

From: [Joseph Kevin Breuer](#)
To: [Simrat Dhadli](#); [Joe Ducato](#)
Subject: Fwd: Joe Ducato - Sewer Lateral Proposal
Date: Friday, February 19, 2021 12:24:27 PM
Attachments: [Ming Lem Case Files.pdf](#)
[Sewer Lateral Proposal to Share with Santa Clara City Clerk.pdf](#)

Hello Simrat,

I wanted to reach out as I have been working with Joe Ducato in preparation for the City Council meeting this coming Tuesday. I understand he dropped off a physical packet with you yesterday. He and I spoke but had some miscommunication as we had worked to prepare these two digital files which I have attached to this email.

The first document is the Sewer Lateral Proposal which includes our problem statement, goal, proposal, and supporting exhibits.

The second document is a collection of correspondence and exhibits detailing the Mr. Ming Tung Lem Case which outlines the challenges to the interpretation of the current municipal ordinance.

We would appreciate if you could make both files available to the public and city council members ahead of the meeting.

Thank you,
Joseph Breuer

--

Joseph Breuer
404 939 1221

Case Study of
Mr. Ming Tung Lem
Sewer Lateral Issues
With the City of Santa Clara

Hi Deanna,

After reviewing the documents from Mr. Meng Tung Lim, the city 2017 memo and having discussion with Mr. Lim here are my findings:

My and Mr. Meng's findings about City 2017 Memo:

Memo:

"The majority of City sewer main lines and lower sewer laterals are located in the public right-of-way or City street. To clarify, when the property owner signs an agreement to have the City repair their lower sewer lateral in the street, the homeowner is paying only for the repair to their sewer lateral and not for a repair to the City sewer main line .

Repair of the upper sewer lateral caused from tree root intrusion is the responsibility of the homeowner. The City does not distinguish between the City or private trees as the roots cannot be identified by tree type into the upper sewer lateral. If the property owner experiences a root intrusion into their sewer lateral they may file a claim with the City Clerk's Office. **The City may determine that a City tree can be removed on a case-by-case basis, if there are three or more instances of confirmed root intrusions into the lateral or main from that tree in a five year period."**

Findings:

For the damage caused by the tree root intrusion, the memo only talks about the "Upper Lateral" only and the memo is silent about "Lower Lateral". Further the memo mentions that property owner can file a claim against city for damages caused by tree root intrusion. So basically this claim is for tree root damage to lower lateral, which is the case for this resident.

Memo:

"A general survey of cities in Santa Clara County found that some cities assist with cleaning of property owner's lower sewer lateral provided a property line cleanout is installed but most do not provide any level of service related to the property owner's upper or lower sewer lateral."

Findings:

The above statement does not seem to be correct because of following:

City of Palo Alto:

The property owner is only responsible for the private sewer line. Private sewer line runs from the house/building out to the City clean-out just beyond your property line. City is responsible for repair and maintenance for the lower lateral.

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Simrat Dhadli

Subject: RE: Sewer issue for council hearing - Resident Mr. Meng Lim

From: Raj Chahal <RChahal@SantaClaraCA.gov>
Sent: Wednesday, May 6, 2020 2:29 PM
To: Deanna Santana <DSantana@SantaClaraCA.gov>
Subject: Sewer issue for council hearing - Resident Mr. Meng Lim

Hi Deanna,

Good afternoon.

I discussed the issue with Mr. Meng Lim and also studied various docs and have compiled the findings by Mr. Lim and myself.

Please see the compiled details as attached. To keep it concise, I am not attaching several other docs like pictures etc. Let us talk on phone and see how we want to proceed.

Thanks,

Raj Chahal
Councilmember District 2
City of Santa Clara
1500 Warburton Ave.
Santa Clara, CA 95050

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Thanks for your and staff time looking into this.

Regards,

Raj Chahal

Councilmember

City of Santa Clara

1500 Warburton Ave.

Santa Clara, CA 95050

Here is letter from resident with details:

Mr. Raj Chahal
Councilmember
City of Santa Clara, CA

April 24th, 2020

Dear Raj

Re: SSO – Sanitary Sewer Overflow lower sewer lateral at 1731 Roll Street, Santa Clara, CA 95050

Thank you for trying to help me to resolve the broken Lower Sewer Lateral pipe caused by the tree root of City tree in my front yard at my property at 1731 Roll Street, Santa Clara, CA 95050 since January 2020. I would like to request you to bring this issue as an Agenda to the City of Santa Clara bi-weekly council meeting for further discussions. I would like to have my voice to be heard in the council meeting to share my pains and frustrations over the poor root control managed by the city crews resulting tree root located next to the Turnout penetrating the sewer lateral to cause damage to both lower & upper sewer lateral. I **had already spent \$4,250 to replace the broken upper sewer lateral damaged by the same tree root on July 7th, 2015**. Now, the same tree root had grown bigger to extend its damage to the lower sewer lateral. Therefore, I would like to request financial help from the City for the lower lateral sewer line repairs.

I would like to request the Honorable Mayor and councilmembers to consider below options to help me to reduce my financial burden by providing appropriate financial help.

1.0. Option # 1. The damage of the lower sewer lateral pipeline in my property at 1731 Roll Street, Santa Clara, CA 95050 was caused by the roots of the City Tree next to the Turnout/Manhole outside my house near to the City pedestrian pavement. City of Santa Clara is the Owner of this City Tree. Therefore, the Owner of City tree should be responsible to repair and replace the broken lower sewer lateral pipeline from the Turnout to the City Main Drain in the middle of City road. The total estimated cost \$12,000 (i.e. \$5,000 City Labor and equipment, \$3,500 city permit fees and \$3,500 pipe bursting. The lower sewer **lateral is located within the public right-of-way (i.e. City pavement and City encroachment - city road).**

2.0. Option # 2. Though the damage of the lower sewer lateral pipe was damaged by the City tree, I was told that the lower sewer lateral pipe was the property of the owner of the house property under the City revised Code/Ordinance. This means that I am responsible for the cost of the sewer lateral pipe. Whether this revised City Code make any sense or not, it is still the City Code. Therefore, I have to pay for the cost to repair or replace the lower sewer lateral pipe. However, I would request the total cost (i.e. both the Permit

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City of Mountain View:

the City provides maintenance and repair services for laterals located within the public right-of-way upon request as a courtesy service to the residents of Mountain View. The City does not own any portion of the service lateral.

City of Sunnyvale:

The City may provide maintenance, repair, rehabilitation, and/or replacement of the “lower” portion of private sanitary sewer laterals located within the public right of way on a discretionary basis.

City of San Jose:

Sewer Lateral (Lower Lateral) – Refers to the portion of the pipe between the house or building on private property and the sewer main, including the connection to the sewer main. The property owner is responsible to repair any failure or damage in the sewer lateral, including the connection to the sewer main; unless it is determined that another party caused the failure or damage.

Damage to lower lateral in this case, has been caused by the city tree root intrusion and I think as per our memo too we should compensate the resident for his claim. At this stage resident is not even asking for full reimbursement from the city for lower lateral repair but only asking for some help. Please see the attached letter resident wrote to claim adjuster findings. (Resident has pictures to support this.)

Regarding Claim Adjuster denial:

Please note the claim adjuster did accept that the damage was caused by the tree roots but only denied the claim because city was not on notice:

Regrettably, since the City was not on notice of the tree roots which caused damage to your sewer lateral, they cannot be held liable for your damages. You will be receiving a Notice of Rejection from the City of Santa Clara within 30 days.

Also see detailed reply to adjuster from resident.

Options:

- 1: We bring this to city council in public hearing and find out any way we can compensate the resident.
- 2: We look at the 2017 memo and make policy decision which help and protect our residents in such situations, similar to our neighboring cities
- 3: Bring this item to full city council in closed door to discuss about the claim by the resident

I am open to discuss this with you on phone, please txt me and I will be happy to discuss.

1731 ROLL STREET

Fees and City Labor plus Equipment depreciation) for the City technicians to complete the two pits to complete the task of replacing the lower lateral sewer pipe to be paid by the City of Santa Clara as the courtesy service to the resident of Santa Clara. To share part of the total cost, I will pay for the pipe bursting job cost (estimated cost \$3,500) to be completed by the outside Plumbing Contractor, City of Sewer.

3.0. Option # 3. If there is any proof showing that the damage of the lower sewer lateral pipeline in my property at 1731 Roll Street, Santa Clara, CA 95050 was caused by my family members using the sewer lines in my property house, I should be responsible for the whole cost (i.e. cost of City technicians to do the job, City permit fees and pipe bursting costs) about \$12,000 (i.e. \$8,500 total estimated cost of City of Santa Clara Labor, Equipment and permit fees, and \$3,500 for the City of Sewer pipe bursting cost.

4.0. Option # 4. If all the above are not going to be acceptable due to whatever reasons, please help me to share part of the cost to replace this lower sewer lateral broken pipe replacement by waiving the City Permit fees of \$3,500 for the Pavement permit and Encroachment Permit Fee. This is inconsideration of our neighboring cities, like City of Sunnyvale paying for the lower lateral cost, City of San Jose may consider to pay for the cost if the sewer failure or damage is caused by another party (example like my case the another party is the City tree), City of Mountain View will provide maintenance and repair services for laterals located within the public right-of-way upon request as a courtesy service to the residents of Mountain View. For the **City of Palo Alto**, the property owner is only responsible for the private sewer line. Private sewer line runs from the house/building out to the City clean-out just beyond your property line.

City of Sunnyvale SSMP = Sewer System Management Plan. Section B showing the responsibility of City of Sunnyvale to replace the lower sewer lateral pipe. Brief summary as listed below

B. Sanitary Sewer System Facilities

City of Sunnyvale

The City operates a sanitary sewer system that serves a residential population of approximately 147,000 (daytime population approximately 230,000) in a 23 square mile service area.

Sewer service laterals are owned by, and therefore the responsibility of, the property owner to maintain and assure serviceability. The City may provide maintenance services to laterals **located within the public right-of-way as a courtesy service if a property line cleanout exists, and the cleanout and adjacent area are accessible to City staff and equipment. The City may provide maintenance, repair, rehabilitation, and/or replacement of the "lower" portion of private sanitary sewer laterals located within the public right of way on a discretionary basis.**

City of Mountain View SSMP has the Section B of SSMP showing the following statement

There are approximately 16,000 sanitary sewer laterals in the City. Maintenance and repair of sanitary sewer laterals within the City are the responsibility of the property owner; **however, the City provides maintenance and repair services for laterals located within the public right-of-way upon request as a courtesy service to the residents of Mountain View. The City does not own any portion of the service lateral.**

City of San Jose SSMP has the following statement

Sanitary Sewer System - Refers to the portion of the sanitary sewer facilities that are owned and operated by the City of San José. The sanitary sewer system consists of collection sewers, trunk sewers, and pressure sewers (force mains).

Sensitive Area - Refers to areas where an SSO could result in a fish kill or pose an imminent or substantial danger to human health.

Sewer Service Lateral – For the purposes of this SSMP, the sewer service lateral includes both the upper lateral (house connection sewer) and the lower lateral (sewer lateral).

Sewer Lateral (Lower Lateral) – Refers to the portion of the pipe between the house or building on private property and the sewer main, including the connection to the sewer main. The property owner is responsible to repair any failure or damage in the sewer lateral, including the connection to the sewer main; unless it is determined that another party caused the failure or damage.

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The last sentence " ...unless it is determined that another party caused the failure or damage. ... In my case, the failure or damage was caused by the tree roots of City Tree as another party pe se.

City of Santa Clara SSMP showing details of city crews responsible for the sanitary sewer system including root control. In my case, sounds like City of Santa Clara is negligence for the root control for the tree root next to the Turnout resulting tree root to penetrate inside the sewer lateral to **cause damage to both lower and upper sewer lateral pipe**. I had paid for the upper lateral repairs in 2015 and would like to request City to help me to pay for the lower later repairs.. **Or at least for the minimum City of Santa Clara to share part of the costs, like waiving the City permits fees, etc**

I hope that the council members of City of Santa Clara and Honorable City Mayor will review my above requests to give me your kind and favorable considerations. Your early attention is very much appreciated to prevent or avoid the SSO (Sanitary Sewer Overflow) event such as stoppage or blockage on my lower lateral sewer pipe connecting from the City main drain to Turnout/Manhole in my property.

Thanks

Sincerely yours,
Signed by
Meng Lim and Lai Ting
1731 Roll Street, Santa Clara, CA 95050
Residents

Appendix

City of Palo Alto

Poorly maintained sewer pipes can leak water, attracting plant roots into the pipes that contribute to sewer blockages. It is your responsibility to keep all obstructions and debris out of your private sewer line. **Your private line runs from your house or building out to the City clean-out***—typically at or just beyond your property line.

This Sewer System Management Plan (SSMP) describes the City of Palo Alto's (City's) wastewater collection system management activities. The purpose of these activities is to:

1. Maintain and improve the condition of the collection system infrastructure,
2. Control infiltration/inflow (I/I) and provide appropriate sewer capacity, and to
3. Minimize the number and impact of sanitary sewer overflows (SSOs) that occur.

3.2.4. 16.09.101 Root Control Chemicals.

No person shall discharge, dispose of or add to the sanitary sewer system any substance containing greater than five percent copper by weight, to control roots or for any other purpose. No person shall discharge, dispose or add to the storm drain system any substance to control roots

4.2.3. Emergency Maintenance

Emergency maintenance is conducted as a part of the daily response to the primary or secondary sewer blockages that are called in or observed by the field crew. In general, the secondary lines (laterals) are cleaned after report of a blockage, or if the video of a sewer main indicates grease or roots build up at the connections. After each emergency call, and depending on the severity of the blockage or the age of the pipe, a follow up video inspection of the line is scheduled. **Based on the results of the inspection, if needed, further action such as line replacement, root control or spot repair will be taken.** While the

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From: Meng Tung Lim

Sent: Saturday, May 2, 2020 1:17 PM

To: marizel.bajao@georgehills.com

Cc: Raj Chahal <RChahal@SantaClaraCA.gov>

Subject: Re: GHC Claim No. GHC0029849 Meng Lim Claim No 19-032 1731 Roll Street, Santa Clara, CA 95050

Dear Marizel

Thanks for your letter dated April 20th 2020 that I just received for the result of your investigation. I feel that the reasons for my claim being denied were not making any logical and reasonable sense. At least you have done and completed your job for the City as an Adjuster.

1.0. Reference to your statement - " There is no evidence that the City had notice of a dangerous condition or that any dangerous condition caused the claimed damage " --

The dangerous condition is hidden underground 9 ft depth lower sewer lateral pipe. If we do not take extra precautions to prevent the SSO (Sanitary Sewer Overflow) from happening to flooding the pavement down the city road, the overflow flooding will cause public health and safety issues. When this dangerous condition is noticeable to the public, it will be too late to deal with the public and community massive complaints. Furthermore, the damage to the lateral is underground about 9 ft depth down and therefore it is very hard to find any evidence of a dangerous condition before the SSO actually occurred.

2.0. For the statement - " The City has no duty to prevent tree roots from growing and cannot be held liable for the damage to your property, allegedly caused by tree roots in your sewer's lateral "

If the City has no duty to prevent tree roots from growing, then the City should not plant or grow City Tree next to the sewer lateral Turnout. The City should plant or grow the City tree further away from the sewer lateral Turnout/Manhole in the first place. The City cannot run away from this very basic responsibility of how and where to plant the City tree appropriately in my property.

3.0. The last paragraph statement - " since the City was not on notice of the tree roots which caused damage to your sewer lateral, they cannot be held liable for your damages "

The question is how to put the City on notice of the tree roots which caused damage to the sewer lateral when the tree roots are growing underground about 9 ft depth not noticeable to human eye on the surface of the ground. We can put the City on notice of the tree roots unless we have the bionic eye or putting the camera through the lateral to check for the lateral condition. This was surfaced when the City technicians came to my house to help me to check the blockage for the lower sewer lateral way back in January 2020. Therefore, I would say that the City was on notice of the tree roots which caused damage to my sewer lateral since January 2020.

Those are my comments and thanks for your update for your conclusion of your investigation

Thanks

Rgds
Meng Lim

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wastewater operation teams maintain the sewer mains and install laterals and access holes, the majority of capital improvement projects are handled through contracts with major construction companies.

City of Santa Clara SSMP =Sewer System Management Plan showing some of the responsibility of City of Santa Clara crews to maintain the Sewer and Root Control

Page 17 - Sewer System Management Plan City of Santa Clara Water & Sewer Utility 17 Although private property owners **own the entire length of the service lateral** associated with their property, the City will clear blockages from the property line clean out to the City sewer main ("service the lower lateral") as a service to the public; provided a property line cleanout exists and the City is made aware of any problems or backups. **Overall lateral maintenance and repair is sole responsibility of property owner.**

Page 26 - Root Control Following cleaning, or as a part of a customer service request, the Utility treats laterals and smaller mains for root control using a foam product. Crews are responsible for foaming laterals. The current protocol includes cutting the roots and removing them from the sewer, waiting four (4) to six (6) weeks, foaming, and then going back to double check the affected segment of pipe. Manhole Inspection and Repairs Crews are responsible for inspecting and cleaning manholes. Manholes are inspected as mains are jetted. In this way, all manholes are inspected approximately once every three (3) years. Any needed repairs are identified and documented in the block book by the Crew Supervisor. Repair needs are transferred to and completed by particular Crew or may be contracted to a private company. Manhole inspections and cleaning are documented along with other task completion on the daily

Upper sewer lateral was repaired on July 7th, 2015 at my expense for the total cost \$4,250 completed by outside Plumbing Co – G-A Plumbing Co. Attached Invoice No. 674 dated 07/07/2015 for \$4,250.

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Closed Session

- 20-532 Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Christopher Gaffney, et al. v. City of Santa Clara, United States District Court, Northern District of California Case No. 4:18-cv-06500-JST
- 20-538 Conference with Legal Counsel-Anticipated Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(2) - Significant exposure to litigation
Number of potential cases: 1
(Facts and Circumstances)
City as potential defendant: Receipt of claim pursuant to the Government Claims Act from Meng Lim regarding sewer lateral damage at 1731 Roll Street
- 20-533 Conference with Labor Negotiators (CC)
Pursuant to Gov. Code § 54957.6
City representative: Deanna J. Santana, City Manager (or designee)
Employee Organization(s):
Unit #1-Santa Clara Firefighters Association, IAFF, Local 1171
Unit #2-Santa Clara Police Officer's Association
Unit #3-IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4-City of Santa Clara Professional Engineers
Units #5, 7 & 8-City of Santa Clara Employees Association
Unit #6-AFSCME Local 101 (American Federation of State, County and Municipal Employees)
Unit #9-Miscellaneous Unclassified Management Employees
Unit #9A-Unclassified Police Management Employees
Unit #9B-Unclassified Fire Management Employees
Unit #10-PSNSEA (Public Safety Non-Sworn Employees Association)
- 20-540 Conference with Legal Counsel-Existing Litigation (CC, SA)
Pursuant to Gov't Code § 54956.9(d)(1)
Nevarez v. City of Santa Clara, et al., United States District Court, Northern District of California Case No. 5:16-CV-07013-HRL

Public Comment

None.

Convene to Closed Session (Council Conference Room)

The meeting was adjourned to Closed Session 2:06 PM and reconvened to Regular Open Session at 4:20 PM.

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City of Santa Clara
The Center of What's Possible

CITY OF SANTA CLARA
OFFICE OF THE CITY CLERK

2020 MAR 25 PM 2:34

CLAIM AGAINST THE CITY OF SANTA CLARA
(For Damages to Persons or Personal Property)

City Clerk's Office Date Stamp

Received By: CN
Via: U.S. Mail X
Interoffice Mail _____
Over the Counter _____
Other _____

(Please do not write above this line – for City use only)

A claim must be filed with the City Clerk of the City of Santa Clara within six months* after which the incident or event occurred. Be sure your claim is against the City of Santa Clara not some other public entity. Where space is insufficient, please use additional paper and identify the information by paragraph number. Your completed claim (original) must be mailed or delivered to: **City Clerk, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, California 95050.**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF SANTA CLARA:

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1	NAME OF CLAIMANT <u>MENG TUNG LIM</u>		DATE OF BIRTH [REDACTED]	
	ADDRESS OF CLAIMANT <u>1731 ROLL ST</u>		<u>SANTA CLARA</u> CITY	STATE <u>CA</u> ZIP CODE <u>95050</u>
	HOME PHONE [REDACTED]	WORK PHONE [REDACTED]	DRIVER'S LICENSE STATE AND NUMBER [REDACTED]	
2	SEND NOTICES REGARDING THIS CLAIM TO: (List name, mailing address and telephone number if not same as name and address listed above.)			
3	DATE AND TIME OF INCIDENT <u>JANUARY 2020</u>		SPECIFIC ADDRESS OF INCIDENT (Address) <u>1731 ROLL ST</u> <u>SANTA CLARA</u> <u>CA 95050</u>	
4	BASIS OF CLAIM (Specify the occurrence, event, act, or omission which you claim caused the injury or damage for which you are submitting this claim.) <u>1731 ROLL ST, SANTA CLARA LOWER LATERAL SEWER PIPE LINE</u> <u>BLOCKERAGE CAUSING SERIOUS SEWER BACKUP. CITY TREE ROOTS</u> <u>PENETRATED THE TURNOUT AND LOWER LATERAL SEWER DAMAGING THE SEWER PIPE</u>			
5	CITY'S ACTION (Specify action by City or its employees which caused alleged damage or injury.)			

*One year for a claim relating to any cause of action for other than death, injury to person or to personal property, or growing crops." Government Code §911.2

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6	NAME OF CITY EMPLOYEE WHO ALLEGEDLY CAUSED INJURY OR LOSS <i>CITY TREE AT 1731 ROLL ST, SANTA CLARA</i>								
7	DESCRIPTION OF CLAIMANT'S INJURY, PROPERTY DAMAGE, OR LOSS (If there were no injuries, state "NO INJURIES".) <i>ROOTS OF CITY TREE CAUSING DAMAGE TO THE LOWER LATERAL SEWER PIPE LINE FROM THE TURNOUT PROPERTY LINE TO CITY MAIN SEWER IN THE STREET</i>								
8	OTHER INJURED PERSONS (List names and addresses.) <i>NONE</i>								
9	DAMAGES CLAIMED: Amount of Claimant's damage or loss and method of computation. Include copies of bills, invoices, estimates, etc. Note: If your claim is for more than \$10,000, you need not fill in an amount but you must state whether jurisdiction for the claim would be in the Limited jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court. <div style="text-align: center;"> <p>ITEMS</p> <table> <tr> <td><i>REPLACE PAVEMENT AND ENCROACHMENT PERMIT FEE</i></td> <td>\$ _____</td> </tr> <tr> <td><i>REPLACE 30FT SEWER LATERAL PIPE LINE FROM TURNOUT TO SEWER MAIN IN STREET</i></td> <td>\$ _____</td> </tr> <tr> <td><i>EXCAVATE SEWER LINE - 3 PITS</i></td> <td>\$ _____</td> </tr> <tr> <td>ENTIRE JOB ESTIMATE TOTAL AMOUNT:</td> <td>\$ 15,000</td> </tr> </table> </div> <p>Court Jurisdiction: (Check one)</p> <p>Limited Civil: <input type="checkbox"/> Unlimited Civil: <input type="checkbox"/></p>	<i>REPLACE PAVEMENT AND ENCROACHMENT PERMIT FEE</i>	\$ _____	<i>REPLACE 30FT SEWER LATERAL PIPE LINE FROM TURNOUT TO SEWER MAIN IN STREET</i>	\$ _____	<i>EXCAVATE SEWER LINE - 3 PITS</i>	\$ _____	ENTIRE JOB ESTIMATE TOTAL AMOUNT:	\$ 15,000
<i>REPLACE PAVEMENT AND ENCROACHMENT PERMIT FEE</i>	\$ _____								
<i>REPLACE 30FT SEWER LATERAL PIPE LINE FROM TURNOUT TO SEWER MAIN IN STREET</i>	\$ _____								
<i>EXCAVATE SEWER LINE - 3 PITS</i>	\$ _____								
ENTIRE JOB ESTIMATE TOTAL AMOUNT:	\$ 15,000								
10	WITNESSES, HOSPITALS, DOCTORS, ETC. (List names and addresses.) <i>CITY TECHNICIANS, CITY ASSISTANT DIRECTOR AND SUPERINTENDENT HAD CAME TO CHECK OUT THE DAMAGE CAUSED BY THE ROOTS OF CITY TREE TO THE TURNOUT AND LOWER LATERAL SEWER PIPE LINE ABOUT 30FT TO THE SEWER MAIN IN THE STREET</i>								

WARNING! IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (Penal Code §72).

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 23RD day of MARCH, 2020 at 1731 ROLL ST, SANTA CLARA, CA 95050


Claimant's Signature

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05-12-2020

Closed session
@ Item 6

Simrat Dhadli

From: Meng Tung Lim <mtlim888@sbcglobal.net>
Sent: Saturday, May 9, 2020 1:09 PM
To: Public Comment
Cc: Raj Chahal
Subject: 1731 Roll Street, Santa Clara, CA -- Case 20538 Lower sewer lateral damaged causing by city tree root intrusion

Dear City council members

I heard of the story of 1731 Roll Street, Santa Clara, CA lower sewer lateral blockage issue. Both the upper and lower lateral were damage by the city tree roots intrusion resulting for the Sanitary Sewer Overflow (SSO). The Owner of the property is trying to seek financial help from the City to help to pay for the cost of repair to the lower sewer lateral. The Owner had paid over \$4,000 for the repair of the upper lateral 5 years ago.

The neighbors in Roll Street are supporting the owner of 1731 to seek help from the City of Santa Clara to help to reduce the financial burden to share part of the cost or pay for the full cost to repair the lower lateral

Thanks

Rgds
Choon Mei

Residents of Roll Street

POST MEETING MATERIAL

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05-12-2020

Closed Session
Ag. Item 6

Simrat Dhadli

From: Lydia Pacada <lpacada@comcast.net>
Sent: Sunday, May 10, 2020 1:02 PM
To: Public Comment
Subject: 1731 Roll Street, Santa Clara, CA -- Case 20-538 Lower sewer lateral damaged causing by city tree root intrusion

Dear City council members

I heard of the story of 1731 Roll Street, Santa Clara, CA lower sewer lateral blockage issue. Both the upper and lower lateral were damage by the city tree roots intrusion resulting for the Sanitary Sewer Overflow (SSO). The Owner of the property is very stressful and depressed by the lateral blockage/stoppage causing lots of inconveniences to the owner over the sewer backup/overflow incidents over the years. The Owner had paid over \$4,000 for the repair of the upper lateral 5 years ago.

The neighbors in Roll Street are supporting the owner of 1731 to seek help from the City of Santa Clara to help to reduce the financial burden to share part of the cost or pay for the full cost to repair the lower lateral.

Thanks

Regards
Lydia Pacada

Residents of Roll Street

POST MEETING MATERIAL

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05-10-2020

Closed session 4 Item 6

Simrat Dhadli

From: Lay Chee <lc_usa@yahoo.com>
Sent: Sunday, May 10, 2020 4:04 PM
To: Public Comment
Subject: Reference : Case 20-514 and 20-538 1731 Roll ST, Santa Clara, CA Lower Sewer Lateral Claim

Dear City council members

Reference : Case 20-514 and 20-538 1731 Roll ST, Santa Clara, CA Lower Sewer Lateral Claim

I'm a resident of Santa Clara City and I'm writing to support the owner of 1731 Roll Street, Santa Clara of their request for financial support from the City of Santa Clara to repair the lower lateral blockage issue. My understanding is that the blockage is due to the city tree root intrusion resulting in the Sanitary Sewer Overflow. A few years ago, the owner had took responsibility and paid out of pocket to repair the upper lateral blockage due to root intrusion within his property. This time the damage/blockage is within the city limit where the damage is caused by the same city tree. It does not make sense that the resident has to fully pay for the high repair cost which is clearly not of their fault.

I'm in support that City of Santa Clara should review to change the code where a resident should not be burdened with high repair cost on damages of any city property caused by another city asset/property.

Thanks and regards,
Lay

POST MEETING MATERIAL

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5-12-2020

Closed Session Item 6

Simrat Dhadli

From: Meng Tung Lim <mtlim888@sbcglobal.net>
Sent: Monday, May 11, 2020 6:25 PM
To: Man_M_Vu@amat.com; Public Comment
Cc: Raj Chahal; Raj Chahal
Subject: Re: Letter to SCLA City, Let me know need to change or add anything.

Hi Man

Thanks for your comment.

Raj - Man is my neighbor on my right hand side at 1755 Roll Street.

Thanks

Rgds
Meng Lim

On Monday, May 11, 2020, 04:53:39 PM PDT, <man_m_vu@amat.com> wrote:

Our neighbor live on 1731 Roll Street, Santa Clara has encountered broken lower sewer lateral pipe caused by city tree roots intrusion. The broken sewer pipe was from his property line to city main drain in the middle of the road 9 feet underground. Total cost is \$12000 for repair and permit fees. These costs will have big burden to their financial situation and tough during the Covid-19 pandemic. Please consider waving the permit fees and sharing or reducing the repair costs. Please let me know if you have any question at 408-859-6684 and my address is 1755 Roll street, Santa Clara.

Thank you, stay safe and healthy.

Regards,

Man

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29

May 12, 2020

Item #6

Julie Minot

From: Pat Walsh <kahunawalsh@gmail.com>
Sent: Monday, May 11, 2020 9:27 PM
To: Mayor and Council
Cc: Raj Chahal
Subject: Agenda # 20-514

Dear Mayor and Council Members,
My name is Pat Walsh. I live at 1688 Roll Street. I have been a resident of Santa Clara for 43 years. I am writing in support of the issue my council member, Raj Chahal, has brought up for review at today's meeting, agenda # 20-514. It seems to me that if it is a city tree that is causing the damage, the city should bear responsibility for the cost of the repairs, not the person residing in the house. Council member Chahal has done his research, and other local municipalities have clear policies that protect the homeowner from liability if the damage was caused by a city planted tree. I believe it should be the policy of the City of Santa Clara to do the same.

Respectfully yours,
Pat Walsh

kahunawalsh@gmail.com
408-242-7531

Sent from my iPhone

POST MEETING MATERIAL

29

May 12, 2020

Item #6

Julie Minot

From: Abhijeet Joshi <joshi22@gmail.com>
Sent: Monday, May 11, 2020 10:12 PM
To: Mayor and Council; rajchahal@gmail.com
Subject: Agenda # 20-514

Respected Mayor and Council Members,

My name is Abhijeet Joshi . I live at 1687 Roll Street. I have been a resident of Santa Clara for 4 years. I am writing in support of the issue my council member, Raj Chahal, has brought up for review at today's meeting, agenda # 20-514. It seems to me that if it is a city tree that is causing the damage, the city should bear responsibility for the cost of the repairs, not the person residing in the house. Council member Chahal has done his research, and other local municipalities have clear policies that protect the homeowner from liability if the damage was caused by a city planted tree. I believe it should be the policy of the City of Santa Clara to do the same.

We want encourage people to plant trees in their front yard. It helps our environment. We owe it to our mother earth. This kind of precedence will be discouraging from planting the city trees. We want Santa Clara to be green. Hope that Santa Clara city can bear the liability.

Sincerely,
Abhijeet Joshi

POST MEETING MATERIAL

30

05-12-2020

Case 20538
J. Lim

Simrat Dhadli

From: Meng Tung Lim <mtlim888@sbcglobal.net>
Sent: Saturday, May 9, 2020 1:09 PM
To: Public Comment
Cc: Raj Chahal
Subject: 1731 Roll Street, Santa Clara, CA -- Case 20538 Lower sewer lateral damaged causing by city tree root intrusion

Dear City council members

I heard of the story of 1731 Roll Street, Santa Clara, CA lower sewer lateral blockage issue. Both the upper and lower lateral were damage by the city tree roots intrusion resulting for the Sanitary Sewer Overflow (SSO). The Owner of the property is trying to seek financial help from the City to help to pay for the cost of repair to the lower sewer lateral. The Owner had paid over \$4,000 for the repair of the upper lateral 5 years ago.

The neighbors in Roll Street are supporting the owner of 1731 to seek help from the City of Santa Clara to help to reduce the financial burden to share part of the cost or pay for the full cost to repair the lower lateral

Thanks

Rgds
Choon Mei

Residents of Roll Street

38

POST MEETING MATERIAL

05-12-2020

Closed session
of Item 6

Simrat Dhadli

From: Lydia Pacada <lpacada@comcast.net>
Sent: Sunday, May 10, 2020 1:02 PM
To: Public Comment
Subject: 1731 Roll Street, Santa Clara, CA -- Case 20-538 Lower sewer lateral damaged causing by city tree root intrusion

Dear City council members

I heard of the story of 1731 Roll Street, Santa Clara, CA lower sewer lateral blockage issue. Both the upper and lower lateral were damage by the city tree roots intrusion resulting for the Sanitary Sewer Overflow (SSO). The Owner of the property is very stressful and depressed by the lateral blockage/stoppage causing lots of inconveniences to the owner over the sewer backup/overflow incidents over the years. The Owner had paid over \$4,000 for the repair of the upper lateral 5 years ago.

The neighbors in Roll Street are supporting the owner of 1731 to seek help from the City of Santa Clara to help to reduce the financial burden to share part of the cost or pay for the full cost to repair the lower lateral.

Thanks

Regards
Lydia Pacada

Residents of Roll Street

POST MEETING MATERIAL

34

05-12-2020

CIVIL SERVICE

Simrat Dhadli

From: Lay Chee <lc_usa@yahoo.com>
Sent: Sunday, May 10, 2020 4:04 PM
To: Public Comment
Subject: Reference : Case 20-514 and 20-538 1731 Roll ST, Santa Clara, CA Lower Sewer Lateral Claim

Dear City council members

Reference : Case 20-514 and 20-538 1731 Roll ST, Santa Clara, CA Lower Sewer Lateral Claim

I'm a resident of Santa Clara City and I'm writing to support the owner of 1731 Roll Street, Santa Clara of their request for financial support from the City of Santa Clara to repair the lower lateral blockage issue. My understanding is that the blockage is due to the city tree root intrusion resulting in the Sanitary Sewer Overflow. A few years ago, the owner had took responsibility and paid out of pocket to repair the upper lateral blockage due to root intrusion within his property. This time the damage/blockage is within the city limit where the damage is caused by the same city tree. It does not make sense that the resident has to fully pay for the high repair cost which is clearly not of their fault.

I'm in support that City of Santa Clara should review to change the code where a resident should not be burdened with high repair cost on damages of any city property caused by another city asset/property.

Thanks and regards,
Lay

POST MEETING MATERIAL

35

5-12-2020

Closed Session Item

Simrat Dhadli

From: Meng Tung Lim <mtlim888@sbcglobal.net>
Sent: Monday, May 11, 2020 6:25 PM
To: Man_M_Vu@amat.com; Public Comment
Cc: Raj Chahal; Raj Chahal
Subject: Re: Letter to SCLA City, Let me know need to change or add anything.

Hi Man

Thanks for your comment.

Raj - Man is my neighbor on my right hand side at 1755 Roll Street.

Thanks

Rgds
Meng Lim

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36

May 12, 2020

Item #6

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May 12, 2020

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Sincerely,
Abhijeet Joshi

POST MEETING MATERIAL

38

Proposal to Change the City of Santa Clara Sewer Ordinances

Authors: Joseph Ducato, Pam Rothstein, and Joseph Breuer

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Petition

OFFICE OF THE CITY CLERK
CITY OF SANTA CLARA
2011 AUG 11 PM 12:33



City of Santa Clara
The Corner of What's Possible

CITY COUNCIL WRITTEN PETITION

Please provide the information requested below. When complete, please submit to the City Clerk's Office, 1500 Warburton Avenue, Santa Clara, CA 95050.

Date: 8-11-20

I, Joseph Ducato, am hereby requesting to be placed on the Santa Clara City Council Agenda for the following purpose: of requesting:

① changes to the sewer ordinance where by the city reassumes responsibility for maintenance and/or replacement of sewer laterals located in the public right of way. ② For the city to extend lower aterals to the property line at a depth of 4'-6" below the sidewalk

I understand that it is important that I attend the meeting in the event there are any questions the Council wishes to ask me.

Signed:

NAME: Joseph Ducato

ADDRESS: 1288 Market St.
Street

Santa Clara, Ca 95050
City Zip Code

TELEPHONE:* 408-482-1866
Optional

DATE: 8-11-20

*NOTE: This is a public document. If your telephone number is unlisted or if you do not want it to be public, please provide an alternate number where you can be reached.

Goals

Authors: Joseph Breuer and Joseph Ducato

Our primary goal is to present a compelling case to you, our honorable Santa Clara Council Members and City Manager that our current city code describing the ownership and maintenance of sewer laterals warrants a change. We are here to represent many of our neighbors to pursue identifying a solution to what we see as an undue financial burden on any citizen unlucky enough to have the sewer lateral that serves their property fail.

You will find included here a number of supporting documents and exhibits. These references range from retelling the Meng Lim case, our cities municipal code diagrams describing the sewer lateral, public records requests for information on sewer maintenance made to our city's laterals, information on the City of Palo Alto's maintenance procedure and estimates of cost to replace a sewer lateral. We do not expect that we will have the time to review all of this material this evening. We submit these here for your own inspection.

We offer a simple explanation of the problem and propose possible solutions that we can pursue outside of this chamber. We hope you will find this argument credible and hope that we can partner in working to make a change together for the benefit of our community.

If this council were to consider organizing a composite working group consisting of council members, city staff and volunteers from the community such as The Community Advisory Committee and Old Quad Residents Association we believe a solution can be worked out that will both serve our community well into the future and one of which we can be proud.

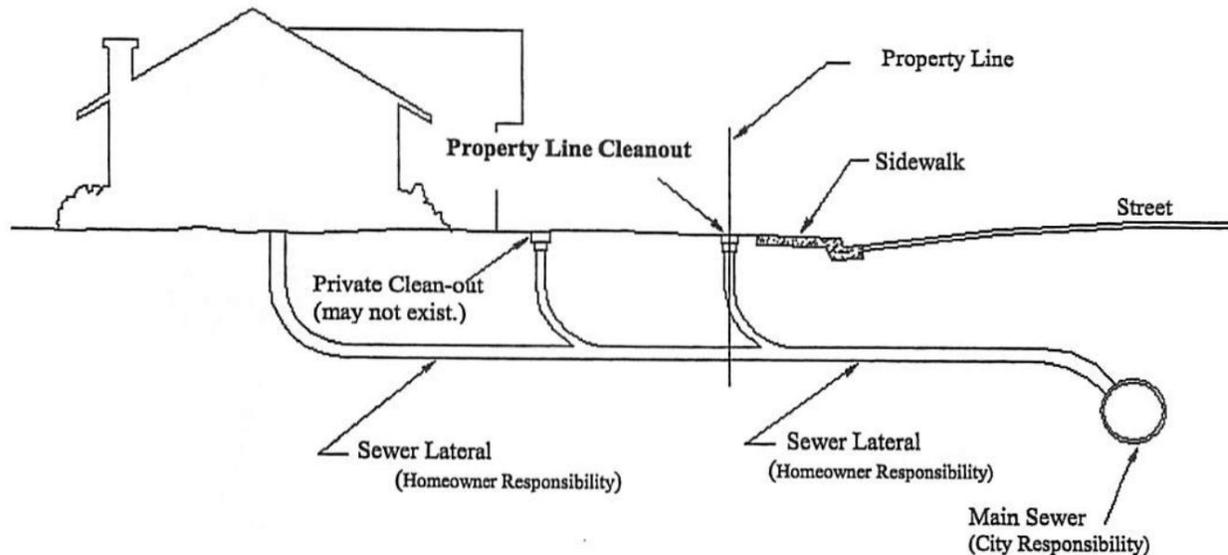
Problem Statement

Our city code describes the sewer lateral from the home passing under the property line, sidewalk and street all the way to the sewer main as property and the responsibility of the property owner. This is best illustrated in the Santa Clara Clean Out Installation Request and cleanout detail SS-1. Most laterals installed in the past 60 years meet the SS-1 standard. There are lateral going back at least 80 years in service that do not meet the SS-1 standard.

This fact makes it imperative that we develop a replacement procedure that is fair, efficient and sustainable. One that we can be proud of.

Costs to Replace a Sewer Lateral

Our city code describes the sewer lateral from the home passing under the property line, sidewalks, and street all the way to the sewer main as property and the responsibility of the property owner. This is best visualized by referencing our Santa Clara Cleanout Installation Request.



We compared our City of Santa Clara to that of the City of Palo Alto to better understand the existing models cities apply to manage the sewer infrastructure. The City of Palo Alto shares responsibility for the lateral with the homeowner. The primary difference is that the City of Palo Alto takes over responsibility at the property line. The long term maintenance of both the sewer main and then city owned lateral is managed through Capital Improvement Plans.

We include in this document copies of correspondence from both the City of Santa Clara and the City of Palo Alto to highlight transparency of information towards cost. As citizens of the City of Santa Clara are individually financially responsible for the cost of a sewer lateral replacement we have supplied a sample estimate of cost. This is juxtaposed with the costs offered by the City of Palo Alto in a Costs Table included with the exhibits below.

The traffic and stress over the road is a primary source of failure for the lateral. Our code presents an unlucky home owner with the full cost of the repair, including onerous permit fees. In the event of any failure the City of Santa Clara property owner is responsible for the repair/replacement of the lateral. We obtained an estimate as a cost reference point and the cost of the repair is between \$8000 and \$12000.

If repair is required outside of the individual's property in the easement or public right of way, then the property owner is tasked with acquiring an encroachment permit from the city to access it under the city managed sidewalk and street. The fee schedule in Santa Clara for an encroachment permit is ~\$5000.

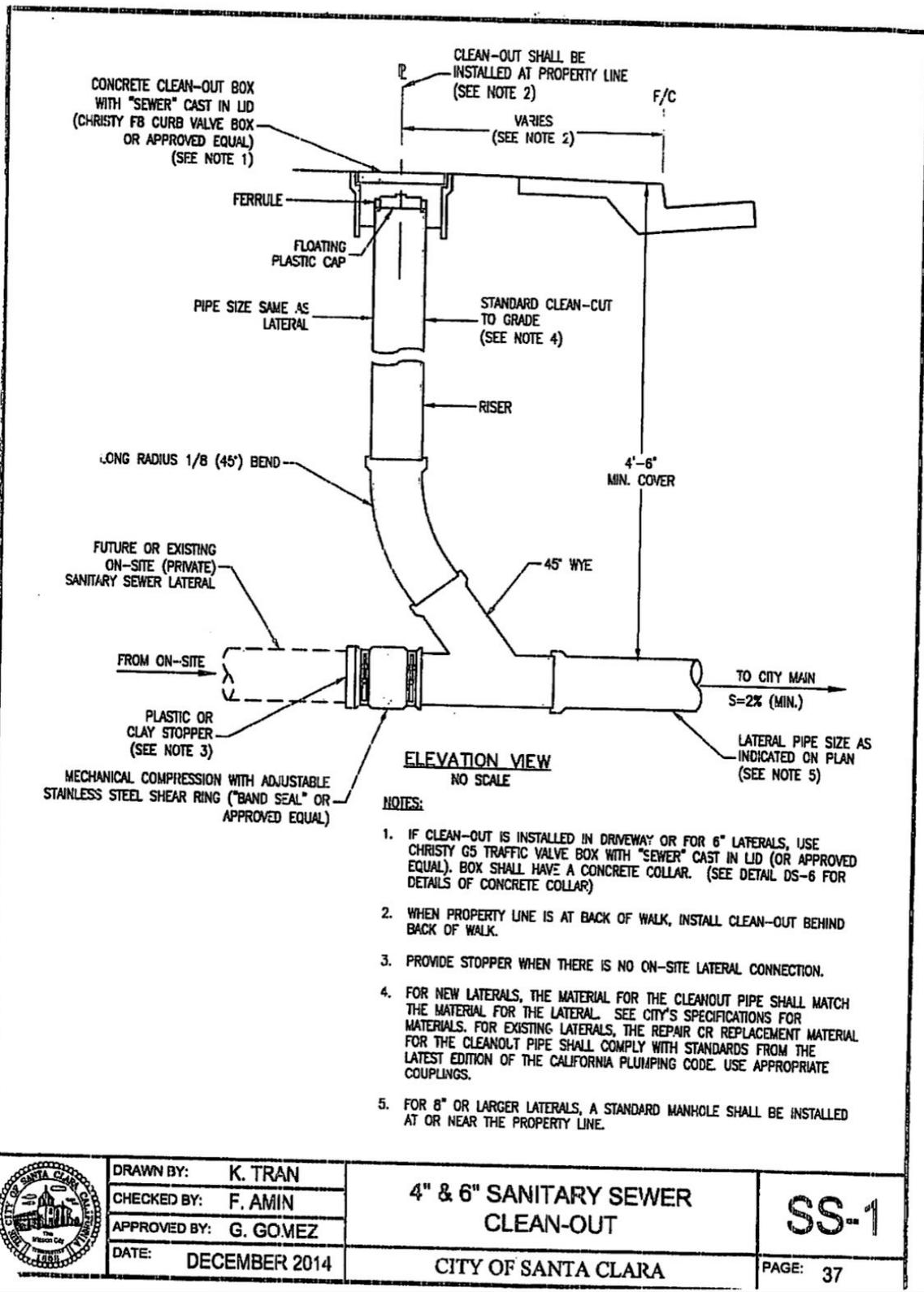
We see this definition of the sewer lateral all the way to the main sewer line as the root problem to be addressed. The costs which the City of Palo Alto pays to replace their laterals is significantly lower than those individuals pay in the City of Santa Clara. This makes sense considering a city can negotiate for better rates as they pose a larger scale contract than a single homeowner.

The City of Palo Alto is one example for how a city can manage and pay for our collective sewer infrastructure. We hope there are opportunities for our city administration and community to work within the larger network of city governments to find a better solution.

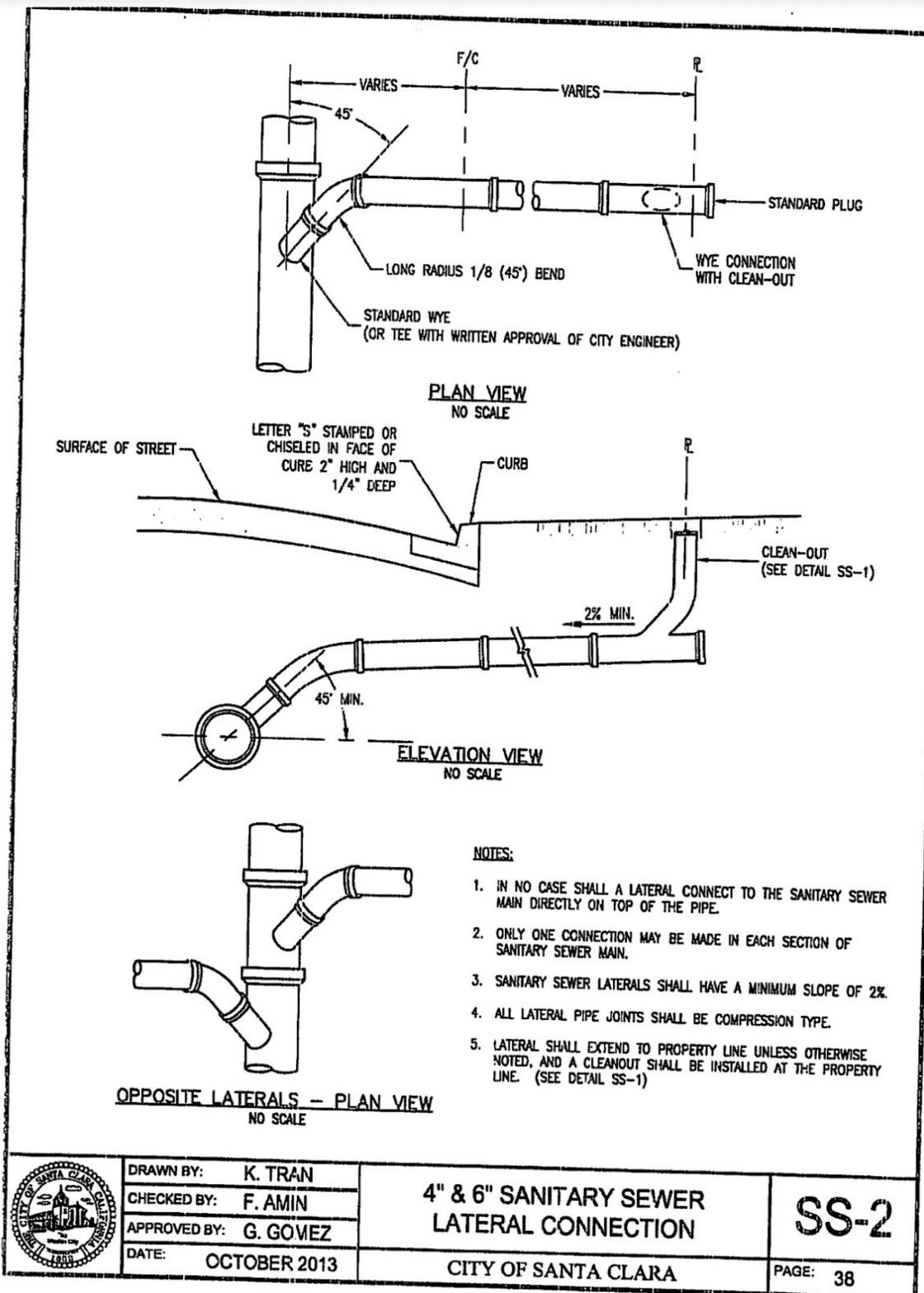
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SS-2 Sanitary Lateral Connection	8
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SS-1 Sanitary Sewer Clean-Out

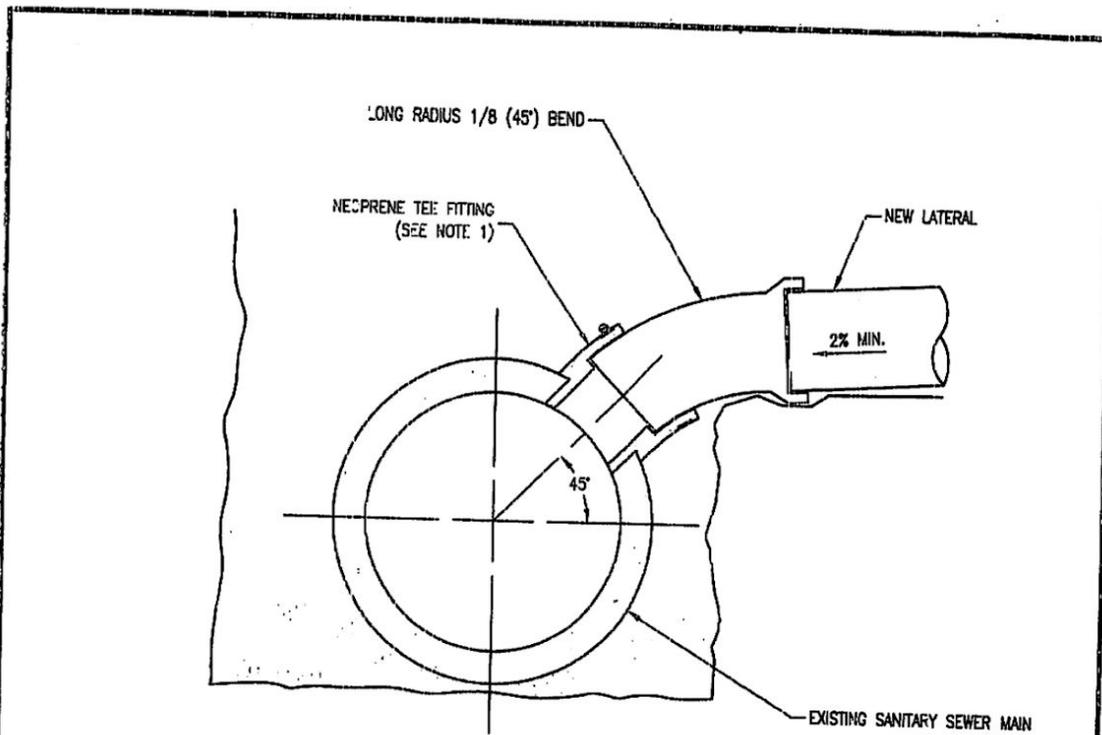


SS-2 Sanitary Lateral Connection



	DRAWN BY: K. TRAN	4" & 6" SANITARY SEWER LATERAL CONNECTION	SS-2
	CHECKED BY: F. AMIN		
	APPROVED BY: G. GOVEZ		
	DATE: OCTOBER 2013		
CITY OF SANTA CLARA		PAGE: 38	

SS-3 Sanitary Sewer Lateral Connection to Existing Main



NOTES:

1. SYNTHETIC RUBBER CONNECTION FITTING WITH WEDGED INSERT AND MECHANICALLY TIGHTENED STAINLESS STEEL BAND. HOLE TO BE DRILLED WITH A POWER DRIVEN CUTTER PRODUCING A SMOOTH SURFACE ("TAP-TITE" OR APPROVED EQUAL).
2. THIS LATERAL TAP CONNECTION DETAIL SHALL BE APPLICABLE ONLY TO LATERALS WITH INSIDE PIPE DIAMETER OF 4" OR 6". LATERALS GREATER THAN 6" SHALL CONNECT TO MAINS IN MANHOLES.
3. MORE THAN ONE LATERAL TAP CONNECTION IN ANY SECTION OF SANITARY SEWER MAIN IS SUBJECT TO THE WRITTEN APPROVAL OF THE CITY ENGINEER.
4. WHERE 6" LATERALS CONNECT TO 8" MAINS, OR 4" LATERALS CONNECT TO 6" MAINS, THE MAIN AND TEE FITTING SHALL BE ENCASED WITH CONCRETE TO A LEVEL OF THREE INCHES ABOVE THE TOP OF THE SANITARY SEWER MAIN.
5. IF THE SANITARY SEWER MAIN IS NOT IN SOUND CONDITION, THE ENTIRE SECTION OF THE MAIN SHALL BE REMOVED AND REPLACED, AND THE LATERAL SHALL BE CONNECTED PER CITY STANDARD "4" & 6" SANITARY SEWER LATERAL CONNECTION" (SEE DETAIL SS-2).
6. FOR 8" OR LARGER LATERALS, A STANDARD MANHOLE SHALL BE INSTALLED AT OR NEAR THE PROPERTY LINE.

	DRAWN BY: K. TRAN	4" & 6" SANITARY SEWER LATERAL CONNECTION TO EXISTING MAIN	SS-3
	CHECKED BY: F. AMIN		
	APPROVED BY: G. GOMEZ	CITY OF SANTA CLARA	PAGE: 39
	DATE: OCTOBER 2013		

City of Santa Clara Engineering Fee Schedule



CITY OF SANTA CLARA
 1500 WARBURTON AVE., SANTA CLARA, CA 95050 TEL.: (408) 615-3000 FAX: (408) 985-7936
 E-mail: engineering@santaclaraca.gov
 FY 2020-2021
 (Effective on 7/1/20)



ENGINEERING DEPARTMENT FEES, RATES, AND CHARGES

<u>LPD</u>	<u>FEES</u>
AGREEMENTS AND EASEMENTS – PREPARATION	\$ 5,945.90/document*
MINOR AGREEMENTS AND EASEMENTS – PREPARATION	\$ 4,084.26/document*
COMBINATION AGREEMENT AND GRANT DEED – PREPARATION	\$ 8,116.06 for both documents*
AGREEMENTS AND EASEMENTS – REVIEW	\$ 4,415.88/document*
MINOR AGREEMENTS AND EASEMENTS – REVIEW	\$ 2,684.37/document*
ASSESSMENT DISTRICT REAPPORTIONMENT FEES	
Parcel Splits or Assemblages:	
First Two New Parcels	\$ 8,493.84
Each Subsequent Parcel	\$ 2,182.75
ENCROACHMENT AGREEMENT APPLICATIONS:	
Into Easements	\$ 4,834.58/application*
Into Rights-of-Way	\$ 5,249.09/application*
FINAL MAP CHECKING FEE	\$ 13,706.21* plus \$ 642.26/lot over 5 lots*
AMENDED FINAL MAP CHECKING FEE	\$ 4,834.58/map*
PARCEL MAP CHECKING FEE	\$ 10,377.51/map*
RECORD OF SURVEY CHECKING FEE	
AMENDED PARCEL MAP CHECKING FEE	\$ 3,744.26/map*
AMENDED RECORD OF SURVEY CHECKING FEE	
SECURITY DEPOSIT FOR SURVEY MONUMENTS (Deposit only to guarantee payment to Surveyor or Engineer; refunded after work is performed.)	
Property Monument	\$ 1,585.50/monument
City Standard Street Monument	\$ 2,114.00/monument
Minimum Security (Deposit/Map)	\$ 3,171.00
LOT LINE ADJUSTMENT	\$ 7,017.33/application*
PROCESSING CERTIFICATE OF COMPLIANCE	\$1,076.68/certificate
PROCESSING CERTIFICATE OF CORRECTION (FINAL/PARCEL MAP)	\$ 3,828.21/certificate*
SANITARY SEWER MODELING FEE	\$ 8,844.00 – Initial model run, plus time & material for subsequent model run

City of Santa Clara Engineering Fee Schedule (page 2)



CITY OF SANTA CLARA
 1500 WARBURTON AVE., SANTA CLARA, CA 95050 TEL.: (408) 615-3000 FAX: (408) 985-7936
 E-mail: engineering@santaclaraca.gov
 FY 2020-2021
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ENGINEERING DEPARTMENT FEES, RATES, AND CHARGES

<u>TRAFFIC</u>	<u>FEES</u>
AGREEMENTS AND EASEMENTS – PREPARATION	\$ 5,945.90/document*
MINOR AGREEMENTS AND EASEMENTS – PREPARATION	\$ 4,084.26/document*
SPECIAL TRANSPORTATION PERMIT – OVERSIZE LOAD	\$ 16.00/single; \$90.00/annual
STORAGE OR REFUSE BINS ON CITY STREETS	\$ 246.61/each
TRAFFIC FLOW MAP: Not Mailed	\$ 18.89/each
Mailed	\$ 37.78/each

<u>GENERAL</u>	<u>FEES</u>
BLACK LINE PRINTS OF PLANS ON FILE	Cost
DRAINAGE AREA (TOWNSHIP & RANGE) MAP-WATERSHED MAP	
PLANS AND SPECIFICATIONS FOR PROJECTS Advertised for Bid (Charge assessed <u>per number of plan sheets.</u>) 0 to 5 Plan Sheets Each Additional Plan Sheet	
DOCUMENT RECORDING FEE	
RECORD DRAWINGS – ARCHIVING FEE	\$ 78.70/sheet*
BENCHMARKS	\$ 0.20/page – for public \$ 0.05/page – for employee
DESIGN CRITERIA	
PROPERTY DEVELOPMENT ORDINANCE (SCCC 17.15, formerly sec. 21A)	
STANDARD DETAILS	
STANDARD SPECIFICATIONS	
SUBDIVISION CODE	
XEROX COPIES	

City of Santa Clara Engineering Fee Schedule (page 3)



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ENGINEERING DEPARTMENT FEES, RATES, AND CHARGES

SUBDIVISION COMMITTEE REVIEW	FEES
TENTATIVE MAP (4 OR FEWER LOTS)	\$ 1,496.44*
TENTATIVE MAP (5 OR MORE LOTS)	\$ 2,382.13*
LOT LINE ADJUSTMENT	\$ 677.91*

PROJECT CLEARANCE COMMITTEE REVIEW	FEES
PRELIMINARY APPLICATION/RE-ZONING/ARCHITECT REVIEW	\$ 846.86*
USE PERMIT/VARIANCE	\$ 411.36*
CEQA – INITIAL STUDY REVIEW	\$ 2,628.75*
CEQA – EIR REVIEW	\$ 4,385.45*
TRAFFIC STUDY REPORT REVIEW (WITHOUT EIR)	\$ 2,636.09*

COST ANALYSIS FOR DEVELOPMENT	FEES
CAD – MINOR (ACCESSORY DWELLING UNIT, SINGLE FAMILY HOME, AND UP TO 4 RESIDENTIAL UNITS)	\$ 409.26*
CAD - MAJOR	\$ 994.82*

* A 3.37% Technology Fee will be applied to this fee.

Presentation to Community Groups

Authors: Joseph Ducato, Pam Rothstein

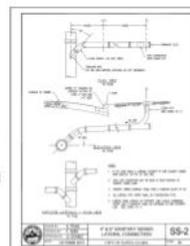
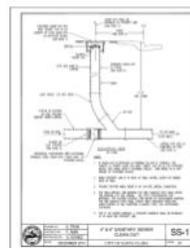
2020 Request from Property Owners to Update Sewer Department Policies

Please note: *The requests in this presentation are about our city policies, not the hardworking people in our sewer department who execute their assigned duties with professionalism.*

We love our city... but not our sewer system

Not all laterals were installed in compliance with our sewer department's requirements (City Details SS-1 & SS-2).

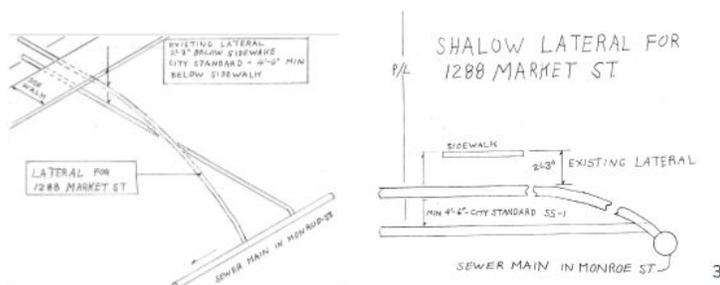
- Some pipes are shallower than 4.5' below the sidewalk
 - Subjects them to damage due to traffic vibration and tree roots
 - Places limits on gravity drainage of on site plumbing fixtures
- Some pipes do not have change of direction fittings which causes excess deflection and results in increased chance of root intrusion



2

Substandard installation + aging pipes = significant problems for property owners & city crews

- Excessive sanitary sewage overflows and trips by city crews to clear laterals (e.g., 543 Monroe Street) which now need repair
- Substandard depth of lateral led to unexpected pump installation (e.g., 1288 Market Street)

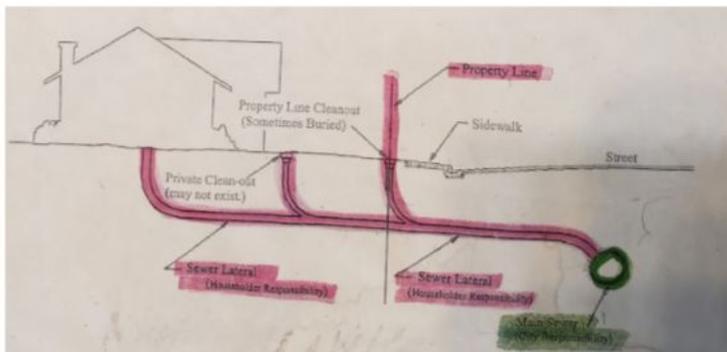


Property Owners Are Asked To...

- Step 1: Have an accessible property line clean out so city crews can keep the lateral open
- Step 2: Hire contractors to repair/replace parts.... even if the issue is in the public right of way. For example:
 - Install a property line clean out at the owner's expense (\$1824)
 - Pay the total cost of repairing or replacing each failed lateral that serves our property (\$\$\$\$)

Wait.... property owners are responsible for issues in the public right of way?

Why are Santa Clara Property Owners solely responsible for sewer laterals located in the right of way?



Other cities like Palo Alto and Redwood City do not work this way. ⁵

From our perspective it seems a little one-sided

- Property owners are being asked to foot the bill for work that historically was performed by city staff and funded by our city revenue.
- The shift in policy is in part facilitated by inappropriate use of terms and definitions found in our sewer ordinance.
- The unfair feeling is surfacing now because poor quality work completed decades ago is resulting in undo financial burden for our city residents.

We are Petitioning the City Council to Do the Right Thing

1. Change the city ordinance so the city re-assumes responsibility for the maintenance, repair, and replacement of sewer laterals in the right of way
2. Add or alter terms and definitions in the sewer ordinance to reflect:
 - a. Sewer laterals are pipes that convey sewage from a property owner's building sewer as defined in the cities adopted plumbing code to the city's main in the right of way
 - b. A building sewer convey sewage from a building on private property to a lateral at the property line. This sewer pipe is regulated by the city's adopted CA. plumbing code.
 - c. Drainage piping located on private property is the sole responsibility of the owner.
 - d. Owner in common means all assets owned by the city or located in the right of way are owned by & for all citizens
3. Agree on and publish criteria for prioritizing work

7

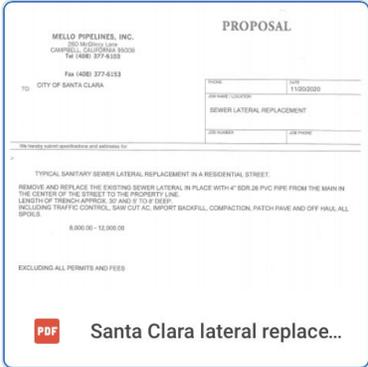
Here's a heartfelt thank you from:

Joseph Ducato

Pam Rothstein

8

Sewer Lateral Replacement Costs Estimates

Company	Estimate	Estimate Document						
Mello Pipelines, INC	\$8000-\$12000							
City of Palo Alto Utility	\$6,390 for 4-inch and \$6,710 for 6-inch lower lateral replacement	See City of Palo Alto PRR: Maintenance Answer to Question 3, section A						
City of Palo Alto Rejected 2019 Bid	\$9,667/each for 4-inch and \$9,691/each for 6-inch lower lateral replacement.	See City of Palo Alto PRR: Maintenance Answer to Question 3, section A						
Encroachment Permit Fee	<p>\$4834-5240</p> <table border="1" data-bbox="620 1163 1002 1203"> <tr> <td colspan="2">ENCROACHMENT AGREEMENT APPLICATIONS:</td> </tr> <tr> <td>Into Easements</td> <td>\$ 4,834 00/application*</td> </tr> <tr> <td>Into Rights-of-Way</td> <td>\$ 5,240 00/application*</td> </tr> </table>	ENCROACHMENT AGREEMENT APPLICATIONS:		Into Easements	\$ 4,834 00/application*	Into Rights-of-Way	\$ 5,240 00/application*	See the attached City Of Santa Clara Engineering Fee Schedule
ENCROACHMENT AGREEMENT APPLICATIONS:								
Into Easements	\$ 4,834 00/application*							
Into Rights-of-Way	\$ 5,240 00/application*							

PROPOSAL

MELLO PIPELINES, INC.
260 McGlincy Lane
CAMPBELL, CALIFORNIA 95008
Tel (408) 377-6103

Fax (408) 377-6153

TO: CITY OF SANTA CLARA

PHONE	DATE 11/20/2020
JOB NAME / LOCATION SEWER LATERAL REPLACEMENT	
JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:

>

TYPICAL SANITARY SEWER LATERAL REPLACEMENT IN A RESIDENTIAL STREET.

REMOVE AND REPLACE THE EXISTING SEWER LATERAL IN PLACE WITH 4" SDR.26 PVC PIPE FROM THE MAIN IN THE CENTER OF THE STREET TO THE PROPERTY LINE.
LENGTH OF TRENCH APPROX. 30' AND 5' TO 8' DEEP.
INCLUDING TRAFFIC CONTROL, SAW CUT AC, IMPORT BACKFILL, COMPACTION, PATCH PAVE AND OFF HAUL ALL SPOILS.

8,000.00 - 12,000.00

EXCLUDING ALL PERMITS AND FEES

We Propose hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of: _____ dollars (\$) _____).

Payment to be made as follows: _____

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

Excerpt from City of Santa Clara Public Records Request #20-666

City of Santa Clara Public Records Request

The below joins the questions posed by Joseph Ducato to the City of Santa Clara in his Public Records Request.

The city response is bolded. We have taken the liberty of moving the records notice to a footnote for conciseness.

Dear Joseph,

The City of Santa Clara acknowledges receipt and pursuant to the California Public Record Act, provides this response to your request:

Please provide in printed form any and all records describing the following:

1. How many sewer service laterals are there in the city of Santa Clara?

21,574

2. How many sewer lateral service calls are performed by the sewer department each year on average?

Average 1,719/year for last 14 years

3. What is the average cost to the city to perform a sewer lateral service?

The City does not possess records responsive to this request.

<records_notice>

4. What type of sewer lateral failures does the city crew rectify? (by percentage)

The City does not possess records responsive to this request.

<records_notice>¹

5. How many sewer laterals require service more than once in a 12 month period?

38

¹<records_notice> Please Note: The Public Records Act creates no duty to answer written or oral questions submitted by members of the public. Also, the City is not required to create records in response to a Public Records Act Request. "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency (including school and community college districts) regardless of physical form or characteristics. (Government Code § 6252).

6. If a sewer lateral is determined, by the city, to be requiring too many service calls to keep it functioning properly how much would it cost the city crew to replace it from the main sewer to the property line clean out?

The City does not possess records responsive to this request.

<records_notice>²

7. If the city's crew is performing a sewer lateral replacement would there be no need of an encroachment permit?

The City does not possess records responsive to this request.

<records_notice>

8. Does the city sewer department have a specific criteria to determine when a lateral should be replaced? If so please describe it including any city ordinances that are applicable.

The City does not possess records responsive to this request.

<records_notice>

9. What percent of existing sewer laterals are there that do not meet the standards shown on our city details SS-1, SS-2 and SS-3?

The City does not possess records responsive to this request.

<records_notice>

Sincerely,

City Clerk's Office

View Request 20-666

<http://santaclara.nextrequest.com/requests/20-666>

²<records_notice> Please Note: The Public Records Act creates no duty to answer written or oral questions submitted by members of the public. Also, the City is not required to create records in response to a Public Records Act Request. "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency (including school and community college districts) regardless of physical form or characteristics. (Government Code § 6252).

City of Palo Alto Public Records Request



CITY OF
**PALO
ALTO**

Eli Mejia | Associate Engineer

WGW Utilities Engineering

1007 Elwell Ct. | Palo Alto, CA 94301

D: 650-566-4572 | E: eli.mejia@cityofpaloalto.org

Please think of the environment before printing this email – Thank you!

The below joins the questions posed by Joseph Ducato to the City of Palo Alto in his Public Records Request.

The city response is bolded.

Good afternoon Mr. Ducato,

I currently work in the Utilities Engineering Wastewater group and routinely work closely with our Operations regarding the current condition with our Wastewater system. I have carefully reviewed your questions and have researched and compiled my answers below in bold.

1. What are the determining factors that require a lower sewer lateral to be replaced?
 - a. **Maintenance: Many factors come into consideration when the City determines to replace a lower lateral. Utilities Operations prioritize lateral replacement by maintenance frequency and pipe condition assessment via NASSCO rating. The laterals with most defects and higher maintenance frequency are grouped by neighborhoods/ areas, as much as possible, for replacement.**
 - b. **CIP Projects: Utilities Engineering prioritizes CIP projects based on sewer main condition assessment. The replacement is also grouped by neighborhoods/areas for efficiency. All non-plastic laterals along these sewer mains are replaced as part of the project.**
2. When the utility department decides a lower lateral is to be replaced does the city perform the work or does the city use an outside contractor?
 - a. **Maintenance: Between 2016 and 2019, Utilities Operations used outside contractors to replace lower laterals, to free up resources for other required maintenance activities. However, the construction cost has been elevated to a point that it's no longer cost effective to use the outside contractor. The**

as-needed lateral replacement work is currently being performed by in-house staff at a slower pace due to manpower.

b. CIP Projects: Utilities Engineering uses outside contractors to replace sewer mains and laterals.

3. What is the city's average cost to replace a lower lateral located in the right of way? (for a 4" & 6" pipe size)

a. Maintenance: Based on Operations recent multi-year as-needed lateral replacement contract, the average unit cost is \$6,390 for 4-inch and \$6,710 for 6-inch lower lateral replacement. In later 2019, the City rejected a bid for a new multi-year as-needed contract because the cost was too high. The rejected bid included the costs for lateral replacement: \$9,667/each for 4-inch and \$9,691/each for 6-inch lower lateral replacement.

b. CIP Projects: Based on the City's most recent 3 CIP projects, the average unit cost is \$3,833 for 4-inch and \$4,200 for 6-inch lateral replacement. Typically, the cost of lateral replacement for CIP project is lower than as-needed contract for various reasons. For examples: 1) For CIP projects, the mobilization and shoring cost is not included in the lateral unit price because there are separated bid items for the entire project. 2) The excavation cost at the lateral connection point to the main could be included in the sewer main bid item, instead in the lateral bid item. 3) The contractor may choose to distribute the cost differently to win the bid.

4. Given that the city utility department takes the responsibility and control of lower lateral replacement is there any reason to add inspection and encroachment fees to project?

The City has full-time Inspectors to inspect any work performed by the contractors, to ensure compliance; therefore, inspection fee should be included. The Utilities Department pays street cut fees to the general fund, anytime excavation is involved; therefore, street cut fee is suggested to be considered in the cost analysis.

5. Does the utility department maintain priority lists of which lateral replacements are most urgent?

a. Maintenance: Utilities Operations has compiled a list of known areas where mains and laterals have become problematic to Operations crews during routine maintenance. Operations also performs CCTV inspection and prepares NASSCO-based pipe assessment reports to confirm the condition. Pipe replacement is prioritized based on defect severity.

b. CIP Projects: Utilities Engineering prioritizes CIP projects based on sewer main condition assessment. The replacement is also grouped by

neighborhoods/areas for efficiency. All non-plastic laterals along these sewer mains are replaced as part of the project.

6. How many lower laterals are there in the city of Palo Alto?
As of December 2020, the City has approximately 18,070 active laterals.

7. How many lower laterals are replaced each year on average?
 - a. **Maintenance: 60 to 84 lower laterals per year on average between 2016 and 2019.**

 - b. **CIP Projects: Based on the City's most recent 3 CIP projects, 152 lower laterals were replaced per year.**

8. Are there occasions when a lower lateral may require immediate repair or replacement? If so please explain who performs the work.

Operations occasionally comes across lower laterals, during routine maintenance, that may require immediate attention due to structural damage to the pipe. Operations then determines if the lower lateral needs repair work performed or if a complete lower lateral replacement needed. For immediate repair/replacement, work is performed by our Operations crew.

SEWER ORDINANCE 1901 EXCERPTS and PROPOSED CHANGES

13.10.020 Definitions (S)

(5) “Sewer lateral” (same as “sewer service lateral”) means the sewer connection piping used to convey sewage from a building or facility on a parcel (private or public property) to the City-owned sewer main. Each sewer lateral is owned by the entity that owns the property or facility from which that sewer lateral serves to convey sewage.

13.10.040 Maintenance and inspection of sewer connections

Each user shall keep his/her sewer connections and sewer lateral(s) in good order at his/her own expense and shall be liable for all damages resulting from failure to do so. Each owner shall maintain their sewer lateral free from displaced joints, open joints, root intrusions, substantial deterioration of pipe material, cracks, leaks, inflow or infiltration of extraneous water, grease and sediment deposits or other similar conditions, defects, or obstructions likely to cause or increase the chance of blockage. A City inspector shall be admitted at all reasonable hours to any premises connected with the sewer system, for the purpose of checking plumbing fixtures, protecting the rights of the City, and determining facts relevant to the establishment, computation, and billing of the sewer service charges provided for in this chapter, including, in the case of industrial users, examination of the users’ books for the purpose of checking the quantities of industrial waste produced. (Ord. 1901 § 2, 11-27-12).0

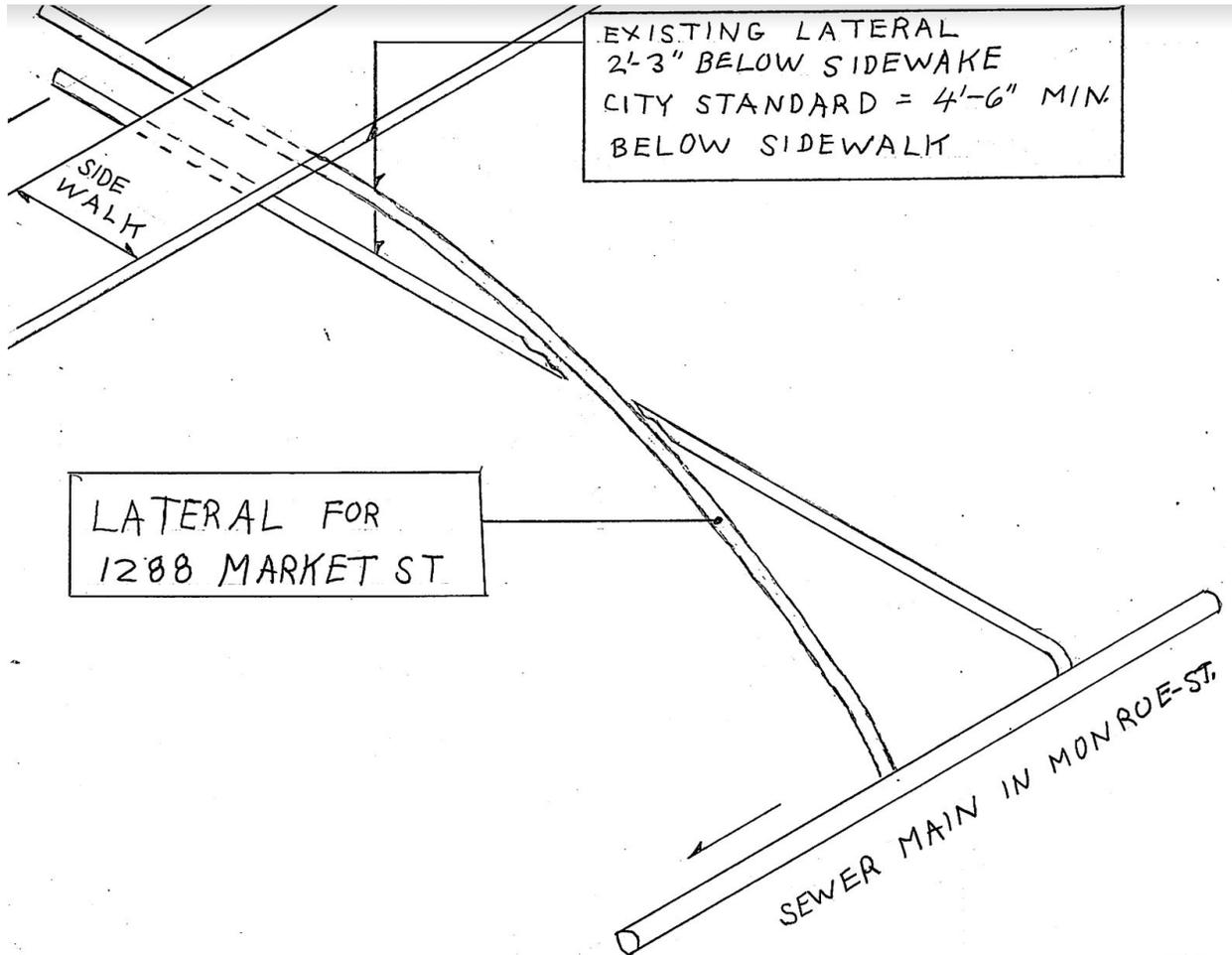
Suggested change to 13.10.020 (s) (5): **(Last sentence)**

“SewerLateral” (same as “Sewer Service Lateral”) means the sewer connection piping used to convey sewage from a private building sewer as defined by the city of santa clara’s currently adopted california plumbing code to the city’s main sewer located in the city right of way. This lower lateral is not owned solely by the owner of the property who has their private building sewer connected to this lower sewer lateral at the property line.

Suggested change to 13.10.040 Maintenance (**sewer lateral to building sewer**)

Each user shall keep his/her sewer connections and **building sewer (s)** in good order at his/her own expense and shall be liable for all damages resulting from failure to do so. Each owner shall maintain their **building sewer** free from displaced joints, open joints, root intrusion, substantial deterioration of pipe material, cracks, leaks, inflow or infiltration of extraneous water, grease and sediment deposits or other similar conditions, defects, or obstructions likely to cause or increase the chance of blockage.

1288 Monroe Lateral Diagram



Shallow Lateral at 1288 Monroe Street

Depth at 2'3" rather than the city standard of 4'6".

