and support services for the City and is an integral part of this function. The 107 SFDs represent approximately 22,500 parcels and \$880,000 in revenue. In addition, NBS has formed several SFDs for the City.

EDUCATION

- Bachelor of Science, Political Science, California Polytechnic State University, Pomona
- Certificate, Geospatial Technician, Victor Valley College
- Certificate, Geographic Information Systems, San Bernardino Valley College
- Certificate, Geographic Information Systems, Rio Hondo College

HIGHLIGHTS / TECHNICAL

- Configure and maintain ESRI ArcGIS applications (web maps, Dashboards, StoryMaps, Survey123, Collector, QuickCapture)
- Prepare numerous boundary maps, diagrams, and 1915 Act lien apportionments
- ArcDesktop, ArcSDE, ArcGIS Server, ArcGIS Online, Survey 123, Collector
- Python Software experience
- SQL for data manipulation and analysis
- Autodesk AutoCAD

“

Our staff appreciates the expertise, guidance and experience that the NBS teams bring to our special assessments.”

Mike Gow, General Manager / Chief Engineer, Lake Hemet Municipal Water District

”

BIOGRAPHY

Jeremy Jung is a Geographic Information Systems (GIS) Senior Consultant for NBS. He has more than 8 years of experience in the design and maintenance of GIS Geodatabases in a SDE environment, including reconciling/posting and QA/QC. He has developed new workflows and utilized Model Builder for processing parcel data that removed the need to purchase the data on a quarterly basis. Jeremy has performed spatial analysis to identify restricted areas for Cannabis Delivery Services, and utilized basic Python scripts to edit and automate GIS workflows. He has updated and maintained numerous map services for GIS applications (Cityworks, CRW Trakit, Granite XP, Internal Geoviewer, Public Viewer).

As a GIS Senior Consultant, Jeremy creates maps and analyzes data associated with county assessor's parcels, district boundaries, public facilities and improvements as well as captures custom images utilizing the latest in GIS technology. In addition, he is able to create custom web-based GIS applications for internal and external use by NBS clients.

RELEVANT PROJECT EXPERIENCE

- **CivicMic** – Successfully completed a variety of projects for CivicMic including the creation of surveys, web maps, web apps, and testing ESRI Hubs. The web applications assist with facilitating community outreach and public engagement opportunities to determine the level of public support.
- **East Contra Costa Fire Protection District** – Calculated fire stations distance drive times and half mile buffer distances within ECCFPD boundary to determine best response times for each parcel. Utilizing network analysis was instrumental in determining the calculation of special general benefit and proportionality for ECCFPD.
- **Los Angeles County Metropolitan Transportation Authority** – Accomplished creating a quarter mile and half mile buffers around approximately 60 stations to help identify assessed values for each parcel within the buffer zones.
- **City of Fairfield Lighting and Landscape Maintenance District (LLMD)** - Created visual web application dashboard which displayed numerous metrics and inventoried maintenance landscapes, parcels, streetlights, and boundaries for each district.
- **Reclamation District 1000** – Assisted with the fee study by creating a web map that showed all the parcels that belong within the district and have a filter based on Customer Class and Drainage.
- **Rio Del Mar Flats** – Assigned a benefit category for each parcel within district and submitted an assessment diagram. Created web map that displayed location of community participation.

EDUCATION

- Bachelor of Science, Business Administration/Finance, California State University San Bernardino
- Advanced Public Engagement for Local Government Program, Pepperdine School of Public Policy
- Planning for Effective Public Participation Program, International Association for Public Participation

HIGHLIGHTS

- Skilled public engagement specialist
- Experienced communications professional
- Seasoned consultant in Special Financing District (SFD) formation and administration
- Outreach
- Public Engagement
- Collaborative Governance
- Adaptive Management
- Two decades of experience

AFFILIATIONS

- California Public Information Officials (CAPIO)
- California Society of Municipal Finance Officers (CSMFO)
- Municipal Management Association of Southern California (MMASC)
- Women in Public Finance (WPF)

BIOGRAPHY

Danielle Wood is a Director with NBS where she provides public engagement, outreach, and collaborative governance client services and project management efforts for a number of our clients. She has two decades of experience working with local governments and communities across California.

RELEVANT PROJECT EXPERIENCE

- **Downtown San Mateo Association District Public Engagement Services for PBID Renewal.** Public Engagement services for the renewal of a new Property Business Improvement District (PBID). Created a framework for outreach efforts that resulted in increased cooperation from business owners. Developed a comprehensive website to better inform business owners about the District's initiatives and how they can benefit from them. Interviewed business owners via phone and online surveys, allowing for tailored and consistent messaging.
- **City of Oxnard Ongoing Long-term Outreach, Public Engagement and Collaborative Governance Services.** Public engagement plan development for the evaluation of existing land secured financing districts that includes items such as a dedicated webpage, email campaign, advisory committee formation and collaborative governance program. There are more than 21 communities that have participated in our surveys, community meetings and ongoing development, and complete restructuring of the Landscape Maintenance Districts. Project started in 2019 and is ongoing.
- **City of La Habra Heights Ongoing Public Engagement Services.** Community engagement for a recently formed Benefit Assessment District (BAD), including a public engagement plan, webpage development, web maps, and other engagement services. Project started in 2018 and is ongoing.
- **City of San Leandro Outreach and Public Engagement Services.** Outreach and public engagement services to gauge overall property owner support for the formation of an Assessment District. Public engagement efforts have included items such as the creation of a dedicated public engagement webpage, multiple information releases, surveys, recorded meetings, and community participation web maps. Project started in 2019 and is ongoing.
- **City of Culver City Outreach Services.** Outreach and Public Engagement services for the formation of a new Property Business Improvement District for a very unique community within the City. Outreach services included an area profile analysis, a public informational mailer and survey, and in person and virtual public meetings. Project started in 2018 and is ongoing.



“We greatly appreciate your follow up, follow through and commitment to our community! We all desire to live well and thrive for the good of the whole city!”

Property Owner, City of Oxnard

EDUCATION

- Bachelor of Arts, Theater and Performance Studies, University of California, Berkeley
- Associates of Arts, Communications, Mt. San Jacinto College

HIGHLIGHTS

- Skilled public engagement professional
- Strong interpersonal skills
- Community outreach
- Diversity & Inclusion
- Project management

BIOGRAPHY

Michelle Argerich-Valentine is an Engagement Consultant with NBS. She works to assist local government agencies in developing innovative ways to engage the public with digital and traditional public engagement methods. Michelle prides herself on creating interpersonal connections with the communities and individuals she serves, searching for ways to integrate valuable insights and turn them into plans of action.

RELEVANT PROJECT EXPERIENCE

- **Ocean Avenue Community Benefit Business District:** Aid in the renew and extension of the District by facilitating community engagement and outreach opportunities, such as surveys, interviews, and informational mailings and meetings
- **West Contra Costa School District:** Lead district elementary schools in implementing inclusive play programs at their school sites. Developed and facilitated training for school district employees; mediated project issues with school staff, and community members; served as the primary contact for school administrators; consulted with schools in achieving project outcomes.
- **City of Diamond Bar:** Facilitate community outreach and public engagement opportunities for the proposed dissolution and formation of an assessment district.
- **Oakland Unified School District:** Facilitated implementation of new recess programming in district elementary schools. Including informational meetings, community events and ongoing project management.
- **City of Fairfield:** facilitated community outreach and public engagement opportunities for participation in the collaborative governance process regarding the budget and service reductions for City's Landscape and lighting maintenance districts.
- **Stanislaus County:** Facilitate community outreach and public engagement opportunities for determining ARPA fund uses for the county of Stanislaus. Public engagement services include surveys, community workshops, Informational flyers, and postcard creation.

EDUCATION

- Bachelor of Arts, Liberal Arts, California State University Channel Islands

EXPERTISE

- Adobe CC
- Photoshop
- Illustrator
- InDesign
- Premiere and After Effects
- Microsoft Office, G Suite
- Constant Contact
- Mail Chimp
- Infusionsoft
- Harvest
- Basecamp
- Teamwork
- WordPress
- Zoom
- GoToWebinar
- Google Meet

BIOGRAPHY

John Savage has a decade of professional experience in public engagement, outreach, project management, and relationship management. An experienced writer, editor, and designer, he is adept at content creation for web and print media.

John's approach is centered around cultivating authentic relationships with target communities and key stakeholders and using meaningful data acquired about the target audience to develop strategic and effective messaging to build trust and promote engagement.

RELEVANT PROJECT EXPERIENCE

- **County of Stanislaus:** Facilitate community outreach and public engagement opportunities for the investment of ARPA funds in the infrastructure of unincorporated communities. Identify suitable venues to host community workshop series, working directly with County staff and community members. Public engagement services include surveys, targeted content updates, neighborhood walks, community workshops, participation web maps, and a comprehensive report of findings and recommendations.
- **City of Pomona:** NBS attended public meetings, developed outreach materials, and conducted the ballot proceedings for 3,291 parcels regarding a Prop 218 balloting increase for the Phillips Ranch area of Pomona. The original assessment rates had not changed since 1994 and the most recent attempt to increase the rates in 2008 failed. Facing significant shortfalls in funds available to maintain the improvements and changes in legislation that required entirely new compliance standards, NBS assisted the City in developing a new assessment district. The Engineer's Report included a full benefit analysis of the community and improvements to meet current rigorous requirements.
- **City of Fairfield:** Facilitate community outreach and engagement with residents in Landscaping and Lighting Maintenance Districts to gather feedback, questions, and concerns. Public engagement services include surveys, informational postcards, and community meetings.

APPENDIX B | MUNICIPAL ADVISOR DISCLOSURE

Disclosure of Conflicts of Interest and Legal or Disciplinary Events

Pursuant to the Municipal Securities Rulemaking Board (“MSRB”) Rule G-42 on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients and potential clients which include, amongst other things, Conflicts of Interest and any Legal or Disciplinary events of NBS Government Finance Group (“NBS”) and its associated persons.

CONFLICTS OF INTEREST

Compensation

NBS represents that in connection with the issuance of municipal securities, NBS may receive compensation from an Issuer or Obligated Person for services rendered. Any such compensation may be contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, NBS hereby discloses that such contingent and/or transactional compensation may present a potential conflict of interest regarding NBS’ ability to provide unbiased advice to enter into such transaction. This conflict of interest does not impair NBS’ ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer.

It should be noted that other forms of compensation (i.e., hourly or fixed-fee based) may also present a potential conflict of interest regarding NBS’ ability to provide advice regarding a municipal security transaction. These other potential conflicts of interest will not impair NBS’ ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer.

The fee paid to NBS increases the cost of investment to your agency. The increased cost occurs from compensating NBS for municipal advisory services provided.

Other Municipal Advisor Relationships

NBS serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of another NBS client. For example, NBS serves as Municipal Advisor to other municipal advisory clients and, in such cases, owes a regulatory duty to such other clients just as it does to your agency. These other clients may, from time to time and depending on the specific circumstances, have competing interests. In acting in the interests of its various clients, NBS could potentially face a conflict of interest arising from these competing client interests. NBS fulfills its regulatory duty and mitigates such conflicts through dealing honestly and with the utmost good faith with your agency.

If NBS becomes aware of any additional potential or actual conflict of interest after this disclosure, NBS will disclose the detailed information in writing to the issuer or obligated person in a timely manner.

LEGAL OR DISCIPLINARY EVENTS

NBS does not have any legal events or disciplinary history on NBS’ Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations, and civil litigation. The Issuer may electronically access NBS’ most recent Form MA and each most recent Form MA-I filed with the Commission at the following website: www.sec.gov/edgar/searchedgar/companysearch.html.

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC. If any material legal or regulatory action is brought against NBS, NBS will provide complete disclosure to the Issuer in detail allowing the Issuer to evaluate NBS, its management and personnel.

Pursuant to Municipal Securities Rulemaking Board Rule G-10, on Investor and Municipal Advisory Client Education and Protection, Municipal Advisors are required to provide certain written information to their municipal entity and obligated person clients which include the following:

- NBS is currently registered as a Municipal Advisor with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board.
- Within the MSRB website at www.msrb.org, the Municipal Advisory client brochure that is posted on the MSRB website may be obtained. The brochure describes the protections that may be provided by the MSRB Rules along with how to file a complaint with financial regulatory authorities.

EXHIBIT B

Resolution No. 7036

Water and Sewer Rate Standing Committee

RESOLUTION NO. 7036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ESTABLISHING THE WATER AND SEWER RATE STANDING COMMITTEE.

The City Council of the City of Santa Paula does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. On October 1, 2012, the City Council established an *ad hoc* committee for the specific purpose of restructuring water and sewer rates. The Committee was tasked by the Council to examine any and all possible alternatives available to mitigate water and sewer rates in a way that will benefit the citizens of Santa Paula.
- B. Santa Paula Municipal Code §30.03 authorizes the City Council to establish standing committees and delegate to those committees authority to make recommendations to the Council on the various matters presented to it.
- C. Pursuant to that authority, the Council now desires to reconstitute the Water and Sewer Rate *ad hoc* Committee as a standing committee subject to requirements contained in the Ralph M. Brown Act, Government Code §§54950, *et seq.* and define the Committee 's responsibilities.

SECTION 2: The City Council establishes the Water and Sewer Rate Committee as a standing committee of the City Council subject to the provisions of the Ralph M. Brown Act, Government Code §§54950, *et seq.*

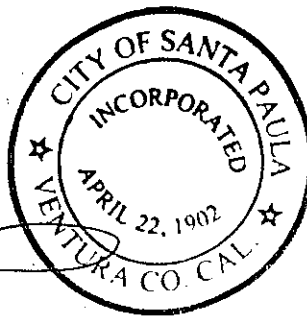
SECTION 3: The City Council assigns to the Water and Sewer Committee the responsibility to make recommendations to the full City Council on the following issues:

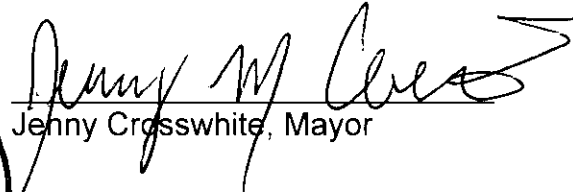
- The methodology and policies used in setting sewer and water rates;
- The operation and maintenance of the City's sewer and water infrastructure, including the Water Recycling Facility;
- The review of the Water and Sewer Enterprise Funds, including the capital needs and debt levels;
- The identification of existing and future capital projects and equipment needs;
- The implementation of the City's sewer rebate program; and
- The performance of such related duties as the Council may from time to time assign.

SECTION 4: The Mayor is authorized to appoint two members to the Water and Sewer Rate Committee.

SECTION 5: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 21st day of February, 2017




Jenny Crosswhite, Mayor

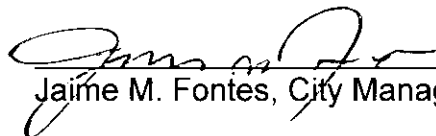
ATTEST:


Lucy Blanco, City Clerk

APPROVED AS TO FORM:


John C. Cotti, City Attorney

APPROVED AS TO CONTENT:


Jaime M. Fontes, City Manager

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dan Singer, City Manager

Subject: FUTURE AGENDA ITEMS

Date: March 6, 2024

Agenda Item: 12.A

RECOMMENDATION:

Staff recommends City Council review future agenda items.

BACKGROUND:

The attached Future Agenda Items forecast identifies anticipated agenda items for upcoming Council meetings as well as Study Session topics and long-range discussion items. Placing this forecast on the agenda affords the Council and the public the opportunity to discuss such topics and to make any recommendations. It should be noted this is only a forecast and may change over the course of time or based on feedback by the Mayor and City Manager during review of future agendas.

ANALYSIS:

Should a member of the City Council wish to introduce a future agenda topic, it should be done in compliance with the Council's adopted Manual of Procedural Guidelines, Section 5.1. Items introduced by a member of the Council during a Council meeting requires a second and should be reserved for time-sensitive matters needing attention within the proceeding 45 day period.

STRATEGIC PLAN:

FISCAL IMPACTS:

OPTIONS:

ATTACHMENTS:

[3.6.24_Future Agenda Items.docx](#)



Santa Paula City Council Tentative Agenda Schedule

	March 20, 2024 AGENDA ITEMS	
Admin	City Manager Department Report	March
Admin	EA1 Entitlements and Specific Plan Amendment	March
PW	6 th Street Storm Drain Replacement Project Contract Award	March
PW	Sports Park Partial Acceptance	March
CDD	Tenant Protections	March
PW	Rule 20A Undergrounding District Resolution	March
PW	2024 Wastewater Master Plan Update Report	March
	April 3, 2024	
PR	Arbor Day Proclamation	April
Admin	Gun Violence Restraining Orders – D.A. Presentation	April
PW	Public Works Department Report	April
CDD	Bond & Tax Credit “Arrive Santa Paula” TEFRA	April
CDD	Red Tail Funding Agreements	April
	STUDY SESSION TOPICS	
Admin	No Smoking Ordinance	
Finance	Development Impact Fees (DIF)	
CDD	Cultural Arts	
CDD	Municipal Code Overview – Joint Meeting with Council and Planning Commission	March / April
	FUTURE AGENDA ITEMS	
PW	Community Bike Trail Project Funding Allocations	
Finance	Additional Revenue Options	
P&R	Union Oil Building Tenant Selection	
Finance	Update on Utility Bills	
CDD	Wayfinding Design Options	
PW	Plans & Specifications for 8 th Street Streetlight Repair Project	
CDD	ADU Ordinance	
Legal	Fire MOU Amendment	
CDD	Appointment of Housing Trust Fund Oversight Committee	
PW	Crosswalk Improvements Project Contract Award	