

**CITY OF SANTA BARBARA  
CITY COUNCIL**

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



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

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

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

**OCTOBER 2, 2012  
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.

## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **CEREMONIAL ITEMS**

- 1. Subject: Proclamation Declaring October 5, 2012, As California Arts Day And October 2012 As National Arts And Humanities Month (120.04)**

- 2. Subject: 2012 Annual Charitable Giving Campaign (170.01)**

Recommendation: That Council receive a report from the Chairperson on the City's 2012 Annual Charitable Giving Campaign.

- 3. 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 October 31, 2012.

## **CHANGES TO THE AGENDA**

## **PUBLIC COMMENT**

## **CONSENT CALENDAR**

- 4. Subject: Adoption Of City Reserve Policies (210.01)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Policies for Reserves for the City's General Fund, Enterprise Funds and Internal Service Funds, and Rescinding Resolution Nos. 95-157 and 99-066.

## CONSENT CALENDAR (CONT'D)

**5. Subject: Adoption Of Ordinance For A Lease Agreement With Accurate Aviation Group, Inc. (330.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Seven-Year Lease Agreement with Accurate Aviation Group, Inc., at a Monthly Rental of \$6,066 for Two Maintenance Hangars of 3,000 and 3,522 Square Feet, Respectively, 51,548 Square Feet of Ramp Space, and Associated Parking at 101 Cyril Hartley Place, at the Santa Barbara Airport, for Operation of a General Aviation Maintenance Shop.

**6. Subject: Authorization Of El Estero Wastewater Treatment Plant Biosolids Conveyor Belt Repair Expenditures (540.13)**

Recommendation: That Council approve emergency Purchase Order No. 77895 in the total amount of \$225,000, which includes a base amount of \$187,000 plus a 20% contingency of \$38,000, for the repair of the El Estero Wastewater Treatment Plant Biosolids Conveyor Belt.

**7. Subject: Approval Of Benefit Plans Effective January 1, 2013 (430.06)**

Recommendation: That Council:

- A. Approve renewal of the Aetna and Kaiser Permanente medical plans, Delta Dental Plans, Vision Service Plan, Employee Assistance Program (EAP), Flexible Spending Accounts, and Hartford Life and Disability Insurance Plans; and
- B. Authorize the Assistant City Administrator to execute any necessary agreements.

**8. Subject: Federal Criminal History Information For Fire Department Emergency Medical Technician (EMT) Certification (520.04)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for the City of Santa Barbara Fire Department to Have Access to Both State and Federal Criminal History Information for the Purposes of EMT Licensing and/or Certification.

## NOTICES

9. The City Clerk has on Thursday, September 27, 2012, 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.

**This concludes the Consent Calendar.**

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

### **FINANCE DEPARTMENT**

#### **10. Subject: Fiscal Year 2012 Year-End Results For The General Fund (230.05)**

Recommendation: That Council:

- A. Hear a report from staff regarding the final results of operations, including final reserve balances, for the General Fund for Fiscal Year Ended June 30, 2012; and
- B. Approve the proposed adjustments to Fiscal Year 2012 estimated revenues and appropriations in the General Fund and Capital Outlay Fund as contained in Attachment 2 related to disallowed costs incurred by the former Redevelopment Agency that have to be absorbed by the City, and the transfer of half of the General Fund year-end surplus to the Capital Outlay Fund.

### **PUBLIC HEARINGS**

#### **11. Subject: Proposed Historic Resources Element (650.06)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Historic Resources Element.

### **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **CLOSED SESSIONS**

#### **12. 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 Management Association and the Fire Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **CLOSED SESSIONS (CONT'D)**

### **13. Subject: Conference with Legal Counsel - Pending Litigation (160.03)**

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Drew Josfan vs. Indochine, et al.*, USDC Case No. CV 09-07904 AHM (PLAx).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **ADJOURNMENT**



## PROCLAMATION

### California Arts Day – October 5, 2012 and National Arts and Humanities Month

**WHEREAS**, for more than two decades, thousand of arts and cultural organizations, communities, and states across the country have joined the White House and Congress in recognizing October as **NATIONAL ARTS AND HUMANITIES MONTH**; and

**WHEREAS**, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind and enrich the lives of every American; and

**WHEREAS**, the Governor, State Legislature and California Arts Council have declared October 5<sup>th</sup> as **CALIFORNIA ARTS DAY** coinciding with **NATIONAL ARTS AND HUMANITIES MONTH**; to demonstrate the role and value of arts and culture throughout our state and to encourage residents to explore and participate in what's offered by local arts organizations; and

**WHEREAS**, the City grants over \$427,260 annually in city funds to non profit organizations in supports of art and culture in our City through its 28 year partnership with the County Arts Commission; and

**WHEREAS**, the City also grants over \$181,683 annually for iconic citywide cultural events, such as Summer Solstice Celebration, Old Spanish Days ,and the Santa Barbara International Film Festival; and

**WHEREAS**, the City acknowledges the vital and vibrant role of artists in our local quality of life and our local economy.

**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 October as **NATIONAL ARTS AND HUMANTIES MONTH** and **OCTOBER 5th AS CALIFORNIA ARTS DAY** in Santa Barbara, and encourage citizens to celebrate, participate, and promote the arts and culture in our community for the betterment of future generations.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 2nd day of October, 2012.

  
**HELENE SCHNEIDER**  
MAYOR





# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration, Fire Department

**SUBJECT:** 2012 Annual Charitable Giving Campaign

### **RECOMMENDATION:**

That Council receive a report from the Chairperson on the City's 2012 Annual Charitable Giving Campaign.

### **DISCUSSION:**

The City of Santa Barbara is beginning its 2012 Annual Charitable Giving Campaign. As part of the campaign, the Santa Barbara United Way Agency sponsored its 21st Annual Day of Caring, which was held this year on Saturday, September 15, 2012. In total, over 1,400 people volunteered for the event. Individuals and groups from both private and public sectors, non-profit and faith based organizations volunteered as to provide service throughout Santa Barbara County. The work that was done in just four hours is equal to more than \$275,000 worth of improvements to the Santa Barbara Community

City employees have historically supported this event in both spirit and with their "helping hands," and continued the tradition this year with 30 employees and members of their families volunteering to work in teams at various volunteer locations. This year's City team work sites included Bohnett Park, the Horticulture Demonstration Gardens at Santa Barbara City College (SBCC) and La Mesa Park on Meigs Road. City employees assisted with painting, weeding, trash pickup, carpentry, cleaning, planting seedlings, and general yard work at these locations.

A great deal of work was done by Day of Caring volunteers in our City Parks. At Bohnett Park, located in the 1200 block of San Pascual Street, 50 Volunteers from the SBCC International Student Society, helped weed and clean the main pathways, paint park fixtures. At La Mesa Park, 25 volunteers including those from Cottage Health Care Systems, cleared weeds, did landscaping, cleaned playground equipment and added mulch to planters. In our economic environment, when financial resources available to non-profit organizations are much scarcer, the efforts of these volunteers are greatly appreciated and more important than ever.

The 2012 Charitable Giving Campaign will be held from Wednesday, October 3 through November 16, and will involve presentations in all City departments. The goal of the City's Charitable Giving campaign will be to ensure that each City employee is afforded the opportunity to contribute to one or more charitable organizations of their choosing.

**PREPARED BY:** Andrew DiMizio, Fire Chief  
Scott Riedman, Waterfront Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**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 October 31, 2012.

### **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 October 31, 2012.

**ATTACHMENT:** October 2012 Service Awards

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

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

**OCTOBER SERVICE AWARDS**  
OCTOBER 2, 2012, Council Meeting

**5 YEARS**

John Forner, Rick Analyst, Finance Department  
Betsy Teeter, Planning Technician II, Community Development Department  
John Ingram, Police Officer, Police Department  
Tomas Alferez, Maintenance Worker II, Public Works Department  
Gillian Casso, Page Coordinator, Library Department  
Lynn Houston, Marketing Coordinator, Airport Department

**10 YEARS**

Katharina Carls, Human Resources Assistant, Administrative Services  
Andrew Allen, Library Technician, Library Department

**15 YEARS**

Paul Casey, Assistant City Administrator/ Community Development Director, City  
Administrator's Office  
Linda Dunn, Administrative Specialist, Community Development  
Ann Marx, Fire Inspector II, Fire Department  
Winther Martinez, Water Treatment Plant Operator, Public Works Department  
Ricardo Venegas, Neighborhood & Outreach Services Coordinator, Parks and  
Recreation Department

**20 YEARS**

Monica Broumand, Harbor Patrol Officer, Waterfront Department

**25 YEARS**

Steven Robles, Police Officer, Police Department  
Juanita Smith, Police Officer, Police Department  
Robert Tait, Parking Supervisor, Public Works Department  
Gregory Lowe, Heavy Equipment Technician, Waterfront Department



# CITY OF SANTA BARBARA

## CITY COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Finance Department

**SUBJECT:** Adoption Of City Reserve Policies

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Policies for Reserves for the City's General Fund, Enterprise Funds and Internal Service Funds, and Rescinding Resolution Nos. 95-157 and 99-066.

### **DISCUSSION:**

In connection with its review of the Fiscal Year 2012 Recommended Budget, the Finance Committee expressed interest in reevaluating and potentially modifying the current reserve policies to address certain specific limitations and shortcomings identified by Committee members as well as any other concerns of the Council as a whole. As a result, in July 2011, after receiving feedback from the City Council, the Finance Committee was directed to work with City staff to develop recommended changes to existing policies.

Accordingly, the Finance Committee met on April 10, May 22 and June 12, 2012 and, working with staff, crafted new proposed reserve policies for the General Fund and Internal Service Funds, which were presented to Council for consideration and final direction on July 17, 2012. Based on direction received by Council, staff has prepared the accompanying resolution establishing reserve policies for the General Fund and Internal Service Funds, which will supersede the existing policies established by Resolution No. 95-157.

While no changes are being made to reserve requirements for Enterprise Funds, the proposed resolution will rescind and incorporate the requirements previously contained in Resolution No. 95-157. The proposed resolution will also rescind and incorporate the reserve requirement contained in Resolution No. 99-066 which established reserves requirements for the Waterfront Fund.

## **Summary of General Fund Reserve Policies**

### Disaster Reserve

The policy establishes the following requirements for the Disaster Reserve:

- It will be calculated as 15% of the operating budget.
- It will be restricted to use in cases of natural disasters, such as floods, fires, tsunamis, earthquakes, and any other events that cause significant damage to City facilities and infrastructure.
- It will be primarily intended for state or federal declared disasters; however, can be used for other local disasters
- It can only be used after other available funds, including Contingency Reserves, are fully exhausted.

### Contingency Reserve

The policy establishes the following requirements for the Contingency Reserve:

- It will be calculated as 10% of the operating budget.
- Its purpose is to allow for the orderly implementation of a plan to address the fiscal impacts of unexpected events to minimize disruption to City operations.
- It should be used only for unexpected and unplanned events that have significant negative fiscal impact (including natural disasters) on the City's finances.

Additional policies associated with the use of Contingency Reserves are as follows:

- **Assessment of Fiscal Condition** – The use of Contingency Reserves should be accompanied by an objective assessment of the General Fund's fiscal condition. The purpose of the assessment is to measure and define the scope and estimated duration of the fiscal impacts. The assessment should be based on available and relevant financial and non-financial data, such as:
  - The City's Comprehensive Annual Financial Report
  - Revenue and expenditure trends
  - Economic indexes and trends (population growth, CPI, etc.)
  - Local forecasts prepared by financial and academic institutions and paid consultants
- **Development of a Balancing Strategy** – The use of Contingency Reserves should be accompanied by a comprehensive plan for addressing the scope and duration of the impacts, and should consider other measures to minimize use of Contingency Reserves, including:

- Expenditure reductions achieved through efficiency measures, cuts to programs, services and staffing
  - Revenue enhancement measures that generate new or increased revenues
  - Use of available one-time funds and reserves in other funds, as allowable and appropriate
- Plan for Replenishment – The use of Contingency Reserves should be accompanied with a plan for replenishment. A one-time (1 year) use of reserves should include a specific plan for how and when reserves will be restored. If the use of Contingency Reserves is proposed for more than one year, the long-term plan can be more general.

### Allocation of Year-End Surpluses

The policies also establish the following allocation of year-end surpluses:

In any year where there is surplus (measured at year-end as revenues over expenditures), the surplus will be allocated as follows:

- 50% would be transferred into a capital sinking fund, with the remaining 50% left in the General Fund to help rebuild and/or maintain reserves.
- If and when reserves are fully funded pursuant to City policy, transfer 100% of any year-end surplus to the capital sinking fund.

Note that this does not mean that the annual capital program would be supplanted by any transfer of funds to a capital sinking fund. Each year, the General Fund would continue to fund the annual capital program from current revenues.

### Appropriated Reserves

The resolution establishes an appropriated reserve to provide for unanticipated expenditures or to meet unexpected small increases in service delivery costs within the fiscal year. This reserve will be budgeted in the amount of \$150,000 and any unused portion will be returned to fund balance at the end of the fiscal year.

### **Reserve Policies Applicable to Enterprise Funds**

Enterprise Funds will be subject to the same Disaster and Contingency Reserve requirements as described above for the General Fund.

### Capital Reserve

Each Enterprise Operating Fund will establish a Capital Reserve funded to at least 5% of the value of its capital assets. In the alternative, the amount may be established at an

amount equal to the average of the adopted capital program budgets for the previous three years.

For the Waterfront Enterprise Fund, the Capital Reserve requirement will be met through reserves accumulated in the Harbor Preservation Fund (HFP). Pursuant to Chapter 17.40 of the Santa Barbara Municipal Code, the HFP is required to maintain reserves of no less than \$2 million for preservation, enhancement and management of Waterfront and State Tidelands Trust properties.

### Appropriated Reserves

This reserve will be at least one-half of one percent (0.5%) of the operating budget. Note that the use of appropriated reserves in Enterprise Funds does not require Council approval since their budgetary level of control in Enterprise Funds has been established at the fund level.

### **Reserve Policies Applicable to Internal Service Funds**

The resolution establishes the maintenance of a 10% operating reserve Internal Service Funds. The internal service funds that these reserve policies apply to include the following:

1. The Information Systems Fund
2. The Vehicle Maintenance Fund
3. Facilities Management Fund

The 10% reserve requirement would not apply to the Vehicle Replacement Fund since this fund's sole purpose is to accumulate funds for the replacement of all rolling stock and does not have an operating component to it. The policy would also not apply to the Self-Insurance Fund since its primary purpose is to accumulate reserves for payment of claims and insurance funded from charges to other funds and departments; and its operating component (staffing and supplies) is relatively small.

Internal Service Funds will be required to have an appropriated reserve balance similar to the requirements of the Enterprise Funds.

### **Approval Requirements**

With the exception of appropriated reserves in Enterprise and Internal Service Funds, any use of the aforementioned reserves requires a simple majority approval of City Council.

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

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING POLICIES FOR RESERVES FOR THE CITY'S GENERAL FUND, ENTERPRISE FUNDS AND INTERNAL SERVICE FUNDS, AND RESCINDING RESOLUTION NOS. 95-157 AND 99-066.

WHEREAS, the City desires to establish policies regarding reserves for the various City funds for the purpose of providing consistent designations for different categories of reserves, ensuring fiscal security for the funds, and defining standards for minimum and maximum amounts to be maintained in reserves;

WHEREAS, such reserves policies will be most readily communicated and understood if they are consolidated and formally adopted in a single document;

WHEREAS, the Council has considered the proposed reserves policies applicable to the General Fund and Internal Service Funds at a regular Council meeting on June 12, 2012; and

WHEREAS, the Council has not proposed changes to reserve policies applicable to Enterprise Funds, which are contained in Council Resolution Nos. 95-157 and 99-066, but are nonetheless incorporated into this policy document.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the following reserves policies are adopted:

**SECTION 1: CALCULATION OF RESERVE AMOUNTS**

Final reserve balances will be calculated at end of each fiscal year after the closing of the City's accounting records. An amount will be established for each fund, as applicable, as a commitment of fund balance for each type of reserve established by this policy.

As soon as practical after the close of a fiscal year, staff will provide City Council a report showing the status of reserves as of June 30. At any time it is proposed to utilize reserves pursuant to this policy, staff will provide a similar report on reserves and projected fiscal impact from the proposed use of reserves.

**SECTION 2: DISASTER RESERVES**

The amount of the required Disaster Reserve is calculated based on 15% of the most recently adopted fiscal year operating budget.

The Disaster Reserve is restricted to use in addressing the financial impacts of natural disasters, such as floods, fires, tsunamis, earthquakes and any other event that results in significant damage to City facilities and infrastructure.

The use of Disaster Reserves should generally be limited to federal or state declared disasters. The use of Disaster Reserves is also allowable in cases where the natural disaster is less severe, such as a major fire to a City building that requires temporary facilities to be leased. Disaster reserves may be used only after other available funds are exhausted, including the Contingency Reserve.

Examples of financial impacts that would justify the use of Disaster Reserves include:

- Extraordinary costs incurred in connection with the immediate emergency response to address public safety matters.
- Revenue losses resulting from a significant decline or temporary halt in visitors to the City due to major damage to facilities, infrastructure and local businesses.
- Additional costs necessary to maintain City operations.
- Long term costs incurred to rebuild City facilities and infrastructure.

### **SECTION 3: CONTINGENCY RESERVES**

The Contingency Reserve is calculated based on 10% of the most recently adopted fiscal year operating budget.

The purpose of the Contingency Reserve is to allow for the orderly implementation of a balancing strategy to address the fiscal impacts of unexpected events in order to minimize the impacts to the organization and community. The most common of these events would be an economic recession that results in a significant impact on key revenues such as sales, transient occupancy or property taxes.

Other unexpected events for which these reserves could be used include the following:

- Natural disasters, as described above for Disaster Reserves;
- Revenue impacts resulting from State of California actions or unfunded State mandates;
- Unexpected loss of external funding from sources such as grants or entitlements;
- An unplanned loss of, or damage to, a City facility such as the loss of a building due to fire;
- Mitigation of an emergency that poses a threat to public health and safety; and
- An adverse judicial action that requires large cash payments to third parties and is not covered by insurance.

The general intent of the Contingency Reserve is for unexpected events or situations. In general, its purpose is not to fund known or anticipated financial impacts, such as negotiated salary and benefit increases or scheduled increases to health insurance premiums or retirement costs.

#### **SECTION 4: COUNCIL APPROVAL OF DISASTER AND CONTINGENCY RESERVES**

Any use of the Disaster or Contingency reserves described in Sections 2 and 3 requires a majority vote of approval by the City Council.

When the use of reserves is recommended to the City Council by staff, the justification should include the following elements:

##### An Assessment of the Fiscal Condition and Outlook:

This assessment should include an objective evaluation of the operating fund's fiscal condition and an evaluation of the impacts of the event that triggered the need to use of reserves. The purpose of this evaluation is to measure and define the scope and duration of the problem to assist in developing an appropriate balancing strategy.

This assessment of fiscal condition should include the use of available and relevant financial and non-financial data, including economic and demographic indexes and trends; historical revenue and expenditures results; and local economic forecasts developed by recognized academic and financial institutions and paid consultants.

##### Balancing Strategy

The balancing strategy should include measures that minimize the use of Contingency Reserves, such as:

- Expenditure reductions achieved through efficiency measures, cuts to programs, services and staffing;
- Revenue enhancement measures that generate new or increased revenues;
- Use of existing one-time funds; and
- Use of available reserves in other funds, as allowable and appropriate.

The balancing strategy should also be consistent with the nature of the fiscal impact. For example, a one-time impact may be resolved fully with the use of reserves, depending on its severity. However, an event that has an ongoing financial impact, such as decline in revenues due to a major recession, will require a balancing strategy that includes ongoing budget adjustments to minimize the use of reserves.

## Plan of Replenishment

The replenishment plan should include the following elements, as appropriate:

- A one-time (one-year) use of reserves should be accompanied by a specific plan for how and when the reserves will be restored.
- An extended use of reserves for more than one year should be accompanied by a long-term strategy that includes a more general plan for how the reserves will be restored.

## **SECTION 5: ENTERPRISE FUNDS**

Enterprise Funds will be subject to the same Disaster and Contingency Reserve and approval requirements as described in Sections 2, 3 and 4 of this resolution.

In addition, each Enterprise Operating Fund will establish a Capital Reserve funded to at least 5% of the value of its capital assets. In the alternative, the amount may be established at an amount equal to the average of the adopted capital program budgets for the previous three years. Appropriations from these reserves will be to fund major capital costs.

For the Waterfront Enterprise Fund, the Capital Reserve requirement will be met through reserves accumulated in the Harbor Preservation Fund (HFP). Pursuant to Chapter 17.40 of the Santa Barbara Municipal Code, the HFP is required to maintain reserves of no less than \$2 million for preservation, enhancement and management of Waterfront and State Tidelands Trust properties.

## **SECTION 6: RESERVE REQUIREMENTS FOR INTERNAL SERVICE FUNDS**

Internal Service Funds are not subject to the reserve requirements for Disaster Reserves or Contingency Reserves. Instead, Internal Service Funds will maintain an operating reserve equal to 10% of the operating budget of the most recently adopted budget. This reserve will be available to address unexpected events and natural disasters that affect the operations and revenue streams of the Internal Service Funds.

Within the City budgetary structure there are a number of Internal Service Funds that are used to provide services to operating departments throughout the City. These Internal Service Funds include the following:

- Information Systems Fund
- Fleet Maintenance Fund
- Facilities Management Fund
- Self Insurance Fund

All of the Internal Service Funds listed above will be subject to the 10% reserve requirement, with the exception of the Self-Insurance Fund, which by design builds up assets for the payment of claims several years into the future. As a result, there should be adequate cash reserves to cover unanticipated costs. In addition, the reserve requirements do not apply to Internal Service Funds that are specifically designed to accumulate reserves for capital, such as the Vehicle Replacement Fund.

## **SECTION 7: APPROPRIATED RESERVES**

An Appropriated Reserve will be included in each operating fund's adopted budget to provide for unanticipated expenditures or to meet unexpected small increases in service delivery costs within the fiscal year. For the General Fund, the appropriated reserve should be at least \$150,000. For Enterprise and Internal Service operating funds, this reserve will be at least one-half of one percent of the operating budget. Any unused portion of the appropriated reserve in each fund will be returned to fund balance at the end of the fiscal year.

The use of the General Fund appropriated reserve requires an affirmative vote of a majority of the City Council; use of appropriated reserves in Enterprise and Internal Service Funds requires approval of the appropriate department head.

## **SECTION 8: ALLOCATION OF GENERAL FUND YEAR-END SURPLUS TO CAPITAL**

At the end of each fiscal year, any General Fund surplus realized from actual revenues exceeding actual expenditures including the annual capital program will be used as follows:

- 50% will be used to fund any deficit and/or maintain reserve balances at levels required by this policy.
- The remaining surplus of at least 50% will be transferred into a capital sinking fund that will be available for capital improvements and replacements.

To the extent less than 50% of the surplus is needed to maintain required reserve balances, the remaining balance will be transferred into the capital sinking fund.

Any allocation of year-end surplus towards capital should not be used to supplant the annual capital program funding. Therefore, the calculation of the year-end surplus will be after including the expenditures for the annual capital program.

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A SEVEN-YEAR LEASE AGREEMENT WITH ACCURATE AVIATION GROUP, INC., AT A MONTHLY RENTAL OF \$6,066 FOR TWO MAINTENANCE HANGARS OF 3,000 AND 3,522 SQUARE FEET, RESPECTIVELY, 51,548 SQUARE FEET OF RAMP SPACE, AND ASSOCIATED PARKING AT 101 CYRIL HARTLEY PLACE, AT THE SANTA BARBARA AIRPORT, FOR OPERATION OF A GENERAL AVIATION MAINTENANCE SHOP

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain seven-year Lease Agreement between the City of Santa Barbara and Accurate Aviation Group, Inc., which provides for the lease of 51,548 square feet of land, including ramp space, vehicle parking and two hangars for the operation of a General Aviation Maintenance Shop at the Santa Barbara Municipal Airport, effective upon the adoption of the enabling ordinance, is hereby approved.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**TO:** Mayor and Councilmembers

**FROM:** Water Resources Division, Public Works Department

**SUBJECT:** Authorization Of El Estero Wastewater Treatment Plant Biosolids Conveyor Belt Repair Expenditures

### RECOMMENDATION:

That Council approve emergency Purchase Order No. 77895 in the total amount of \$225,000, which includes a base amount of \$187,000 plus a 20% contingency of \$38,000, for the repair of the El Estero Wastewater Treatment Plant Biosolids Conveyor Belt.

### DISCUSSION:

On Tuesday, August 21, 2012, the biosolids conveyor belt at the El Estero Wastewater Treatment Plant (EEWWTP) broke and derailed, causing biosolids to spill to the floor of the Solids Handling Building. Wastewater staff opened Emergency Purchase Order #77890 for \$25,000 with Lash Construction to assist plant staff with the cleanup, assessment, and installation of a temporary conveyor belt system.

Upon the assessment of the derailed biosolids conveyor belt, it was determined that many worn items are in need of replacement. The items that need to be replaced include the following: the complete belting with preassembled stainless steel hardware, the complete chain assembly with attachments and guide blocks, the chain master link assemblies, the vertical curve steel track, the wear liner for the entire conveyor (except the drive station), and the conveyor auger liners.

At this time, we estimate that the required repairs will cost approximately \$225,000, and completion is estimated within 35 days (by the end of October). Due to the emergency nature of this work, the City has issued an Emergency Purchase Order pursuant to Municipal Code Section 4.52.080. This Purchase Order was issued to Lash Construction, Incorporated, on September 24, 2012. Since the cost of the work will exceed the City Administrator's authority, staff is requesting that Council approve payment of the emergency repairs.

Council Agenda Report

Authorization Of El Estero Wastewater Treatment Plant Biosolids Conveyor Belt Repair Expenditures

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The biosolids conveyor belt system transports the biosolids from the belt press to the hopper, where it is transferred to a truck for reuse or disposal. The biosolids conveyor belt is considered a single point of failure because there is no redundant system. While the biosolids conveyor belt is being repaired, staff is using a temporary system to get the biosolids from the belt presses to the trucks. A separate purchase order was issued for the temporary conveyor belt system. This purchase order was for \$25,000, which is within the City Administrator's authority.

The biosolids conveyor belt system at the EEWWTP was installed in the year 2002. Over the past 10 years, the equipment has been maintained and regularly inspected. Once the repairs have been completed, the biosolids conveyor belt system should be able to stay in service for an additional 7 to 10 years, during which time EEWWTP staff will be able to conduct an overall solids treatment processes assessment study.

**BUDGET/FINANCIAL INFORMATION:**

There are sufficient appropriated funds in the Wastewater Capital Fund to cover these emergency repair costs.

**PREPARED BY:** Chris Toth, Wastewater System Manager/AF/mh

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**TO:** Mayor and Councilmembers

**FROM:** Human Resources, Administrative Services Department

**SUBJECT:** Approval of Benefit Plans Effective January 1, 2013

**RECOMMENDATION:** That Council:

- A. Approve renewal of the Aetna and Kaiser Permanente medical plans, Delta Dental Plans, Vision Service Plan, Employee Assistance Program (EAP), Flexible Spending Accounts, and Hartford Life and Disability Insurance Plans; and
- B. Authorize the Assistant City Administrator to execute any necessary agreements.

### **DISCUSSION:**

Each year the City obtains renewal rates for the benefits plans covering its eligible active and retired employees. These benefit plans include medical, dental, vision, Employee Assistance Program, Health and Dependent Care Flexible Spending Accounts, life insurance, and disability insurance programs. Staff coordinated the renewal process with the City's benefits broker, Wells Fargo Insurance Services, Inc. The Employee Benefits Committee, which has a representative from each of the City's employee groups, reviewed the renewals. Staff and the Employee Benefits Committee recommend that the City renew its agreements with all current health, life and disability plan providers.

### Medical Plans

The City currently has contracts with Aetna and Kaiser Permanente (available to Ventura County residents only) to provide medical coverage to eligible active and retired employees. A Health Maintenance Organization (HMO) plan is offered by both carriers. In addition, Aetna offers three Preferred Provider Organization (PPO) plans: Aetna Open Access Managed Care Plan, Aetna Health Reimbursement Fund and Aetna Health Savings Account (an IRS qualifying high deductible PPO plan with a portable savings account funded through federal pre-tax employee payroll contributions).

In an effort to ensure the most cost effective plan management and premium rates, the City's benefits broker conducted a comprehensive medical marketing project on behalf of the City. Medical carriers were provided the Aetna HMO and PPO plan designs, demographic information, claims experience, and instructions to submit 2013 premium rate quotes based on the same current plan designs. Six medical carriers, including our current carrier Aetna, were sent requests for proposals with five carriers responding: Aetna, Blue Shield, CIGNA, Health Net, and United Healthcare. Anthem Blue Cross declined to quote. United Healthcare submitted a competitive quote as well as our current carrier, Aetna.

The Employee Benefits Committee met several times to review United Healthcare's proposal and quotes, and the proposed Aetna renewal offer. The Employee Benefits Committee recommends approval of the renewal of the Aetna plans for 2013. The Aetna HMO rates will increase by 15.8% with a plan design change to the co-pays for urgent care visits (\$100 → \$50) and emergency room visits (\$100 → \$150) for the Aetna HMO plan. The rates for the Aetna PPO will increase by 0.05%; the Aetna Health Savings Account (HSA) will increase by 0.05%; and the Aetna Health Reimbursement Account (HRA) will increase by 8.7%.

The Committee also recommends continuing with the Kaiser HMO in 2013 as a separate medical plan option available to employees residing in Ventura County. Kaiser's 2013 renewal includes a rate increase of 7.9%.

Over-age-65 retirees have three medical plan options: Aetna Medicare PPO Plan, Aetna Open Access Managed Care PPO Plan, and Kaiser HMO Senior Advantage Plan.

Medicare-eligible retirees enrolled in the Aetna Medicare PPO Plan have coverage availability nationwide through providers that accept Medicare assignment. The Plan provides coverage for all Medicare Parts A and B covered benefits plus additional benefits not covered by Medicare, such as hearing aids, eyewear allowances and an open formulary prescription drug program. Retiree premium rates are set by county area and charged based on the county of residency. There are currently 114 over-age-65 retirees enrolled in the Plan of which 106 reside in Santa Barbara County. Proposed Plan rates for the counties in which retirees are enrolled include an average rate increase of 4.9%. Additional rates, by state and county, will be provided if needed.

The Aetna Open Access Managed Care PPO and Kaiser Senior HMO Advantage Plan enrollees have a supplemental level of coverage after Medicare benefits are paid. Final 2013 proposed rates for the Aetna Open Access Managed Care PPO is presented with a 0.06% increase for 2013. The regionally rated Kaiser Senior HMO Advantage Plan is proposed at a 2.18% increase from the current 2012 rates.

#### Dental Plans

The current dental plan offerings include the Delta Dental DPO plan (similar to a medical PPO model plan with a large provider network) and the Delta Dental DMO plans (similar to a medical HMO model plan with a small provider network). No increases are proposed for both the Delta Dental DPO and the Delta Dental DMO rates.

#### Vision Plan

Vision Service Plan (VSP) has maintained stable premium rates for the last three consecutive years. No increases are proposed for the 2013 VSP rates.

#### Employee Assistance Program (EAP) – Employer Paid Fees

OptumHealth Behavioral Solutions provides outpatient psychological services for the City's EAP. No increase is proposed for the 2013 EAP rate.

#### Flexible Spending Accounts (FSA) – Employer Paid Fees

The Health and Dependent Care Flexible Spending Accounts are administered by Conexus. No increase is proposed for the 2013 FSA rates.

#### Life/AD&D and Long Term Disability Insurance Plans – Employer Paid Premium

Hartford Insurance Company administers the Life/AD&D and Long Term Disability Insurance Plans. No increases are proposed for the 2013 Life and LTD rates.

#### Short Term Disability Insurance Plan – Employee Paid Premium

Hartford Insurance Company administers the voluntary employee-paid Short Term Disability Insurance Plan offered to Management, Police and Supervisors. No increases are proposed for the 2013 STD rates.

#### Summary

Staff and the Employee Benefits Committee recommend that the Aetna and Kaiser medical plans, Delta Dental, VSP, EAP, FSA, Hartford Life/AD&D and Disability Insurance Plans be renewed for 2013 at the proposed premium rates and fees.

Proposed 2013 monthly rates for Aetna HMO, Aetna Open Access Managed Care PPO Plan, Aetna Health Reimbursement PPO Plan, Aetna Health Savings Account PPO Plan and Kaiser HMO Plan for employees and retirees are listed in Attachment 1.

Proposed 2013 monthly rates for the Aetna Medicare PPO Plan for retirees over-age-65 are listed in Attachment 2 and are based on the counties where retirees currently reside.

Proposed 2013 monthly rates for Delta Dental, VSP, EAP, FSA, Hartford Life/AD&D and Disability Insurance Plans are listed in Attachment 3.

**BUDGET/FINANCIAL INFORMATION:**

No additional appropriations are needed. Established City contribution amounts and employee pre-tax payroll deductions will fund the Plan (calendar) Year 2013 estimated overall benefit premium increase of \$1,425,777 or \$712,889 for FY 2012-2013 (January through June 2013).

- ATTACHMENTS:**
1. 2013 Medical Plans Monthly Premium Rates
  2. 2013 Aetna Medicare PPO Plan Monthly Premium Rates
  3. 2013 Dental, Vision, Employee Assistance Program, Flexible Spending Accounts, Life and Disability Insurance Plan Monthly Premium Rates

**PREPARED BY:** Barbara Barker, Human Resources Manager

**SUBMITTED BY:** Marcelo López, Assistant City Administrator / Administrative Services Director

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

## 2013 Medical Plans Monthly Premium Rates

MEDICAL PLAN	CURRENT 2012	PROPOSED 2013
<b>HMO – Aetna</b>		
<u>Active Employees and Retirees Under Age 65</u>		
Employee Only	\$ 556.86	\$ 644.35
Employee and One Dependent	\$ 1,101.74	\$ 1,276.33
Employee and Family	\$ 1,428.68	\$ 1,655.53
<b>HMO – Kaiser Permanente</b>		
<u>Active Employees and Retirees Under Age 65</u>		
Employee Only	\$ 493.61	\$ 532.58
Employee and One Dependent	\$ 975.82	\$ 1,052.75
Employee and Family	\$ 1,264.97	\$ 1,364.86
<u>Medicare Eligible Retirees</u>		
Retiree Only	\$ 182.59	\$ 186.57
Retiree and One Dependent	\$ 353.18	\$ 360.74
<b>PPO – Aetna Open Access Managed Care</b>		
<u>Active Employees and Retirees Under Age 65</u>		
Employee Only	\$ 690.39	\$ 690.79
Employee and One Dependent	\$ 1,394.15	\$ 1,394.55
Employee and Family	\$ 1,816.38	\$ 1,816.78
<u>Medicare Eligible Retirees</u>		
Retiree Only	\$ 606.86	\$ 607.26
Retiree and One Dependent	\$ 1,197.01	\$ 1,197.41
<b>PPO – Aetna Health Reimbursement Arrangement</b>		
<u>Active Employees and Retirees Under Age 65</u>		
Employee Only	\$ 450.37	\$ 489.07
Employee and One Dependent	\$ 888.73	\$ 965.73
Employee and Family	\$ 1,151.75	\$ 1,251.73
<b>PPO – Aetna Health Savings Account</b>		
<u>Active Employees and Retirees Under Age 65</u>		
Employee Only	\$ 385.92	\$ 386.32
Employee and One Dependent	\$ 759.86	\$ 760.26
Employee and Family	\$ 984.20	\$ 984.60

## 2013 Aetna Medicare PPO Plan Monthly Premium Rates

Retiree Only rates:

<b>State</b>	<b>County</b>	<b>CURRENT 2012</b>	<b>PROPOSED 2013</b>
Arizona	Cochise, Greenlee, Pima, Yavapai,	\$ 371.90	\$ 372.30
California	Santa Barbara	\$ 284.10	\$ 299.30
	Kern, Riverside, San Luis Obispo, Ventura	\$ 407.30	\$ 407.70
	Fresno, Sacramento	\$ 257.10	\$ 266.00
Oregon	Crook, Deschutes, Lake, Lincoln, Wasco	\$ 407.30	\$ 407.70
Texas	Austin, Harris, Jasper, Jefferson, Liberty, Orange, San Jacinto	\$ 257.10	\$ 257.50
	Denton, Erath, Hood, Navarro, Tarrant, Van Zandt, Wise	\$ 284.10	\$ 284.50
Washington	Clallam, King, Pierce, Snohomish, Walla Walla	\$ 257.10	\$ 266.00

All Counties are included where City Retirees currently reside.

**2013 Dental, Vision, Employee Assistance Program, Flexible Spending Accounts,  
Disability and Life Insurance Plans Monthly Premium Rates**

<b>PLAN</b>	<b>CURRENT 2012</b>	<b>PROPOSED 2013</b>
<b>Delta Dental</b>		
Delta Dental DPO Plan		
Employee Only	\$ 56.70	\$ 56.70
Employee and One Dependent	\$ 100.36	\$ 100.36
Employee and Family	\$ 160.86	\$ 160.86
Delta Dental HMO Plan		
Employee Only	\$ 16.39	\$ 16.39
Employee and One Dependent	\$ 29.32	\$ 29.32
Employee and Family	\$ 43.38	\$ 43.38
<b>Vision Service Plan</b>		
Employee Only	\$ 6.93	\$ 6.93
Employee and One Dependent	\$ 13.76	\$ 13.76
Employee and Family	\$ 21.10	\$ 21.10
<b>Employee Assistance Program (City Paid)</b>		
Employee and Family	\$ 1.78	\$ 1.78
<b>Flexible Spending Accounts Administration Costs (City Paid)</b>		
Health Care Account/Participant/Month	\$ 4.61	\$ 4.61
Dependent Care Account/Participant/Month	\$ 4.61	\$ 4.61
Electronic Payment Card/Participant/Month	\$ 1.56	\$ 1.56
Grace Period Processing/Participant/Month	\$ 3.00	\$ 3.00
<b>Long Term Disability Insurance – Hartford (City Paid)</b>		
All Employees except Police and Fire	\$0.50/\$100	\$0.50/\$100
<b>Short Term Disability Insurance – Hartford (Voluntary Employee Paid)</b>		
Managers	\$ 22.02	\$ 22.02
Supervisors	\$ 19.82	\$ 19.82
Police	\$ 15.14	\$ 15.14
<b>Basic Life AD&amp;D Insurance – Hartford (City Paid)</b>		
All Employees	\$0.125/\$1,000	\$0.125/\$1,000
<b>Supplemental Employee, Spouse &amp; Child Life Insurance – Hartford (Voluntary Employee Paid)</b>		
<u>Voluntary Employee and Spouse Life Insurance</u>	Rates/\$10,000	Rates/\$10,000
Up to and including age 29	\$ 0.68	\$ 0.68
Age 30-34	\$ 0.86	\$ 0.86
Age 35-39	\$ 1.24	\$ 1.24
Age 40-44	\$ 1.90	\$ 1.90
Age 45-49	\$ 3.14	\$ 3.14
Age 50-54	\$ 5.24	\$ 5.24
Age 55-59	\$ 8.46	\$ 8.46
Age 60-64	\$ 11.12	\$ 11.12
Age 65-69	\$ 17.48	\$ 17.48
Age 70-74	\$ 30.88	\$ 30.88
Age 75 and older	\$ 51.50	\$ 51.50
<u>Voluntary Child Life Insurance</u>		
\$2,000	\$ 0.33	\$ 0.33
\$5,000	\$ 0.55	\$ 0.55
\$10,000	\$ 0.89	\$ 0.89



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**TO:** Mayor and Councilmembers

**FROM:** Administrative Services Division, Police Department

**SUBJECT:** Federal Criminal History Information For Fire Department  
Emergency Medical Technician (EMT) Certification

### RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara for the City of Santa Barbara Fire Department to Have Access to Both State and Federal Criminal History Information for the Purposes of EMT Licensing and/or Certification.

### DISCUSSION:

Currently the City of Santa Barbara Fire Department provides EMT (Emergency Medical Technician) level emergency response to the community. Part of the certification process for providing this service is the requirement to have all EMT's go through a criminal background investigation. In order to expand the City's ability to receive federal level criminal information for all EMT's employed by the City of Santa Barbara Fire Department, the attached resolution needs to be approved per the Federal Bureau of Investigation (FBI).

### BUDGET/FINANCIAL INFORMATION:

There is a \$19 charge from the FBI for each criminal background check and we anticipate that the total charge will be approximately \$2,000 to complete the criminal background checks for the current Fire Department personnel.

**PREPARED BY:** Dennis Diaz, Police Department I.T. Manager

**SUBMITTED BY:** Camarino Sanchez, Police Chief

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA FOR THE CITY OF SANTA BARBARA FIRE DEPARTMENT TO HAVE ACCESS TO BOTH STATE AND FEDERAL CRIMINAL HISTORY INFORMATION FOR THE PURPOSES OF EMT LICENSING AND/OR CERTIFICATION.

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state, local and federal summary criminal history information for the City of Santa Barbara for the purposes of employment including volunteers and hourly employees , City of Santa Barbara Parks and Recreation for the purposes of employment including volunteers and hourly employees and the City of Santa Barbara Fire Department for the purposes of EMT licensing and/or certification;

WHEREAS, Penal Code Section 11105(b)(11) authorized cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation;

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the records; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that the Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state, local and federal summary criminal history information for the City of Santa Barbara for the purposes of employment including volunteers and hourly employees , City of Santa Barbara Parks and Recreation for the purposes of employment including volunteers and hourly employees and the City of Santa Barbara Fire Department for the purposes of EMT licensing and/or certification.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**TO:** Mayor and Councilmembers

**FROM:** Accounting Division, Finance Department

**SUBJECT:** Fiscal Year 2012 Year-End Results For The General Fund

**RECOMMENDATION:** That Council:

- A. Hear a report from staff regarding the final results of operations, including final reserve balances, for the General Fund for Fiscal Year Ended June 30, 2012; and
- B. Approve the proposed adjustments to Fiscal Year 2012 estimated revenues and appropriations in the General Fund and Capital Outlay Fund as contained in Attachment 2 related to disallowed costs incurred by the former Redevelopment Agency that must be absorbed by the City, and the transfer of half of the General Fund year-end surplus to the Capital Outlay Fund.

**DISCUSSION:**

At the City Council meeting of August 7<sup>th</sup>, staff presented interim financial statements and a narrative analysis for the quarter ended June 30, 2012. At that time, staff indicated that year-end adjustments were still being recorded; and as a result, staff would be presenting year-end results for the General Fund at a future meeting.

Staff has now completed all year-end adjustments and the City's annual financial audit is well underway. While it is possible that additional adjustments may arise out of the audit, staff does not anticipate any further changes to the results being presented in this report.

The focus of this report is on providing a summary of the final results of operations and their impacts on reserve balances for the General Fund. A summary of revenues and expenditures for the fiscal year ended June 30, 2012 is presented in Attachment 1, with a comparison to budgeted amounts.

In conjunction with this report, staff is also recommending final adjustments to the Fiscal Year 2012 budget primarily due to the final decisions made by the Successor Agency's Oversight Board which have resulted in additional costs incurred by the former Redevelopment Agency that now must be absorbed by the City.

The other recommended adjustment is to appropriate the transfer of 50% of the year-end surplus totaling \$930,486 as discussed later in this report. This recommendation stems from new reserve policies scheduled for adoption on the same day of this report and calls for the transfer of 50% of the General Fund year surplus to the Capital Fund to provide additional funding for capital projects.

### Summary of Year-End Results – General Fund

The table below summarizes the General Fund results of operations for Fiscal Year 2012, before any amendments to the budget recommended in this report. In summary, total revenues exceeded total expenditures by approximately \$1.9 million. A number of factors played into the positive year-end results; however, the most notable results were in expenditures which were significantly below budget.

<b>General Fund</b>				
<b>Fiscal Year Ended June 30, 2012</b>				
	<b>Amended Budget</b>	<b>Year-End Totals</b>	<b>Encumbrances</b>	<b>Variance Favorable (Unfavorable)</b>
<b>Total Revenues</b>	\$ 103,501,124	\$ 103,619,668	\$ -	\$ 118,544
<b>Total Expenditures</b>	<u>104,047,789</u>	<u>101,758,695</u>	<u>316,614</u>	<u>1,972,480</u>
<b>Addition to (Use of) Reserves</b>	<u>\$ (546,665)</u>	<u>\$ 1,860,973</u>	<u>\$ (316,614)</u>	<u>\$ 2,091,024</u>

While revenues ended the year just \$118,544 ahead of budget, actual results were more favorable since the budgeted revenues include "Anticipated Year-End Variance" which represents expected savings in expenditures that occur each year primarily from turnover in staff and vacancies. Excluding this amount, actual revenues ended the year approximately \$1.3 million over budget, with tax revenues realizing most of the positive results. Detailed revenue and expenditure information is provided in Attachment 1.

**General Fund Reserves**

The General Fund ended the year with a surplus of \$1,860,973. Per the newly proposed reserve policies, \$930,486 (50%) of the surplus will be transferred to the Capital Outlay Fund; an equal amount will be added to reserve balances. While the total reserves in the General Fund will in effect increase by \$930,486, most of this (\$669,495) will be used to fund the increase in policy reserve requirement based on the growth of the Fiscal Year 2013 adopted budget relative to Fiscal Year 2012. Thus, the continuing shortfall of reserves relative to policy requirements has been narrowed by \$260,991. Although not significant, it is still another forward step in closing the gap.

The status of reserves at June 30, 2012 is summarized below. Note that the Capital Reserve has been eliminated based on Council's direction.

<b>General Fund</b>			
<b>Status of Reserves as of June 30, 2012</b>			
	<u>Per City Policy</u>	<u>Actual</u>	<u>Difference</u>
<b>Disaster Reserves</b>	\$ 15,747,982	\$ 15,747,982	\$ -
<b>Contingency Reserves</b>	10,498,654	6,961,656	(3,536,998)
<b>Totals</b>	<u>\$ 26,246,636</u>	<u>\$ 22,709,638</u>	<u>\$ (3,536,998)</u>

**Recommended Budget Adjustments**

The recommended adjustments are contained in Attachment 2 and discussed below.

Impacts of Disallowed Costs of the Former Redevelopment Agency

On August 7<sup>th</sup>, 2012 the City Council approved adjustments to the budget to reflect the decisions of the Successor Agency's Oversight Board which disallowed certain costs incurred by the former Redevelopment Agency. The effect of the Oversight Board's determinations was that the disallowed capital project costs required funding from the General Fund. The budgetary impact was to increase capital transfers from the General Fund General Government Department to the Capital Outlay Fund where the project costs are accounted for. These costs were funded in part from additional property taxes received in the General Fund, which represent the City's share of property taxes previously received by the City's former Redevelopment Agency.

Staff has been continuously analyzing previously RDA-funded projects, and upon further review, identified additional project costs that were not approved as enforceable obligations by the Oversight Board. An additional \$392,470 was identified as disallowed, mostly due to contracts entered into with third parties and engineering costs related to work performed on capital improvement projects prior to the dissolution date of January 31, 2012. These costs are in addition to the amounts previously presented and approved by the City Council. Including the budget adjustment in this report, the General Fund has funded about \$878,000 in disallowed costs related to the dissolution of the RDA.

To fund these costs, staff recommends increasing estimated Property Tax revenues by \$388,589, which is the unused balance of the total \$873,896 received in June from the County as the City's 13% share of the total tax increment revenues that would have been allocated to the former Redevelopment Agency (RDA). As noted above, a portion of the \$873,896 has already been used to fund other costs incurred by the RDA that were disallowed, per Council action on August 7<sup>th</sup>, 2012. Staff also recommends allocating \$3,881 from General Fund appropriated reserves to cover the difference between the total disallowed costs of \$392,470 and the \$388,589 available in property taxes.

The entire \$392,470 will be appropriated in the General Government Department as a transfer to the General Capital Outlay Fund to pay for the disallowed costs.

#### Transfer of General Fund Year-End Surplus to the Capital Outlay Fund

Pursuant to the newly proposed reserve policies subject to adoption on October 2, 2012, staff recommends transferring \$930,486 from the General Fund to the Capital Outlay Fund, which represents 50% of the \$1,860,973 year-end surplus.

**ATTACHMENTS:** 1. Summary of General Fund Revenues and Expenditures  
2. Summary of Recommended Adjustments to the Fiscal Year 2012 Budget

**PREPARED BY:** Ruby Carrillo, Accounting Manager

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

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

**City of Santa Barbara**  
**Summary of Revenues and Expenditures - General Fund**  
**Fiscal Year Ended June 30, 2012**

	Amended Budget	Year-End Totals	Variance Favorable (Unfavorable)
<b>REVENUES:</b>			
<b>Taxes</b>			
Sales & Use Tax	\$ 17,949,013	\$ 19,444,253	\$ 1,495,240
Utility Users Tax	7,144,500	6,986,966	(157,534)
Property Tax	23,548,307	23,712,312	164,005
Transient Occupancy Tax	13,018,252	13,661,699	643,447
Business License Tax	2,229,800	2,202,400	(27,400)
Real Property Transfer Tax	410,000	438,620	28,620
Total Taxes	<u>64,299,872</u>	<u>66,446,251</u>	<u>2,146,379</u>
<b>Other Revenues</b>			
Franchise Fees	3,593,200	3,578,619	(14,581)
Licenses	182,900	226,177	43,277
Fines & Forfeitures	2,927,016	2,713,328	(213,688)
Use of Money & Property	1,138,779	1,231,018	92,239
Intergovernmental	502,650	323,312	(179,338)
Fees and Service Charges	15,779,238	15,207,689	(571,549)
Administrative Overhead	6,111,818	6,111,818	-
Miscellaneous Revenues	1,398,491	1,311,579	(86,912)
Transfers In	7,567,160	6,469,877	(1,097,283)
Total Other	<u>39,201,252</u>	<u>37,173,417</u>	<u>(2,027,835)</u>
<b>Total Revenues</b>	<u>\$ 103,501,124</u>	<u>\$ 103,619,668</u>	<u>\$ 118,544</u>
<b>EXPENDITURES:</b>			
Mayor and City Council	\$ 725,196	\$ 708,296	\$ 16,900
City Attorney	1,950,640	1,922,715	27,925
City Administrator	2,040,589	1,985,430	55,159
Finance	4,392,750	4,312,453	80,297
Administrative Services	1,947,674	1,769,908	177,766
Community Development	10,091,759	9,064,338	1,027,421
Fire	21,086,991	20,949,622	137,369
Police	34,648,043	34,168,442	479,601
Public Works	6,823,956	6,530,733	293,223
Library	4,032,487	3,820,223	212,264
Parks & Recreation	12,795,695	12,751,001	44,694
Community Promotion	3,512,009	3,775,534	(263,525)
<b>Total Expenditures</b>	<u>\$ 104,047,789</u>	<u>\$ 101,758,695</u>	<u>\$ 2,289,094</u>
<b>YEAR-END SURPLUS</b>		<u>\$ 1,860,973</u>	

**City of Santa Barbara  
Proposed Budget Adjustments**

	<u>Increase (Decrease) in Appropriations</u>	<u>Increase (Decrease) in Estimated Revenues</u>	<u>Addition to (Use of) Fund Balance</u>
<b>GENERAL FUND</b>			
<b>Non-Departmental</b>			
Appropriated Reserves	(3,881)	-	3,881
Property Tax Revenues	-	388,589	388,589
<b>General Government</b>			
Transfer to Capital Outlay Fund to pay for disallowed capital project costs due to RDA dissolution	392,470	-	(392,470)
Transfer to Capital Outlay Fund per new reserve policies- represents 50% of FY 2012 year-end surplus	930,486	-	(930,486)
<b>Total General Fund</b>	<u>\$ 1,319,075</u>	<u>\$ 388,589</u>	<u>\$ (930,486)</u>
<b>CAPITAL PROJECT FUNDS</b>			
<b>Capital Outlay Fund</b>			
Transfers in from General Government (RDA dissolution)	\$ -	\$ 392,470	\$ 392,470
Transfers in from General Government (50% of FY 2012 year-end surplus)	-	930,486	930,486
Capital Projects:			
Helena Parking Lot Development	1,980	-	(1,980)
PD Annex Lease Costs	2,930	-	(2,930)
Fire Dept Administration Annex	47,750	-	(47,750)
DP Structure Construction Imp	15,800	-	(15,800)
Lower West Downtown Street Lighting	310,690	-	(310,690)
Carrillo Rec Ctr Restoration	13,320	-	(13,320)
<b>Total Capital Outlay Fund</b>	<u>\$ 392,470</u>	<u>\$ 1,322,956</u>	<u>\$ 930,486</u>



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Proposed Historic Resources Element

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Historic Resources Element.

### **EXECUTIVE SUMMARY:**

A new version of a Historic Resources Element (HRE), drafted by a Council-authorized Task Force, is proposed for adoption. The proposed HRE would replace the existing General Plan HRE Framework and the "Cultural and Historic Resources" section of the existing Environmental Resources Element. The HRE proposed policies are similar to the policies to be replaced. Additional and more detailed goals, policies and implementation items are included in the proposed HRE, which generally give direction for and clarify existing city historic preservation practices.

Both the Historic Landmarks Commission (HLC) and Planning Commission (PC) recommend the HRE to the Council for adoption. Staff has carefully reviewed the document with the HRE Task Force and has no further comment on the document other than responses to a 9/5/12 letter from the Santa Barbara Museum of Natural History (SBMNH), Attachment 2. Public commenters have been supportive of the document, with the exception of the "Santa Barbara for All" organization, which is concerned that historic preservation may affect the ability to build densities to support affordable housing. Staff has found that the proposed HRE goals and policies for historic preservation are consistent with the General Plan as a whole, including policies encouraging housing production, and recommends that Council adopt the HRE.

### **DISCUSSION:**

The proposed Historic Resources Element (HRE) is to replace these sections of the 2011 Santa Barbara General Plan:

- 2011 Historic Resources Element Framework (HRE Framework) entire chapter, pages 1 - 6

- “Cultural and Historic Resources” sections in pages 26 through 30 and pages 66 through 68 of the Environmental Resources Element (shown in the General Plan document as a reproduction of the 1979 Conservation Element)

The HRE proposed policies are similar to the policies to be replaced. All of the topics covered by the existing Historic Resources Framework and existing Cultural Resources Section of the existing Conservation Element portion of the Environmental Resources Element are covered in the proposed Historic Resources Element. Policy topics such as the following appear in either or both the existing General Plan HRE or Conservation Element as well as the proposed HRE:

- Protection of historic and archaeological resources through appropriate regulatory tools such as buffers, transfer of development rights, reduced densities near resources, adaptive reuse, design districts, and designations
- Protection of historic and archaeological resources through ensuring compatible development through review processes
- Protection of historic resources through adaptive reuse of historic resources
- Promoting public awareness of historic and archaeological resources
- Surveying and documenting historic resources in the community
- Ensuring governmental coordination, uniformity in regulations, and effectiveness in addressing and protecting historic and archaeological resources

A detailed comparison chart showing all policies was presented to the HLC and PC in a Staff Report.

Additional more detailed goals, policies and implementation items are included in the proposed HRE. The intent of the new items is the same as it was for the existing documents, and the result of the new items may be better protection of historic resources in some cases. New topics include the following:

**Two new goals** elevate topics of governmental effectiveness (“Governmental Cooperation”) and the importance of historic resources preservation in neighborhoods (“Neighborhood Historic Preservation”).

**New policies** expand on the importance of:

- avoiding demolition of historic resources
- protection of neighborhood historic resources
- streetscape and landscape historic resources
- surveying, documenting and designating resources

### **Reviews:**

**Historic Resources Element Task Force.** On June 28, 2011, Council authorized a Historic Resources Element (HRE) Task Force to draft a new Historic Resources Element. The HRE Task Force voting membership is two Historic Landmarks

Commissioners and one Planning Commissioner. Representatives from various other community groups are included in the HRE Task Force and contributed to discussion and work on the HRE (Attachment 1, HRE Task Force Participants). The HRE Task Force met 22 times since July 2011 and drafted an introduction, goals, policies and implementation actions for consideration, as well as an appendix. Staff supported the HRE Task Force drafting process and provided a map of historic districts. Staff has carefully reviewed the document with the HRE Task Force and has no further comment on the document other than responses listed below, to 9/15/12 correspondence from the SBMNH, Attachment 2.

**Santa Barbra Museum of Natural History (SBMNH) California Indian Advisory Committee.** In May 2012, Staff met with and provided the draft HRE to the SBMNH California Indian Advisory Committee. The Committee requested additional time to review the document. Per the Committee's request, the HLC and PC hearings were delayed by approximately one month. Comments received from the SBMNH on 9/5/12, Attachment 2, recommend changes to items HR1.5 and HR9.5. Staff supports the changes suggested for HR1.5 regarding clarifying that parties listed on the City's "Archaeological Monitors List" should be considered for notification as part of the environmental review process. Staff also is supportive of an amendment to the end of HR9.5.c to insert the text ", in addition to those of the SBMNH", as the intent of the item was not to overlook the existing functions of the SBMNH. Staff has included language in the proposed Council Resolution to revise the HRE to include these points.

**Historic Landmarks Commission (HLC).** The July 18, 2012 HLC minutes, Attachment 3, detail that the HLC unanimously supported the adoption of the HRE. The HLC also directed the HRE Task Force to incorporate the term "cultural landscapes" into the document, as recommended for use by the Secretary of the Interior's Standards for Historic Preservation. The HRE Task Force met to incorporate this term into the document as the HLC directed.

**Planning Commission (PC).** On July 26, 2012, the PC discussed a number of topics related to: historic buffers and potential effects on housing, resource mapping, transfer of development right applicability and the HRE Task Force's specific proposed wording choices. The PC voted 4 to 3 to recommend the element for adoption by Council, Resolution 011-12, Attachment 4. The following is a synopsis of the discussion prior to their adoption of the resolution.

**Buffers.** The buffer language is in the approved 2011 General Plan and the wording has not been changed by the HRE Task Force at staff's recommendation, with one exception. At their last meeting, the HRE Task Force chose to generalize the statement regarding the applicability of HRE 2.10.a and removed the phrase ", or consideration of increased densities for rental, employer and/or affordable housing", to avoid any confusion regarding how historic preservation buffers would apply to all projects. A definition of buffer has been included in the proposed glossary for the HRE. The proposed buffer definition helps to clarify that a buffer is a way to ensure compatibility through a number of potential ways.

Two levels of buffer distance analysis are included in the current General Plan. For both buffer distances staff is implementing “tags” within the City’s Tidemark Advantage system for parcels within the prescribed buffer distances. This way, as soon as potential applicants interface with the Planning Division, they will be notified that there is a nearby historic resource. In this way, consideration of nearby historic resources will occur early in the planning process.

- a. **100’ Buffer.** Tagging or “flagging” parcels within 100’ of a historic resource will indicate a higher likelihood for the need for either a historic resources report or additional considerations for protection of a resource.
- b. **250’ Buffer.** Parcels within 250’ of Presidio area historic resources would also be similarly tagged. A greater buffer distance for this area is in place due to these resources being a very high preservation priority and the special vulnerability of adobe structures.

**Reduce Densities.** HR2.8 specifies potential reduced densities where appropriate within 100’ of a historic resource. This item exists within the 2011 General Plan, and at staff’s recommendation, the language of this item has not been altered by the HRE Task Force. The language is consistent with the General Plan map densities near El Pueblo Viejo District Part I downtown historic resources. As with the buffers, this item calls for case by case analysis of each development proposal, and even calls out that higher densities for housing would be allowable where appropriate. Both housing and historic preservation goals can be achieved throughout the city, and each item has been carefully crafted to ensure both goals can be implemented.

**Historic Resources Map.** Some Planning Commissioners requested a map of all historic resources showing buffers around each resource. Such a map would only indicate where development needs to be analyzed to ensure it is designed in a manner sensitive to historic resources. Mapped buffer areas would **not** mean “no build” or “low build only” zones. Each project proposal within a buffer of a historic resource would be evaluated on a case-by-case basis as to how it would or would not be protective of, or compatible with, nearby historic resources. In some cases, a buffer for a historic resource might affect a new structure’s architectural styling to ensure compatibility with the nearby resource. In other cases, a historic resources report might be required for the development to determine what, if any, impact the development proposal might have on the resources, and ways impacts could be avoided. In fact, a myriad of approaches such as setback and stepback variations, landscaping or other details can be implemented to ensure a neighborhood environment protective of a historic resource. Individual parcel tagging/flagging in the City’s Tidemark Advantage system to indicate case-by-case compatibility analysis is a more appropriate tool for buffer implementation. Staff is also working on a series of map layers to depict the resources and buffer distances.

**Site Visit.** One Planning Commissioner requested a site visit to see an example of a development built within a proposed buffered distance from a historic resource. The development project surrounding the Arlington Theater was discussed at the

hearing. Design Review of the project is directing a site layout that respects the architectural significance of the historic Arlington Theater. Since each case is so unique, the purpose and value of a Planning Commission visit to developments near historic resources appears unclear. The buffers which are part of the existing 2011 General Plan are an appropriate implementation tool and site visits are not necessary to verify the need for this existing General Plan item.

**Transfer of Development Rights Program.** Staff clarified for the Planning Commission, that item HR2.9, regarding a transfer of development rights program, could apply to parcels within the buffer distances of historic resources and that any details associated with such a program would be developed at the time a new transfer program is being considered.

**Wording Consistency.** A concern was expressed that various words were used for similar concepts in various places in the document. For example, the difference in meaning was questioned for wording such as “compatible development” versus “respectful development”; or “proximate” versus “near”. At the hearing, HRE Task Force representatives confirmed for the Planning Commission that the variation in words with similar meaning in various places in the document was intentional.

## **GENERAL PLAN & CODE CONSISTENCY ANALYSIS:**

The proposed HRE is consistent with the Santa Barbara General Plan, as required by California state planning laws. Following are examples of how the proposed HRE is supported by, and supports the Sustainability Framework and policies of other elements of the Santa Barbara General Plan.

- **Economic & Fiscal Health / Community Character.** The Land Use Element, Housing Element, Economy and Fiscal Health Element and HRE all support development which is compatible with community character, which can include preserving historic resources. The Economy and Fiscal Health Element also supports arts, crafts and culture, which is complementary to historic preservation. The City of Santa Barbara’s economy is very dependent on tourism. Santa Barbara’s tourism is supported by a visibly rich historic heritage, which can continue to be achieved through historic preservation.
- **Visual Preservation.** The Environmental Resources Element promotes visual resources protection, consistent with HRE viewscape protection items.
- **The Sustainability Framework** lists “Historic & Community Character” as one of the policy drivers that affects both the guiding principles and the goals and policies of the General Plan. Historic Resources are also discussed in the Plan’s **Principles for Development**.
- **Rehabilitation of Existing Buildings.** Land Use Element and Housing Element policies encourage rehabilitation of existing buildings, as does the proposed HRE. In addition, the Safety and Public Services Element encourages

earthquake insurance programs, which could be helpful to allow for higher quality reconstruction of historic resources in the event of destruction due to an earthquake.

- **Potential Public Acquisition of Historic Resources.** The acquisition of certain properties promoted by the Open Space, Parks and Recreation Element could result in the protection of historic resources, consistent with the HRE.
- **Pedestrian Transportation.** Both the Circulation Element and HRE promote pedestrian transportation.
- **Housing Unit Density.** The HRE proposes protection of historic resources through a number of means, including implementation of buffers and historic districts. A more detailed discussion of this item is included in the discussion of the Planning Commission's review of the Element in the previous section. Depending on how these mechanisms are implemented, the potential housing unit development density could be diminished for some potential development sites. Implementation of historic preservation mechanisms will need to be done in a way that is consistent with Housing and Land Use Element goals for production of affordable housing units. The General Plan's Adaptive Management Program (AMP) will monitor the production, location and affordability of housing units over time. The feedback of information through the AMP will allow for adjustments in policy implementation over time to ensure that all policies of the Housing, Land Use and proposed HRE are implemented in a manner that is consistent.

**Policy HR5 "Protect Neighborhood Historic Resources"**. This important policy addresses protection of traditional neighborhoods and could be implemented in a number of ways. Implementation item HR5.5 "Establish zoning that conforms to the character of neighborhoods" would entail a rezoning process. Staff would like to note that in the event that such a process is undertaken at some time in the future, one essential part of that study will be review for consistency within the General Plan as a whole, including consistency with the Average Unit-Size Density Incentive Program. Verification of any such rezoned conformance to State Planning and Zoning laws would also be needed. Staff does not suggest any revision to the language of Policy HR5, but provides this note as an advisory.

Although from a broad view, all of the elements are consistent, there will be individual cases where careful balancing in the implementation of the elements will be needed, for example:

- Some neighborhoods may be open to secondary dwelling units or other non-traditional neighborhood **development patterns**. Careful implementation of design guidelines and preservation of individual historic resources consistent with Land Use Element and Housing Element policies will be needed.

- Some individual historic landscapes may promote **potentially invasive species** such as invasive palm, olive or pepper tree species. Careful review of the Environmental Resources Element Biology section will be important in these cases.
- Some individual historic landscapes may include **water consumptive elements**, such as expansive high water use lawns. Careful review of the Environmental Resources Element Safety and Public Services Element Water Supply policies and water conservation municipal codes will be important in these cases.
- Some individual historic properties may merit **historic wood shingles or other combustible building materials**. Careful review of the Safety and Public Services Element Safety Hazard Identification and Reduction Chapter, local codes and the California State Historical Building Code will be needed in these cases.
- Some individual historic properties may merit adobe construction or other types of construction not traditionally clearly accommodated by standard wood frame construction or **seismic building codes**. Careful review of the Safety and Public Services Element Earthquake Safety Chapter, local codes and the California State Historical Building Code will be needed in these cases.

#### **ENVIRONMENTAL REVIEW:**

A Program Environmental Impact Report (EIR) was completed for the Plan Santa Barbara General Plan Update (SCH 2009011031). An Addendum to the EIR has been prepared, Attachment 5. The Addendum documents that there would be no changes to the impacts of the General Plan Update as a result of the inclusion of the proposed HRE in the General Plan. The proposed Council Resolution includes environmental review findings to reflect the original certification of the EIR, adoption of the General Plan and the current adoption of the HRE.

#### **SUSTAINABILITY IMPACT:**

As with the December 2011 General Plan Update, this proposed HRE is premised on moving Santa Barbara towards a more sustainable future. Investment in older neighborhoods is a form of reinvestment in inherently sustainable communities that are generally less expensive, smaller in scale, walkable, transit-accessible and feature mixed uses. The continued use of older structures and the adaptive reuse of buildings lower the carbon footprint of the community. It is estimated that 25% of the material being added to landfills is demolition and construction waste. Preservation of older structures actually conserves resources by eliminating the environmental costs of new construction. Adaptive re-use or rehabilitation of a building has been found to create more local jobs, than what is spent on new construction which produces overall cost savings.

**ATTACHMENTS:**

1. Historic Resources Element Task Force Participants
2. Santa Barbara Natural History Museum 9/5/12 correspondence
3. Historic Landmarks Commission 7/18/12 minutes excerpt
4. Planning Commission 7/26/12 Minutes excerpt and Resolution 011-12
5. Addendum to Program Environmental Impact Report for the Plan Santa Barbara General Plan Update (SCH 2009011031)

Note: The proposed Historic Resources Element (HRE) and public comments submitted to the HLC and PC have been transmitted to the Mayor and Council and are available for review in the City Clerk's Office.

**PREPARED BY:** Heather Baker, AICP Project Planner

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

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

## **Historic Resources Element Task Force Participants**

### **HRE Task Force Voting Members**

Judith D. Orias, Chair	HLC Historic Resources Element Subcommittee
Fermina B. Murray, Vice Chair	HLC Historic Resources Element Subcommittee
Stella M. Larson, Secretary	Planning Commission Assigned Representative

### **HRE Task Force Participants**

Mary Louise Days	Citizens Planning Association (CPA) & Santa Barbara Conservancy
Kellam de Forest	Pearl Chase Society
Anne Petersen	Santa Barbara Trust for Historic Preservation
Jeanne Kahre	Brinkerhoff Neighborhood
Wanda Livernois	Brinkerhoff Neighborhood (for initial meeting months)
Barbara Fosbrink	California State Parks, Channel Coast District
Sheila Lodge	Planning Commissioner
Joe Rution	(not affiliated)
Susette Naylor	(not affiliated)

**From:** John Johnson [JohnJ@SBNATURE2.ORG]  
**Sent:** Wednesday, September 05, 2012 2:10 PM  
**To:** Baker, Heather  
**Cc:** Karl Hutterer; Suzanne Elledge; Barbara Barker  
**Subject:** Comments on Historic Resources Element

Heather,

Here are some recommended revisions to HR1.5 and HR9.5 that reflect the concerns expressed in my July 26, 2012 e-mail correspondence with you:

HR1.5, Section a, regarding the environmental review process, 2<sup>nd</sup> session:  
“Consider notification/consultation of most likely descendants of Barbareño Chumash whose names appear on the City of Santa Barbara’s archaeological monitors list (recommended addition underlined).” I further recommend deleting the rest of the sentence as it appears now because it is highly ambiguous and invites non-Chumash individuals to supersede Barbareño Chumash descendants. This does not preclude any additional public comment.

HR9.5, Section c, regarding “supporting the creation of a permanent Chumash archaeological museum and interpretive center.” I recommend deleting Section c entirely, because the SB Museum of Natural History already fulfills this function with its world-class Chumash archaeological collection, exhibits, and on-going public programs pertaining to Chumash culture.

Please let me know if you have further questions. I will be on vacation from September 6-21 and will reply upon my return.

Sincerely,

John Johnson

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John R. Johnson, Ph.D.  
Curator of Anthropology  
Santa Barbara Museum of Natural History  
2559 Puesta del Sol  
Santa Barbara, CA 93105  
(805) 682-4711, ext. 139  
FAX (805) 569-3170  
[jjohnson@sbnature2.org](mailto:jjohnson@sbnature2.org)

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# City of Santa Barbara

## Planning Division

### HISTORIC LANDMARKS COMMISSION MINUTES

**Wednesday, July 18, 2012**

**David Gebhard Public Meeting Room: 630 Garden Street**

**1:30 P.M.**

**COMMISSION MEMBERS:**

PHILIP SUDING, *Chair* – Present  
DONALD SHARPE, *Vice-Chair* – Present  
LOUISE BOUCHER – Present  
MICHAEL DRURY – Present  
WILLIAM LA VOIE – Present  
FERMINA MURRAY – Present  
JUDY ORÍAS – Present until 6:56 p.m.  
CRAIG SHALLANBERGER – Absent  
BARRY WINICK – Present at 1:38 p.m.

**ADVISORY MEMBER:**

DR. MICHAEL GLASSOW – Absent

**CITY COUNCIL LIAISON:**

DALE FRANCISCO – Absent

**PLANNING COMMISSION LIAISON:**

STELLA LARSON – Present

**STAFF:**

JAIME LIMÓN, Design Review Supervisor – Present until 1:44 p.m. and again 3:06 p.m. to 3:58 p.m.  
NICOLE HERNÁNDEZ, Urban Historian – Present  
MICHAEL BERMAN, Project Planner/Environmental Analyst – Present until 1:44 p.m.  
SUSAN GANTZ, Planning Technician – Present until 5:45 p.m.  
GABRIELA FELICIANO, Commission Secretary – Present

**Website:** [www.SantaBarbaraCa.gov](http://www.SantaBarbaraCa.gov)

An archived video copy of this regular meeting of the Historic Landmarks Commission is viewable on computers with high speed internet access on the City website at [www.santabarbaraca.gov/hlc](http://www.santabarbaraca.gov/hlc) and then clicking on the *Meeting Videos* tab.

**CALL TO ORDER.**

The Full Board meeting was called to order at 1:32 p.m. by Chair Suding.

**ATTENDANCE:**

Members present: Boucher, Drury, La Voie, Murray, Orías, Sharpe, Suding, and Winick.

Members absent: Shallenberger.

Staff present: Limón (until 1:44 p.m. and again 3:06 p.m. to 3:58 p.m.), Hernández, Berman (until 1:44 p.m.), Gantz (until 2:41 p.m. and again 3:56 p.m. to 5:45 p.m.), and Feliciano.

**ACTION ITEM****4. PROPOSED HISTORIC RESOURCES ELEMENT****(3:15)** Presenter: Heather Baker, Project Planner

(On June 28, 2011, Council authorized a Historic Resources Element (HRE) Task Force to convene to draft a new Historic Resources Element. The new HRE is to supersede the Cultural and Historic Resources section of the existing General Plan Conservation Element. The rest of the existing Conservation Element would remain in place at this time. The HRE Task Force voting membership is two Historic Landmarks Commissioners and one Planning Commissioner. Representatives from various other community groups are included in the HRE Task Force and contributed to discussion and work on the HRE. The HRE Task Force has met approximately 20 times since July 2011 and has drafted an introduction, goals, policies and implementation actions for consideration, as well as an appendix. Staff has supported the HRE Task Force drafting process and has reviewed the current draft document, as well as provided a map of historic districts in the document.)

**(Staff's recommendation: That the Historic Landmarks Commission review the draft proposed HRE and recommend it for Council adoption.)**

Actual time: 3:00

Present: Heather Baker, City Project Planner

Public comment opened at 3:16 p.m.

Mary Louise Days, HRE Task Force, commented in support of the document and suggested revisions to the staff report. She also suggested revisions to the HRE: 1) Further delineation of *El Cuartel* on the "Historic, Special Design, and Landmark Districts" map in the HRE; and 2) Revise the language of the second bullet on page 7.

Stella Larson, Planning Commission member, commented in support of the document and expressed appreciation for the members of the Task Force and Staff that worked on the document.

Jean Kahre, local resident, commented in support of the document and expressed appreciation.

Lee Moldaver, local resident, commented in support of the document and expressed appreciation.

Susan Chamberlin, local resident and landscape historian, commented on need to incorporate the concept of "cultural landscapes" and suggested revisions throughout the HRE consistent with the Secretary of Interior's Standards.

Joe Rution, local resident, commented in support of the document and stated that the HRE does not affect affordable housing. He disagreed with the "Santa Barbara for All" comment letter.

Chair Suding acknowledged receipt of emails and letters from Mary Louise Days, Cathie McCammon, Robert Ooley, Anne Petersen, Santa Barbara for All, and the Santa Barbara Trust for Historic Preservation; and summarized concerns.

Public comment closed at 3:36 p.m.

The Commission expressed appreciation for the many hours spent by the HRE Task Force and members of the public in the production of this document.

**Motion: To recommend adoption of the proposed Historic Resources Element to the City Council with the comment that the Planning Commission and Historic Resources Element Task Force shall look into the merit of comments and suggestions made by Susan Chamberlin and Mary Louise Days.**

Action: Sharpe/Boucher, 8/0/0. Motion carried. (Shallanberger absent.)



# City of Santa Barbara

## Planning Division

### PLANNING COMMISSION MINUTES

July 26, 2012

#### I. RECOMMENDATION TO CITY COUNCIL:

ACTUAL TIME: 4:00 P.M.

#### PROPOSED HISTORIC RESOURCES ELEMENT

The purpose of this hearing was for the Planning Commission to provide a recommendation regarding the proposed Historic Resources Element to the City Council. The draft document is available on-line at:

[www.santabarbaraca.gov/Resident/Major Planning Efforts/Historic Resources Element/](http://www.santabarbaraca.gov/Resident/Major_Planning_Efforts/Historic_Resources_Element/)

A Council authorized HRE Task Force has drafted a new HRE with an introduction, goals, policies and implementation actions for consideration, as well as an appendix. Staff has supported the HRE Task Force drafting process and has reviewed the current draft document, as well as provided a map of historic districts in the document. All of the topics covered by the existing Historic Resources Framework and existing Cultural Resources Section of the existing Conservation Element are covered in the proposed HRE. Additional more detailed goals, policies and implementation items are included in the proposed HRE.

The new HRE is to supersede the Cultural and Historic Resources section of the existing General Plan Conservation Element. The existing HRE Framework was adopted by Council in December 2011, and was reviewed by the Planning Commission starting on April 28<sup>th</sup>, 2010 and in all subsequent Planning Commission reviews of the General Plan documents.

The City of Santa Barbara invites public comment on the Proposed Historic Resources Element to the email address below or to the Planning Division office at P.O. Box 1990 (630 Garden Street), Santa Barbara, CA 93102. The Plan will be subsequently forwarded to City Council for adoption.

Case Planner: Heather Baker, Project Planner

Email: HBaker@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4599

Heather Baker, Project Planner, gave the Staff presentation.

Chair Lodge opened the public hearing at 4:20 P.M.

The following people provided public comment:

1. Lee Moldaver acknowledged the support of Commissioners Larson and Lodge on the HRE Task Force and encouraged support for the HRE.
2. Mickey Flacks, Santa Barbara for All, felt that the document was not clear and commented that the language could be interpreted to stop development of anything. One primary goal of PlanSB is sustainability by having people who work in Santa Barbara live in Santa Barbara. Housing inhabited by people of modest means should not be considered a threat to historic landmarks. Urged that the document be reviewed piece by piece so that it is not prejudiced or discriminatory to people of poor or moderate means, white people, or people of Spanish heritage.
3. Joe Rution, Santa Barbara Conservancy and the Bungalow Haven Neighborhood Association, read a letter from the Santa Barbara Conservancy into the record that supported the HRE as an incredible addition to the General Plan. Stated that to interpret the document as being against affordable housing is incorrect.
4. Mary Louise Days, Pearl Chase Society and Citizens Planning Association, expressed support for the HRE, and stated that the language disputed by Santa Barbara for All is already in the existing General Plan, as adopted by the City Council and that the current HRE simply carries that language forward.
5. Lisa Plowman, Santa Barbara for All, sees the document as being on a collision course with providing affordable housing and preserving historical resources. Suggested looking at densities on a case by case basis. Buffers are not needed to the extent outlined in the HRE since the HLC is already implementing a tough process. Neighborhood policies and identifying neighborhoods as historic is far-reaching and has unintended consequences that have not been thought about. Suggested that instead of a 100' buffer, the wording 'directly adjacent to' be considered.

With no one else wishing to speak, the public hearing was closed at 4:36 P.M.

Commissioner's comments:

1. Commissioner Schwartz was concerned about document wording inconsistencies, and referenced examples. Asked for time to have the language reviewed. Scott Vincent of the City Attorney's Office responded that his assumption is that variations in wording in the HRE were intentional by the HRE Task Force in order to have different meanings for various items in the document.
2. Commissioner Larson affirmed that the intent of the HRE is to protect important historic resources and neighborhood areas for the next 30-50 years, and that the HRE as written does not discriminate against anyone. Strongly felt that density can coexist with preservation. She strongly urged that the PC recommend the document for adoption.
3. Commissioner Thompson acknowledged the effort made by the HRE Task Force and agreed with Commissioner Schwartz's comments on the document language. Felt that the use of "possible actions to be considered" prefacing every implementation plan is weak wording and demotes every action to a suggestion. Commissioner Lodge added that the phrase was included in all elements of the adopted general plan at the direction of the City Council and that the proposed

HRE is simply being consistent with the rest of the general plan in using that phrase.

4. Commissioner Campanella suggested a site visit that showed an example with one resource that qualifies for the suggested 100' buffer and one that qualifies for the 250' as a way to help the development community see how it would be implemented. Noted that the language in HR 2.10 references "parcels" within 100', then later references "developments" within 100'.
5. Chair Lodge acknowledged HRE Task Force members present, including Chair Judy Orias, Vice-Chair Fermina Murray, and Mary Louise Days. She stated that the document had been carefully gone over multiple times by the HRE Task Force and the staff including the City Attorney's Office, and stated that the document is ready for adoption by Council. Mary Louise Days restated the goal of the HRE as insuring respectful and compatible development near historic resources.
6. Commissioner Bartlett was concerned with the protection of landmarks at the expense of being able to build future landmarks. Felt that all periods of our history should be celebrated with each period treated with respect. Questioned use of the word "buffer" and stressed looking at the context in which it is used; suggested "sensitivity zone" as a possible replacement term. Cited page 13 HR2.9 as talking about creating a residential TDR program and felt that the wording should apply to areas that are being designated as a buffer area. Overall, thought that the HRE needs some work in tightening up the language, but is close.
7. Commissioner Schwartz felt that the challenge remained in defining terms such as "compatible" and "respectful", as the HRE moves forward.

**MOTION: Larson/Thompson**

**Assigned Resolution No. 011-12**

Recommend the proposed HRE be forwarded to City Council.

This motion carried by the following vote:

Ayes: 4 Noes: 3 (Bartlett, Jordan, Schwartz) Abstain: 0 Absent: 0



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 011-12 HISTORIC RESOURCES ELEMENT RECOMMENDATION TO CITY COUNCIL JULY 26, 2012

#### **PROPOSED HISTORIC RESOURCES ELEMENT**

The purpose of this hearing was for the Planning Commission to provide a recommendation regarding the proposed Historic Resources Element to the City Council.

A Council authorized HRE Task Force has drafted a new HRE with an introduction, goals, policies and implementation actions for consideration, as well as an appendix. Staff has supported the HRE Task Force drafting process and has reviewed the current draft document, as well as provided a map of historic districts in the document. All of the topics covered by the existing Historic Resources Framework and existing Cultural Resources Section of the existing Conservation Element are covered in the proposed HRE. Additional more detailed goals, policies and implementation items are included in the proposed HRE. The new HRE is to supersede the Cultural and Historic Resources section of the existing General Plan Conservation Element. The existing HRE Framework was adopted by Council in December 2011, and was reviewed by the Planning Commission starting on April 28<sup>th</sup>, 2010 and in all subsequent Planning Commission reviews of the General Plan documents.

**WHEREAS**, the Planning Commission has held the required public hearing on the above proposal, and the Applicant was present.

**WHEREAS**, 3 people appeared to speak in favor of the proposal, and 2 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 3, 2012.
2. Correspondence received in support of the proposal:
  - a. Robert Ooley, via email
  - b. Anne Peterson, Trust for Historic Preservation, via email
  - c. Cathie McCammon, via email
  - d. Jarrell Jackman, Trust for Historic Preservation
3. Correspondence received in opposition to the proposal:
  - a. Alex Pujo and Mickey Flacks, Santa Barbara for All, via email

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission recommended the proposed Historic Resources Element for adoption by the City Council.

This motion was passed and adopted on the 26th day of July, 2012 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 4 NOES: 3 (Bartlett, Jordan, Schwartz) ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

**PLEASE BE ADVISED:**

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.**



**ADDENDUM TO PROGRAM ENVIRONMENTAL IMPACT REPORT  
for the Plan Santa Barbara General Plan Update (SCH 2009011031)  
FOR: CITY OF SANTA BARBARA PROPOSED HISTORIC RESOURCES  
ELEMENT**

July 3, 2012

This addendum to the certified Final Environmental Impact Report (FEIR) for the *Plan Santa Barbara* General Plan Update documents California Environmental Quality Act (CEQA) analysis for the proposed Historic Resources Element. The proposed Element would amend the City of Santa Barbara General Plan and replace the existing General Plan Historic Resources Framework and Cultural Resources Section of the Conservation Element. Associated changes to project impacts fall within the range of policy options, growth scenarios, and impacts studied in the FEIR, and do not raise new environmental issues.

**EIR ADDENDUM PROCEDURES**

This EIR Addendum is prepared in accordance with State CEQA Guidelines Sections 15168 (Program EIR) and 15164 (Addendum to an EIR).

Section 15168 provides that a Program EIR may be prepared on a series of actions characterized as one large project, such as a citywide General Plan update. This allows for a comprehensive consideration of policies and effects, and avoids later duplicative environmental analysis. When subsequent implementing actions are undertaken, the activities may be approved as within the scope of the Plan covered by the Program EIR when no new significant effects would occur.

Section 15164 provides that an Addendum to a previous EIR may be prepared to document changes that make the prior EIR adequate for the current project when the changes are not associated with new significant impacts or substantial increases in previously identified impacts.

The Guidelines provide that an EIR Addendum need not be circulated for public review, but is attached to the EIR. The decision-making body (City Council) considers the Addendum together with the certified EIR in making a decision on the project.

**PRIOR ENVIRONMENTAL DOCUMENT**

The Program Environmental Impact Report (EIR) for the 2011 General Plan update was certified by the Planning Commission in September 2010 and by City Council in December 2011.

The General Plan Program EIR evaluated citywide effects on the environment from incremental growth to the year 2030 under General Plan policies and programs. The General Plan contemplates growth by the year 2030 of up to 1.5 million square feet of net additional commercial and other non-residential development and up to 2,800 additional housing units.

### **Class 1 Impacts**

The EIR analysis identified significant traffic and climate change impacts that could not be fully mitigated (Class 1 impacts) from General Plan policies and citywide incremental growth to the year 2030. An increase from 13 to 20-26 roadway intersections at 77% or greater volume-to-capacity ratio was identified. Citywide greenhouse gas emissions were projected as increasing and therefore potentially not meeting State AB 32 emission targets for 2020 and then-undefined SB 375 regional targets.

The EIR also identified that these traffic and climate change impacts could potentially be substantially reduced with implementation of a robust expansion of transportation demand management measures including parking pricing. These mitigation measures were included in the General Plan but City Council found that providing an upfront commitment as to the extent and method and timing of implementation was not feasible. As such, full mitigation credit was not given for the purpose of CEQA impact analysis. In adopting the General Plan, the City Council adopted findings of overriding consideration that the benefits of the Plan outweighed these potential significant impacts, thereby finding these impacts to be acceptable.

An Addendum to the FEIR (6-18-12) for the proposed City Climate Action Plan documents further analysis of climate change demonstrating that impacts associated with citywide greenhouse gas emissions would be less than significant (Class 2).

### **Class 2 Impacts**

The EIR analysis identified the following potentially significant impacts that could be mitigated to less than significant levels (Class 2 impacts): air quality (*diesel emissions*); biological resources (*upland and creek/riparian habitats and species*); geological conditions (*sea cliff retreat*); heritage resources (*effects of development on historic resources*); hydrology (*extended range sea level rise*); noise (*transportation noise*); open space (*loss or fragmentation of open space*); public utilities (*solid waste management*); and transportation (*intersections with mitigation; roadway corridor congestion*).

Identified mitigation measures associated with these impacts were incorporated into the General Plan as policies and programs.

### **Class 3 Impacts**

The EIR analysis concluded that with policies and programs already in place, the following other impacts would be less than significant (Class 3 impacts): air quality (*consistency with Clean Air Plan for air quality standards; construction emissions*); biological resources (*grasslands; coastal resources; individual specimen trees*); geological conditions (*seismic, geologic, soil hazards*); hazards (*accident risks, wildfire; hazardous materials*); heritage resources (*archeological and paleontological resources*); hydrology and water quality (*development in floodplains and near creeks; storm water runoff; water quality of creeks, groundwater, coastal and marine water*); noise (*noise guidelines; mixed use nuisance noise; construction noise*); open space and visual resources (*scenic views; community character; lighting*); public services (*police; fire protection; parks and recreation; schools*); public utilities (*water supply, wastewater treatment*); transportation (*reduction in per capita vehicle commute trips – Class 4 beneficial*).

## **Additional Environmental Analysis**

The EIR also included detailed analysis of impacts associated with energy, climate change (both greenhouse gas emissions contributing to climate change, and climate change effects on the City), population and jobs/housing balance, and socioeconomic issues.

## **CHANGES IN ENVIRONMENTAL CIRCUMSTANCES**

No substantial changes in environmental circumstances on the ground have occurred since the December 2011 General Plan adoption and EIR certification. No changes to Federal or State historic resources regulations or guidelines have occurred.

## **CURRENT PROJECT DESCRIPTION: HISTORIC RESOURCES ELEMENT AMENDMENT**

The Historic Resources Element (HRE) proposed goals, policies, and implementation measures are similar to the policies analyzed in the 2011 General Plan Update HRE and the Cultural and Historic Resources section of the Conservation Element. The following policy topics appear in the 2011 General Plan HRE and/or Conservation Element as well as the proposed HRE:

- Protection of historic and archaeological resources through appropriate regulatory tools such as buffers, transfer of development rights, reduced densities near resources, adaptive reuse, design districts, designations  
*Conservation Element:* Policies 2.0 and 3.0  
*2011 HRE Framework:* Policies HR2-Historic Structures and HR3-Historic Resource Protection  
*6-18-12 Task Force HRE:* Policies HR1-Protect Historic and Archeological Resources
- Protection of historic and archaeological resources through ensuring compatible development through review processes  
*Conservation Element:* Policy 1.0  
*2011 HRE Framework:* Policy HR4-Development Adjacent Historic Structures  
*6-18-12 Task Force HRE:* Policy HR2-Ensure Respectful and Compatible Development
- Adaptive reuse support  
*2011 HRE Framework:* Policy HR1-Adaptive Reuse  
*6-18-12 Task Force HRE:* Policy HR4-Adaptive Reuse
- Promoting public awareness of historic and archaeological resources  
*2011 HRE Framework:* Policies HR5-Increase Historical Appreciation and HR6-Chumash Culture and Archeological Resources  
*6-18-12 Task Force HRE:* Policy HR9-Increase Awareness of Santa Barbara's Heritage
- Surveying, documenting and designating historic resources in the community  
*Conservation Element:* Policies 2.0 and 3.0  
*2011 HRE Framework:* Policy HR3-Historic Resource Protection  
*6-18-12 Task Force HRE:* Policy HR8-Survey and Document All Historic Resources
- Governmental coordination, uniformity in regulations, and effectiveness in addressing and protecting historic and archaeological resources  
*Conservation Element:* Policy 4.0  
*6-18-12 Task Force HRE:* Policy HR10-Assure Governmental Effectiveness

All of the topics covered by the existing Historic Resources Framework and existing Cultural Resources Section of the existing Conservation Element are covered in the proposed Historic Resources Element.

Additional and more detailed goals, policies and implementation items are included in the proposed HRE. The intent of the new items is the same as it was for the existing documents, and the result of the new items may be greater protection of historic resources in some cases. New topics include the following:

**Two new goals** elevate topics of governmental effectiveness (“Governmental Cooperation”) and the importance of historic resources preservation in neighborhoods (“Neighborhood Historic Preservation”).

**New policies** and associated implementation measures expand on the importance of:

- avoiding demolition of historic resources (Policy HR3-Discourage Demolition)
- protection of neighborhood historic resources (Policy HR5-Protect Neighborhood Historic Resources)
- streetscape and landscape historic resources (Policies HR6-Protect Traditional Public Resources and Streetscapes and HR7-Protect Historic Landscapes)
- surveying and documenting resources (Policy HR8-Survey and Document All Historic Resources)

## **FINAL PROJECT IMPACTS AND MITIGATIONS**

**Historic Resources** - The FEIR analysis found impacts of the General Plan Update to be less than significant with incorporation of additional policy protections for historic resources, including buffer provisions and additional design/historic district protections (Class 2 impact). The FEIR Hybrid Alternative assumed incorporation of these additional policy protections and also reduced the area for higher density residential development in the Downtown to assure compatibility with the historic character. The final GPU also incorporated the additional buffer and district policy protections and further reduced areas with the higher density incentive designations.

The proposed Historic Resources Element has wording revisions and additions to the Conservation Element policies and 2011 GPU policies (including FEIR mitigation measures incorporated as GPU policies), but the intent and effect of the refined policies is similar. [Note: policy numbers have changed between the FEIR, the Conservation Element and 2011 adopted GPU; and the proposed replacement HRE.]

The historic resources impacts of the final GPU with incorporation of the proposed Historic Resources Element would be similar or slightly less than impacts identified in the FEIR and would remain **less than significant (Class 2)**.

**Open Space and Visual Resources** – Policy provisions directing in-fill development to central areas of the City and providing programs protective of open space remain unchanged by the proposed HRE. There is a policy directing protection of viewsapes in the proposed HRE which would further support visual resource protection. The impact of gradual loss of open space would remain **less than significant (Class 3)**.

**Other Impacts** – Environmental impacts under the HRE policy amendments would be similar to those identified in the FEIR. No changes from impact significance classifications identified in the FEIR (i.e., Class 1, 2, or 3 impacts) would result from refinements to the historic resources protection policies.

Most of the mitigation measures identified in the FEIR to reduce potentially significant impacts were incorporated into the final General Plan Update policies and programs. These measures address traffic congestion; greenhouse gas generation; highway diesel exhaust; upland, creek/riparian, and coastal habitats and species; coastal bluff retreat; hazardous materials collection facility capacity; historic resources; sea level rise; highway noise; open space; solid waste management facility capacity, and jobs/housing balance.

**CEQA FINDING**

Based on the Addendum review of the proposed Historic Resources Element, in accordance with State CEQA Guidelines Section 15612, no Subsequent Negative Declaration or Environmental Impact Report is required for the project because the project setting, description, impacts, and mitigations do not involve new significant impacts or a substantial increase in the severity of impacts previously identified in the final General Plan Program EIR.

This Addendum, together with the certified Program EIR, constitutes adequate environmental documentation in compliance with CEQA for the proposed Historic Resources Element.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather Baker, AICP Project Planner

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Bettie Weiss, City Planner

References:

Certified Final EIR for *Plan Santa Barbara* General Plan Update (September 2010) and FEIR Addendum (December 2011).

Addendum to Program Environmental Impact Report for the *Plan Santa Barbara* General Plan Update for draft City of Santa Barbara Climate Action Plan (June 18, 2012).

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ADOPTING THE HISTORIC  
RESOURCES ELEMENT

WHEREAS, Government Code Section 65300 requires that the City of Santa Barbara adopt a comprehensive, long-term General Plan for the physical development of the City, and the proposed Historic Resources Element (HRE) contributes to this requirement, constituting an optional but important Element of the General Plan;

WHEREAS, on June 28, 2011, the City Council authorized the preparation of the Historic Resources Element and the formation of the Historic Resources Element Task Force made up of members of the Historic Landmarks Commission, Planning Commission and community representatives;

WHEREAS the HRE Task Force has met 22 times and recommends the attached HRE for adoption;

WHEREAS the Historic Landmarks Commission and Planning Commission have both reviewed the proposed HRE and recommend it for adoption;

WHEREAS, the proposed HRE is consistent with the recently updated General Plan's intentions to guide future residential and non-residential development through the year 2030, and the goals, policies and programs contained in the General Plan Update address the physical, economic and social development of the City and reflect the community's values of "living within our resources," becoming a more sustainable community, and preserving and enhancing the existing community character;

WHEREAS, a Program Environmental Impact Report (EIR) was certified for the 2011 General Plan Update, and an EIR Addendum for the proposed HRE has been prepared and documents that there are no changes in environmental impacts expected as a result from adoption of the HRE; and

WHEREAS, the City Planner is the custodian of the record of proceedings for the General Plan Update, Final EIR, the HRE Addendum, and the documents and other materials which constitute the record of proceedings for City actions related to the General Plan Update and Final EIR are located at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California. Copies of these documents are available for public review during normal business hours upon request at the office of the City of Santa Barbara Community Development Department, Planning Division.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SANTA BARBARA FINDS AND ACTS AS FOLLOWS:

**I. California Environmental Quality Act (CEQA) Findings:**

- 1. CEQA Findings for City Council Consideration of Certified Final Program Environmental Impact Report (FEIR) and FEIR Addendum for the Historic Resources Element (FEIR HRE Addendum), pursuant to CCR §15090 and City Guidelines §II.2.k.**

The FEIR HRE Addendum dated July 3, 2012 for the HRE, together with the certified FEIR for the GPU, were presented to the City Council, and the City Council has reviewed and considered the information contained in the certified FEIR and FEIR HRE Addendum prior to adopting the HRE. This CEQA documentation for the HRE reflects the Lead Agency's independent judgment and analysis.

- 2. CEQA Findings for Use of Certified Final Program Environmental Impact Report (FEIR) and Addendum to the FEIR dated June 18, 2012 (FEIR HRE Addendum) for Environmental Review of the HRE, pursuant to CEQA Guidelines 15183 and 15164.**

An EIR was certified by the City Council for the adoption of the *Plan Santa Barbara* General Plan Update (GPU). The June 18, 2012 HRE Addendum documents that there would be no changes to the impacts of the General Plan Update as a result of the inclusion of the proposed HRE in the General Plan. The HRE is consistent with the GPU and within the scope of analysis of the GPU Program FEIR. Therefore, the adoption of the HRE qualifies for the exemption under CEQA Guideline Section 15183. The FEIR provided a comprehensive programmatic citywide analysis of the effects of citywide growth under the GPU policies on the City environment. The HRE will result in no new environmental issues and no new significant impacts beyond the impacts identified in the FEIR, nor a substantial increase in impacts or the severity of identified in the FEIR. None of the conditions described in CEQA Guideline Section 15162 calling for the preparation of a subsequent EIR have occurred.

- 3. Council Resolution 11-079 findings per PRC Section 21081 and CCR 15091 apply to this action.** Findings regarding Class I impacts, Class 2 impacts, overriding considerations, and explanation of infeasibility of mitigation measures and alternatives all remain applicable for this HRE adoption and are incorporated herein by reference. In addition the following findings remains applicable:

**Findings for the Fish & Game Code pursuant to PRC Section 21089 (b) and Fish & Game Code Section 711.4**

An Environmental Impact Report has been prepared by the City of Santa Barbara, which has evaluated the potential for the *Plan Santa Barbara* General Plan Update to result in adverse impacts on wildlife resources. For this purpose, wildlife is defined as “all wild animals, birds, plants, fish, amphibians, and related ecological communities, including habitat upon which the wildlife depends for its continued viability.” The General Plan Update has the potential to result in adverse effects on upland, creek/riparian, and coastal habitats and associated species. Mitigation measures have been incorporated into the Plan such that potential impacts will be less than significant. The General Plan Update project does not qualify for a waiver and is subject to payment of the California Department of Fish and Game fee.

4. **Adoption of Mitigation Monitoring and Reporting Program for the HRE pursuant to PCR Section 21081.6 and CCR Section 15097.** Mitigation measures from the GPU have been imposed and made enforceable by incorporation in the HRE. The City Council hereby adopts the previously-adopted mitigation monitoring and reporting program (MMRP) for the adopted General Plan Update as the MMRP for the HRE, as provided in FEIR Volume I Section 23.

**II. Adoption of Historic Resources Element**

The City Council of the City of Santa Barbara adopts the Historic Resources Element, making the following revisions and findings:

**A. Revisions**

Revise two HRE items to read as follows, replacement or new text indicated with underlined format:

**HR1.5 Archaeological Monitors List.** Protect archaeological resources from potential damage or destruction.

- a. In the environmental review process, any proposed project which is in an area indicated on the map as “sensitive” shall receive further study to determine if archaeological resources are present and in jeopardy. Consider notification/consultation of most likely descendants of Barbareno Chumash whose names appear on the City of Santa Barbara archaeological monitors list.

**HR9.5 Improve Awareness.** Encourage and participate in partnerships between the City, developers, landowners and representation from most likely descendants of Barbareno Chumash; and local Native American associations and individuals to increase the visibility of Chumash history and culture by:

- a. Supporting public displays of Chumash arts, culture and history,

- b. Encouraging the incorporation of elements from Chumash art and culture into public and private development,
- c. Supporting the creation of a permanent Chumash archaeological museum and interpretive center in addition to those of the Santa Barbara Natural History Museum.

**B. Charter Finding**

The goals and policies of this HRE General Plan Update meet the intent of Charter Section 1507, "living within our resource limits". Policies included are designed to protect and preserve physical and natural resources.

**C. General Plan Findings**

The HRE has been prepared in accordance with Title 7, Planning and Land Use, Division 1, Chapter 3, Articles 5 and 6 of the State of California Government Code.



Agenda Item No. 12

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** October 2, 2012

**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 Management Association and the Fire Management Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

**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:** October 2, 2012

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Conference with Legal Counsel – Pending Litigation

**RECOMMENDATION:**

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Drew Josfan vs. Indochine, et al., USDC Case No. CV 09-07904 AHM (PLAx)*.

**SCHEDULING:** Duration, 30 minutes; anytime

**REPORT:** None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

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