

**CITY OF SANTA BARBARA  
CITY COUNCIL**

**Helene Schneider**  
*Mayor*  
**Randy Rowse**  
*Mayor Pro Tempore*  
**Grant House**  
*Ordinance Committee Chair*  
**Dale Francisco**  
*Finance Committee Chair*  
**Frank Hotchkiss**  
**Cathy Murillo**  
**Bendy White**



**James L. Armstrong**  
*City Administrator*

**Stephen P. Wiley**  
*City Attorney*

**City Hall**  
*735 Anacapa Street*  
<http://www.SantaBarbaraCA.gov>

**SEPTEMBER 10, 2013  
AGENDA**

**ORDER OF BUSINESS:** Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

**REPORTS:** Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

**PUBLIC COMMENT:** At the beginning of the 2:00 p.m. session of each regular City Council meeting, and at the beginning of each special City Council meeting, any member of the public may address the City Council concerning any item not on the Council's agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the City Council. Should City Council business continue into the evening session of a regular City Council meeting at 6:00 p.m., the City Council will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

**REQUEST TO SPEAK:** A member of the public may address the Finance or Ordinance Committee or City Council regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or City Council.

**CONSENT CALENDAR:** The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council considers the Consent Calendar.

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

**TELEVISION COVERAGE:** Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at [www.citytv18.com](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **REGULAR CITY COUNCIL MEETING – 2:00 P.M.**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **CEREMONIAL ITEMS**

**1. Subject: Employee Recognition - Service Award Pins (410.01)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2013.

**2. Subject: Proclamation Dedicating The John T. Rickard Airport Terminal (120.04)**

### **CHANGES TO THE AGENDA**

### **PUBLIC COMMENT**

### **CONSENT CALENDAR**

**3. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of August 6, and August 13, 2013, and the regular meetings of August 20, August 27, and September 3, 2013 (cancelled).

## CONSENT CALENDAR (CONT'D)

### 4. **Subject: Contract For Construction For Runway 15R-33L Pavement Rehabilitation (560.04)**

Recommendation: That Council:

- A. Accept, and authorize the Airport Director to execute on behalf of the City, a Federal Aviation Administration Grant offer, No. 306-0235-46, in an amount not to exceed \$2,690,106 in Airport Improvement Program funds for rehabilitation of Taxiways C, H, and J, Phase II, and rehabilitation of Runway 15R, Phase I;
- B. Approve a transfer of \$277,141 from the Airport Operating Fund from available reserves representing the City's 9.34 percent grant match;
- C. Award a contract with Granite Construction in their low bid amount of \$1,743,655 for construction of the Runway 15R-33L Pavement Rehabilitation project, Bid No. 3703, and Authorize the Public Works Director to execute the contract and approve expenditures up to \$85,823 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- D. Approve a transfer of \$85,823 from the Airport Operating Fund from available reserves representing the budget for contract change orders for construction of the Runway 15R-33L Pavement Rehabilitation project;
- E. Authorize the Public Works Director to execute a contract with Kimley-Horn and Associates, Inc., in the amount of \$198,357 for construction support services, and approve expenditures of up to \$13,300 for extra services of Kimley-Horn and Associates, Inc., that may result from necessary changes in the scope of work; and
- F. Increase appropriations and estimated revenue by \$3,053,070 in the Airport's Grants Fund to be funded from the Federal Aviation Administration Airport Improvement Program grant, No. 306-0235-46, totaling \$2,690,106, and the City's \$277,141 match from reserves, and the \$85,823 transfer from the Airport Operating Fund for the construction change order authorization.

### 5. **Subject: Award Of Professional Services Agreement To Rincon Consultants, Inc. (630.01)**

Recommendation: That Council authorize the issuance of a Professional Services Agreement with Rincon Consultants, Inc., subject to review and approval of the form of agreement by the City Attorney and the Finance Director, in an amount not to exceed \$300,000 for the monitoring and reporting program for Las Positas Closed Landfill for a term of up to three years with an optional two-year extension as additional one-year increments.

## **CONSENT CALENDAR (CONT'D)**

### **6. Subject: Agreements For Afterschool Recreation Programs (570.06)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into two agreements with the Santa Barbara Unified School Districts (SBUSD) for the Recreation Afterschool Program (RAP) and Afterschool Opportunities for Kids (A-OK);
- B. Decrease appropriations and estimated revenues in the Fiscal Year 2014 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$9,044; and
- C. Increase appropriations and estimated revenues in the Fiscal Year 2014 Parks and Recreation Department General Fund in the amount of \$9,044.

### **7. Subject: Revisions To City's Emergency Management Plan (520.02)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the January 2013 Revisions to the City of Santa Barbara Emergency Management Plan.

### **8. Subject: Resolution Of Acceptance For Mission Creek Easement At 306 West Ortega Street (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Acceptance of a Permanent Easement Interest Located at 306 West Ortega Street, and Consenting to the Recordation of the Mission Creek Exclusive Easement Deed in the Official Records, County of Santa Barbara.

### **9. Subject: Acquisition Of Real Property For The Mason Street Bridge Replacement Project (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept the Real Property Interests Located at 135 Kimberly Avenue, 16 W. Mason Street, and 28 W. Cabrillo Boulevard, Relating to the Mason Street Bridge Replacement Project, and Authorizing the Public Works Director to Execute Such Agreements and Documents as Necessary for the Acquisition and Acceptance of Said Real Property Interests, Subject to Approval of the Form of the Agreement by the City Attorney, and Record Said Real Property Interests in the Official Records of the County of Santa Barbara.

## CONSENT CALENDAR (CONT'D)

**10. Subject: Contract For Construction For The Conejo Road Sewer Main Extension And Acceptance Of Public Utility Easement (540.13)**

Recommendation: That Council:

- A. Award a contract with Tierra Contracting in their low bid amount of \$84,829 for construction of the Conejo Road Sewer Main Extension, Bid No. 3693;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$10,179 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Acceptance of a Permanent Easement Interest Located at 450 Conejo Road, and Authorizing the Public Works Director to Execute an Easement Purchase Agreement in the Amount of \$5,600, and Consenting to the Recordation of the Public Utility Easement Deed in the Official Records, County of Santa Barbara.

**11. Subject: Certification Of Administrative Citation Program Unpaid Fines List (640.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Amounts of Administrative Citations Greater than 60 Days Past Due for the Purpose of Either Referral to a Collection Agency or Filing a Lien Against the Property.

**12. Subject: Grants From California State Library, American Riviera Bank, And National Endowment For The Arts (570.04)**

Recommendation: That Council:

- A. Authorize the Library Director to accept a \$17,000 grant from the California State Library to develop and implement the program "Apps for All";
- B. Authorize the Library Director to accept a \$1,000 grant from American Riviera Bank in support of the "Apps for All" project;
- C. Authorize the Library Director to accept a \$15,850 grant from the National Endowment for the Arts to develop and implement the Big Read program;
- D. Authorize the Library Director to accept a \$4,500 grant from the Santa Barbara Foundation to develop and implement the Big Read program; and
- E. Approve an increase to Estimated Library Grant Revenues; and increase the appropriations for the Grant Program in the General Fund, by \$38,350.

## **CONSENT CALENDAR (CONT'D)**

### NOTICES

13. The City Clerk has on Thursday, September 5, 2013, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
14. The City Council will hold a public hearing on Tuesday, October 1, 2013, at 2:00 p.m. to consider the appeal filed by Stephen Joseph, representing the Save the Plastic Bag Coalition, of the Planning Commission's certification of the Final Environmental Impact Report for the City's proposed Single-Use Carryout Bag Ordinance.
15. The site visit scheduled for September 9, 2013, at 1:30 p.m., and the public hearing scheduled for September 10, 2013, at 2:00 p.m. to hear an appeal of the Parks and Recreation Commission's decision to deny the removal of two front setback trees located at 2610 Hacienda Court has been cancelled due to withdrawal of the appeal.

**This concludes the Consent Calendar.**

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### CITY ADMINISTRATOR

**16. Subject: Intent to Award Gas Franchise to SoCalGas (510.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intent to Grant a 30-Year Franchise, with an Option to Extend for 10 Additional Years, to Southern California Gas Company and to Set the Time and Place for a Public Hearing Pursuant to Article XIV of the City Charter.

### PARKS AND RECREATION DEPARTMENT

**17. Subject: Neighborhood Health Fair And Family Fun Day (570.06)**

Recommendation: That Council receive information on the Neighborhood Health Fair and Family Fun Day.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## CLOSED SESSIONS

### 18. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 (Conference with Real Property Negotiators):

Real Property: A portion of the Airport property located at 6100 Hollister Avenue bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map, City Parcel Map No. 20,608) in the City of Santa Barbara.

City Negotiators: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney; Sarah Knecht, Assistant City Attorney.

Negotiating Parties: Direct Relief International: Thomas Tighe, President and CEO; Judy Partch, Director of Human Resources, Administration & Compliance.

Under Negotiation: Instructions to negotiators regarding the price and terms of payment of a possible ground lease or property purchase.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

### 19. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Bargaining Unit and General Bargaining Unit.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

### 20. Subject: Conference With Real Property Negotiators (330.03)

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 to consider the possible purchase of real property.

Real Property: 3742 Foothill Road, Santa Barbara, California, APN 055-020-034.

City Negotiators: Cameron Benson, Creeks Manager; Stephen P. Wiley, City Attorney; N. Scott Vincent, Assistant City Attorney.

Negotiating Parties: Brigette von dem Hagen for property owner Sandra De Forrest Trust.

Under Negotiation: Price and terms of purchase of real property.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

## ADJOURNMENT



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Employee Recognition – Service Award Pins

### **RECOMMENDATION:**

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2013.

### **DISCUSSION:**

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through September 30, 2013.

**ATTACHMENT:** September 2013 Service Awards

**PREPARED BY:** Myndi Hegeman, Administrative Specialist

**SUBMITTED BY:** Marcelo López, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

**SEPTEMBER 2013 SERVICE AWARDS**

September 10, 2013 Council Meeting

**5 YEARS**

Tiffany Keller, Police Officer, Police Department  
Guillermo Cipres, Police Officer, Police Department  
Ashleigh Shue, Project Engineer II, Public Works Department  
Hugo Miguel Perez, Custodian, Airport Department

**10 YEARS**

Lynne Sparks, Senior Accountant, Finance Department  
Eric Just, GIS Coordinator, Information Systems Department  
Rodolfo Saldana, Grounds Maintenance Worker, Parks & Recreation Department  
Patricia Herrera, Office Specialist II, Parks & Recreation Department

**20 YEARS**

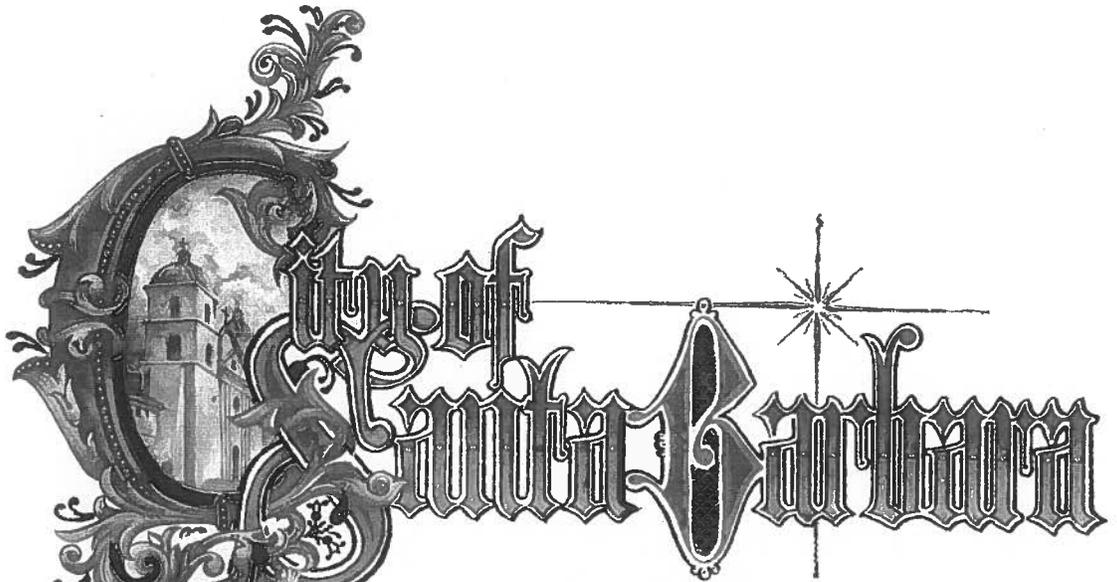
Alan Cooper, Senior Building Inspector, Community Development Department

**25 YEARS**

James Ella, Police Sergeant, Police Department

**30 YEARS**

Louis Chiourn, Laboratory Supervisor, Public Works Department



**PROCLAMATION**  
**DEDICATION OF THE**  
**JOHN T. RICKARD TERMINAL**  
**September 16, 2013**

*WHEREAS, JOHN T. RICKARD will be honored on September 16, 2013 when the new Santa Barbara Municipal Airport terminal will be named the JOHN T. RICKARD TERMINAL; and*

*WHEREAS, JOHN T. RICKARD left a legacy for future generations that protected Santa Barbara's natural beauty and secured Santa Barbara's economic base; and*

*WHEREAS, JOHN T. RICKARD was a native of Santa Barbara, proudly tracing his family lineage to Santa Barbara's founding fathers; the early Royal Presidio comandantes; and*

*WHEREAS, JOHN T. RICKARD, after distinguished service in the Second World War served as a City Harbor Commissioner and then was elected City Attorney followed by two terms as Mayor from 1953-1957; and*

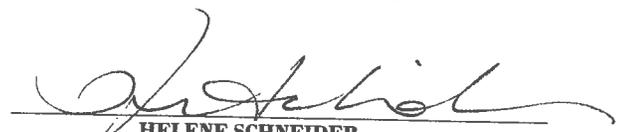
*WHEREAS, JOHN T. RICKARD was the primary architect of legislation to establish a marine sanctuary to protect the Santa Barbara coastline from oil development and annexed the City's airport to allow for its continued growth and development; and*

*WHEREAS, JOHN T. RICKARD, served as El Presidente of Old Spanish Days Fiesta (1948-1949) revitalizing the city's largest civic celebration to refocus on local history and traditions; and*

*WHEREAS, JOHN T. RICKARD served as a judge of the Superior Court from 1968-1982 and was highly respected for his firm and fair decisions. In 1969 John T. Rickard was honored as Santa Barbara's "Man of the Year".*

*NOW, THEREFORE I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim the Santa Barbara Airport Terminal, the JOHN T. RICKARD TERMINAL.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California to be affixed this 10<sup>th</sup> day of September 2013.*

  
**HELENE SCHNEIDER**  
Mayor





# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING August 6, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Frank Hotchkiss.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Gwen Peirce.

### CEREMONIAL ITEMS

1. **Subject: Proclamation Acknowledging The 50th Anniversary Of The Los Paisanos Golf Club (120.04)**

Action: The Proclamation was presented to Gary Adkins of the Los Paisanos Golf Club Tournament Committee.

2. **Subject: Employee Recognition - Service Award Pins (410.01)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through August 31, 2013.

Documents:

August 6, 2013, report from the Assistant City Administrator.

(Cont'd)

**2. (Cont'd)**

Speakers:

Staff: City Administrator James Armstrong, Award Recipient Rebecca Jimenez.

By consensus, the Council approved the recommendation, and the following employees were recognized:

5 YEARS

Sadie Lewman, Police Technician, Police Department  
Malcolm Hamilton, Administrative Assistant, Public Works Department  
Sergio Arriaga, Assistant Parking Coordinator, Waterfront Department

15 YEARS

Richard Cenen Aparicio, Environmental Services Specialist I, Public Works Department  
Marivel Zambrano-Esparza, Senior Library Technician, Library Department

25 YEARS

Fernando Camarillo, Custodian, Public Works Department  
Richard Hanna, Senior Recreation Supervisor, Parks and Recreation Department

30 YEARS

Alfred Alvarez, Police Records Specialist, Police Department

35 YEARS

Rebecca Jimenez, Parking Supervisor, Public Works Department

**PUBLIC COMMENT**

Speakers: Matthew Kramer, Steve Reynolds.

**ITEM REMOVED FROM CONSENT CALENDAR**

**4. Subject: Attornment Agreement With H. Oliver Dixon And Montecito Bank & Trust For An Airport Property (330.04)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving, and Authorizing the Airport Director to Execute, an Attornment Agreement Among the City of Santa Barbara, H. Oliver Dixon, Inc., and Montecito Bank & Trust Pertaining to Lease Agreement No. 21,810, dated November 1, 2005.

Councilmember White stated he would abstain from voting on this item due to the fact that Mr. Dixon is his client.

Documents:

- August 6, 2013, report from the Airport Director.
- Proposed Ordinance.

The title of the ordinance was read.

(Cont'd)

**4. (Cont'd)**

Motion:

Councilmembers Murillo/Francisco to approve the recommendation.

Vote:

Unanimous voice vote (Abstentions: Councilmember White; Absent: Councilmember Hotchkiss).

**CONSENT CALENDAR (Item Nos. 3, 5 – 10)**

Motion:

Councilmembers Murillo/White to approve the Consent Calendar as recommended.

Vote:

Unanimous voice vote (Absent: Councilmember Hotchkiss).

CITY COUNCIL

**3. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of July 23, 2013.

Action: Approved the recommendation.

**5. Subject: Twelve35 Teen Center Lease With Santa Barbara Police Activities League and Annual Report (330.04)**

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to enter into a three-year lease agreement with the Santa Barbara Police Activities League (PAL) for the Twelve35 Teen Center with a monthly rent of \$800, commencing July 1, 2013, and ending June 30, 2016; and
- B. Receive the Fiscal Year 2013 PAL Annual Report.

Action: Approved the recommendations; Lease Agreement No. 24,584 (August 6, 2013, report from the Parks and Recreation Director).

**6. Subject: Agreement With Santa Barbara Region Chamber Of Commerce For Airport Visitor Information Center Staffing (180.01)**

Recommendation: That Council approve, and authorize the Airport Director to execute, an Operating Agreement with the Santa Barbara Region Chamber of Commerce to provide coordination of the volunteer staffing of the Airport Visitor Information Center at the Airline Terminal, effective August 1, 2013, for a total reimbursement of \$13,364.

(Cont'd)

6. **(Cont'd)**

Action: Approved the recommendation; Agreement No. 24,585 (August 6, 2013, report from the Airport Director).

7. **Subject: Set A Date For Public Hearing Regarding Appeal Of Parks & Recreation Commission Denial For 2610 Hacienda Court (570.08)**

Recommendation: That Council:

- A. Set the date of September 10, 2013, at 2:00 p.m. for hearing the appeal filed by Bob Kitson, Hacienda Court Home Owner's Association's President on behalf of the Hacienda Court Home Owner's Association, for the denial of an application for the removal of two (2) Pinus canariensis, Canary Island Pines, located at 2610 Hacienda Court; and
- B. Set the date of September 9, 2013, at 1:30 p.m. for a site visit to the property located at 2610 Hacienda Court.

Action: Approved the recommendations.

SUCCESSOR AGENCY

8. **Subject: Proposed Increase To Oversight Board Legal Counsel Services Contract (620.01)**

Recommendation: That the Successor Agency to the Redevelopment Agency approve a \$25,000 increase in the contract for a total contract of \$75,000 for legal services with Price, Postel, and Parma for Oversight Board legal counsel services.

Action: Approved the recommendation; Contract No. 24,126.2 (August 6, 2013, report from the Assistant City Administrator/Community Development Director).

NOTICES

- 9. The City Clerk has on Thursday, August 1, 2013, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 10. Receipt of communication advising of vacancy created on the Fire and Police Commission with the resignation of Joe Rodriguez; the vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

## SUCCESSOR AGENCY REPORTS

### 11. **Subject: Successor Agency Proposed Transfer Of Property To The City, City Acceptance Of Property And Approval Of Agreements Providing For the Lease And Development Of A Children's Museum At 125 State Street (620.06)**

Recommendation: That Council:

- A. That the Successor Agency to the Redevelopment Agency of the City of Santa Barbara adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, in Accordance with the Long Range Property Management Plan, to Transfer the Parcels Designated for the Children's Museum of Santa Barbara Owned by the Former Redevelopment Agency to the City of Santa Barbara;
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara, in Accordance with the Long Range Property Management Plan, to Accept and Assume all Right, Title and Interest to the Real Property Described Herein Owned by the Successor Agency to the Former Redevelopment Agency of the City of Santa Barbara and Authorize the City Administrator to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the City of Santa Barbara;
- C. That City Council approve and authorize the City Administrator to execute, subject to approval as to form by the City Attorney, a License Agreement with the Santa Barbara Children's Museum for construction of a Children's Museum on property located at 125 State Street; and
- D. That City Council introduce, and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute a 50-Year Ground Lease with Santa Barbara Children's Museum on City-owned Property Located at 125 State Street.

Documents:

- August 6, 2013, report from the Public Works Director.
- Proposed Resolutions.
- Proposed Ordinance.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions and ordinance were read.

(Cont'd)

**11. (Cont'd)**

Speakers:

- Staff: Assistant City Administrator/Community Development Director Paul Casey.
- Members of the Public: Richard Garrett, Sergio Villa, Scott Hadley, Danielle Harlow, Andrew Firestone, Beth Collins-Burgard.

Motion:

Councilmembers Francisco/White to approve the recommendations; Resolution Nos. 13-068 and 13-069; Agreement No. 24,586; Deed No. 61-421.

Vote:

Unanimous roll call vote (Absent: Councilmember Hotchkiss).

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

POLICE DEPARTMENT

**12. Subject: Police Department Update (520.04)**

Recommendation: That Council receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department.

Documents:

- August 6, 2013, report from the Chief of Police.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Chief of Police Camerino Sanchez, Restorative Policing Officer Craig Burleigh, Parks and Recreation Director Nancy Rapp.

Discussion:

Chief of Police Sanchez provided an update on arrests and citations that occurred during Fiesta. Chief Sanchez and department staff presented information regarding the current status of various law enforcement issues and programs such as calls for service, trends in Part 1 and 2 crimes, gang incidents, Restorative Policing, Veteran's Treatment Court, Police Activities League, Citizens Academy, Santa Barbara Police Department Explorer Program, and the skate park. Councilmembers' questions were answered.

## COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

### Information:

Councilmember Murillo reported on her attendance at the Martin Luther King, Jr. Committee of Santa Barbara forum where race relations and the Zimmerman/Martin court decision were discussed. She also spoke regarding her attendance at the Mariachi Festival.

## RECESS

The Mayor recessed the meeting at 3:29 p.m. in order for the Council to reconvene in closed session for Item Nos. 13 and 14. She stated that no reportable action is anticipated.

## CLOSED SESSIONS

### **13. Subject: Real Property Negotiations For Acquisition Of Easements Over 13 East Cabrillo Boulevard, 21 Helena Avenue, And 6 State Street (330.03)**

Recommendation: That Council hold a closed session pursuant to the authority of Government Code §54956.8 to provide direction to the Public Works Director and to the City Attorney regarding the possible City purchase of the following real properties affected by the Cabrillo Boulevard Bridge Replacement:

Properties: 13 East Cabrillo Boulevard (APN: 033-111-012), also known as 15 East Cabrillo Boulevard; 21 Helena Avenue (APN: 033-111-004); and 6 State Street (APN: 033-111-011).

City Negotiator: Christine F. Andersen, Public Works Director; Pat Kelly, Assistant Public Works Director/City Engineer; Marianne Wetzel, Senior Real Property Agent.

Negotiating Party: Steven A. Amerikaner on behalf of the Virginia Castagnola-Hunter Trust created u/d/t dated February 20, 2002, et al.

Under Negotiation: Offer price and terms of acquisition of the easements

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### Documents:

August 6, 2013, report from the Public Works Director.

### Time:

3:33 p.m. – 4:07 p.m. Councilmember Hotchkiss was absent.

No report made.

**14. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Bargaining Unit and General Bargaining Unit.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

August 6, 2013, report from the Assistant City Administrator.

Time:

4:08 p.m. – 4:30 p.m. Councilmember Hotchkiss was absent.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 4:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST:

\_\_\_\_\_  
GWEN PEIRCE, CMC  
CITY CLERK SERVICES MANAGER



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING August 13, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### PUBLIC COMMENT

Speakers: Wayne Scoles; Kenneth Loch; Josiah Jenkins, Old Spanish Days; R. Johns; Ron Cuff and Janet Rowse, Safe Launch.

### CHANGES TO THE AGENDA

City Administrator Armstrong advised that the following item was being removed from the agenda:

#### **17. Subject: Intent To Award Gas Franchise To SoCalGas (380.02)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intent to Grant A 30-Year Franchise to Southern California Gas Company and to Set the Time and Place for a Public Hearing Pursuant to Article XIV of the City Charter.

## ITEM REMOVED FROM CONSENT CALENDAR

**2. Subject: Adoption Of Ordinance For Attornment Agreement With H. Oliver Dixon And Montecito Bank & Trust For An Airport Property (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Attornment Agreement Between the City of Santa Barbara, H. Oliver Dixon, and Montecito Bank & Trust For Use of a Vehicle Parking Lot at the Santa Barbara Municipal Airport.

The title of the ordinance was read.

Councilmember White stated he would abstain from voting on this item due to a conflict of interest pertaining to his client relationship with one of the parties to this agreement.

Motion:

Councilmembers Francisco/Hotchkiss to approve the recommendation; Ordinance No. 5631; Agreement No. 24,587.

Vote:

Unanimous roll call vote (Abstentions: Councilmember White).

## CONSENT CALENDAR (Item Nos. 1 and 3 – 16)

The titles of the ordinance and resolutions related to Consent Calendar items were read.

Motion:

Councilmembers Hotchkiss/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

**1. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of July 30, 2013.

Action: Approved the recommendation.

**3. Subject: Adoption Of Ordinance For 50-Year Ground Lease With Santa Barbara Children's Museum (620.06)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute a 50-Year Ground Lease with Santa Barbara Children's Museum on City-Owned Property Located at 125 State Street.

(Cont'd)

**3. (Cont'd)**

Action: Approved the recommendation; Ordinance No. 5632; Agreement No. 24,588.

**4. Subject: Acceptance Of Street Easement At 901 East Cabrillo Boulevard (330.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Street Easement Deed for Sidewalk and Street Purposes on Portions of that Certain Property Commonly Known as 901 East Cabrillo Boulevard, Authorizing the Public Works Director to Execute the Same, and Causing the Recordation by the City Clerk of Said Easement in the Official Records with the County Recorder.

Action: Approved the recommendation; Resolution No. 13-070; Deed No. 61-422 (August 13, 2013, report from the Public Works Director; proposed resolution).

**5. Subject: July 2013 Investment Report (260.02)**

Recommendation: That Council accept the July 2013 Investment Report.

Action: Approved the recommendation (August 13, 2013, report from the Finance Director).

**6. Subject: Fiscal Year 2014 Agreement For Countywide Library System (570.04)**

Recommendation: That Council:

- A. Approve and authorize the City Administrator to execute an agreement between the County of Santa Barbara and the Cities of Santa Barbara, Santa Maria and Lompoc for the operation of a Countywide Library System for Fiscal Year 2014;
- B. Increase estimated revenues and appropriations in the amount of \$93,779 (per capita and administrative fee) in the Fiscal Year General Fund Library Department budget; and
- C. Increase estimated revenues and appropriations in the amount of \$109,727 in the Fiscal Year 2014 County Library Fund budget.

Action: Approved the recommendations; Agreement No. 24,589 (August 13, 2013, report from the Library Director).

**7. Subject: School Crossing Guard Agreements - Santa Barbara Unified And Hope School Districts (150.05)**

Recommendation: That Council:

- A. Authorize the Chief of Police to execute a Memorandum of Understanding with the Santa Barbara Unified School District for School Crossing Guard services, including Peabody Charter School, from August 2013 through June 2016; and
- B. Authorize the Chief of Police to execute a Memorandum of Understanding with the Hope School District for School Crossing Guard services from August 2013 through June 2016.

Action: Approved the recommendations; Agreement Nos. 24,590 and 24,591 (August 13, 2013, report from the Chief of Police).

**8. Subject: County Of Santa Barbara Strategic Prevention Framework State Incentive Grant To Reduce Excessive And Underage Drinking (520.04)**

Recommendation: That Council:

- A. Authorize the Chief of Police or his designee to execute an agreement with the County of Santa Barbara for the Strategic Prevention Framework State Incentive Grant for Fiscal Year 2014;
- B. Accept \$35,400 from County of Santa Barbara from the Strategic Prevention Framework State Incentive Grant to collaborate with County Alcohol and Drug Program to address underage and excessive drinking, and alcohol-related motor vehicle accidents for Fiscal Year 2014; and
- C. Increase appropriations and estimated revenues by \$35,400 in the Miscellaneous Grants Fund for Fiscal Year 2014.

Action: Approved the recommendations; Agreement No. 24,592 (August 13, 2013, report from the Chief of Police).

**9. Subject: Contract For Final Design Of Cota Street Bridge Replacement Project (530.04)**

Recommendation: That Council:

- A. Approve and authorize the Public Works Director to execute a City Professional Services contract with Bengal Engineering, Inc., in the amount of \$650,485 for final design services for the Cota Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$65,049 for extra services of Bengal Engineering, Inc., that may result from necessary changes in the scope of work; and

(Cont'd)

**9. (Cont'd)**

B. Increase appropriations by \$115,000 in the Fiscal Year 2014 Streets Capital Fund from reserves generated from the proceeds of the sale of surplus properties acquired for past bridge replacement projects to the Cota Street Bridge Replacement Project to fund the City's portion necessary to complete the design costs not covered by the Federal Highway Administration.

Action: Approved the recommendations; Contract No. 24,593 (August 13, 2013, report from the Public Works Director).

**10. Subject: Contract For Design Of The Zone 1 Pavement Maintenance Project (530.04)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with Flowers & Associates, Inc., in the amount of \$76,517 for design services for the Zone 1 Pavement Maintenance Project, and authorize the Public Works Director to approve expenditures of up to \$7,652 for extra services that may result from necessary changes in the scope of work for a total contract authorization of \$84,169.

Action: Approved the recommendation; Contract No. 24,594 (August 13, 2013, report from the Public Works Director).

**11. Subject: Central Coast Collaborative On Homelessness Memorandum Of Understanding (660.04)**

Recommendation: That Council authorize the City Administrator to execute a Memorandum of Understanding with the Northern Santa Barbara County United Way for the Central Coast Collaborative on Homelessness effort, subject to City Attorney approval as to form.

Action: Approved the recommendation; Agreement No. 24,595 (August 13, 2013, report from the Assistant City Administrator/Community Development Director).

**12. Subject: Clean Beaches Grant Initiative Application (540.13)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Rescinding Resolution No. 13-033, Authorizing and Designating the Public Works Director to Enter Into and Execute an Agreement With the State of California, Including Any Amendments Thereto, and Confirming the City's Intent to Fund the Operation and Maintenance Costs of the Wastewater Main Rehabilitation Project For a Minimum of Twenty Years.

(Cont'd)

**12. (Cont'd)**

Action: Approved the recommendation; Resolution No. 13-071; Agreement No. 24,596 (August 13, 2013, report from the Public Works Director; proposed resolution).

**13. Subject: Acceptance Of Southern California Edison Funds (380.01)**

Recommendation: That Council:

- A. Authorize the receipt of Southern California Edison funds totaling \$52,250 through the South Coast Energy Efficiency Partnership; and
- B. Increase appropriations and estimated revenues in the Facilities Management Fund by \$52,250 .

Action: Approved the recommendations (August 13, 2013, report from the Public Works Director).

**NOTICES**

- 14. The City Clerk has on Thursday, August 8, 2013, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 15. Recruitment for City Advisory Groups:
  - A. The City Clerk's Office will accept applications through Tuesday, October 8, 2013, at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through October 8, 2013;
  - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, October 29, 2013, at 4:00 p.m. (Estimated Time), Tuesday, November 12, 2013, at 4:00 p.m. (Estimated Time), and Tuesday, November 19, 2013, at 6:00 p.m.; and
  - C. The City Council will make appointments to fill the vacancies on various City Advisory Groups on Tuesday, December 10, 2013.
- 16. Cancellation of the regular City Council meetings of August 20, August 27, and September 3, 2013.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to hear a Staff report regarding the Interim Financial Statements for the Fiscal Year Ended June 30, 2013. The Committee approved the Statements as well as proposed adjustments to the Fiscal Year 2013 budget, both of which will be considered by the full Council as Agenda Item No. 18.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **FINANCE DEPARTMENT**

#### **18. Subject: Interim Financial Statements For the Fiscal Year Ended June 30, 2013 (250.02)**

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget for the fiscal year ended June 30, 2013;
- B. Accept the Interim Financial Statements for the Fiscal Year Ended June 30, 2013; and
- C. Approve the proposed adjustments to the Fiscal Year 2013 budget as detailed in the attached schedule of Proposed Budget Adjustments.

Documents:

- August 13, 2013, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Finance Director Robert Samario, City Administrator James Armstrong.
- Members of the Public: Matthew Kramer.

Motion:

Councilmembers Murillo/Francisco to approve recommendations B and C.

Vote:

Unanimous voice vote.

Councilmember Francisco left the meeting at 2:38 p.m. and returned at 2:56 p.m.

### **PARKS AND RECREATION DEPARTMENT**

#### **19. Subject: Urban Forest Management Plan Status Report (570.05)**

Recommendation: That Council receive a status report and discuss development of the Urban Forest Management Plan.

Documents:

- August 13, 2013, report from the Parks and Recreation Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Assistant Parks and Recreation Director Jill Zachary, Urban Forest Superintendent Timothy Downey.
- Members of the Public: Lee Moldaver.

(Cont'd)

**19. (Cont'd)**

By consensus, the Council received the report and their questions were answered.

**MAYOR AND COUNCIL REPORTS**

**20. Subject: Zoning Information Report Process (640.09)**

Recommendation: That Council consider the request from Mayor Schneider and Councilmember Francisco regarding the requirement for Zoning Information Reports (ZIRs) at the time of sale of residential property, and provide direction on possible amendments to the Zoning Ordinance to change the requirements and/or processing of ZIRs.

Councilmember Hotchkiss stated he would not participate in this item due to a conflict of interest related to his membership in the Santa Barbara Association of Realtors, and he left the meeting at 3:09 p.m.

Documents:

- August 13, 2013, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- PowerPoint presentation prepared and made by staff of the Santa Barbara Association of Realtors.
- August 12, 2013, letter from Colleen Parent Beall.

Speakers:

- Staff: Senior Planner Susan Reardon, City Attorney Stephen Wiley, City Planner Bettie Weiss, City Administrator James Armstrong.
- Santa Barbara Association of Realtors: Executive Officer Bob Hart, Government Affairs Director Krista Pleiser, Kyle Kemp.
- Members of the Public: Sarah Wildwood; Isaac Garrett, Santa Barbara Association of Realtors; Bill Spencer; Matt Vaughan and Toni Kiraly, Santa Barbara Association of Realtors; Aaron Harkey; Kalia Rork; Reyne Stapelmann, Santa Barbara Association of Realtors; Randy Reetz; Jarrett Gorin; Adrienne Schuele.

Discussion:

The Council and Staff agreed on a process to be followed for making changes to the procedure for issuing Zoning Information Reports.

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### Information:

- Councilmember Rowse reported that at its last meeting, the Downtown Parking Committee received status reports regarding operations and electric vehicle charging stations.
- Councilmember Murillo commented on her attendance at an event held by the California Domestic Workers Coalition and on her presentation of a proclamation recognizing Sadako Peace Day, sponsored by the Nuclear Age Peace Foundation. She also announced a meeting of the Pro-Youth Movement scheduled for August 17, 2013.
- Mayor Schneider remarked on her attendance at an event celebrating the centennial of the Flying A Studios and Santa Barbara's cinematic history.

## **RECESS**

The Mayor recessed the meeting at 5:32 p.m. in order for the Council to reconvene in closed session for Item Nos. 21 – 23. She stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

### **23. Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Bargaining Unit and General Bargaining Unit.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

#### Documents:

August 13, 2013, report from the Assistant City Administrator.

#### Time:

5:35 p.m. – 5:38 p.m. Councilmember Hotchkiss was absent.

No report made.

**21. Subject: Conference With Real Property Negotiators (330.03)**

Recommendation: That Council hold a closed session pursuant to Government Code Section 54956.8 (Conference with Real Property Negotiators):

Real Property: A portion of the Airport property located at 6100 Hollister Avenue bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map, City Parcel Map No. 20,608) in the City of Santa Barbara.

City Negotiators: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney; Sarah Knecht, Assistant City Attorney.

Negotiating Parties: Direct Relief International - Thomas Tighe, President and CEO; Judy Partch, Director of Human Resources, Administration & Compliance.

Under Negotiation: Instructions to negotiators will concern price and terms of payment of a possible ground lease or property purchase.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

August 13, 2013, report from the Airport Director and City Attorney.

Time:

5:38 p.m. – 5:50 p.m. Councilmember Hotchkiss was absent.

No report made.

**22. Subject: Conference With Legal Counsel - Potential Litigation (160.03)**

Recommendation: That Council hold a closed session to consider potential litigation pursuant to subsection (c) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 13, 2013, report from the City Attorney.

Time:

5:50 p.m. – 6:00 p.m. Councilmember Hotchkiss was absent.

No report made.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:00 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
SUSAN TSCHECH, CMC  
DEPUTY CITY CLERK



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
August 20, 2013  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on August 20, 2013, was cancelled by the Council on July 30, 2013.

The next regular meeting of the City Council is scheduled for September 10, 2013, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
SUSAN TSCHECH, CMC  
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
August 27, 2013  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on August 27, 2013, was cancelled by the Council on November 6, 2012.

The next regular meeting of the City Council is scheduled for September 10, 2013, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
SUSAN TSCHECH, CMC  
CITY CLERK SERVICES MANAGER



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
September 3, 2013  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on September 3, 2013, was cancelled by the Council on November 6, 2012.

The next regular meeting of the City Council is scheduled for September 10, 2013, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR

ATTEST: \_\_\_\_\_  
SUSAN TSCHECH, CMC  
CITY CLERK SERVICES MANAGER



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction For Runway 15R-33L Pavement Rehabilitation

**RECOMMENDATION:** That Council:

- A. Accept, and authorize the Airport Director to execute on behalf of the City, a Federal Aviation Administration Grant offer, No. 306-0235-46, in an amount not to exceed \$2,690,106 in Airport Improvement Program funds for rehabilitation of Taxiways C, H, and J, Phase II and rehabilitation of Runway 15R, Phase I;
- B. Approve a transfer of \$277,141 from the Airport Operating Fund from available reserves representing the City's 9.34 percent grant match;
- C. Award a contract with Granite Construction in their low bid amount of \$1,743,655 for construction of the Runway 15R-33L Pavement Rehabilitation project, Bid No. 3703, and Authorize the Public Works Director to execute the contract and approve expenditures up to \$85,823 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- D. Approve a transfer of \$85,823 from the Airport Operating Fund from available reserves representing the budget for contract change orders for construction of the Runway 15R-33L Pavement Rehabilitation project;
- E. Authorize the Public Works Director to execute a contract with Kimley-Horn and Associates, Inc., in the amount of \$ 198,357 for construction support services, and approve expenditures of up to \$13,300 for extra services of with Kimley-Horn and Associates, Inc., that may result from necessary changes in the scope of work; and
- F. Increase appropriations and estimated revenue by \$3,053,070 in the Airport's Grants Fund to be funded from the Federal Aviation Administration Airport Improvement Program grant, No. 306-0235-46, totaling \$2,690,106, and the City's \$277,141 match from reserves, and the \$85,823 transfer from the Airport Operating Fund for the construction change order authorization.

**DISCUSSION:**

The Federal Aviation Administration Grant (AIP-46) of \$2,690,106 will cover both the remainder of the rehabilitation of Taxiways C, H, and J project and the newer Runway 15R-33L Pavement Rehabilitation project. Construction contracts for the rehabilitation of Taxiways C, H, and J project were awarded on November 20, 2012. The cost of that project exceeded the federal Airport Improvement Program grant (AIP-45) amount. The Airport Fund pledged partial funding, but this will no longer be required as the current grant (AIP-46) will provide \$1,011,935 for Phase II of that project.

The remainder of the grant (AIP-46) will be allocated to the Runway 15R-33L Pavement Rehabilitation project

**RUNWAY 15R-33L PROJECT DESCRIPTION**

The work consists of the rehabilitation of Runway 15R-33L at the Airport. The runway is one of two parallel runways that run north-south intersecting the Airport's main runway. Runway 15R-33L is 4,143 feet long by 100 feet wide, and is used primarily by small general aviation aircraft. The asphalt concrete runway pavement has not had any major maintenance work in ten years and needs to be rehabilitated. The rehabilitation work will generally consist of cold milling the existing deteriorated surface, and then placing a three-inch layer of new asphalt concrete.

The bids contained two Additive Alternatives, the first for Thermoplastic Hold Position Signs, which indicate the stop and wait positions for aircraft and Additive Alternative 2 for the Full Depth Reconstruction Provisions, which is a comprehensive pavement rehabilitation process. The Airport has decided not to award either Additive Alternative 1 or 2 because the pricing was too high and FAA discretionary grant funds were not available.

**CONTRACT BIDS**

A total of three bids were received for the subject work, ranging as follows:

	<b>BIDDER</b>	<b>BID AMOUNT</b>
1.	Granite Construction Santa Barbara	\$1,743,655.00
2.	John Madonna Construction Atascadero	\$2,744,911.50
3.	Cal Portland Santa Maria	\$3,065,717.45

The low bid of \$1,743,655.00, submitted by Granite Construction, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. The change order authorization is \$85,823, or approximately 5 percent, and is typical for this type of work and size of project. The FAA will not prefund change orders, so the City will need to initially cover this amount and apply for consideration of any necessary use of such funds at a later time.

#### CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Kimley-Horn and Associates, Inc., in the amount of \$ 198,357 for materials testing and construction management. Kimley-Horn and Associates, Inc. was selected through a Request for Proposals process.

#### FUNDING

This project is 90.66 percent funded by the Federal Aviation Administration Airport Improvement Program and 9.34 percent funded by the Airport Capital Fund. There are sufficient funds in the Airport Capital Fund to cover the cost of this project. The following summarizes the expenditures recommended in this report:

#### CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Granite Construction	\$1,743,655	\$85,823	\$1,829,478
Kimley-Horn	\$198,357	\$13,300	\$211,657
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$2,041,135</b>

The following summarizes all project design costs, construction contract funding, and other project costs:

#### ESTIMATED TOTAL PROJECT COST

*\*Cents have been rounded to the nearest dollar in this table.*

Design (by Contract)	\$319,524
City Staff Costs	\$15,216
<b>Subtotal</b>	<b>\$334,740</b>
Construction Contract	\$1,743,655
Construction Change Order Allowance	\$85,823
Construction Management/Inspection (by Contract)	\$211,657
Construction Management/Inspection (by City Staff)	\$30,000
<b>Subtotal</b>	<b>\$2,071,135</b>
<b>TOTAL PROJECT COST</b>	<b>\$2,405,875</b>

**PREPARED BY:** Pat Kelly, Assistant Public Works Director/OT/LR/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Environmental Services Division, Finance Department

**SUBJECT:** Award Of Professional Services Agreement To Rincon Consultants, Inc.

### **RECOMMENDATION:**

That Council authorize the issuance of a Professional Services Agreement with Rincon Consultants, Inc., subject to review and approval of the form of agreement by the City Attorney and the Finance Director, in an amount not to exceed \$300,000 for the monitoring and reporting program for Las Positas Closed Landfill for a term of up to three years with an optional two-year extension as additional one year increments.

### **DISCUSSION:**

In a letter dated On December 14, 2012, the Regional Water Quality Control Board (RWQCB) issued to the City of Santa Barbara, Monitoring and Reporting Program (MRP) No. R3-2004-0006 for Las Positas Closed Landfill, located at Elings Park. The MRP requires the City to collect and analyze groundwater, surface water and landfill gas samples from various monitoring points and at various frequencies and to report on the data and findings to the RWQCB.

In May of 2013, the City issued Request for Proposals No. 3698 to solicit proposals from qualified contractors to complete the work described in the MRP. A total of three proposals were received, all of which were deemed responsive to the RFP. Based upon the ranking criteria set forth in the RFP, including cost proposal, corporate experience, reference checks and quality of proposal, the proposal from Rincon Consultants, Inc. (Rincon) received the highest score. With regard to cost, Rincon's proposal was approximately 21 – 27 percent less than the other proposals received.

Besides cost, Rincon received the highest ranking with regard to client references. Environmental Services has worked with Rincon several times in the recent past and has been pleased with the results. Rincon currently operates and maintains the landfill gas collection system at Las Positas Landfill, conducts all routine landfill gas monitoring and recently performed groundwater monitoring similar to that requested in the MRP. For these reasons, staff is recommending award of the professional services agreement to Rincon.

A full copy of the proposed professional services agreement has been made available to the City Council for their review by delivering a copy to the Council reading file in the Council offices.

**BUDGET/FINANCIAL INFORMATION:**

Staff estimates the cost to comply with the MRP to be approximately 60,000 annually. For Fiscal Year 2014, this expenditure was included in the Solid Waste Fund Budget, which was approved by Council. Appropriations for subsequent years to fund this contract will be reflected in future Solid Waste Fund budgets.

**SUSTAINABILITY IMPACT:**

The services to be performed under the professional services agreement with Rincon will study air and water quality parameters associated with the Las Positas Closed Landfill and will provide the quantitative and qualitative information necessary to mitigate environmental impacts associated with the former disposal facility.

**PREPARED BY:** Matt Fore, Environmental Services Manager

**SUBMITTED BY:** Robert Samario, Finance Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Recreation Division, Parks and Recreation Department

**SUBJECT:** Agreements For Afterschool Recreation Programs

**RECOMMENDATION:** That Council:

- A. Authorize the Parks and Recreation Director to enter into two agreements with the Santa Barbara Unified School Districts (SBUSD) for the Recreation Afterschool Program (RAP) and Afterschool Opportunities for Kids (A-OK);
- B. Decrease appropriations and estimated revenues in the Fiscal Year 2014 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$9,044; and
- C. Increase appropriations and estimated revenues in the Fiscal Year 2014 Parks and Recreation Department General Fund in the amount of \$9,044.

### **DISCUSSION:**

Each year, the City and SBUSD enter into agreements to define terms and budgets for the administration of afterschool recreation programs (RAP and A-OK). The programs are an important City service that provides essential support to families during the crucial afterschool hours. National statistics show that the afterschool hours, between 3:00 to 6:00 p.m., have the highest incidents of juvenile crime and youth engaging in inappropriate behaviors.

### **Afterschool Program Overview**

#### Recreation Afterschool Program (RAP)

The RAP program provides recreation services, homework help, and afterschool care at four elementary school sites for 16 hours per week. In Fiscal Year 2013, 338 participants attended the program. With continuing program quality improvements and the support of school Principals, staff expects a slight increase in participation (to 350) during Fiscal Year 2014. The program is very affordable; participants either pay \$150 for 30 days of service, \$70 for a drop-in 10-day pass, or a one-day drop-in fee of ten dollars per day. The City continues its support by providing \$60,000 through the General Fund for Scholarships, which is unchanged from previous years. Scholarship recipients are usually students receiving "free or reduced" lunches through the School District, or those in need of assistance as identified by school Principals.

Afterschool Opportunities for Kids (A-OK)

Jointly funded since Fiscal Year 2000, A-OK provides an afterschool tutorial and enrichment program at six, Title I elementary school sites through After School Education and Safety (ASES) state grant funding. Title I schools have over 50% of their student population receiving “free or reduced” lunches. The District leads the program, which targets students achieving academic scores below grade level. The program is provided through collaboration with and funding by the SBUSD, City, Healthy Start, and several other non-profit partners. During Fiscal Year 2013, 720 participants attended the program. Participants pay \$20-\$30 per month (sliding scale) for the program. The District contracts with the Parks and Recreation Department to provide recreation and enrichment activities. The A-OK agreement contract amount decreased this year at the District’s request to shift funds from recreation services to expand educational and curriculum support services. This was reflected by decreasing a Parks and Recreation permanent staff (and benefits) from 64% to 60% time in the position allocation. The \$9,044 decrease in the Miscellaneous Grants Fund will be offset by a corresponding permanent staff increase and revenue in the General Fund. The City’s General Fund contribution to support the A-OK program is \$47,385, unchanged from previous years.

**BUDGET/FINANCIAL INFORMATION:**

The RAP budget of \$202,906 was approved in the Fiscal Year 2014 General Fund, including \$142,906 in service fee revenue and \$60,000 City contribution for scholarships. The A-OK budget of \$214,042 was approved in the Fiscal Year 2014 Miscellaneous Grants Fund, but the 4% decrease (\$9,044 in salary and benefits) to the A-OK position allocation was identified and requested by the District prior to reaching agreement terms. The Miscellaneous Grants Fund decrease will be covered by an increase to expenditures and additional program revenue in the General Fund. The amended A-OK budget will be \$204,998 for Fiscal Year 2014 with the City’s commitment unchanged at \$47,385.

**SUMMARY:**

The Parks and Recreation Department recommends that the City continue support of the afterschool programs. The A-OK agreement was approved on the July 9, 2013, SBUSD Board of Education agenda. The RAP agreement was approved on the August 27, 2013, SBUSD Board of Education agenda. These agreements are for one year ending June 30, 2014.

**PREPARED BY:** Sarah Hanna, Recreation Programs Manager

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Office of Emergency Services, Fire Department

**SUBJECT:** Revisions To City's Emergency Management Plan

### **RECOMMENDATION:**

That Council adopt by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the January 2013 Revisions to the City of Santa Barbara Emergency Management Plan.

### **DISCUSSION:**

The last revision to the Emergency Management Plan (formally known as the Emergency Operations Plan) was adopted by resolution in November 2007.

The revised January 2013 Emergency Management Plan incorporates the City's adopted emergency management system, known as the Standard Emergency Management System (SEMS) integrated with the National Incident Management System (NIMS) into our emergency plan.

Disasters are not business as usual. Disasters are large emergencies, which exceed local capabilities in either responding to or recovering from the event. The impact may be such that it will require all city operations to function under an emergency management structure for days or perhaps weeks. During such events the City will be expected to respond effectively to the emergency at hand, yet maintain essential city services.

All city departments and divisions will have responsibilities in a large disaster. The levels of involvement will vary according to the nature and duration of the emergency. Naturally some departments will experience extensive involvement while others will be utilized for a limited period of time. In either case, this Emergency Management Plan provides the framework for a directed and coordinated response from the first arriving on-scene units to emergency operations center functions and ultimately to recovery.

Both the State Office of Emergency Services and Santa Barbara County Operational Area have reviewed and approved the revisions to the City's Emergency Management Plan.

OES staff have updated all portions of the Plan to accurately reflect current position information and corrected identified typographical errors within the document. Approval of the attached resolution will assure our compliance with Federal and State requirements for the use of SEMS and NIMS in our plan.

A copy of the Emergency Management Plan has been made available for review by members of the City Council in the City Council Reading File and a copy has been made available for review by members of the public at the City Clerk's office. It is also available online at: <http://www.santabarbaraca.gov/gov/depts/fire/oes/emergency.asp>

**ATTACHMENT:** Approval letter from the California Office of Emergency Services

**PREPARED BY:** Yolanda McGlinchey, Emergency Services Manager

**SUBMITTED BY:** Patrick McElroy, Fire Chief

**APPROVED BY:** City Administrator's Office

**CALIFORNIA OFFICE OF EMERGENCY SERVICES**

SOUTHERN REGION

4671 Liberty Avenue

Los Alamitos, California 90720-5158

Phone: (562) 795-2900 Fax: (562) 795-2877

**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

August 9, 2013

Yolanda McGlinchey  
City of Santa Barbara Office of Emergency Services  
121 West Carrillo Street  
Santa Barbara, CA 93101

Dear Ms. McGlinchey,

My staff has completed their review of City of Santa Barbara Emergency Operations Plan (EOP). I have reviewed the attached staff report and concur with its findings and recommendations. Accordingly, I have determined that the City of Santa Barbara EOP is acceptable in accordance with the requirements of the Emergency Services Act and the California Master Mutual Aid Agreement. This plan is also consistent with state guidance available at the time the plan was developed. This acceptance is contingent upon implementation of the recommendations in the attached staff report and the adoption of the EOP by your governing body or their designee.

Following the adoption of your plan, please provide us with the following:

- A signed copy of the Signed Concurrence by Principal Departments, and
- any resolutions that pertain to the adoption of your EOP.

Thank you for your planning effort. I encourage you to continue to develop supporting operating procedures, exercise your plan, and review the plan every three years.

If you have any questions or require any assistance, please contact my office at (562) 795-2900.

Sincerely,

A handwritten signature in blue ink that reads "Mona Bontty".

Mona Bontty  
Deputy Regional Administrator  
Southern Region

cc: Richard Abrams, County of Santa Barbara OEM  
Jeri Siegel, Emergency Services Coordinator  
Master File, Cal OES Southern Region

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ADOPTING THE JANUARY 2013  
REVISIONS TO THE CITY OF SANTA BARBARA  
EMERGENCY MANAGEMENT PLAN

WHEREAS, pursuant to Government Code Section 8607, the State of Office of Emergency Services has established by regulation a Standardized Emergency Management System (SEMS) which sets forth basic principles and components of emergency management to be used in responding to and managing emergencies involving multiple jurisdictions or multiple agency responses; and

WHEREAS, the City wants to assure the Emergency Management Plan (formally known as the Emergency Operations Plan) reflects the City's use of the Standardized Emergency Management System and the National Incident Management System; and

WHEREAS, the City of Santa Barbara Emergency Management Plan establishes the objectives for responding to and managing any emergency within the City of Santa Barbara proper.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the City hereby adopts the January 2013 revisions of the City's Emergency Management Plan that shall be utilized as the basis for the City's disaster planning and training program, and as the management model for responding to emergencies and disasters within City limits.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Resolution Of Acceptance For Mission Creek Easement At 306 West Ortega Street

### RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Acceptance of a Permanent Easement Interest Located at 306 West Ortega Street, and Consenting to the Recordation of the Mission Creek Exclusive Easement Deed in the Official Records, County of Santa Barbara.

### DISCUSSION:

The Ortega Bridge Replacement Project (Project) was an approved Federal Highway Bridge Program project with oversight provided through the State of California Department of Transportation. The Project was completed in January 2012.

The property at 306 West Ortega was acquired by the City due to its close proximity to Mission Creek and the Project construction. Upon completion of the Project, this property was auctioned for sale by the City as excess property.

Subsequent to the sale and transfer of the property, it was noted that an easement over the portion of the 306 West Ortega property located within the creek and creek bank, should be provided for direct access to the creek for flood control purposes and maintenance for the new bridge and abutment walls. (See Attached Exhibit B from Easement Deed.)

In discussion with the new property owner, it was determined that the granting of the subject easement at no cost to the City is in the best interest of both parties, and the property owners have executed an easement deed for acceptance by the City for the parties' mutual benefit. This easement also allows the City to assign its rights under the easement to the County Flood Control District for flood control purposes.

City Council's acceptance of this resolution will establish a permanent easement for access, maintenance, and all creek related purposes at this location, and allow for the recordation of said easement grant with the County Recorder's Office.

**ATTACHMENT(S):** Exhibit B from the Easement Grant Deed

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/DT/mj

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

EXHIBIT "B"  
BATH STREET

RECORD REFERENCE  
2012 - 0072029 O.R.

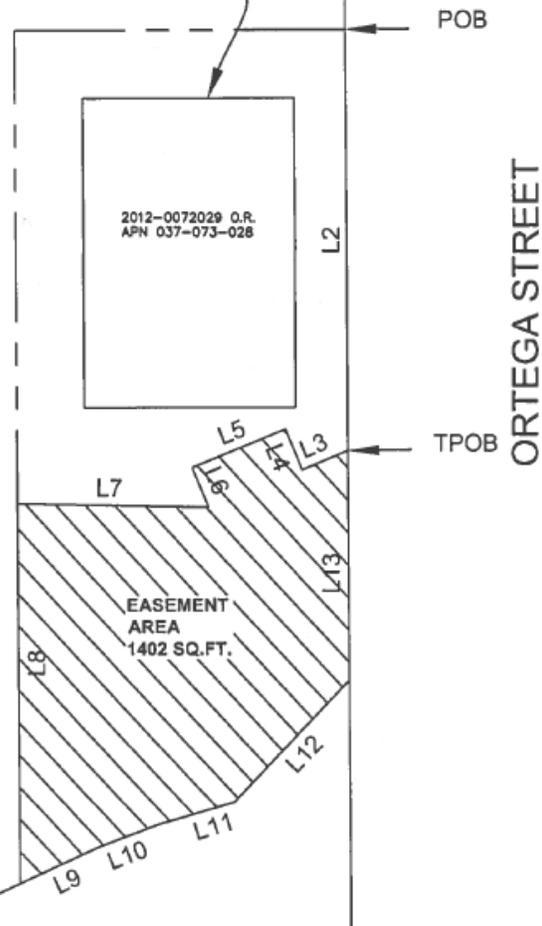


CITY  
BLOCK  
196

5  
5  
CM  
City Monument  
Nail and Tag  
Stamped "City Engr"

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	53.09	N42° 24' 18"E
L2	48.32	S42° 24' 18"W
L3	5.67	N69° 54' 22"W
L4	5.00	N20° 05' 38"E
L5	11.52	N69° 54' 22"W
L6	4.85	S20° 05' 38"W
L7	21.87	N46° 24' 00"W
L8	43.62	S42° 24' 22"W
L9	10.02	S72° 17' 46"E
L10	7.37	S68° 10' 11"E
L11	8.92	S64° 17' 52"E
L12	19.28	N85° 55' 12"E
L13	26.22	N42° 24' 18"E

Approximate Footprint  
of existing Structure



THIS PLAT IS NOT A LEGAL DESCRIPTION AND  
SHOULD BE USED AS AN AID IN UNDERSTANDING  
THE ACCOMPANYING LEGAL DESCRIPTION.



CITY OF SANTA BARBARA

PLAT PARCEL EASEMENT BEING A  
PORTION OF PARCEL  
2012-072029. O.R.  
SITUATED IN THE CITY OF SANTA  
BARBARA, COUNTY OF SANTA  
BARBARA, STATE OF CALIFORNIA

DATE 7/03/13

DRAWN RW

CHECKED CB

SCALE 1" = 20'

RESOLUTION OF ACCEPTANCE NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA FOR ACCEPTANCE OF A PERMANENT EASEMENT INTEREST LOCATED AT 306 WEST ORTEGA STREET, AND CONSENTING TO THE RECORDATION OF THE MISSION CREEK EXCLUSIVE EASEMENT DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, the Ortega Street Bridge Replacement project at Mission Creek has been completed and the reimbursement of the City's associated project costs using funds provided by the United States Department of Transportation, Federal Highway Administration, as administered by the State of California, Department of Transportation, have been received;

WHEREAS, the bridge replacement project required the purchase by the City of the real property now commonly known as 306 West Ortega Street, Santa Barbara County Assessor's Parcel No. 037-073-082, due to its location immediately adjacent to the existing bridge and the construction of the new Ortega Street bridge at Mission Creek;

WHEREAS, the completed bridge replacement project necessitates the acquisition by the City of a permanent easement for street, bridge, maintenance, access and flood control purposes on a portion of the real property commonly known as 306 West Ortega Street, Santa Barbara County Assessor's Parcel No. 037-073-082, owned by Cathy and Scott Armstrong, Trustees of the Armstrong Family Trust U/A/D 2/12/02, due to its location adjacent and upstream of the new Ortega Street Bridge at Mission Creek for the parties mutual benefit as consideration;

WHEREAS, the Easement Deed has been signed by the respective owners voluntarily to allow the City to acquire the property interest, subject to final approval by the Council of the City of Santa Barbara; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the permanent easement interest particularly described in the respective Mission Creek Exclusive Easement Deed delivered for such purpose, without further action or subsequent resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Barbara as follows:

SECTION 1. The City of Santa Barbara hereby accepts the interest on the real property mentioned above, as more particularly described in the Mission Creek Exclusive Easement Deed signed by Cathy and Scott Armstrong, Trustees of the Armstrong Family Trust U/A/D 2/12/02 on July 3, 2010, which has been executed and delivered hereunder.

SECTION 2. The City of Santa Barbara hereby consents to the recordation of the Mission Creek Exclusive Easement Deed by Cathy and Scott Armstrong, Trustees, in the Official Records, County of Santa Barbara, subsequent to the acceptance of this Resolution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Acquisition Of Real Property For The Mason Street Bridge Replacement Project

### RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept the Real Property Interests Located at 135 Kimberly Avenue, 16 W. Mason Street, and 28 W. Cabrillo Boulevard, Relating to the Mason Street Bridge Replacement Project, and Authorizing the Public Works Director to Execute Such Agreements and Documents as Necessary for the Acquisition and Acceptance of Said Real Property Interests, Subject to Approval of the Form of the Agreement by the City Attorney, and Record Said Real Property Interests in the Official Records of the County of Santa Barbara.

### DISCUSSION:

The Mason Street Bridge Replacement Project (Project) will replace the structurally deficient bridge over the Lower Mission Creek. The new bridge will continue to accommodate the same number and sizes of traffic lanes and pedestrian access; however the bridge alignment and the intersection at Mason Street and Kimberly Avenue will be altered to provide improved creek water conveyance, traffic flow, and pedestrian travel. The Project is an approved Federal Highway Administration Bridge Replacement Program project with oversight provided by the State of California Department of Transportation (Caltrans). The Project design is 95 percent complete, and the necessary real property interests are currently being acquired.

The real properties listed below are associated with the Project and are necessary for acquisition by the City in order to construct the Project, which is scheduled to commence in the spring of 2014. The Project requires the full fee acquisition of 135 Kimberly Avenue since Mission Creek bisects the property and for the bridge replacement construction work. A partial acquisition of the property at 16 W. Mason Street and a temporary construction easement (TCE) on this parcel is required due to the realignment of Kimberly Avenue. In addition, a small permanent easement is being acquired at 28 W. Cabrillo

Boulevard to provide access and maintenance for the new bridge and channel improvements.

The agreements necessary for the property acquisitions have been executed and delivered to staff in order to complete the City's purchase of said properties. These agreements require authorization and approval by Council, and the property interests must be accepted by the City by Resolution.

In addition to the properties currently being purchased, the two additional properties previously acquired are identified below as 15 and 20 W. Mason Street. With the acceptance of this Resolution, all property acquisitions necessary for the Project will be complete.

**Mason Bridge Property Full and Partial Acquisitions (See attachment):**

Address	Owner (Acquisition)	City Offer/Appraisal	Owner Appraisal	Owner Counter Offer	City Counter Offer	Settlement Price
15 W. Mason	Nordahl, et al (full)	\$1,950,000 10/30/12	none	\$2,600,000 2/4/13	\$2,200,000 3/7/13	\$2,300,000 3/14/13
20 W. Mason	Walters (full)	\$1,700,000 10/18/12	\$1,900,000 2/7/13	\$1,900,000 3/12/13	\$1,800,000 3/15/13	\$1,850,000 3/22/13
16 W. Mason	Romasanta (partial)	\$194,000 5/13/13	none	\$214,000 6/27/13	None	\$214,000 7/12/13
16 W. Mason	Romasanta (TCE)	\$3,000 6/27/13	None	None	None	\$3,000 7/12/13
28 W. Cabrillo	Romasanta (easement)	\$2,600 5/22/13	None	None	None	\$2,600 7/12/13
135 Kimberly	Funke (full)	\$100,000 2/15/13	\$145,000 6/27/13	\$145,000 7/5/13	\$122,500 7/19/13	\$131,840 8/8/13

**BUDGET/FINANCIAL INFORMATION:**

The purchase of the required properties is overseen by Caltrans due to the fact that 100 percent of the City's eligible project and right of way acquisitions will be reimbursed by the Federal Highway Administration Bridge Replacement Program through Caltrans administration.

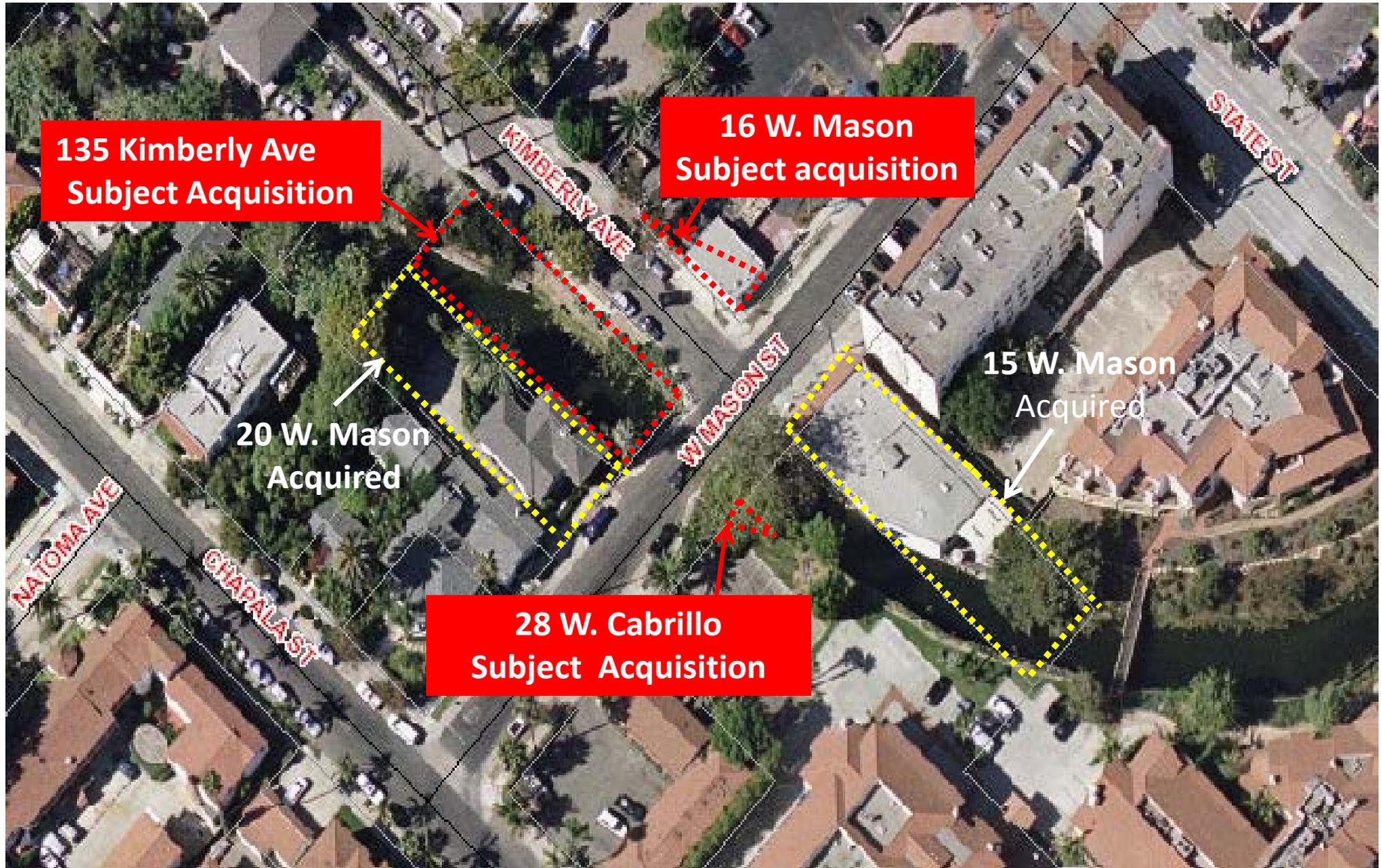
**ATTACHMENT(S):** Aerial map of properties to be acquired

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/DT/mj

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

**Mason Street Bridge Replacement Project Property Acquisitions** ATTACHMENT  
15, 16 & 20 W. Mason Street; 135 Kimberly Avenue; 28 W. Cabrillo Blvd



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA TO ACQUIRE AND ACCEPT THE REAL PROPERTY INTERESTS LOCATED AT 135 KIMBERLY AVENUE, 16 W. MASON STREET, AND 28 W. CABRILLO BOULEVARD, RELATING TO THE MASON STREET BRIDGE REPLACEMENT PROJECT, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE SUCH AGREEMENTS AND DOCUMENTS AS NECESSARY FOR THE ACQUISITION AND ACCEPTANCE OF SAID REAL PROPERTY INTERESTS, SUBJECT TO THE APPROVAL OF THE FORM OF THE AGREEMENT BY THE CITY ATTORNEY, AND RECORD SAID REAL PROPERTY INTERESTS IN THE OFFICIAL RECORDS OF THE COUNTY OF SANT BARBARA

WHEREAS, a proposed project is currently undergoing final design review for the City of Santa Barbara (City) to replace the existing bridge on Mason Street at Mission Creek due to its age, increasingly deteriorated condition, and limited flood control capacity, with anticipated reimbursement of 100 percent of the City's associated costs using funding provided by the Federal Highway Administration;

WHEREAS, the bridge replacement project requires the purchase by the City of the real property commonly known as 135 Kimberly Avenue, County of Santa Barbara, Assessor's Parcel No. 033-074-019, owned by Alex Funke, a married man, as his sole and separate property, and Erik Funke, a widower, as joint tenants, due to the property's location adjacent to the existing Mason Street bridge and Mission Creek channel, for a total just compensation in the amount of \$131,840;

WHEREAS, the bridge replacement project also requires the purchase by the City of a portion of the real property commonly known as 16 W. Mason Street, County of Santa Barbara Assessor's Parcel No. 033-075-006, owned by Antonio R. Romasanta, as trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003, due to the property's location adjacent to Kimberly Avenue that will be re-aligned due to the bridge project, for just compensation in the amount of \$214,000, and the project also requires the purchase of a temporary construction easement on the same property as identified above for the re-alignment of Kimberly Avenue and associated construction work, for just compensation in the amount of \$3,000, for total compensation in the amount of \$217,000;

WHEREAS, the bridge replacement project also requires the purchase by the City of a permanent easement for access, construction, and maintenance on the property commonly known as 28 W. Cabrillo Boulevard, Santa Barbara County Assessor's Parcel No. 033-102-002, owned by Antonio R. Romasanta, General Partner of Beach Motel Partners, a California General Partnership, due to the property's location adjacent to the Mason Street bridge and Mission Creek channel, for total just compensation in the amount of \$2,600;

WHEREAS, the real property interests have been valued, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, written offers and required valuation summaries and agreements have been delivered to the respective owners;

WHEREAS, the written purchase offers have been accepted by the respective owners and their agreements have been signed voluntarily to allow the City to purchase the real property interests, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the agreements with the affected owners, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Public Works Director to subsequently execute any other documents that may become necessary to accomplish such purchases by the City of the interests in the real properties, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the real property interests particularly described in the respective documents delivered for such purpose, without further action or subsequent resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the agreements necessary for the acquisition of said real property interests (subject to the City Attorney's approval of the form of the Agreement) with Erik and Alex Funke, as joint tenants, to accomplish the purchase by the City of the real property fee interest for the purposes of bridge and appurtenant public works improvements and related facilities construction work, on and adjacent to the real property commonly known as 135 Kimberly Avenue, Santa Barbara County Assessor's Parcel No. 033-074-019, for total compensation in the amount of \$131,840, and with Antonio R.

Romasanta, trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003, for like purposes on and adjacent to the real property commonly known as 16 W. Mason Street, County of Santa Barbara Assessor's Parcel No. 033-075-006, for total compensation of \$217,000 that includes the amount of \$3,000 dollars for the temporary construction easement on this property as described above, and with Antonio R. Romasanta, General Partner of Beach Motel Partners, a California General Partnership, for like purposes on the real property commonly known as 28 W. Cabrillo Boulevard, Santa Barbara County Assessor's Parcel No. 033-102-002, for total compensation of \$2,600.

SECTION 2. The City of Santa Barbara hereby accepts the interests on the real properties mentioned above, as more particularly described in the Mason Street Grant Deeds signed by Erik and Alex Funke, joint tenants, and by Antonio R. Romasanta, as trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003, and Antonio R. Romasanta, General Partner for Beach Motel Partners, a California General Partnership, which have been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation of the Mason Street Grant Deeds, in the Official Records, County of Santa Barbara.

SECTION 4. This Resolution shall become effective immediately upon its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Construction For The Conejo Road Sewer Main Extension And Acceptance Of Public Utility Easement

**RECOMMENDATION:** That Council:

- A. Award a contract with Tierra Contracting in their low bid amount of \$84,829 for construction of the Conejo Road Sewer Main Extension, Bid No. 3693;
- B. Authorize the Public Works Director to execute the contract and approve expenditures up to \$10,179 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for Acceptance of a Permanent Easement Interest Located at 450 Conejo Road, and Authorizing the Public Works Director to Execute an Easement Purchase Agreement in the Amount of \$5,600, and Consenting to the Recordation of the Public Utility Easement Deed in the Official Records, County of Santa Barbara.

**DISCUSSION:**

**PROJECT BACKGROUND**

In 2012, a new sewer main was installed between Conejo Road and Conejo Lane which intercepted the sewage flow from approximately 35 homes and directed it away from the active Conejo Landslide "Slide Mass C" Area. There now remain 5 properties located in or adjacent to the Conejo Landslide Area that still have sewer service flowing through the slide area.

**PROJECT DESCRIPTION**

This project will intercept and reroute sewage flows from two of the properties adjacent to the slide leaving only the three properties remaining in the slide area with active

sewer service. This project will also greatly reduce the length of sewer mains that the City's wastewater collection crews have to monitor and manage.

In order to connect the two properties to the existing main in Conejo Road, the City negotiated the terms of a new public utility easement with the owner of 450 Conejo Road.

The work consists of directionally drilling a new six-inch sewer main within the new public utility easement that extends from an existing sewer easement to the City's right of way at 450 Conejo Road. One new manhole and two 24-inch sewer cleanouts will also be installed as part of this work. Additionally, minor adjustments and reconfiguration will be required to reconnect 11 Ealand Place and 352 Conejo Road to the new sewer main. A section of the existing six-inch main will be abandoned between 11 Ealand Place and the manhole behind 468 Conejo Road.

By completing this project, the sewer main will divert sewer flows from the aforementioned properties, thus keeping their sewerage from possibly entering the Conejo Landslide Area due to a breakage in a sewer caused by the unstable geology of the area.

#### CONTRACT BIDS

A total of six bids were received for the sewer main extension work, ranging as follows:

	<b>BIDDER</b>	<b>BID AMOUNT</b>
1.	Tierra Contracting Santa Barbara, CA	\$84,829
2.	Pacific Coast Excavation, Inc. Santa Maria, CA	\$103,667
3.	D-KAL Engineering, Inc. San Luis Obispo, CA	\$104,001
4.	Cooks and Son Inc. Santa Maria, CA	\$130,923*
5.	John Madonna Construction Co. San Luis Obispo, CA	\$158,400
6.	Lash Construction, Inc. Santa Barbara, CA	\$169,041*

\*corrected bid total

The low bid of \$84,829 submitted by Tierra Contracting, is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$10,179, or 12 percent, is recommended for this work due to the unpredictable soil conditions in this area.

#### COMMUNITY OUTREACH

A public notification was sent out to residents in the Conejo Road area on August 7, 2013, informing them about the project. Potential impacts to the residents in the area include minor traffic delays around the project site; however, detours will be set up in advance of the work to minimize the neighborhood impacts.

A follow-up notification from the City will be sent out three weeks prior to construction with more details about the schedule and traffic detours along with the City's Construction Manager's contact information.

#### FUNDING

This project is funded by the Wastewater Fund. There are sufficient funds in the Sanitary Sewer Overflow Prevention Fund to cover the cost of this Project.

The following summarizes the contract expenditures recommended in this report:

#### CONSTRUCTION CONTRACT FUNDING SUMMARY

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Construction Contract	\$84,829	\$10,179	\$95,008
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$95,008</b>

The following summarizes all Project design costs, construction contract funding, and other Project costs:

**ESTIMATED TOTAL PROJECT COST**

*\*Cents have been rounded to the nearest dollar in this table.*

Design (Consultant)	\$22,114
City Staff Costs	\$60,410
<b>Subtotal</b>	<b>\$82,524</b>
Construction Contract	\$84,829
Construction Change Order Allowance	\$10,179
Purchase of Public Utility Easement	\$5,600
<b>Subtotal</b>	<b>\$100,608</b>
Material Testing	\$2,000
Design Support During Construction (Consultant)	\$5,720
Construction Management/Inspection (by City Staff)	\$33,237
<b>Subtotal</b>	<b>\$40,957</b>
<b>TOTAL PROJECT COST</b>	<b>\$224,089</b>

**PREPARED BY:** Joshua Haggmark, Principal Civil Engineer/BR/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office

RESOLUTION OF ACCEPTANCE NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA FOR ACCEPTANCE OF A PERMANENT EASEMENT INTEREST LOCATED AT 450 CONEJO ROAD, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AN EASEMENT PURCHASE AGREEMENT IN THE AMOUNT OF \$5,600, AND CONSENTING TO THE RECORDATION OF THE PUBLIC UTILITY EASEMENT DEED IN THE OFFICIAL RECORDS, COUNTY OF SANTA BARBARA

WHEREAS, the Conejo Road Sewer Main Extension project has received contract bids for the construction work, and a contractor has been selected and is being recommended to City Council for contract approval;

WHEREAS, the Conejo Road Sewer Main Extension project requires the purchase by the City of a permanent public utility easement on the real property commonly known as 450 Conejo Road, Santa Barbara County APN 019-061-037, due to the project design and installation of new sewer main across this property;

WHEREAS, the Owner of the real property commonly known as 450 Conejo Road, Santa Barbara County APN 019-061-037, Laura J. Milburn, previously known as Laura J. Ruiz, an unmarried woman, has voluntarily signed the Easement Purchase Agreement and Public Utility Easement Deed in consideration of receipt of \$5,600 for the purchase of said easement, subject to final approval by the Council of the City of Santa Barbara; and

WHEREAS, this Resolution will demonstrate the intent by the Council of the City of Santa Barbara to accept the permanent easement interest particularly described in the respective Public Utility Easement Deed delivered for such purpose, and authorize the Public Works Director to execute the Easement Purchase Agreement without further action or subsequent resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Barbara as follows:

SECTION 1. The City of Santa Barbara hereby accepts the interest on the real property as referenced above, and more particularly described in the Public Utility Easement Deed signed by Laura J. Milburn, Owner, on April 22, 2013, which has been executed and delivered hereunder, and authorizes the Public Works Director to execute the Easement Purchase Agreement in the amount of \$5,600.

SECTION 2. The City of Santa Barbara hereby consents to the recordation of the Public Utility Easement Deed by Laura J. Milburn, Owner, in the Official Records, County of Santa Barbara subsequent to the acceptance of this Resolution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Building Division, Community Development Department

**SUBJECT:** Certification of Administrative Citation Program Unpaid Fines List

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Amounts of Administrative Citations Greater than 60 Days Past Due for the Purpose of Either Referral to a Collection Agency or Filing a Lien Against the Property.

### **DISCUSSION:**

#### Background

On July 13, 1999, City Council adopted the Administrative Citation Ordinance (Ordinance No. 5113 establishing Chapter 1.25 of the Municipal Code), which is used to impose and collect civil administrative fines for Municipal Code violations. On April 1, 2003, City Council adopted Ordinance No. 5272 amending Chapter 1.25 of the Municipal Code. This amendment was adopted to give guidance and Administrative Procedures for the imposition and collection of Administrative Fines levied on violations of the Municipal Code.

The purpose of this report is to provide Council with the following:

1. An update on the activity level of the Administrative Citation Program from September 1, 2009 to September 1, 2013.
2. A recommended Resolution of the Council of the City of Santa Barbara certifying the amounts of administrative citations greater than 60 days past due for the purpose of either referral to a collection agency or filing a lien against the property.

#### Administrative Citation Update

The Administrative Citation Program has continued to be an effective tool for Code Enforcement Staff in gaining compliance with City regulations relating to unpermitted construction, substandard housing, illegal dwelling units, outdoor dining violations, signage

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violations, outdoor merchandising, illegal wastewater disposal, garbage service violations, and stormwater and illegal discharges or other municipal code violations.

The following is a summary of Code Enforcement activity for the Building & Safety Division for the period of September 1, 2009 to September 1, 2013:

Complaints Received	1,653
Notice of Violation Issued	524
Notice & Order Issued	82
Admin Citation 30-Day Warning Letter	723
Admin Citation 1 <sup>st</sup> Offense	117
Admin Citation 2 <sup>nd</sup> Offense	55
Admin Citation 3 <sup>rd</sup> or more Offense	41
Referred to City Attorney's Office	59
Case Abated	920
No Violation	330

Unpaid Administrative Fines

The current list of unpaid citations includes 33 properties. Building and Safety has recently mailed a letter to the property owners notifying them of the amount due in the hopes they will pay their citation(s). The total amount of the 33 unpaid citations is \$163,850.

In the past, unpaid citations were imposed as a special assessment by the County Assessor's office against the property, enabling the City to immediately receive the funds from the County, while the County was paid when the property taxes were paid. However, as of June 2006, the County made the decision to not participate in this type of program. The current system will allow the unpaid citations in the amount of \$3,000 or more to be referred to the City's Attorney Office to place a lien against the property for collection when the property is sold or refinanced. Unpaid citations of less than \$3,000 will be sent to a collection agency.

Although the fines may be paid, it still does not excuse the responsible party from correcting the code violations. Of the 33 cases with fines that are at least 60 days delinquent, 21 have been closed or abated.

Next Steps

The property owners have received notice in accordance with Santa Barbara Municipal Code Section 1.25.060 and have been provided the full opportunity to pay their citations. The list of properties with delinquent citations is an Exhibit to the attached Resolution, and was prepared on August 14, 2013. Staff expects that some of the property owners on the list will pay their fines before the September 10, 2013 Council meeting. The final list of delinquent property owners will be prepared on September 12, 2013, and submitted to the City Clerk's Office prior to that office confirming the Resolution.

Once the City Council adopts the Resolution, and it is conformed by the City Clerk's Office, the City Attorney's Office will file a lien on each property with outstanding fines of \$3,000 or more and send all property owners owing less than \$3,000 to a collection agency.

**ATTACHMENT:** List of Property Owners who have Outstanding Fines Delinquent 60 days or More

**PREPARED BY:** Lauren Anderson, Code Enforcement Coordinator

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office

**Property Owners Who have Outstanding Fines Delinquent 60 days or More**

8/26/2013

<b>Case Number</b>	<b>Address where Violations Occurred</b>	<b>APN</b>	<b>Property Owner's Name and Address</b>	<b>Total Fine Amount Due</b>	<b>Department or Division that Issued the Citation</b>
ENF2001-00456 000118	316 W. Alamar Ave. SB 93105	051-310-016	Pilar Baize 316 W. Alamar Ave. SB 93105	\$5,250	BLDG
ENF2008-00033 000684	1429 Clearview Rd., SB 93101	041-102-009	Amy Sachs/Mitchell B Sjerven 1429 Clearview Rd. SB 93101	\$3,000	BLDG
ENF2009-00933 000773	425 Conejo Rd, SB 93103	019-050-012	Robert R McNall Trust 12-14-07 427 Conejo Rd., SB 93103	\$8,600	BLDG
ENF2008-00903 000774	111 N Milpas St., SB 93103	017-083-013	Abraham Safina Trustee (for) Abraham Safina Trust 1/17/95, Michael Safina Trustee (for Michael Safina Trust 1/17/95), William Safina Trustee (for) William Safina Trust 3/7/95, Freeman, Geraldine Lee, Trustee 217 E. Constance Ave., SB 93105	\$3,000	BLDG
ENF2008-01302 000777	510 N. Voluntario St. SB 93103	031-251-020	Joanne E. Stafford 2003 Revocable Trust 3/4/03, Joanne Elaine Stafford Trustee, 510 N. Voluntario St., SB 93103	\$5,250	BLDG

**Property Owners Who have Outstanding Fines Delinquent 60 days or More**

8/26/2013

<b>Case Number</b>	<b>Address where Violations Occurred</b>	<b>APN</b>	<b>Property Owner's Name and Address</b>	<b>Total Fine Amount Due</b>	<b>Department or Division that Issued the Citation</b>
ENF2008-01444 000789	817 Castillo St., SB 93101	037-031-011	Pearson Family Bypass Trust, Eleanor J. Pearson Trustee, 7133 Ruane St., San Diego CA 92119-1210	\$3,000	BLDG
ENF2009-00733 000790	308 N. Soledad St., SB 93103	031-383-012	Claire May Lang Chisholm, Cheryl Chisholm Trustee, Estate of William Chisholm 5322 Deane Ave. Los Angeles CA 90043	\$3,000	BLDG
ENF2010-00507 000806	917 Alphonse St., SB 93103	031-182-013	Gilbert James Short & Rosemary Short, 917 Alphonse St., SB 93103	\$15,000	BLDG
ENF 2009-01436 000807	1719 Pampas Ave. SB 93101	043-173-008	Fredrick Herzog IV, 1719 Pampas Ave. SB 93101	\$7,500	BLDG
ENF2010-00628 000816	612 W. Mission St., SB 93101	043-092-015	Francisco H Espineli, Jr., 1114 State St. Suite 200 SB 93101	\$8,200	BLDG
ENF2010-00583 000821	115 E. Gutierrez St. SB 93101	031-271-030	Jesse P Aldana & Mindy M. Aldana 1918 Emerson Ave. SB 93103	\$7,300	BLDG
ENF2010-00315 000826	530 W. Cota St., SB 93101	037-102-024	Terri Trevillian, 1986 Jelinda Dr. SB 93108	\$3,000	BLDG
ENF2011-00092 000837	1229 E. Yanonali St. SB 93103	017-062-013	Abraham Safina Trustee (for) Abraham Safina Trust 1/17/95, Michael Safina Trustee (for Michael Safina Trust	\$15,500	BLDG

**Property Owners Who have Outstanding Fines Delinquent 60 days or More**

8/26/2013

<b>Case Number</b>	<b>Address where Violations Occurred</b>	<b>APN</b>	<b>Property Owner's Name and Address</b>	<b>Total Fine Amount Due</b>	<b>Department or Division that Issued the Citation</b>
			1/17/95), William Safina Trustee (for William Safina Trust 3/7/95, Freeman, Geraldine Lee, Trustee 217 E. Constance Ave., SB 93105		
ENF2011-00630 000852	21 N. Milpas St. SB 93103	017-123-013	Guanahani Milpas LLC W. Wright Watling, P.O. Box 40812, SB 93140-0812	\$100	ZONING
ENF2011-00008 000856	227 W. Figueroa St., SB 93101	039-271-001	Rafael M. Mendez Living Trust 4/18/07, Rafael M. Mendez Trustee, 406 W. Figueroa St. SB 93101	\$3,000	BLDG
ENF2010-01069 000869	317 Northridge Rd., SB 93105	055-131-009	Victoria J. Trevillian, 317 Northridge Rd., SB 93105	\$500	BLDG
ENF2011-00466 000871	824 Alston Rd., SB 93108	015-173-014	Mark Abrishami & Shiva Habib, 824 Alston Rd., SB 93108	\$7,500	BLDG
ENF2011-00713 000872	1110 E. Gutierrez St., SB 93103	031-381-003	Lemuel Raise, 1636 Ruston St., South Euclid, OH 44121	\$7,500	BLDG
ENF2009-00913 000874	607 Del Monte Ave., SB 93101	037-022-010	James Salsido Living Trust, James P. Salsido Trustee, 27 Leslie Dr. SB 93105	\$7,500	BLDG

**Property Owners Who have Outstanding Fines Delinquent 60 days or More**

8/26/2013

<b>Case Number</b>	<b>Address where Violations Occurred</b>	<b>APN</b>	<b>Property Owner's Name and Address</b>	<b>Total Fine Amount Due</b>	<b>Department or Division that Issued the Citation</b>
ENF2010-01046 000882	39 Alston Pl., SB 93108	015-161-039	Coleen K McElroy, P.O. Box 331, Crested Butte, CO 81224	\$8,400	BLDG
ENF2011-00361 000885	481 Terrace Rd., SB 93109	035-192-014	Jules L Federman, 481 Terrace Rd., SB 93109	\$3,000	BLDG
ENF2011-00838 000920	272 El Cielito Rd., SB 93103	021-084-003	Santandrea Family Trust 5/12/99, Carmine Santandrea Trustee, Caroline Santandrea Trustee, a/o Sotheby's Int'l realty, 1106 Coast Village Rd, SB 93108	\$3,000	BLDG
ENF2011-00791 000897	1630 Overlook ln. SB 93103	015-192-009	Paul E. Berquist, 1630 Overlook ln. SB 93103	\$7,500	BLDG
ENF2012-00172 000898	2082 Las Canoas Rd., SB 93105	021-030-037	Ron Petelski & Laura Miles, 11693 San Vincente Blvd. Los Angeles, CA 90049	\$3,000	BLDG
ENF2011-00317 000901	27 Leslie Dr. SB 93105	051-352-004	James Salsido Living Trust, James P, Salsido Trustee, 27 Leslie Dr., SB 93105	\$7,500	BLDG
ENF2010-00505 000910	1231 E. Yanonali St. SB 93103	017-062-011	Abraham Safina Trustee (for) Abraham Safina Trust 1/17/95, Michael Safina Trustee (for Michael Safina Trust 1/17/95), William Safina Trustee (for) William Safina Trust 3/7/95, Freeman,	\$7,500	BLDG

**Property Owners Who have Outstanding Fines Delinquent 60 days or More**

8/26/2013

<b>Case Number</b>	<b>Address where Violations Occurred</b>	<b>APN</b>	<b>Property Owner's Name and Address</b>	<b>Total Fine Amount Due</b>	<b>Department or Division that Issued the Citation</b>
			Geraldine Lee, Trustee 217 E. Constance Ave., SB 93105		
ENF2011-00127 000825	530 W.Cota St., SB 93101	037-102-024	Terri Trevillian, 1986 Jelinda Dr., SB 93108	\$100	CREEKS
ENF2011-00219 000921	502 E. Anapamu St., SB 93101	029-180-001	Neil/Sue Williamson Family Trust 3/27/01, Sue C. Willaimson Trustee 154 Bucks Pocket Dr., New Market AL, 35761 3463 State St. #338, SB 93105	\$7,000	BLDG
ENF2012-00127 00896	1205 Gillespie St., SB 93101		Metropolitan Equities, 114 W. Mission St., SB 93101	\$200	SOLID WASTE
ENF2012-01060 000930	211 Helena Ave. SB 93101 (AKA 214 State St. SB 93101)	033-051-015	Hughes Land Holding Trust 5/9/84 618 Anacapa St. #A, SB 93102	\$200	ZONING
ENF2011-00732 000844	1233 De La Vina St., SB 93101	039-171-006	First Hawaiian Equity Corp. 114 W. Mission St., SB 93101	\$250	ZONING
ENF2008-00728 000812	1935 Robbins St., SB 93101	043-112-001	Sadie M. Stern, 7805 Leavorite, Las Vegas ,NV 89128	\$2,000	BLDG
ENF2013-00368 000943	1129 State St., SB 93101	039-231-037	1129 State st. 1231 B. State St., SB 93101	\$500	ZONING

**Property Owners Who have Outstanding Fines Delinquent 60 days or More**

*8/26/2013*

<b>Case Number</b>	<b>Address where Violations Occurred</b>	<b>APN</b>	<b>Property Owner's Name and Address</b>	<b>Total Fine Amount Due</b>	<b>Department or Division that Issued the Citation</b>
33				163,850.00	

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA CERTIFYING THE AMOUNTS OF ADMINISTRATIVE CITATIONS GREATER THAN 60 DAYS PAST DUE FOR THE PURPOSE OF EITHER REFERRAL TO A COLLECTION AGENCY OR FILING A LIEN AGAINST THE PROPERTY

WHEREAS, On July 13, 1999, the City Council of the City of Santa Barbara adopted the Administrative Citation Ordinance (Ordinance No. 5113), which established Chapter 1.25 of Title One of the Santa Barbara Municipal Code (hereinafter "Municipal Code") which provides for the imposition and collection of civil administrative fines for Code violations, and on April 1, 2003, the City Council adopted Ordinance No. 5272 amending Chapter 1.25 of the Municipal Code;

WHEREAS, Chapter 1.25 of the Municipal Code directs the City to continue to seek voluntary compliance by property owners and businesses with the Santa Barbara Municipal Code;

WHEREAS, said Chapter further authorizes the City of Santa Barbara to impose and collect civil administrative fines in conjunction with violations of the Municipal Code when property owners and businesses do not voluntarily comply with the Municipal Code;

WHEREAS, said Chapter further authorizes the City to recover any delinquent administrative fines as a lien or special assessment on the real property provided the fine against the property owner is sixty (60) days or more delinquent, and provided that the City Council of the City of Santa Barbara adopt a resolution certifying the amounts of the liens/special assessments; and

WHEREAS, certain property owners, identified on the list attached hereto as Attachment A, have received notice of administrative fines in accordance with the provisions of Santa Barbara Municipal Code Section 1.25.050 and are now delinquent by at least sixty (60) days in payment of administrative fines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA BARBARA RESOLVES THAT:

The list attached hereto as the Attachment and setting forth the property owners who are now delinquent at least sixty (60) days in payment administrative fines, the amount of said fines to be imposed as liens/special assessments, and the related property addresses and Assessor's Parcel Numbers is hereby certified as true and correct.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Administration, Library Department

**SUBJECT:** Grants From The California State Library, American Riviera Bank, And National Endowment For The Arts

**RECOMMENDATION:** That Council:

- A. Authorize the Library Director to accept a \$17,000 grant from the California State Library to develop and implement the program "Apps for All";
- B. Authorize the Library Director to accept a \$1,000 grant from American Riviera Bank in support of the "Apps for All" project;
- C. Authorize the Library Director to accept a \$15,850 grant from the National Endowment for the Arts to develop and implement the Big Read program;
- D. Authorize the Library Director to accept a \$4,500 grant from the Santa Barbara Foundation to develop and implement the Big Read program; and
- E. Approve an increase to Estimated Library Grant Revenues; and increase the appropriations for the Grant Program in the General Fund, by \$38,350.

**DISCUSSION:**

The Library Department has been awarded a California Library Services and Technology Act grant for \$17,000 from the California State Library to develop and implement a program that will research and evaluate mobile applications, develop a curriculum, and teach a series of technology classes that target literacy learners. The program is tentatively named "Apps for All."

American Riviera Bank has awarded the Library \$1,000, which will be used to promote financial literacy as part of the "Apps for All" project.

The National Endowment for the Arts has also awarded the Library \$15,850 for the Big Read. The Big Read is a community wide reading and discussion program developed around the book *The Things They Carried*, written by Tim O'Brien. The Big Read program will take place in October and will involve the distribution of books to high schools and throughout the library system, a kickoff event, collaborative projects with local museums and schools, discussions at high schools and libraries, and theatre and

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Grants from the California State Library, American Riviera Bank, and National Endowment for the Arts

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outreach performances. It will include school visits and a public talk at the Marjorie Luke Theatre with the author, Tim O'Brien. All library events will be free to the public.

**BUDGET/FINANCIAL INFORMATION:**

Staff recommends that Council authorize the increase of revenues and appropriations in the Fiscal Year 2014 Library General Fund by \$38,350 for these projects. The grant monies will provide the entire funding.

**PREPARED BY:** Scott Love, Library Services Manager

**SUBMITTED BY:** Irene Macias, Library Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Intent to Award Gas Franchise to SoCalGas

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intent to Grant a 30-year Franchise, with an Option to Extend for 10 Additional Years, to Southern California Gas Company and to Set the Time and Place for a Public Hearing Pursuant to Article XIV of the City Charter.

### **DISCUSSION:**

On October 11, 1983, the City Council granted Southern California Gas Company ("SoCalGas") a non-exclusive franchise to install, use, maintain, repair and replace pipes and appurtenances for the purposes of transmitting and distributing gas within the City. The term of the franchise was for a period of 30 years. The franchise is scheduled to expire in October 2013. SoCalGas approached the City to renew its franchise and City staff has been meeting with SoCalGas in negotiations for the last several months.

#### Franchise Fee

The current franchise provides for payments to the City by SoCalGas for the use of City rights of way to provide gas service as provided by the City Charter. These payments are for SoCalGas's use of the public right of way within the City, which typically involves placing pipes in or along City streets and roadways. The 1983 franchise contained what is called a "most favored nations" provision, i.e., a contract term which allowed the City to require SoCalGas to pay to the City an increased franchise fee equivalent to the fee paid by SoCalGas for any other franchise agreement with a California public agency which SoCalGas may enter into during the term of its Santa Barbara franchise.

When the 1983 franchise was first negotiated, the franchise fee was initially set at the state statutory maximum applicable to general law cities of the greater of two percent (2%) of gross annual SoCalGas receipts derived from the use, operation or possession of the franchise, or a minimum of one percent (1%) of gross annual receipts from the

sale, transmission, or distribution of gas within the limits of the municipality (otherwise known as the "2%/1%" formula). In 1997, the City followed the lead of other charter cities (specifically, the city of Pasadena) and invoked the "most favored nation" provision of the 1983 franchise to increase the SoCalGas franchise fee to the "2%/2%" formula.

With the proposed new franchise, staff is proposing to continue the current "2%/2%" franchise fee formula. SoCalGas has not negotiated higher franchise fees with any other charter city in decades. However, under the terms of the proposed new franchise, if SoCalGas agrees to a franchise with a higher franchise fee formula with some other charter city or other municipality in the future, Santa Barbara would have the option to re-negotiate our franchise in a way that could require SoCalGas to also pay Santa Barbara the higher franchise fee. In this event, if SoCalGas sought to itemize that additional fee separately on the bills for the triggering agency, SoCalGas could also obtain approval from the California Public Utilities Commission (as required by state law) to itemize a portion of the City fees separately on the bills that they send out to their Santa Barbara customers in a manner similar to the triggering agency.

### Term

The term of the agreement will initially be for 30 years, with an option for extension to 40 years. SoCalGas will have the opportunity to request the additional ten years under the franchise on the same terms and conditions, subject to the Council's ability to deny that extension at its sole discretion. Given that the most favored nation clause, above, should ensure that the City's franchise fee remains as high as any in SoCalGas's service area, such an extension is likely to be beneficial to both parties, provided that other terms and conditions of the franchise remain agreeable.

### In Lieu Fee

In addition to the franchise fee, SoCalGas pays the City an "in lieu" fee. The Municipal Public Lands Act established this surcharge to be applied to natural gas (and electricity) transported within a municipality, to replace franchise fees that would have been collected pursuant to the franchise if not for changes in the regulatory environment, such as the "unbundling" of the gas industry. This fee was not specifically identified in the prior franchise agreement, but has been delineated in the new franchise.

### Other Terms

As part of the renewal, the language and terms of the franchise were modernized to reflect current practices and requirements of utility franchisees and achieve the best utility franchise terms available. For example, modern provisions addressing the indemnification of the City were added in consultation with the City Attorney's Office and insurance requirements were added under the guidance of Risk Management. The franchise fee payment schedule and method were also altered at the request of the

Finance Department to make budget projections and reconciliation more manageable. The current system provides for payments based on the prior year's actual, with a true up afterward, but the new requirements will be for quarterly payments based on actual. The franchise provides for the City's right to audit and inspect property and records. The City plans to conduct a gas franchise fee and Utility Users Tax audit concurrent with the Cable franchise audit planned for this fall.

Pursuant to the City Charter, before granting any franchise, the City Council must adopt a resolution declaring its intention to grant the same, stating the name of the proposed grantee, describing the character of the franchise and summarizing the terms and conditions upon which it is proposed to be granted. The resolution of intention must fix a public hearing during which anyone having any interest in or objection to the proposed franchise may appear before the City Council. The hearing must occur not less than twenty (20) nor more than sixty (60) days after the passage of the resolution. The Charter also calls for the City Council to direct the City Clerk to publish the resolution at least once, within fifteen (15) days of adoption, in an official newspaper.

The public hearing will be held on Tuesday, October 1, 2013 at 2:00 p.m. in the City Council chambers of the Santa Barbara City Hall. At the hearing the City Council will hear and pass upon all protests and make a final decision. Thereafter it may adopt an ordinance approving the franchise by a super- majority approval on the terms and conditions specified in the resolution of intention, subject to the right of referendum of the people, or it may deny the same. If the City Council determines that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention will need to be adopted and the process re-initiated.

**BUDGET/FINANCIAL INFORMATION:**

Under the franchise, the City will continue to receive a franchise fee from SoCalGas under the 2%/2% formula. This estimated amount of \$456,800 is already included in the FY 2014 adopted budget.

**PREPARED BY:** Kristine Schmidt, Employee Relations Manager

**SUBMITTED BY:** Marcelo López, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENT TO GRANT A 30-YEAR FRANCHISE, WITH AN OPTION TO EXTEND FOR 10 ADDITIONAL YEARS, TO SOUTHERN CALIFORNIA GAS COMPANY AND TO SET THE TIME AND PLACE FOR A PUBLIC HEARING PURSUANT TO ARTICLE XIV OF THE CITY CHARTER.

WHEREAS, Section 1401 of the Charter of the City of Santa Barbara requires the City Council to publicly declare its intention to consider and possibly grant a franchise and to state the character of the franchise and the terms and conditions under which the franchise will operate and to fix a specific date and time where persons having an interest in the franchise may be heard by the City Council and any objection to the franchise may be expressed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS;

**SECTION 1.** The City intends to grant a franchise on the terms and conditions contained in the proposed ordinance entitled “An Ordinance of the Council of the City of Santa Barbara Granting Southern California Gas Company a Franchise to Install, Use, Maintain, Repair and Replace Pipes and Appurtenances for the Purpose of Transmitting and Distributing Natural Gas for Any and All Purposes Within the City of Santa Barbara” which is attached as Exhibit A and dated as of September 10, 2013. Exhibit A is incorporated herein by this reference.

**SECTION 2.** Pursuant to the requirements of Section 1401 of the City Charter, the City Council of the City of Santa Barbara declares its intention to hold a public hearing on Tuesday, October 1, 2013 at 2:00 p.m. in the City Council chambers of the Santa Barbara City Hall at De La Guerra Plaza in order to consider granting a franchise to Southern California Gas Company.

**SECTION 3.** Any and all persons having an interest in the proposed franchise or any objections to the proposed franchise will be heard by the City Council on that date and any objection to the franchise may be expressed at such hearing prior to a City Council determination on the franchise request and the possible introduction of a City ordinance authorizing and approving the franchise.

**SECTION 4.** In accordance with City Charter Section 1401, the City Clerk is hereby directed to publish this Resolution at least once within fifteen (15) days of its passage in the official newspaper.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA GRANTING SOUTHERN CALIFORNIA GAS COMPANY A FRANCHISE TO INSTALL, USE, MAINTAIN, REPAIR AND REPLACE PIPES AND APPURTENANCES FOR THE PURPOSE OF TRANSMITTING AND DISTRIBUTING NATURAL GAS FOR ANY AND ALL PURPOSES WITHIN THE CITY OF SANTA BARBARA.**

**THE COUNCIL OF THE CITY OF SANTA BARBARA** does hereby ordain as follows:

**SECTION 1. GRANT OF FRANCHISE.** Subject to the terms and conditions contained in this ordinance and pursuant to the provisions of Article XIV of the Charter of the City of Santa Barbara, the City of Santa Barbara hereby grants to Southern California Gas Company, a California corporation, its successors and assigns, a nonexclusive right, privilege, and franchise to lay and use pipes and appurtenances for transmitting and distributing gas for any and all purposes, under, along, across or upon the Streets of the City. Any activities or uses of the gas system not specifically authorized under this franchise are prohibited under this franchise. Any proposed telecommunication or other non-gas system uses, other than Adjunct Communication Lines owned and used by Grantee, either by Grantee or any person or entity claiming a right under Grantee's franchise, must be authorized separately by the City under a separate agreement.

**SECTION 2. INTERPRETATION OF FRANCHISE.**

A. As used in this ordinance, the singular number includes the plural and the plural number includes the singular.

B. Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions unless, in the given instance, the context wherein they are used shall clearly import a different meaning:

1. "Adjunct Communications Line" shall mean any facility such as coaxial cable, optical fiber, wire, wireless devices, or other transmission lines or forms of transmission, and associated equipment and devices located in, upon, along, across, under or over the streets of the City and used exclusively by Grantee, the primary function of which is to monitor or control the operation or

safety of the gas system facilities via the distribution of video, audio, voice, or data signals.

2. "City" means the City of Santa Barbara, a municipal corporation and charter city duly organized under the laws of the State of California.

3. "City Rules" means the City's Charter and all of the City's ordinances, regulations and policies heretofore or hereafter adopted by the Council in the exercise of its police powers as a charter city under Article XI, Section 5 of the Constitution of the State of California and not in conflict with the paramount authority of the State of California, and that are not in conflict with or inconsistent with the authorized General Orders of Grantee, the jurisdiction of the California Public Utilities Commission, or other state or federal agency having jurisdiction over Grantee, and as to state highways, subject to the laws relating to the location and maintenance of such facilities therein.

4. "City Utilities" means all City sewers, City waterlines, City drains, and any other City facilities.

5. "Construct" means to lay, construct, erect, install, maintain, repair, replace, or remove.

6. "Engineer" means the City Engineer of City or his or her designee.

7. "Council" means the Council of the City of Santa Barbara.

8. "Franchise" means all the rights, privileges and responsibilities granted by City pursuant to Article XIV of the Charter of the City of Santa Barbara and subject to each and all of the terms and conditions contained in this Ordinance.

9. "Franchise property or properties" means all property constructed, installed, operated, or maintained by Grantee in or upon the public streets pursuant to any right or privilege granted by this franchise.

10. "Gas" means natural gas meeting the specifications required by the California Public Utilities Commission or other such state or federal agency having jurisdiction over Grantee.

11. "General Orders" means General Orders issued by the Public Utilities Commission of the State of California and applicable to Grantee.

12. "Grantee" means Southern California Gas Company to whom this franchise is granted and any other person, firm, or corporation to which this franchise may hereafter be lawfully transferred as herein provided.

13. "Lay and use" means lay, construct, erect, install, operate, maintain, use, repair, replace, remove, or abandon.

14. "Pipes and appurtenances" or "pipes and appurtenant facilities" means gas distribution and transmission facilities composed of, but not limited to, pipe, pipeline, main, service, cathodic protection equipment, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, cable, adjunct communications line, appliance, attachment, appurtenance, and any other property located in, upon, along, across, under, or over the streets of the City, and used or useful in carrying on the business of the transmission or distribution of gas.

15. "Reasonable Satisfaction" means the City will reasonably determine if the work has been done in a manner that is consistent with Grantee's General Orders, the rules and regulations of the California Public Utilities Commission, state and federal law, and City Rules, and if not contained therein, consistent with generally accepted industry standards.

16. "Street" means the surface of, and the space above and below, any public street, road, highway, lane, alley, court, sidewalk, parkway, easement, or similar public place, or any other area under the control of the City, which now exists or which may hereafter exist within the City, including any public highway within the City.

17. "Street, Paved" means a street constructed with a concrete or asphaltic surface.

### **SECTION 3. TERM OF FRANCHISE.**

A. The term of this franchise shall be thirty (30) years from and after the effective date hereof. Grantee shall have a conditional option to extend the term of this franchise for an additional ten (10) years upon same terms and conditions contained herein. If Grantee wishes to exercise the option, Grantee shall, not more than two (2) years and not less than (1) year prior to the expiration of the initial thirty (30) year term, serve written notice of Grantee's intent to exercise the option upon the City Clerk. Upon timely service of Grantee's notice of intent to exercise the option, unless the City Council affirmatively rejects the exercise of the option in writing within one hundred twenty (120) days of receipt of Grantee's notice of intent to exercise the option, this franchise shall extend for an additional ten (10) years for a total of forty (40) years from the effective date hereof. If no timely notice of intent to exercise is

submitted or if the City Council rejects the exercise of the option within the one hundred twenty (120) day period, the term of this franchise shall lapse thirty (30) years from and after the effective date hereof. The effective date of this franchise shall be the date Grantee files a written acceptance of this franchise with the City Clerk of City. This franchise may terminate sooner upon any of the following events: (1) With the consent of the Public Utilities Commission of the State of California, this franchise is voluntarily surrendered or abandoned by its possessor; (2) The State of California or a municipal or public corporation, duly authorized by law, purchases by voluntary agreement or condemns and takes under the power of eminent domain all property actually used and useful in the exercise of this franchise and situated within the territorial limits of the State, municipal, or public corporation purchasing or condemning such property; or (3) This franchise is forfeited for noncompliance with its terms by the possessor thereof.

B. If the Grantee shall at any time fail, neglect, or refuse to comply with or to fulfill any one or more of the terms or conditions of this franchise and shall not within thirty (30) days after written demand for compliance, begin the work of compliance, or after such beginning shall not prosecute the same with due diligence to completion, then the Council may revoke this franchise.

C. If necessary, the City may sue in its own name for the forfeiture of this franchise, in the event of noncompliance or breach of this franchise by the Grantee, its successors or assigns, with any of the conditions thereof.

D. The right of the City to revoke or terminate this franchise pursuant to the terms of this Section shall be in addition to all other rights and remedies which may otherwise accrue to the City by reason of any failure or refusal of the Grantee to perform any obligation imposed by the terms of this franchise.

**SECTION 4. DUTIES OF GRANTEE.** In addition to other duties set forth in this franchise, Grantee shall:

A. Construct all pipes in accordance and conformance with the City Charter and all ordinances, rules and regulations adopted by City in the exercise of its police powers and not in conflict with the paramount authority of the State of California or in conflict with the authorized General Orders of the California Public Utilities Commission applicable to Grantee, and, as to State highways, subject to the provisions of general laws relating to the location and maintenance of such public utilities.

B. Pay to City on demand, the cost of all repairs to streets and City Utilities made necessary by any operations of Grantee under this franchise.

C. Notify the City Council of City in writing within thirty (30) days of any lawful successor or assignee.

D. Collect any Utility Users' or similar tax related to the consumption of Gas within the City in accordance with applicable ordinances, rules or regulations.

E. Comply with the City Charter and all lawful ordinances and regulations of City.

**SECTION 5. LOCATION AND INSTALLATION OF FRANCHISE PROPERTY.**

A. Grantee shall have the right to make all necessary excavations in the streets for the laying and using of franchise properties. All excavations and pipeline installations shall be made in compliance with CPUC statutes, regulations and general orders. Street repairs shall be affected in strict compliance with this franchise and the City Rules.

B. Before commencing work to lay and use pipes and appurtenances, Grantee shall file plans with Engineer showing the proposed location of such pipes and appurtenances. The plans shall be subject to review and approval by Engineer.

C. Engineer shall have the power to give Grantee such directions for the location of any pipes or appurtenances as may be reasonably necessary to avoid utilities in or under streets.

D. Where it is necessary to construct any underground pipes and appurtenances through, under or across any portion of a paved street, such construction, where practicable and economically reasonable, as determined by the Engineer, shall be done by a tunnel or bore so as not to disturb the foundation or surface of such paved street. In the event that tunneling or boring cannot be done practicably or at a cost that is economically reasonable, any excavation of the paved street shall be done under a permit issued by the Engineer. If a paved street is excavated in order to lay and use pipes and appurtenances, Grantee shall restore the street to as good a condition as existed before such work was done and such restoration shall be completed to the Engineer's Reasonable Satisfaction.

E. All excavations shall be conducted so as not to interfere unreasonably with the free use of the streets by the public except such temporary interference as may be authorized by the Engineer.

F. Prior to any work, including maintenance, installations, replacements, and relocations within City Streets, Grantee shall obtain any

required City permit. In connection with any such permit, Grantee shall pay a permit fee calculated in accordance with the fee schedule most recently and lawfully approved by the City Council. Grantee and City, may, but shall not be obligated to, enter additional agreements regarding the payment of permitting fees for activities contemplated under this franchise on a yearly basis or otherwise.

G. All work in City streets shall be continuously prosecuted in good faith and without unnecessary or reasonably avoidable intermission or delay. It shall be done in a good and workmanlike manner and to the Engineer's Reasonable Satisfaction.

H. In accordance with General Orders of the Public Utilities Commission and applicable state and federal laws and regulations, Grantee shall promptly repair any leaks or breaks in pipes to good order and safe condition, and promptly repair and maintain all appurtenances to good order and safe condition, that are installed, maintained or operated pursuant to this franchise, or by reason of any other cause arising from the operation or existence of any pipes and appurtenances constructed or maintained pursuant to this franchise.

#### **SECTION 6. FIESTA.**

With the exception of emergency repairs or construction in areas that are exclusively zoned for single-family residential dwellings, Grantee shall not perform any construction on streets within City during the week of the annual celebration of the Fiesta.

**SECTION 7. LAWS TO BE OBSERVED.** The Grantee shall lay and use all pipes and appurtenances in accordance with, and in conformity with, all state and federal laws and all City Rules.

**SECTION 8. INCIDENT AND EMERGENCY RESPONSE.** Grantee shall, after being notified of an emergency that has the potential to affect Grantee's pipes and appurtenances installed in City Streets, cooperate with City and make every effort to respond as soon as possible to protect the public's health, safety, and welfare.

**SECTION 9. STREET IMPROVEMENT BY CITY.** Grantee shall locate, remove, or relocate, at the request of the City, in a timely manner and without expense to the City, any pipes and appurtenances laid and used under this franchise if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley or place, including the construction of any subway or viaduct by the City; provided, however, that Grantee shall not be required to bear the expense of any removal or relocation made at the request of the City on behalf or for the benefit of any private party.

**SECTION 10. REMOVAL OR ABANDONMENT OF FRANCHISE PROPERTY.**

A. In the event of the permanent discontinuance of the use of any pipeline, or portion thereof, maintained or operated pursuant to this franchise, Grantee shall, within thirty (30) days thereafter, make written application to the Engineer for instructions as to the abandonment or disposal to be made of the franchise property. Such application shall describe said property and shall be accompanied by a map designating its location with respect to street lines and pavements. Engineer shall, within sixty (60) days of the receipt of such application, order the properties to be removed, or, upon request of the Grantee, permit the properties to be abandoned in place; provided, however, that if Engineer shall determine that such removal will materially injure or shorten the life of the remaining portion of the pavement, said properties shall be required to be abandoned in place.

B. When the abandonment of franchise properties shall be permitted or required pursuant to the provisions of the franchise, the pipelines, or portions thereof affected, shall be capped, plugged, removed or otherwise abandoned in such manner as may be prescribed by the Engineer, consistent with state law. In the event of such abandonment, and after the completion of the required work, the City shall have the option, upon request of the Engineer to Grantee, upon terms and conditions mutually agreed upon between City and Grantee, to have the ownership transferred to the City of all franchise facilities so abandoned in place as may be permitted or required by law.

C. All excavation work done pursuant to the provisions of this Section shall be to the Engineer's Reasonable Satisfaction

**SECTION 11. FRANCHISE FEES.**

A. Grantee shall pay an annual franchise fee to City at the times hereinafter specified and calculated as follows:

Commencing on the first day of the calendar quarter immediately following the effective date of this franchise, an annual sum which shall be equivalent to the higher of the following two formulas:

(1) Two percent (2%) of the gross annual receipts of Grantee from the use, operation or possession of this franchise; or

(2) Two percent (2%) of the gross annual receipts of Grantee derived from the sale, transmission, or distribution of gas within the limits of City under this franchise.

B. In addition to the franchise fee, Grantee shall pay City the fee described in the Municipal Public Lands Use Surcharge Act, Chapter 2.5 of Division 3 of the California Public Utilities Code beginning with Section 6350, as such Act is now or as may be amended from time to time (the "In-Lieu Act").

1. As used herein:

(a) "Non-proprietary gas" means gas that is conducted, conveyed, transported, supplied and/or distributed, but not sold, by Grantee to the City, to its inhabitants, and/or to any gas customer of Grantee within the City.

(b) "Imputed value" means the product of the actual quantities of such non-proprietary gas conducted, conveyed, transported, supplied and/or distributed, but not sold, to the City and/or to its inhabitants within the City by Grantee during the period of calculation times the weighted average cost of gas ("WACOG") rate authorized by the CPUC for Grantee's use in the calculation of the In-Lieu Fee at the time of the calculation. Currently, it is the adjusted core procurement charge rate (G-CPA) exclusive of any California sourced franchise fee factor.

(c) "In-Lieu Fee" means the fee as calculated pursuant to Section 6353 of the Public Utilities Code, which shall be paid to Grantor as provided by Section 6354 of the Public Utilities Code at the times provided in Section 11(b) above

2. The above descriptions are provided for the convenience of the parties and in no event shall any of the provisions in this Section 11 be construed to enlarge or restrict the duties or rights of Grantee and Grantor under the In-Lieu Act or the definitions of customers, or the volumes of gas subject to the In-Lieu Act.

C. The Franchise Fee shall be paid annually in four installments.

The annual franchise fee shall be paid in four quarterly installments based on the total gross receipts of the preceding calendar quarter employing the gross receipts formula of Subsection A. above, plus the amount of the In Lieu Fee of Subsection B. for such calendar quarter. Each installment shall be paid to the City on or prior to the twenty-fifth (25th) day of the second month following the respective quarter for which payment is made. For example, the installment for the first quarter of the year (January through March) shall be paid to the City no later than May 25th.

D. If at any time after the effective date of this Franchise, Grantee shall accept a general gas distribution franchise with any city or county that

contains a franchise fee formula that provides for a payment in excess of the percentages set forth in Subsection A of this Section 11, as originally set or as may be revised from time to time, then the following provisions will apply:

1. Grantee shall provide written notice of the acceptance of such a franchise to the City together with a copy of any such franchise within thirty (30) days of the effective date of such franchise.

2. At any time during the term of the franchise that triggered this Subsection D, the City may, by resolution of the City Council, elect to have the City's franchise fee formula revised upward to a level not to exceed the formula contained in the franchise that triggered this Subsection D. City shall notify Grantee in writing of its election to revise the franchise fee.

3. If the City elects to revise the franchise fee formula as contemplated in paragraph 2 above, the franchise fee shall be modified as follows:

a. If the city or county franchise which triggers this Subsection D achieves the excess franchise compensation by way of a CPUC approved surcharge on gas service under the triggering city or county franchise, Grantee shall, within sixty (60) days of receiving notice of the City's election pursuant to paragraph 2, make an application to the California Public Utilities Commission requesting the right to impose a customer surcharge upon the same compensation terms as the triggering city or county, in an amount necessary to recoup the difference between the franchise fee formula specified in the City Council resolution under paragraph 2 and the Santa Barbara franchise fee percentages set forth in Subsection A of this Section 11. Grantee's obligation to collect and thereafter deliver the surcharge franchise fees to the City shall be contingent upon CPUC approval. Any revised franchise fee formula provided for under this subparagraph 3(a) shall become effective on the first day of the second calendar quarter following the Grantee's receipt of the California Public Utility Commission Advice Letter approving the franchise fee surcharge, (e.g., if the approval date of the advice letter is January 15, the revised franchise fee formula would become effective on July 1 of the same year).

b. If the city or county franchise which triggers this Subsection D achieves the excess franchise compensation without requiring a CPUC approved surcharge on gas service under the triggering city or county franchise, the franchise fee formula under this franchise shall be revised as specified in the City Council resolution under paragraph 2. Any revised franchise fee formula provided for under this subparagraph 3(b) shall become effective on the first day of the second calendar quarter following the Grantee's receipt of notice of the City's election to revise the franchise fee formula (e.g., if the effective date of the City's notice is January 15, the revised franchise fee would become effective on July 1 of the same year).

E. In the event that the imputed value cannot be determined using the methodology identified in Subsection C. of this Section 11 because such methodology is no longer in use or no longer reasonably reflects the imputed value of non-proprietary gas, the City and Grantee shall agree to the methodology as determined by the California Public Utilities Commission or the state legislature's agreed-upon value.

F. In the event the City collects or receives from gas transportation customers, transporters, and/or brokers a franchise or other fee or tax ("Commodity Fee"), excluding a utility users tax, on the quantities of gas purchased by inhabitants of the City from parties other than Grantee but transported by Grantee, the In- Lieu Fee shall be reduced by the amount of the Commodity Fee (for such corresponding quantities of gas), which is collected or received by the City.

G. In the event Grantee fails to make the payments required by this franchise on or before the dates due as hereinabove provided, Grantee shall pay as additional consideration a sum of money equal to one percent (1%) of the amount not timely paid, per month of each delinquent month or portion thereof as interest and for loss of use of the money due.

H. Any neglect, omission or refusal by said Grantee to pay said percentage at the times or in the manner hereinbefore provided shall be grounds for the declaration of a forfeiture of this franchise and all rights thereunder.

#### **SECTION 12. ANNUAL STATEMENT OF GROSS RECEIPTS.**

A. The Grantee of this franchise shall file with the City Clerk of the City of Santa Barbara within three (3) months after the expiration of the calendar year, or fractional year, following the date of the grant of this franchise, and by March 31<sup>st</sup> of each and every calendar year thereafter, a duly verified statement showing in detail the total gross receipts of the Grantee, its successors or assigns, during the preceding calendar year, or such fractional year, from the sale of the utility service within the City for which this franchise is granted.

B. Any neglect, omission or refusal by said Grantee to file such verified statement at the times or in the manner hereinbefore provided shall be grounds for the declaration of a forfeiture of this franchise and all rights thereunder.

#### **SECTION 13. INSURANCE.**

As part of the consideration of this Agreement, Grantee agrees to purchase and maintain or self insure at its sole cost and expense during the life

of this agreement insurance coverage as specified in A) and B) described below. All insurance coverage shall be placed with insurers that have a Best rating of no less than B+: XII; and are admitted insurance companies in the State of California. All other insurers require prior approval of the City.

The insurance coverage limits identified below are the minimum requirements established at the beginning of the franchise term. The City retains the right to revise the minimum insurance coverage limits as reasonably determined by the City Risk Manager during the term of this agreement, provided however, that the City shall not revise the coverage limit more than once every five years during the term of this agreement.

- A. General and Automobile Liability: Commercial General Liability – Insurance Services Office Form CG 00 01 including products and completed operations with limits of no less than Ten Million Dollars (\$10,000,000) per occurrence for bodily injury, personal injury and property damage. If a general aggregate limit applies, either the aggregate limit shall apply separately to this franchise agreement or the general aggregate limit shall be twice the required occurrence limit. Automobile Liability – Insurance Services Office Form Number CA 0001 covering Code 1 (any auto) with limits of no less than Ten Million Dollars (\$10,000,000) per accident for bodily injury and property damage. Such insurance shall include the following seven (7) items.
1. Extension of coverage to the City of Santa Barbara, its officers, employees, and agents, as an additional insured, with respect to Grantee's liabilities hereunder in insurance coverage identified in item "A." above, but only as respects to the operations of the named insured. A copy of the endorsement evidencing that the City of Santa Barbara has been added as an additional insured on the policy, must be attached to the certificate of insurance.
  2. A provision that coverage will not be cancelled until at least thirty (30) days' prior written notice, and ten (10) days notice for non-payment of premium has been given to the City Clerk, addressed to P.O. Box 1990, Santa Barbara, California 93102-1990.
  3. A provision that Grantee's insurance shall apply as primary, and not excess of, or contributing with the City.
  4. Contractual liability coverage sufficient to include the liability assumed by the Grantee in the indemnity or hold harmless provisions included in this Agreement.
  5. A Cross Liability clause, or equivalent wording, stating that coverage will apply separately to each named or additional insured as if separate policies had been issued to each.
  6. Broad form Property Damage Endorsement.

7. Policy shall apply on an "occurrence" basis.
- B. Workers' Compensation: In accordance with the provisions of the California Labor Code, Grantee is required to be insured against liability for Workers' Compensation or to undertake self-insurance. Statutory Workers' Compensation and Employers' Liability of at least \$1,000,000 shall cover all Grantee's staff while performing any work incidental to the performance of this agreement. The policy shall provide that no cancellation, major change in coverage or expiration shall be effective or occur until at least thirty (30) days after receipt of such written notice by City.

Grantee hereby agrees to waive rights of subrogation which any insurer of Grantee may acquire from Grantee by virtue of the payment of any loss. Grantee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the Entity for all work performed by the Grantee, its employees, agents and subcontractors.

Approval of the insurance by City or acceptance of the certificate of insurance by City shall not relieve or decrease the extent to which the Grantee may be held responsible for payment of damages resulting from Grantee's services or operation pursuant to this Agreement, nor shall it be deemed a waiver of City's rights to insurance coverage hereunder.

Grantee must provide evidence that it has secured all the required insurance coverage before execution of this agreement and annually thereafter. A Certificate of Insurance or Letter of Self Insurance supplied to the City evidencing the above shall be completed by Grantee's insurer or its agent and submitted to the City prior to execution of this Agreement by the City. Grantee shall exercise due diligence to require all sub-contractors and all tiers of such sub-contractors to provide General and Automobile Liability, Workers' Compensation, and, if applicable, Contractor's Pollution Legal Liability insurance with limits no less than One Million Dollars (\$1,000,000) per occurrence or claim, and Two Million Dollars (\$2,000,000) policy aggregate.

Grantee shall retain the right to self insure any of the insurance requirements above,. Grantee retains the sole obligation to pay for such deductibles or self-insured retentions. The City is not obligated under any circumstances to pay for such deductibles or self-insured retentions Grantee maintains. Any deductibles or self-insured retentions shall be set forth on the insurance certificate.. Grantee shall deliver to the City the required certificate(s) of insurance and endorsement(s) (unless additional insured is provided within the terms and conditions of the insurance policy) as a condition of granting this franchise.

If, for any reason, Grantee fails to maintain insurance coverage which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. City, at its sole option, may terminate this Agreement and obtain damages from the Grantee resulting from said breach.

**SECTION 14. CITY'S RIGHT TO AUDIT AND INSPECT PROPERTY AND RECORDS.** At all reasonable times, the Grantee shall permit the City to examine any and all books, accounts, papers, maps, and other records kept or maintained by the Grantee or under its control and necessary for the calculation of payments due to City under this franchise in order for the City to verify the accuracy of the payments made by Grantee or are due to the City as a result of this franchise.

**SECTION 15. TRANSFER OF FRANCHISE RIGHTS.** Grantee may not sell, lease, or transfer its pipelines or appurtenances located within the City without prior written notice to the City. Grantee may not transfer or assign this franchise except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

**SECTION 16. TERMINATION OF EXISTING FRANCHISE.** This franchise is granted in lieu of all other franchises, rights, or privileges owned by Grantee, or by any successor of Grantee under this franchise, for transmitting and distributing gas within the limits of the City, as said limits now or may hereafter exist. The acceptance of this franchise by Grantee shall operate as an abandonment of all other such franchises, rights, and privileges within the limits of the City, as such limits now or may hereafter exist.

**SECTION 17. FUTURE CHANGES IN AREA OF CITY.** The acceptance of this franchise constitutes a continuing agreement by the Grantee that if and when the City thereafter annexes, or consolidates with, additional territory, all franchises, rights and privileges owned by Grantee therein shall be deemed abandoned within the limits of the additional territory and shall succeed to this franchise.

**SECTION 18. EMINENT DOMAIN.** The franchise granted hereunder shall not in any way or to any extent impair or affect the right of the City to acquire the property of Grantee either by purchase or through the exercise of the right of eminent domain, and nothing hereunder contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain in respect to the Grantee or any public utility. Nor shall this franchise ever be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the Grantee of the necessary publication and any other sum paid by Grantee to the City at the time of the acquisition of this franchise.

**SECTION 19. INDEMNIFICATION.**

A. General Indemnification. Grantee shall investigate, defend with counsel approved by City, indemnify, and hold harmless the City from any and all liability, loss, damage, cost, expense, and claim of any kind, including reasonable attorneys' and experts' fees incurred by the City in defense thereof, arising out of or related to, directly or indirectly, the installation, construction, operation, use, location, testing, repair, maintenance, or removal of Grantee's pipeline(s) or appurtenant facilities (including actions by its agents, employees, subcontractors, or by anyone Grantee directly or indirectly employs), or from the existence of Grantee's pipeline and appurtenant facilities, including each and every applicable provision of Division 3, Chapter 2 of the Public Utilities Code of the State of California, unless such indemnification is specifically released by the City in writing in conjunction with an abandonment of the pipeline or appurtenant facility. If any action or proceeding is brought against the City by reason of the pipeline(s) or appurtenant facilities, Grantee shall defend the City at the Grantee's complete expense, provided that, for uninsured actions or proceedings, defense attorneys shall first be approved by the City. Any legal counsel selected by Grantee in defense or prosecution of legal matters identified in this agreement shall be mutually acceptable to Grantee and to City and approved by the City Attorney in writing. The City's approval of such counsel will not be unreasonably withheld.

B. Environmental Indemnification. Grantee shall indemnify, defend and save the City harmless from and against any and all liability, loss, damage, expense, actions, and claims, either at law or in equity, including, but not limited to, costs and reasonable attorneys' and experts' fees incurred by the City in defense thereof, arising directly or indirectly from (1) Grantee's breach of any environmental laws applicable to the pipeline, or (2) from any release of any hazardous substances attributable to the pipeline. This indemnity includes but is not limited to (1) liability for a governmental agency's costs of removal or remedial action for hazardous substances; (2) damages to natural resources caused by hazardous substances, including the reasonable costs of assessing such damages; (3) liability for any costs of investigation, abatement, correction, cleanup, fines, penalties, or other damages arising under any environmental laws; and (4) liability for personal injury or property damage arising under any statutory or common-law theory.

C. Grantee's failure to comply with this section's provisions, after a thirty (30) day notice from Grantor to Grantee to cure such failure, shall constitute a material breach upon which City may immediately terminate or suspend this franchise.

D. Except as otherwise agreed to in writing by City and Grantee, Grantee's obligation to indemnify, defend and hold harmless as set forth in this Section 19 shall remain in effect and shall be binding upon Grantee to the extent that such injury or damage accrues during the term of this franchise, but is discovered after termination of this franchise.

**SECTION 20. MISCELLANEOUS PROVISIONS.**

A. The granting of this franchise or any of the terms or conditions contained herein shall not be construed to prevent the City from granting any identical or similar franchise to any person, firm or corporation other than the Grantee.

B. Any right or power conferred, or duty imposed upon any officer, employee, department, or board of the City, shall be subject to transfer by operation of law to any other officer, employee, department, or board of the City.

C. Time is declared to be of the essence of this franchise. By accepting or permitting performance of any obligation due from the Grantee under this franchise after the due date thereof, the City shall not waive or bar its right to require prompt performance, when due, of all other obligations of the Grantee arising under this franchise.

D. The waiver of either party of any breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of that same or any other provision.

E. The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of California.

F. Should any part, term, or provision of this Agreement or any document required herein to be executed be declared invalid, void, or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and effect and shall in no way be invalidated, impaired or affected thereby; unless the City Council finds that the invalid or unenforceable term or condition constituted a consideration material to the grant of this franchise, in which case the City Council may by ordinance terminate this franchise.

G. This franchise supersedes any and all other franchises or agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other franchise, agreement, statement, or promise relating to the subject matter of this franchise which is not contained herein shall be valid or binding.

H. All notices hereunder must be in writing and, unless otherwise provided herein, shall be deemed validly given on the date either personally delivered to the address indicated below; or on the third (3rd) business day following deposit, postage prepaid, using certified mail, return receipt requested, in any U.S. Postal mailbox or at any U.S. Post Office; or when sent via facsimile to a party at the facsimile number set forth below, or to such other or further facsimile number provided in a notice sent under the terms of this paragraph, on the date of transmission of that facsimile. Should City or Grantee have a change of address, the other party shall immediately be notified in writing of such change, provided, however, that each address for notice must include a street address and not merely a post office box. All notices, demands, or requests from Grantee to the City shall be given to the City addressed as follows:

CITY: City of Santa Barbara  
Attn: City Clerk  
735 Anacapa Street  
Santa Barbara, CA 93102

Tel. No. (805) 654-7800  
Fax. No. (805) 641-0253

GRANTEE: Southern California Gas Company  
Attn: Fees and Tax Manager  
555 W. 5<sup>th</sup> Street, Mail Code GT26E2  
Los Angeles, CA 90013-1011  
Tel. No. (213) 244-2522  
Fax. No. (213) 244-4997

**SECTION 21. ACCEPTANCE OF FRANCHISE.** The granting of this franchise is conditioned upon the Grantee filing with the City Clerk within thirty (30) days after this ordinance becomes effective, a written instrument accepting this franchise and agreeing to perform and be bound by each and all of the terms and conditions hereof. The franchise granted hereunder shall not become effective until said written acceptance thereof shall have been filed by the Grantee with the City Clerk.

**SECTION 22. ADVERTISING AND OTHER PRELIMINARY EXPENSE.** The cost of advertising and other preliminary expenses in connection with the offering for sale of this franchise shall be paid by Grantee prior to the effective date, and such payment shall be a condition precedent to the vesting of this franchise.

**SECTION 23.** The City Clerk shall certify to the passage of this ordinance, and shall cause the same to be published once in the official newspaper, and the same shall take effect and be in force on the thirty-first (31st) day after its passage.

Passed by the Council of the City of Santa Barbara on the 10th day of September, 2013.

Mayor \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013

**TO:** Mayor and Councilmembers

**FROM:** Recreation Division, Parks and Recreation Department

**SUBJECT:** Neighborhood Health Fair And Family Fun Day

**RECOMMENDATION:**

That Council receive information on the Neighborhood Health Fair and Family Fun Day.

**DISCUSSION:**

The Neighborhood Health Fair and Family Fun Day is a collaborative event that joins Parks and Recreation Department services with the Santa Barbara County Health Linkages Program, Santa Barbara County Education Office, Santa Barbara Unified School District, and area service providers. The City's Neighborhood and Outreach Services section will be coordinating the event this year.

In September 2012, in response to concerns about a lack of access to health services and information that were raised by residents participating in Westside Thrive, the first Health Fair and Family Fun Day was hosted at Bohnett Park. Through the vision of City and County elected officials, free medical screenings, community and human service provider information tables, live entertainment, recreation activities, and free lunch were enjoyed by approximately 650 residents attending the event. The principal outcomes for numerous residents participating in the medical screenings were referral appointments to a follow-up doctor.

The success of the first event and its demonstrated benefit to the community substantiated the need for a second event in 2013, which is being organized and planned for Santa Barbara Junior High School. The goal of this year's event is to reach residents living on Santa Barbara's Eastside and offer them the same level of free medical screenings, health and community resource information, recreation activities, and live entertainment. As part of the collaboration with Santa Barbara Unified School District Food Services, a free healthy lunch will be provided through their Mobile Café food trucks.

Approximately \$20,000 in event “hard costs” is provided exclusively through donations. However, expenses contributed by participating agencies for medical supplies and services, volunteer hours and staff time, increase the overall cost for producing this event to an estimated \$45,000.

This event is truly a community supported effort. The generosity of the Santa Barbara Rotary Club, United Way of Santa Barbara County, Union Bank, Hutton Parker Foundation, Orfalea Foundation, Santa Barbara Community Foundation, Southern California Gas Company, Southern California Edison, Santa Barbara City Firefighters Association, Santa Barbara County Firefighters Association, Cottage Health Systems, and Parks and Recreation Community Foundation have provided the financial resources necessary to help to ensure the City’s underserved neighborhoods are given access to equitable medical services and health information.

The 2013 Neighborhood Health Fair and Family Fun Day will be held on Saturday, September 14, 2013, from 10:00 a.m. to 3:00 p.m. at the Santa Barbara Junior High School Auditorium and athletic field. The Department and collaborative event partners encourage the public to attend.

**PREPARED BY:** Mark M. Alvarado, Senior Neighborhood and Outreach Services Supervisor

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013  
**TO:** Mayor and Councilmembers  
**FROM:** Airport Administration, Airport Department  
**SUBJECT:** Conference with Real Property Negotiators

**RECOMMENDATION:**

That Council hold a closed session pursuant to Government Code Section 54956.8 (Conference with Real Property Negotiators):

**Real Property:** A portion of the Airport property located at 6100 Hollister Avenue bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map, City Parcel Map No. 20,608) in the City of Santa Barbara.

**City Negotiators:** Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney; Sarah Knecht, Assistant City Attorney.

**Negotiating Parties:** Direct Relief International: Thomas Tighe, President and CEO; Judy Partch, Director of Human Resources, Administration & Compliance.

**Under Negotiation:** Instructions to negotiators regarding the price and terms of payment of a possible ground lease or property purchase.

**SCHEDULING:** Duration, 30 minutes; anytime  
**REPORT:** None anticipated  
**PREPARED BY:** Hazel Johns, Assistant Airport Director  
**SUBMITTED BY:** Karen Ramsdell, Airport Director  
Stephen P. Wiley, City Attorney  
**APPROVED BY:** City Administrator's Office



Agenda Item No. 19

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013  
**TO:** Mayor and Councilmembers  
**FROM:** City Administrator's Office  
**SUBJECT:** Conference With Labor Negotiator

**RECOMMENDATION:**

That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Bargaining Unit and General Bargaining Unit.

**SCHEDULING:** Duration, 30 minutes; anytime  
**REPORT:** None anticipated  
**PREPARED BY:** Kristy Schmidt, Employee Relations Manager  
**SUBMITTED BY:** Marcelo López, Assistant City Administrator  
**APPROVED BY:** City Administrator's Office



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** September 10, 2013  
**TO:** Mayor and Councilmembers  
**FROM:** Parks and Recreation Department  
City Attorney's Office  
**SUBJECT:** Conference with Real Property Negotiators

### RECOMMENDATION:

That Council hold a closed session pursuant to Government Code Section 54956.8 to consider the possible purchase of real property.

**Real Property:** 3742 Foothill Road, Santa Barbara, California, APN 055-020-034.

**City Negotiators:** Cameron Benson, Creeks Manager and Stephen P. Wiley, City Attorney; N. Scott Vincent, Assistant City Attorney.

**Negotiating Parties:** Brigette von dem Hagen for property owner Sandra De Forrest Trust.

**Under Negotiation:** Price and terms of purchase of real property.

**SCHEDULING:** Duration, 20 Minutes; anytime

**REPORT:** None anticipated

**PREPARED BY:** Nancy Rapp, Parks and Recreation Director  
Stephen P. Wiley, City Attorney

**SUBMITTED BY:** Nancy Rapp, Parks and Recreation Director  
Stephen P. Wiley, City Attorney

**APPROVED BY:** City Administrator's Office