

MEMORANDUM OF UNDERSTANDING #09-0506
BETWEEN THE COUNTY OF EL DORADO
AND THE CITY OF SOUTH LAKE TAHOE
FOR THE CONSTRUCTION OF THE EL DORADO BEACH
IMPROVEMENT PROJECT IN THE SOUTH LAKE TAHOE
RECREATIONAL AREA
AMENDMENT I

This Amendment I to that Memorandum of Understanding (MOU) #09-0506, made and entered into by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "County") and the City of South lake Tahoe (hereinafter referred to as "City"), a municipal corporation. For purposes of this Amendment I to the MOU, the County and the City are each a "Party" and are sometimes referred to as the "Parties";

RECITALS

WHEREAS, Parties have agreed to improve the property known as the El Dorado Beach portion of the South Lake Tahoe-El Dorado Recreational Area, in accordance with Memorandum of Understanding #90-0506, dated January 26, 2010, incorporated herein and made by reference a part hereof; and

WHEREAS, the 1972 lease agreement between County and City governing the South Lake Tahoe-El Dorado Recreational Area was amended on January 26, 2010 to allow for implementation and construction of said improvement project on the 4.74 acre beachfront parcel (APN 026-050-06), referred to in the lease amendment as the El Dorado Beach Portion of the Leased Property; and

WHEREAS, the amended lease agreement referred to the project as the "El Dorado Beach Improvements" and described it as a two-phase project in Exhibits C through F of the amended lease. The two phases described in the exhibits were the "El Dorado Beach Improvement Project (Phase 1)" and the "Restroom Relocation and Reconstruction Project (Phase 2);" and

WHEREAS, both Phase 1 and Phase 2 improvements are located on the El Dorado Beach Portion of the Leased Property, with Phase 1 comprised of that beachfront portion located north of U.S. 50 and Lakeview Avenue, and Phase 2 comprised of that triangular portion located south of Lakeview Avenue, west of U.S. 50, and east of Harrison Drive; and

WHEREAS, consistent with the lease amendment, the project map, attached as Attachment 1 to the MOU, depicted the 4.74 acre beachfront parcel (APN 026-050-06) in its entirety as the location for the Phase 1 and Phase 2 of the El Dorado Beach Improvements; however, under Section II.A of the MOU, the project scope only referred to Phase 1 improvements and omitted Phase 2 improvements; and

WHEREAS, the parties desire to amend the MOU to clarify that Phase 2 improvements are part of the project scope for the El Dorado Beach Improvements consistent with the amended lease agreement and Attachment 1 to the MOU; and

NOW THEREFORE, the parties do hereby agree that Memorandum of Understanding #90-0506 shall be amended a first time as follows:

1. Section II.C “Scope of Beach Improvement Project” is amended in its entirety to read as follows:

“C. The Beach Improvement Project will involve the implementation of water quality measures and improvements to recreational features of the waterfront area in accordance with a conceptual plan as presented to the Board of Supervisors and City Council on January 29, 2008 and updated in a presentation to the Board of Supervisors on August 26, 2008 (Phase I Conceptual Plan). Maps depicting the Beach Improvement Project are attached hereto, identified as “Attachment 2 Beach Improvement Project Map” and “Attachment 4 Restroom Relocation and Reconstruction Project” and incorporated herein by reference. The Beach Improvement Project Phase 1 improvements shall include, but are not limited to, storm-water infiltration areas, pervious paving, stabilization of the bluff to reduce erosion at the lake-edge, terraced seating areas for lake viewing, ADA accessible viewing areas, improved picnic and barbeque areas, a small building with City operated concessions for food, a restroom, a small building for non-motorized water crafts, a cantilevered lake overlook, an upgraded Class I bike path, and a new waterfront plaza for community recreation. The Restroom Relocation and Reconstruction Project Phase 2 improvements shall include, but are not limited to reconstruction of the existing restrooms that meet ADA requirements and standards for winterization, up to six stalls for women and six facilities for men, retrofit modifications of the existing drinking fountain to make it wheelchair accessible, parking upgrades, paving pedestrian walkways and ramps, adding parking and street lights, landscaping with amenities and a bike trail between El Dorado Beach (Lakeview Commons) and the existing bike trail southwest of the Harrison Avenue commercial corridor. Additive alternates to be considered shall include, but are not limited to, improvements to the boat trailer and launch parking lots, which will include, but are not limited to providing landscaping, connectivity to the bike trail and improved vehicle circulation. For purposes of this MOU, both Phase 1 and Phase 2 improvements will be referred to collectively as the “Beach Improvement Project Improvements” or the “Beach Improvement Project.”

2. Section IV “Cooperative Application for Funding: Grant Administration Responsibilities” is amended in its entirety to read as follows:

“The City has accepted funds or grants in its name allocated by the California Tahoe Conservancy and the California Department of Boating and Waterways for the Beach Improvement Project and City shall have the responsibility to administer and comply with the requirements and obligations set forth therein including but not limited to fiscal control, accounting, record keeping, invoice and other administrative tasks.”

3. **Sections VI.H and VI.J of the “General Terms and Conditions” are amended in their entirety to read as follows:**

“H. Notice to Parties: All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid and return receipt requested. Notices to County shall be addressed as follows:

COUNTY OF EL DORADO
Chief Administrative Office
330 Fair Lane
Placerville, CA 95667
ATTN: Kim Kerr, Assistant Chief Administrative Office

Chief Administrative Office
Parks Division
330 Fair Lane
Placerville, CA 95667
ATTN: Vickie Sanders, Parks Manager

or to such other location as the County directs

with a carbon copy to:

COUNTY OF EL DORADO
Chief Administrative Office
Procurement and Contracts Division
360 Fair Lane
Placerville, CA 95667
ATTN: Terri Daly, Purchasing Agent

Notices to City shall be addressed as follows:

Nancy Kerry
City Manager
City of South Lake Tahoe
1901 Airport Rd., Ste. 203
South Lake Tahoe, CA 96150

or to such other location as the City directs.

J. Administrator: The County Officer or employee with responsibility for administering this MOU is Vickie Sanders, Parks Manager, Parks Division, Chief Administrative Office or successor.”

4. A new “Attachment 4” depicting the location map for the Restroom Relocation and Reconstruction Project (Phase 2), attached hereto and incorporated herein by reference, is added to the MOU consistent with Exhibit F of the lease amendment.

Except as herein amended, all other parts and sections of that Memorandum of Understanding #09-0506 shall remain unchanged and in full force and effect.

Requesting Contract Administrator Concurrence:

By: Vickie Sanders
Vickie Sanders
Parks Manager
Parks Division, Chief Administrative Office.

Dated: 2/17/14

Requesting Department Head Concurrence:

By: Kimberly A. Kerr
Kimberly Kerr
Assistant Chief Administrative Officer
Chief Administrative Office

Dated: 2/13/14

IN WITNESS WHEREOF, the parties hereto have executed this first Amendment to that Memorandum of Understanding #90-0506 on the dates indicated below.

-- COUNTY OF EL DORADO --

Dated: 4-17-14
Board date 2-11-14

By: Norma Santiago
Norma Santiago, Chair
Board of Supervisors
"County"

ATTEST:
James S. Mitrison
Clerk of the Board of Supervisors

By: Stephen Tyle
Deputy Clerk

Dated: 4-17-14
Board date 2-11-14

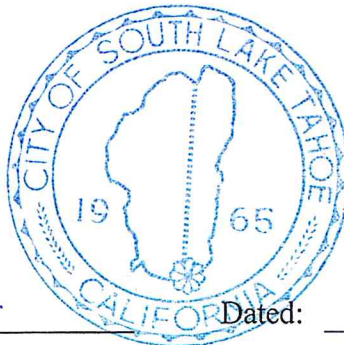
-- CITY OF SOUTH LAKE TAHOE --

By: Hal Cole
Hal Cole
Mayor
"City"

Dated: 4/8/14

ATTEST:
Susan Alessi
City Clerk

By: Susan Alessi



Dated: 4/8/14

Exhibit "F"

Restroom Relocation and Reconstruction Project

