

tom b. martinez & associates
ARCHITECTURE INCORPORATED

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ARCHITECTURAL SERVICES AGREEMENT

The following terms and conditions define the scope of services to be performed by "TOM B. MARTINEZ & ASSOCIATES, ARCHITECTURE INCORPORATED", Tom B. Martinez, Architect, License Number C19051, hereinafter referred to as "Architect" and City Of Guadalupe, acting as successor agency to the Guadalupe Community Redevelopment Agency, "Client".

I. PROJECT DESCRIPTION: The Client intends to Construct Seismic Upgrades, ADA Compliance requirements and Tenant Improvements, on their building known as the Royal Theater, located on Hwy 1, Guadalupe, Calif. 93434.

II. ARCHITECT SERVICES:

The Architect's professional services shall be done on an hourly fee for services basis as described in the following section and shall consist of the following work:

- a. Bid Processing and review for General Contractor selection
- b. Recommendation to City re: selected General Contractor
- c. Review and Coordination with selected general for time line and work schedule
- d. Review and approval of construction progress and billings
- e. Construction Administration and close out
- f. Architectural design work for Disabled restrooms and access (as required)
- g. Basic Tenant Improvements , including but not limited to: Marquis, Landscaping, Parking and Mural Installation.

The following services are excluded:

1. Asbestos Testing
2. Fire Sprinkler Design
3. Any Environmental Reviews

III. ARCHITECT FEE SCHEDULE:

1. Work is proposed to be on an hourly fee for services basis and the Architect will bill the Client monthly for work completed and in progress. Invoices are due and payable upon receipt. Any amounts unpaid beyond 30 days of invoice will be subject to an administrative processing fee of 1.5% per month for the unpaid amount. Architect reserves the right to stop working on the project and upon written notice, terminate this agreement if any amount due remains unpaid for more than 30 days.
2. Client agrees to pay any submittal fees, building plan check and permit fees and any and all governmental agency fees.
3. For the Architect's direct costs and reimbursable expenses herein described, compensation shall be the amount incurred by the Architect plus 10%. Such costs include, but are not limited to reproduction of documents, blueprinting, plotting, supplies, mail and postage expenses, mileage and travel expenses, and similar costs and expenses. Client will be billed according to our regular hourly billing rate.

4. Architect shall be compensated for such additional services and expense at the rate specified under this agreement.
5. For the Architect's services described herein, compensation shall be computed at the following hourly rates:
 - a. Principal and Architects..... \$ 135.00 per hr
 - b. Project Manager..... \$ 120.00 per hr
 - c. Planners/Job Captain..... \$ 100.00 per hr
 - d. Draftsmen II..... \$ 85.00 per hr
 - e. Draftsmen I..... \$ 65.00 per hr
 - f. Draftsmen..... \$ 50.00 per hr
 - g. Secretarial..... \$ 35.00 per hr
 - h. Printing Costs: (in house)
 - 24 x 36 Blueprints \$ 1.50 per sht.
 - 24 x 36 Xerox Plots..... \$ 2.50 per sht.
 - 11 x 17 plots\$.50 per sht.
 - 8-1/2 x 11 \$.15 per sht.
6. Additional services of other professional consultants work provided by the firm of Tom B. Martinez & Associates shall be the amount billed to the Architect for services plus 10%. Billing shall be rendered and paid in proportion to the amount of services completed to date.
7. The rates set forth in this Agreement shall be subject to re-negotiation if the services covered by this Agreement have not been completed within six (6) months of the date hereof. Architect shall notify Client in writing of any intent to re-negotiate terms of this agreement.
8. Estimated Fees shall not exceed the noted amount below without prior written authorization of Client:
Fifteen Thousand and 00/100 dollars (\$15,000.00)

VI. SUCCESSORS AND ASSIGNMENTS

Client and the Architect, each binds themselves, their partners, successors, legal representative, and assigns to the other party to this agreement, and to the partners, successors, legal representative and assigns of such other party in respect of all covenants of this agreement. Neither the client nor the Architect shall assign or transfer this interest in this agreement without the written consent of the other.

V. ATTORNEY'S FEES AND COSTS

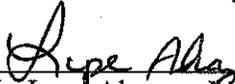
In any action or proceeding including arbitration arising out of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs, including post-judgment fees and costs in collection and enforcement of judgment.

VI. SCOPE OF AGREEMENT

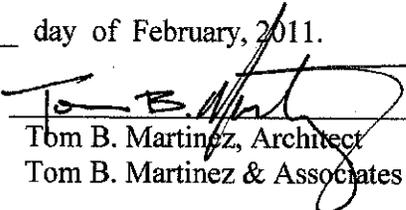
This is the entire Agreement between the parties and supersedes any and all other agreements, either oral or written, between the parties hereto with respect to the subject matter hereof. No other agreements, statements, or promises relating to the subject matter of this Agreement which are not contained herein shall be valid or binding. This Agreement will terminate at any time the client notifies the Architect in writing that he/she is not satisfied with the quality of work performed. Upon termination of the Agreement, Client will be charged, based upon an hourly rate, for any time over and above time not already billed and paid for, provided such amount shall not, when added to time already billed and paid for, exceed the amount set forth in Section III (8) above.

This Agreement offered by the Architect is good for thirty (30) days only if executed and returned to our office.

The above is mutually agreed to on this _____ day of February, 2011.



Mr. Lupe Alvarez, Mayor
City Of Guadalupe
Successor Agency to Guadalupe
Community Redevelopment Agency
918 Obispo Street
Guadalupe, Calif. 93434



Tom B. Martinez, Architect
Tom B. Martinez & Associates

Minutes
Guadalupe City Council
Regular Meeting - Tuesday, February 14, 2012 - 6:00 p.m.
City Hall, Council Chambers - 918 Obispo Street, Guadalupe, California 93434

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

1. **INVOCATION.** Pastor Jim Wickstrom, Guadalupe Community Center.
2. **PLEDGE OF ALLEGIANCE.** *Done.*
3. **ROLL CALL.** Council Members John Sabedra, John Lizalde, Ariston Julian, Virginia Ponce, and Mayor Lupe Alvarez.
4. **CONSENT CALENDAR.** The following items are presented for Council approval without discussion as a single agenda item in order to expedite the meeting. Should a Council Member wish to discuss or disapprove an item, it must be dropped from the blanket motion of approval and considered as a separate item.

a. Payment of Warrants for the period ending February 9, 2012 to be approved for payment by the City Council. Subject to having been certified as being conformity with the budget by the Finance Director.

Council Member John Sabedra pulled pg.9 from the warrants. **Mr. Sabedra** wanted to know the interest of the loan from Community Bank of Santa Maria. **City Administrator Regan Candelario** said he believes it is 3.95%. **Mr. Sabedra** also referred to pg.18, regarding the Guadalupe Firefighters washing their turnouts at the local Laundromat. He believes it's a bit unsanitary due to the material that may be on the turnouts. **Chief Jack Owen** advised Council that the temperature of the water used to wash the turnouts eliminates any sanitation concerns, but that a grant was also recently applied for to help buy a washer for the station.

Council Member Virginia Ponce had a concern regarding the cost of the PG&E bill coming out of the senior center. **Mrs. Ponce** said she believes the cost for electricity is very high considering the center isn't even being used at this time. **City Administrator Regan Candelario** advised that staff is looking into it and it may be a cooler in the center that is malfunctioning and using more electricity.

Mayor Lupe Alvarez pulled pg. 31 regarding the Staples & Associates contract. **Mr. Alvarez** wanted to know where that cost came from and why the City of Guadalupe is being charged. **City Administrator Regan Candelario** said he would look into it further, however, it may be related to a grant-funded program to help updated the lighting at City Hall and make the building more energy efficient. **Mr. Candelario** advised he wasn't aware that a cost would occur, but he would seek clarification.

Mayor Lupe Alvarez also pulled pg.35 due to a discrepancy between an amount for the cost of fire hydrant replacement between the warrants and the contract amount. **City Attorney Dave Fleishman** advised that the item should be pulled for now until the finance department can obtain the correct amount.

Council pulled this item until further review.

COUNCIL APPROVED ITEM (a): LIZALDE/PONCE

AYES: 5 (Five)

NAYS: 0 (Zero)

ABSTAIN: 0 (Zero)

ABSENT: 0 (Zero)

- b. **Minutes** for the City Council Regular Meeting of January 24, 2012 to be ordered filed.
- c. **Minutes** for the City Council Closed Session Meeting of January 24, 2012 to be ordered filed.

- d. **Minutes** for the Community Redevelopment Agency Regular Meeting of January 24, 2012 to be ordered filed.
- e. Monthly Reports from Department Heads:
 - i. Fire Department reports for the month of December and January 2012.
 - f. Tognazzini Park Grant Close Out – Notice of Completion.
 - g. Notice regarding the Empower SBC Informational BBQ Event set for Wednesday, February 29th at the American Legion Hall.

City Administrator Regan Candelario made a correction.
The date of the event is March 8th, not February 29th.

Mayor Lupe Alvarez abstained from any items pertaining to the
Guadalupe Laundromat and Henderson Petroleum.

COUNCIL APPROVED (NON-PULLED) ITEMS ON CONSENT CALENDAR: JULIAN/LIZALDE

AYES: 5 (Five)
NAYS: 0 (Zero)
ABSTAIN: 0 (Zero)
ABSENT: 0 (Zero)

5. COMMUNITY PARTICIPATION FORUM.

Ray Alexander spoke before City Council. He is part of the Vietnam Vets of America. He says Caltrans has approved the installation of a commemorative sign and it's hoped to be installed the first or second week of April.

*****Mayor Lupe Alvarez re-opened public comment during item #6 so that Mr. Ramos could speak.*****

Alfred Ramos is planning a reunion for anyone who went to school in Guadalupe. Similar gatherings took place in 1990 and 2002. **Mr. Ramos** would like to receive RSVP's by March 1st.

6. UPDATE OF THE PLANS FOR THE VIETNAM VETERANS GROUP WELCOME HOME EVENT SET FOR SUNDAY, MARCH 25 AND APPROVAL OF AN APPLICATION TO CALTRANS FOR A STREET CLOSURE PERMIT.

That the City Council receives an update from the Vietnam Veterans Group regarding their planning efforts for the 2012 Welcome Home event and directs staff to complete a street closure application on behalf of the Vietnam Veterans Group.

- a. Written Staff Report. (Regan M. Candelario)
- b. City Council discussion and consideration.
- c. It is recommended that the City Council receives an update from the Vietnam Veterans Group regarding their planning efforts for the 2012 Welcome Home event and directs staff to complete a street closure application on behalf of the Vietnam Veterans Group.

City Administrator Regan Candelario explained to Council that this is the third annual "Welcome Home" event in Guadalupe. Last year's event was successful. More than 1,000 people attended. Mayor Lupe Alvarez is serving as this year's master of ceremony.

7. FIRE HYDRANT PURCHASE AND REPAIR. That the City Council receives a report regarding the purchase and installation of a replacement for a broken fire hydrant on Pioneer Street and Wong.

- a. Written Staff Report. (Regan M. Candelario)
- b. City Council discussion and consideration.

c. It is recommended that the City Council receives a report regarding the purchase and installation of a replacement for a broken fire hydrant on Pioneer Street and Wong.

City Administrator Regan Candelario explained to Council that this report is just an update so that council members can see the repair work done by the public works department. The department did have to purchase additional equipment to get the work completed, and that may be the reason for the total cost of \$5,500.

8. ECIVIS GRANTS NETWORK SOFTWARE GRANT SEARCH AND GRANT MANAGEMENT SOFTWARE SERVICE. That the City Council approves the implementation of grant search and grant management services from eCivis for the City of Guadalupe for a one (1) year term at \$5,700.

- a. Written Staff Report. (Regan M. Candelario)
- b. City Council discussion and consideration.
- c. It is recommended that the City Council approves the implementation of grant search and grant management services from eCivis for the City of Guadalupe for a one (1) year term at \$5,700.

Mayor Lupe Alvarez would like to know how the costs will be divided by each department.

City Council held off approving the implementation of the grant search and grant management services from eCivis at this time.

9. COUNTY CDBG GRANT APPLICATION FOR THE AMERICAN LEGION HALL PROJECT. That the City Council provides support for the CDBG 2012/2013 grant application of \$220,000 sent to the County of Santa Barbara on behalf of the American Legion Hall URM project.

- a. Written Staff Report. (Regan M. Candelario)
- b. City Council discussion and consideration.
- c. It is recommended that the City Council provides support for the CDBG 2012/2013 grant application of \$220,000 sent to the County of Santa Barbara on behalf of the American Legion Hall URM project.

Mayor Lupe Alvarez and Council Member John Sabedra stepped down due to a conflict of interest.

City Administrator Regan Candelario advised Council that the deadline for submission was January 27th and staff chose to prepare and submit the application to meet the deadline.

SUCCESSOR ENTITY BUSINESS

10. OVERSIGHT COMMITTEE PROPOSAL. That the Successor Entity receives a report from staff regarding a proposal to be sent to the County of Santa Barbara recommending members of the State required Oversight Committee as part of AB1X26 and to provide direction to staff.

- a. Written Staff Report. (Regan M. Candelario)
- b. Successor Entity discussion and consideration.
- c. It is recommended that the Successor Entity receives a report from staff regarding a proposal to be sent to the County of Santa Barbara recommending members of the State required Oversight Committee as part of AB1X26 and to provide direction to staff.

City Attorney David Fleishman advised Council that the deadline to come up with an oversight committee is May 1.

City Administrator Regan Candelario advised Council that Santa Barbara County is trying to come up with a common process to get an oversight committee. He advised that Kim Grier from the Guadalupe School District and Elizabeth Miller from Allan Hancock College are going to be part of the oversight committee.

Mayor Lupe Alvarez advised that City staff should check with the cemetery board. He is also suggesting

that there be a couple of alternates, either **Council Member Ariston Julian** or **Mayor Pro-Tem Virginia Ponce**. **Council Member Julian** agreed to serve as the alternate.

11. INFORMATION REGARDING THE AGENCY LEASE AT 4719 W. MAIN STREET (LIBRARY).

That the Successor Entity receives a report from staff regarding the termination of the lease at 4719 W. Main Street.

- a. Written Staff Report. (Regan M. Candelario)
- b. Successor Entity discussion and consideration.
- c. It is recommended that the Successor Entity receives a report from staff regarding the termination of the lease at 4719 W. Main Street.

City Administrator Regan Candelario says he feels confident that the lease will be paid through June 30th.

Council Member John Sabedra asked what happens after June 30th. **City Administrator Regan Candelario** says he believes that after June 30th, he doesn't think the money needs to continue to be paid.

Mayor Lupe Alvarez asked what would happen if the City of Guadalupe pays its bills and doesn't use the \$250,000 that it's suppose to get from the State of California for doing away with the redevelopment agency. **City Attorney Dave Fleishman** said it would pay for administrative costs and that's assuming the full amount is given to the City. **Mayor Alvarez** asked if the \$250,000 could be used for the library once it goes into the general fund. **City Attorney Fleishman** cannot guarantee that there will be \$250,000.

Speaker: Bruno Burnino. He said that until the budget for next year is established, it's hard to see that there is money for the library. Maybe there are other avenues to take to help improve the library and keep it open.

Speaker: Carl Kraemer. He said everybody needs to do something and if the City of Guadalupe does not continue to pay, the City would be going against its agreement when the library was originally moved.

Council Member John Sabedra suggested the City start looking for library grants. **City Administrator Regan Candelario** says the City is looking for grants and actively looking for other funding sources. **Mayor Lupe Alvarez** told **City Administrator Candelario** that Council needs to get a breakdown of fiscal budget for 2012-2013.

12. ROYAL THEATER PROJECT MANAGER CONTRACT APPROVAL. That the Successor Entity approves the contract for project manager services with Tommy Martinez & Associates to facilitate the completion of the Royal Theater project in an amount not to exceed \$15,000.

- a. Written Staff Report. (Regan M. Candelario)
- b. Successor Entity discussion and consideration.
- c. It is recommended that the Successor Entity approves the contract for project manager services with Tommy Martinez & Associates to facilitate the completion of the Royal Theater project in an amount not to exceed \$15,000.

***Mayor Lupe Alvarez** stepped down due to conflict of interest.*

***Mayor Pro Tem Virginia Ponce** took over Item #12.*

City Administrator Regan Candelario expressed that work is being done to take care of the asbestos and also taking bids to find a company that can take care of the electrical work. **Council Member Candelario** also told Council that intern Brandy Howell has been assigned to this project.

City Attorney Dave Fleishman explained to Council that due to the current situation in which this project is considered as unfinished redevelopment agency work, entering into a new contract at this time is the best chance the City has to finish this project.

COUNCIL APPROVED THE CONTRACT FOR PROJECT MANAGER SERVICES WITH TOMMY MARTINEZ & ASSOCIATES TO FACILITATE THE COMPLETION OF THE ROYAL THEATER PROJECT IN AN AMOUNT NOT TO EXCEED \$15,000:

**JULIAN/LIZALDE
AYES: 4 (Four)
NAYS: 0 (Zero)
ABSTAIN: 1 (One) - Alvarez
ABSENT: 0 (Zero)**

City Attorney Dave Fleishman added that the City Attorney and City Administrator are authorized to waive typical requirements of professional liability insurance for this contract only.

13. FUTURE AGENDA ITEMS.

a. Pothole Review Update. (March 2012)

Council Member Ariston Julian added a senior center update.

14. ANNOUNCEMENTS/COUNCIL ACTIVITY REPORTS.

Council Member John Sabedra gave his condolences to the families of the following people who have recently passed away: Lauro "Larry" Haro, Y Kim, and Gilbert Velasquez.

Mayor Lupe Alvarez announced the annual black mallard feed is February 17th.

Mayor Alvarez also commented that the quarterback coach of this year's Super Bowl Champs, the New York Giants, is Mike Sullivan and he grew up in Guadalupe.

15. ADJOURNMENT.

COUNCIL MAKES A MOTION TO ADJOURN MEETING AT 8:12p.m.

**PONCE/SABEDRA
AYES: 5 (Five)
NAYS: 0 (Zero)
ABSTAIN: 0 (Zero)
ABSENT: 0 (Zero)**