

**CITY OF SANTA BARBARA
CITY COUNCIL**

Helene Schneider
Mayor
Frank Hotchkiss
Mayor Pro Tempore
Grant House
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 9, 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 for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

12:30 p.m. - Ordinance Committee Meeting, Council Chamber
2:00 p.m. - City Council Meeting

ORDINANCE COMMITTEE MEETING - 12:30 P.M. IN THE COUNCIL CHAMBER (120.03)

**Subject: Municipal Code Title 17 Amendments Related To Harbor Operations
(570.03)**

Recommendation: That Ordinance Committee forward a recommendation to City Council to approve an ordinance amending Municipal Code Title 17 related to Harbor Operations.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. Subject: Solar Design Recognition Awards 2012 (630.06)

Recommendation: That Council receive a report regarding the 2012 Solar Design Recognition Awards.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of September 25, 2012.

3. Subject: Subpoenas Of Records For Telecommunications Utility Users Tax (UUT) Audits (350.05)

Recommendation: That Council approve the issuance of Subpoenas to Sprint Telephony LLP, Level 3 Communications, and TW Telecom of California LP for records in connection with Telecommunications Utility Users Tax Audits.

4. Subject: Increase In Change Order Authority For Headworks Screening Replacement Project At El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Headworks Screening Replacement Project at the El Estero Wastewater Treatment Plant, Contract No. 23,881, in the amount of \$222,411 for a total contract expenditure authority of \$4,746,851.

5. Subject: Introduction Of Ordinance For A Lease Agreement With Brophy & Sons, Inc. (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 23-Year Lease Dated as of November 16, 2012, with Brophy & Sons, Inc., Doing Business As Brophy Brothers Restaurant and Clam Bar and On The Alley, at an Average Base Rent of \$35,800 Per Month or 10% of Gross Sales, Whichever is Greater.

6. Subject: Santa Barbara Police Foundation Donation (520.04)

Recommendation: That Council:

- A. Accept a donation in the amount of \$3,000 from the Santa Barbara Police Foundation, and
- B. Increase estimated revenues and appropriations by \$3,000 in the Police Asset Forfeiture and Miscellaneous Grants Fund for the installation of motorcycle patrol rifles funded from the Santa Barbara Police Foundation donation.

CONSENT CALENDAR (CONT'D)

NOTICES

7. The City Clerk has on Thursday, October 4, 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.
8. Received a Notice from the Housing Authority of the City of Santa Barbara that it will be updating its Conflict of Interest Code pursuant to Government Code Section 87306.
9. That pursuant to Government Code Section 87306, the City of Santa Barbara will be updating its Conflict of Interest Code no later than December 18, 2012.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

POLICE DEPARTMENT

10. Subject: Police Department Update (520.04)

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

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: October 9, 2012
TIME: 12:30 p.m.
PLACE: Council Chambers

Grant House, Chair
Frank Hotchkiss
Randy Rowse

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEM FOR CONSIDERATION

Subject: Municipal Code Title 17 Amendments Related To Harbor Operations

Recommendation: That Ordinance Committee forward a recommendation to City Council to approve an ordinance amending Municipal Code Title 17 related to Harbor Operations.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: October 9, 2012
TO: Ordinance Committee
FROM: Operations Division, Waterfront Department
SUBJECT: Municipal Code Title 17 Amendments Related To Harbor Operations

RECOMMENDATION:

That Ordinance Committee forward a recommendation to City Council to approve an ordinance amending Municipal Code Title 17 related to Harbor Operations.

DISCUSSION:

Waterfront Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to ensure that it accurately and adequately provides a legal framework to implement policies and procedures utilized to fairly, comprehensively and decisively administer Waterfront affairs. Staff recommends amendments to Title 17 it believes are in keeping with these objectives.

Staff has worked with the City Attorney's Office to identify chapters and sections of Title 17 it believes need to be amended. Attached to this report is a draft ordinance in a "showing changes" format that indicates recommended changes. This report identifies two "issue areas" that constitute proposed amendments to Title 17.

MC 17.12.150 Operation of Vessels in the Harbor

One of Harbor Patrol's primary missions is boating safety. As such, Officers monitor the speed of vessels entering, leaving or maneuvering in the harbor, where slow, safe speeds are imperative. MC 17.12.150 addresses excessive speed in the harbor. It requires that vessels travel at less than five miles per hour and bans the creation of a wake while a vessel is underway. There are two problems with this Ordinance the way it is currently written. First, some vessels, especially large fishing boats, oilfield crew boats and the like, cannot travel at speeds—even slow speeds—in the harbor without creating a small wake. Technically, those vessels are out of compliance with MC 17.12.150, but generally pose no safety hazard unless their speed is excessive. Second, the standard for determining a wake is overly broad, stating that any movement of a dock violates the Ordinance standard for "no wake." The fact is, even a very small wake will cause docks to move. Staff believes language qualifying effects of a wake—threatening personal safety or damaging docks—makes the Ordinance more specific and clarifies the types of wakes that should be prohibited.

MC 17.20.010 Permission to Moor, Anchor, Berth or Dock Required

On occasion, vessel operators will Moor, Anchor, Berth or Dock vessels in the Harbor District in the wrong location or without permission or proper payment to the Waterfront Department. Sometimes the operator, captain or commander of a vessel will claim a lack of responsibility because they do not own the vessel in question. They may be operating it for another individual or, if the vessel has changed ownership several times, may not have the correct DMV registration. To allow for proper enforcement of MC 17.20.010, the provisions of the statute must apply to persons operating or controlling a vessel and not just the documented owner. Staff, therefore, recommends adding language to MC 17.20.010 to clarify that any individual, including a vessel owner or person in command or control of a vessel, cannot allow a vessel to remain illegally moored, anchored, berthed, or docked in the Harbor District.

CONCLUSION:

Staff believes adoption of the proposed Title 17 amendments will help clarify the Code in ways consistent with its intent and with the fair and comprehensive administration of Waterfront affairs. At its August 16, 2012 meeting, the Harbor Commission unanimously supported the draft changes. Pending a favorable recommendation from the Ordinance Committee, staff will present the draft Ordinance for City Council review.

ATTACHMENT: Draft Ordinance, showing changes

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: Scott Riedman, Waterfront Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE MUNICIPAL
CODE BY AMENDING SECTION 17.12.150 AND
SECTION 17.20.010 PERTAINING TO OPERATIONS IN
THE SANTA BARBARA HARBOR.**

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

SECTION 1. Section 17.12.150 of Chapter 17.12 of Title 17 of the Santa Barbara
Municipal Code is amended to read as follows:

17.12.150 Operation of Vessels in Harbor.

~~A. It is unlawful for any person to operate a vessel within the Harbor:~~

~~1. at a speed greater than five (5) nautical miles per hour;~~

~~2. in a manner that creates a wake that causes docks, floating structures or vessels
secured to docks or floating structures to move or which and threatens safety or could
cause damage to structures or vessels; or~~

~~3. fails to account for visibility, weather conditions, other vessels, property or for the
safety of all persons. No owner, operator or person in command of any vessel shall
operate a vessel or permit a vessel to be operated within the limits of the Harbor:~~

~~1. in any fashion that is not reasonable or prudent, having due regard for other
vessels, property and persons and taking into consideration the visibility and weather
conditions occurring at the time; or~~

~~2. in excess of five (5) nautical miles per hour; or~~

~~3. in a manner that creates a wake that causes docks, floating structures or vessels secured to docks or floating structures to move.~~

~~B. Exceptions.~~ This section shall not apply to public officers in the performance of their official duties or persons issued a special permit by the Waterfront Director.

SECTION 2. Section 17.20.010 of Chapter 17.20 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

17.20.010 Permission to Moor, Anchor, Berth or Dock Required.

It is unlawful for any person to Moor, Berth, Dock or Anchor any vessel or to allow a vessel under their command and control to remain Moored, Berthed, Docked or Anchored in any part of the Harbor ~~e~~District, except anchoring in the Seasonal and Year-Round Anchorage areas depicted in Exhibit "A" attached hereto, without first obtaining permission to do so from the Waterfront Director. The Waterfront Director may refuse permission to Moor, Berth, Dock, or Anchor a vessel in the Harbor District when the Waterfront Director determines it is in the interest of public health, safety or the protection of the environment, assets or resources of the City to do so.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 9, 2012

TO: Mayor and Councilmembers

FROM: Community Development Department, Planning Division

SUBJECT: Solar Design Recognition Awards 2012

RECOMMENDATION:

That Council receive a report regarding the 2012 Solar Design Recognition Awards.

DISCUSSION:

In 2006, the Council approved the City's Solar Energy System and Passive Solar Design Guidelines and Recognition Program. The intent of the program is to promote reduced fossil fuels energy consumption, efficient use of energy resources, and aesthetically integrated systems into the design of projects and buildings. The Guidelines include checklists that specify preferred design approaches for solar installations. The program provides that each year, Council would publicly recognize projects in each category established in the Guidelines.

This year marks the fifth Solar Design Recognition Awards event, and almost 200 solar energy system projects have received award recognition in past ceremonies. Awards are granted in the following categories. Award recipients for each are in the attachment.

I. Active Solar Energy System Projects:

Not Publicly Visible Solar Energy System Projects

- Ideal Sites
- Flat-Roof Panel System

Design Challenge Publicly Visible Solar Energy System Projects

- Carefully Designed and Mounted Panel Systems

Special Challenge Solar Energy System Projects:

- Mission-Style Tile Roofs
- Historic District and Structures
- Commercial/Institutional

II. Passive Solar Energy System Projects

Staff consulted Stella Larson, member of the Planning Commission, to review awards recommendations after staff analyzed over 70 projects permitted between June 2011 and June 2012. As a result, staff recommended that property owners, applicants and solar contractors representing 27 projects identified as consistent with the Solar Guidelines be presented with certificates, Attachment 1.

Staff also recommends that plaques be awarded to the property owners of five of those projects selected as best exemplifying the Solar Energy System Design Guidelines. The award plaques were created by Brian Chandler, a local artist who uses a magnifying glass to burn images onto wood using the sun's heat. Mr. Chandler hopes his artwork will inspire others to become more familiar with solar energy.

Over half of this year's award winning projects were contracted with REC Solar, Sun Pacific Solar, and California Solar Electrical Systems, all either former or current participants in the Community Environmental Council's widely promoted "Solarize Santa Barbara" Program. In recognition of this special program, the City is also recognizing CEC's achievements towards helping to create a more sustainable Santa Barbara with an award plaque.

The City is providing applicants and hearing boards with ongoing guidance regarding project consistency with the Guidelines. Staff now completes approximately 90% or more of solar energy system zoning plan checks in an expedited "over the counter" manner. The current review process can involve encouraging applicants to voluntarily adjust projects to be eligible for Solar Recognition.

Staff also helps to orient the Architectural Board of Review, Historic Landmarks Commission, Single Family Design Board, and Planning Commission during hearings where solar energy systems are proposed as part of larger development projects. Staff advises the boards on how to comment within the framework of State statutory limitations. This can be especially challenging where proposals for alterations to properties with historic resources are proposed. The Single Family Design Guidelines (SFDG) also encourage applicants to reserve approximately 300 square feet of roof space free of mechanical or rooftop equipment in a location where a solar energy system could be integrated with the structure. The Building and Safety Energy Ordinance and SFDG also encourage passive solar design principles. Santa Barbara's solar energy promotion and education efforts were recognized in 2011 by the California Central Coast Chapter of the American Planning Association with an "Outstanding Planning Award: Education Project Award, Award of Excellence".

Solar Trends in the City of Santa Barbara

According to a 2012 report by "Environment California", cited in an article by the CEC, Attachment 2 of the 170 municipalities in California with populations over 50,000, Santa Barbara ranks 9th in number of solar installations per capita (0.81 installations per 100 people). The city is also ranks 19th in installed capacity per capita. The city has over 550 kw of solar systems on city properties. The city has worked with the Housing Authority of the City of Santa Barbara (HACSB), which has installed 100kW of solar. Notably, the recently published Draft Central Coast Electrical Vehicle Readiness Plan

(version 2.5), calls for increased use of solar panels to fuel electrical vehicle charging stations. Due to programs to be implemented by the recently adopted City Climate Action Plan, projected increased electric vehicle use as well as many other factors, staff foresees solar energy use will become even more popular in Santa Barbara in years to come.

Mayor's Solar Award Ceremony & Reception

In order to have time and a comfortable space to present the awards, this year staff worked with the Mayor to hold a presentation and reception on October 3rd, in the David Gebhard Public Meeting Room. A copy of the PowerPoint is attached (Attachment 3). Staff recommends the Council affirm the awards granted at the Mayor's Solar Awards Reception.

SUSTAINABILITY IMPACT:

Active and passive solar energy are cleaner forms of energy than traditional fossil fuels and are safer than nuclear power. Less regional pollution will result from increased solar use, which this awards program promotes.

ATTACHMENTS:

1. List of Awards Recipients, 2012
2. "Santa Barbara Ranks in Top Solar Cities" article by CEC, 2/8/2012
3. Mayor's Solar Award Ceremony Presentation, 10/3/2012

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

2012 Active Solar Energy System
Recommended Certificate and Award Plaque Recipients

Standard Solar Energy System Projects, Not Publicly Visible (Category 1)

Flat Roof Panel System

3781 Hope Terrace (Category 1 & 3)

Owners: **James Milchak & Joni Gordon**

Contractor: **California Solar Electric Systems**

Design Challenge Solar Energy System Projects, Publicly Visible (Category 2)

Carefully Designed and Mounted Panel Systems

1944 Gibraltar Road

Owner: **Dale Taylor**

Contractor: **Sun Pacific Solar**

Special Challenge Solar Energy System Projects (Category 3)

Mission Tile

1510 W Mountain Drive (Category 1 & 3)

Owner: **Powell Family**

Contractor: **Solforce Systems Inc.**

Historic District

2414 Chapala Street (Category 2 & 3)

Owner: **Taylor Family**

Contractor: **REC Solar**

**2012 Active Solar Energy System
Recommended Award Certificate Recipients**

Standard Solar Energy System Projects, Not Publicly Visible

(Category 1)

Ideal Sites

603 E Calle Laureles
Owner: **Jeffrey Zuck**

Contractor: **California Solar Electric**

4099 Foothill Road
Owner: **La Colina Gardens**

Contractor: **Mac's Solar & Pools**

1600 W Mountain Drive
Owner: Ted Gardner

Contractor: **McCoy Electrical Corporation**

17 Via Alicia
Owner: **Mikhail Family**

Contractor: **Verengo Solar Plus**

2819 Panorama Place
Owner: **Layton Family**

Contractor: **REC Solar**

1225 Northridge Road
Owner: **Ken Allen**

Contractor: **REC Solar**

1643 Loma Street
Owners: **Robert & Suzanne Greenberg Family**

Contractor: **REC Solar**

826 Dolores Drive
Owner: **Richard Dallett**

Contractor: **Sun Pacific Solar**

2511 Murrell Road
Owner: **Patricia Brennan**

Contractor: Sun Pacific Solar

129 Calle Bello
Owner: **U.S. Bank Trustee**

Contractor: **Sun Pacific Solar**

333 Piedmont Road
Owner: **Roache Family**

Contractor: **Sun Pacific Solar**

725 W Figueroa Street
Owners: **Paul Broeker & Deborah Lipp**

Contractor: **Sun Pacific Solar**

497 Drexel Drive
Owner: **Mary Lee Hopkins**

Contractor: **Sun Pacific Solar**

1539 Las Canoas Road
Owners: **Raymond & Donna Jordan**

Contractor: **Sun Pacific Solar**

Flat-Roof Panel System

1596 Oramas Road
Owner: **Raymond Clemencon**

Contractor: **REC Solar**

**2012 Active Solar Energy System
Recommended Award Certificate Recipients**

Design Challenge Solar Energy System Projects, Publicly Visible (Category 2)

Carefully Designed and Mounted Panel Systems

102 San Roque Road

Owner: **Kum-Kum Bhavnani**

Contractor: **REC Solar**

9 Solana Court

Owner: **Smith Family**

Contractor: **REC Solar**

2916 Paseo Del Refugio

Owner: **Teton Family**

Contractor: **REC Solar**

Special Challenge Solar Energy System Projects (Category 3)

Mission Tile

1244 W Micheltorena Street (Category 3 & 1)

Owners: **James Fischer & Judith Litschel**

Contractor: **Advanced Solar Electric**

1557 La Cresta Circle (Category 3 & 1)

Owners: **Tatiana Tikhonova**

Contractor: **Carlton Electrical Construction**

1406 Santa Rosa Avenue (Category 3 & 1)

Owners: **Hugh Kelly & Katya Bloom**

Contractor: **Planet Solar**

Historic District and Structures

117 W Mason Street (Category 3 & 1)

Owners: **Arthur Toga**

Contractor: **Solforce Systems Inc.**

**2012 Passive Solar Energy System
Recommended Certificate and Award Plaque Recipient**

1669 Las Canoas Road
Owner: **McNamara Family**

Contractor: **Peter Novak**
Architect: **The Fine Line**

**2012 Special Program Recognition
Recommended Certificate and Award Plaque Recipient**

Solarize Santa Barbara Program

Community Environmental Council

Location:
South Santa Barbara County, including City of Santa Barbara

49 South County projects participated in this program in three months in 2011.

Santa Barbara ranks in top solar cities

Megan Birney on Wednesday, 08 February 2012.



Environment California recently released a study comparing adoption of solar among California cities. As expected, big cities, San Diego, Los Angeles, and San Jose (respectively) came in on top for total number of installed systems, and total installed capacity. Environment California also analyzed small and medium sized cities, and installations per capita. That's where things get interesting.

Of the 170 municipalities in California with populations over 50,000, Santa Barbara ranks 9th in number of solar installations per capita (0.81 installations per 100 people). While we don't fair quite as well in installed capacity per capita (19th), we are by far above average in both categories.

The other cities in our region that made the list are Ojai, ranked 12th in the small cities category with almost four solar installations per 100 people, and Paso Robles ranked 7th in the large town category with 0.17 installations per 100 people.

We give credit for this accomplishment to a combination of forward thinking individuals and good government policies.

Ever since the 1969 oil spill, Santa Barbara residents have recognized the importance of moving away from our dependence on fossil fuels for environmental and economic reasons. By installing solar, residents have stabilized their energy costs and those with electric vehicles have switched to fuel supplied by the sun for their transportation needs. We at CEC like to think that we might have helped some of those people make the decision to go solar with events like [CEC's Earth Day Festival](#) and [Solar SUNday](#), and our publications like [Get Started with Solar \(PDF\)](#).

The City of Santa Barbara also deserves recognition. Not only has the City has installed solar on government facilities; they have also created a streamlined permitting process for rooftop solar, allowing homeowners to get a permit in less than an hour. Streamlined permitting creates certainty and reduces costs for solar. CEC is proud to have helped develop that process years ago and continues to work with the City on further improvements to the solar permitting process.

And a big thanks to Environment California for collecting and analyzing the data. We look forward to next year's report.

Rank	City	# of Installations per 100 people
1	Santa Cruz	1.44
2	Clovis	1.18
3	Rocklin	1.09
4	Davis	1.09
5	Watsonville	1.09
6	Roseville	0.98
7	Santa Rosa	0.87
8	San Ramon	0.85
9	Santa Barbara	0.81
10	Berkeley	0.76
11	Rancho Cordova	0.76
12	Pleasanton	0.75
13	Petaluma	0.75
14	San Rafael	0.72
15	Chico	0.71
16	Palo Alto	0.70
17	Livermore	0.68
18	Napa	0.66
19	Novato	0.66
20	Walnut Creek	0.63
21	Cupertino	0.57
22	Madera	0.57
23	Encinitas	0.56
24	El Cajon	0.54
25	Woodland	0.53
26	Mountain View	0.52
27	Brentwood	0.50
28	Escondido	0.49
29	San Marcos	0.49
30	La Mesa	0.48



Mayor's Solar Awards Ceremony October 3, 2012



Award Plaques and Certificates

- ◆ 27 projects: award certificates for contractors & property owners; projects consistent with guidelines
- ◆ 5 of the 27 projects: award plaques for property owners & certificates for contractors; projects best exemplifying guideline application. Plaques by Brian Chandler, local solar artist



Goal is to move from:



*“Good for them for being environmental,
but that look is not for me.”*

To:



“Solar is for me, my friends and my neighbors. It works great for our environment and looks good too.”

Current Status of Solar Energy in Santa Barbara

Quantity:

- ◆ Over 426 systems have been installed in the City.
- ◆ Over 140 systems are pending installation.
- ◆ City municipal installation of 517.2 kW, including corporate yard, airport quick turnaround facility and Fire Stations 1 & 2.

Projects Support:

- ◆ Illustrated Design Guidelines
- ◆ Solar Design Recognition Program
- ◆ Clear Building & Safety requirements
- ◆ Approvals over-the-counter as standard
- ◆ Boards and Commission encourage set-aside of roof area on projects for solar panels

Awards include:

Active: Photovoltaic (Electric) & Solar Thermal (Water)

Passive Solar projects: building siting, orientation, materials, construction techniques and landscaping to reduce long-term energy needs for new developments.



Active Solar Award Categories

1. Standard: *Not Publicly Visible*

- Ideal Site: 85%+ efficiency & not publicly visible
- Flat Roof System: ex: panel angled at 5 degrees or less

2. Design Challenge: *Publicly Visible*

- Building Integrated Technology
- Carefully Designed and Mounted Panel System

3. Special Challenge

- Mission Tile
- Historic Structures
- Commercial/Industrial/Institutional Systems

Active Solar 26 Certificate Awards

- (8) REC Solar*
- (8) Sun Pacific Solar Electric*
- (2) California Solar Electric Systems*
- (2) Solforce Systems Inc.
- (1) Carlton Electrical Construction
- (1) Mac's Solar & Pools
- (1) Planet Solar
- (1) Advanced Solar Electric
- (1) McCoy Electrical Corporation
- (1) Verengo Solar Plus



Yellow = local Santa Barbara office

Orange = no Santa Barbara office

*Either former or present CEC "Solarize Santa Barbara"
Program Contractor

5 Plaque Awards

- ◆ Four Active Solar Electric
- ◆ One Passive Solar & Active Solar Electric



Active Solar Not Publicly Visible Certificate

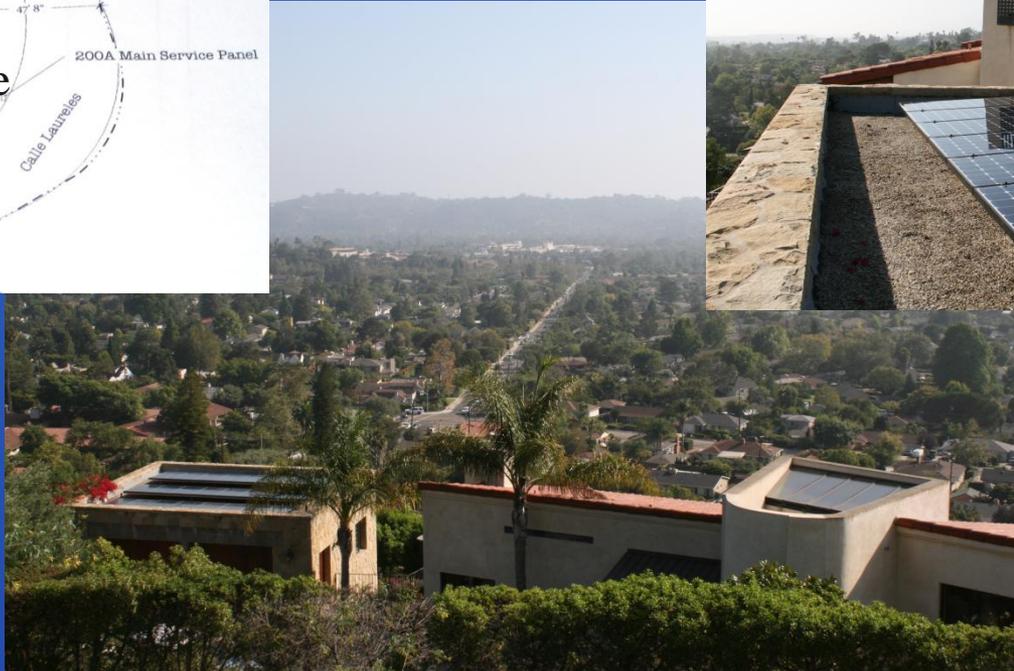
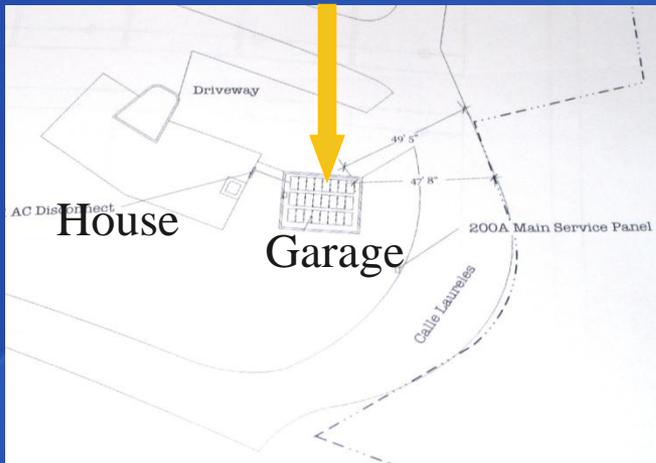
E. Calle Laureles

5.76 kW

Category 1

Owner: Jeffrey & Erin Zuck

**Contractor: California Solar
Electrical Systems**



Active Solar Not Publicly Visible Certificate

Foothill Rd

Category 1

Owner: La Colina Gardens

Contractor: Mac's Solar and Pools



Solar pool heating system

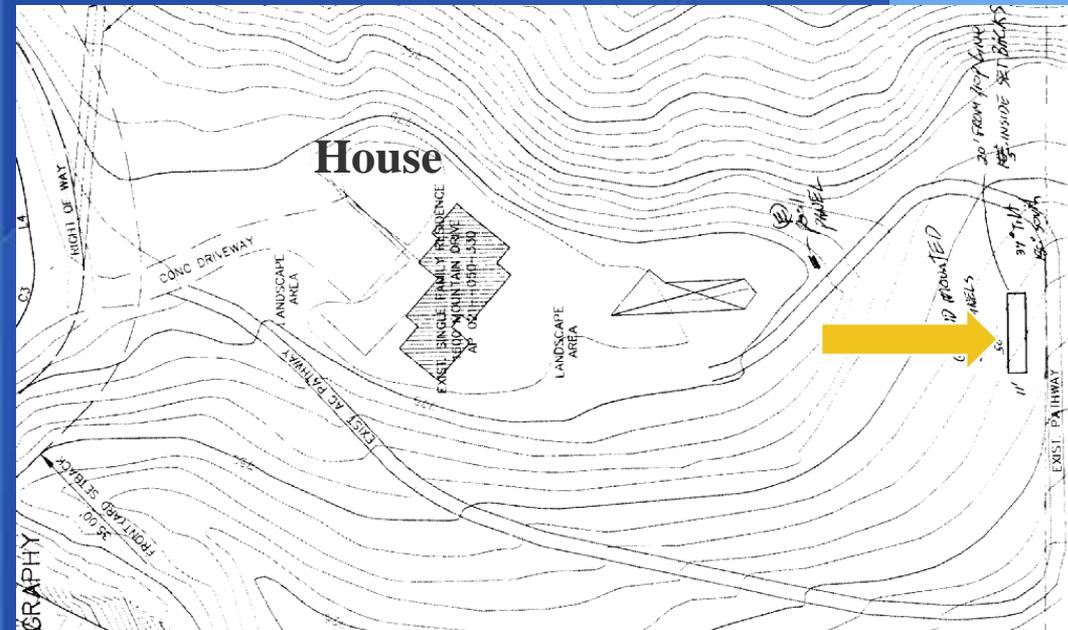
Active Solar Not Publicly Visible Certificate

Category 1

W Mountain Dr 6.4 kW

Owner: Ted Gardner

Contractor: McCoy Electric Corporation



Ground mounted system: not visible from public street view.

Active Solar

Not Publicly Visible: “Mission Style” Tile Certificate

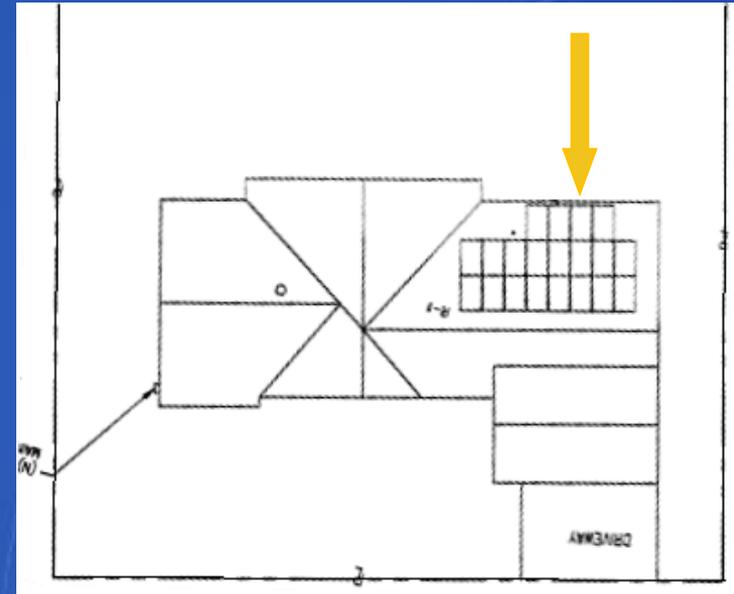
Via Alicia

4.7 kW

Category 1 & 3

Owner: Mikhail Family

Contractor: Verengo Solar Plus



Active Solar

Category 1

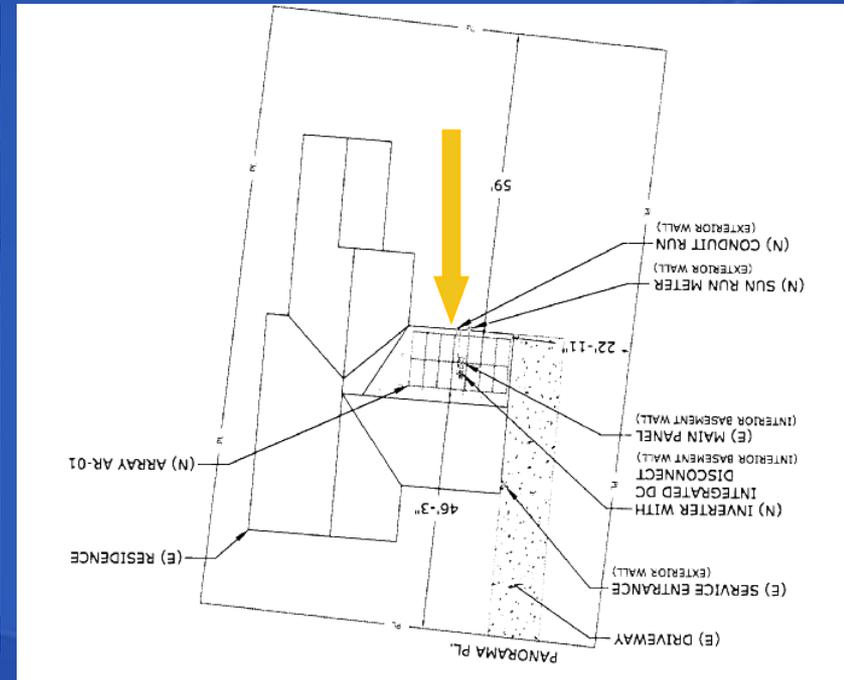
Design Challenge: Publicly Visible Certificate

Owner: Layton Family

Panorama Place

Contractor: REC Solar

3.08 kW



Active Solar Not Publicly Visible Certificate

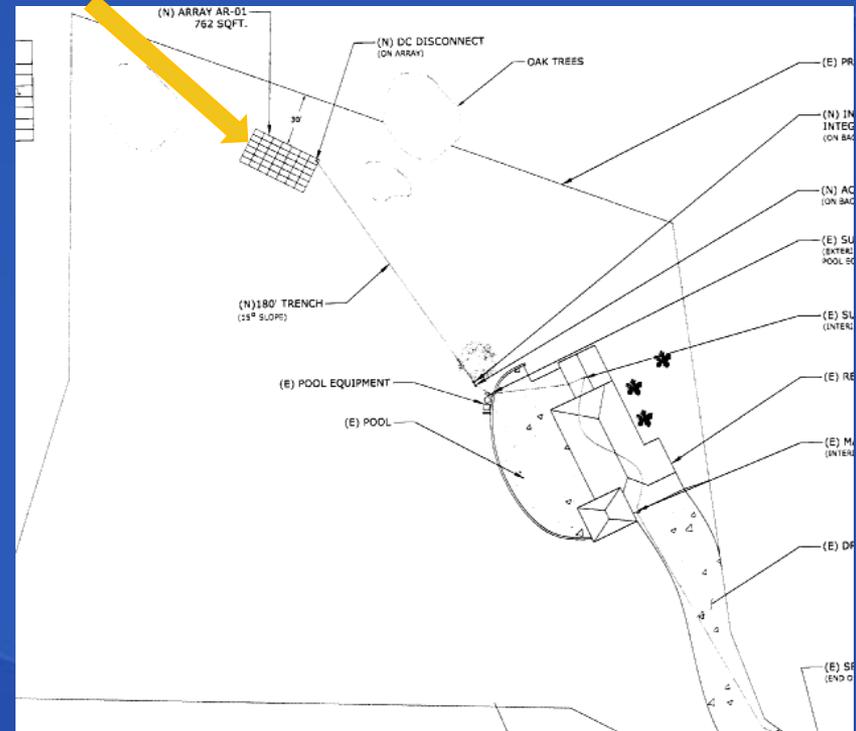
Northridge Rd

9.66 kW

Category 1

Owner: Ken Allen

Contractor: REC Solar



Ground mounted system: not visible from public street view.

Active Solar Not Publicly Visible Certificate

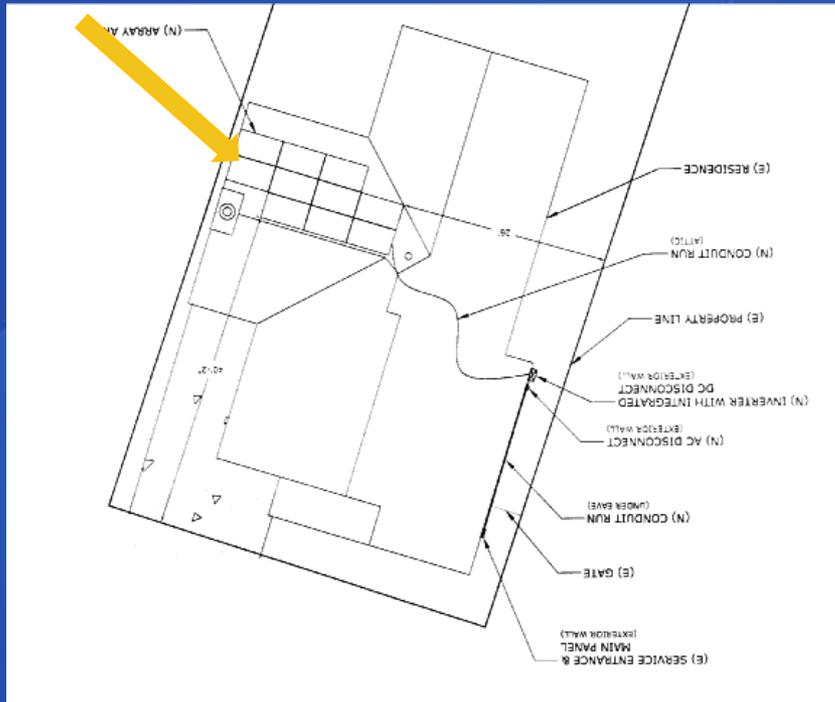
Loma Street

2.45 kW

Category 1

Owner: Robert & Suzanne Greenberg Family

Contractor: REC Solar



Active Solar Not Publicly Visible Certificate

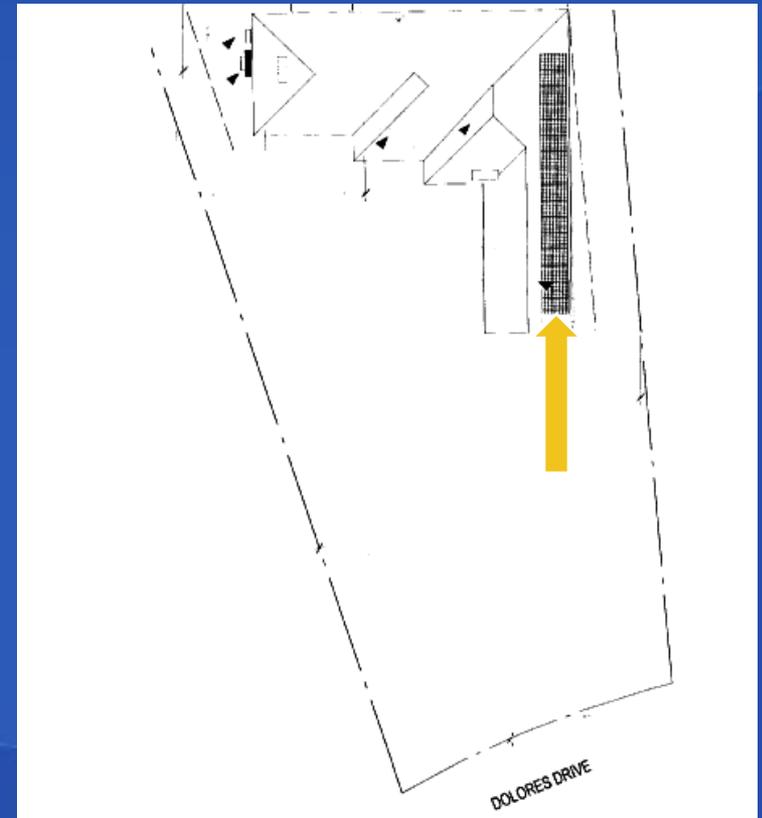
Dolores Dr

3.65 kW

Category 1

Owner: Richard Dallett

Contractor: Sun Pacific Solar



Active Solar Not Publicly Visible Certificate

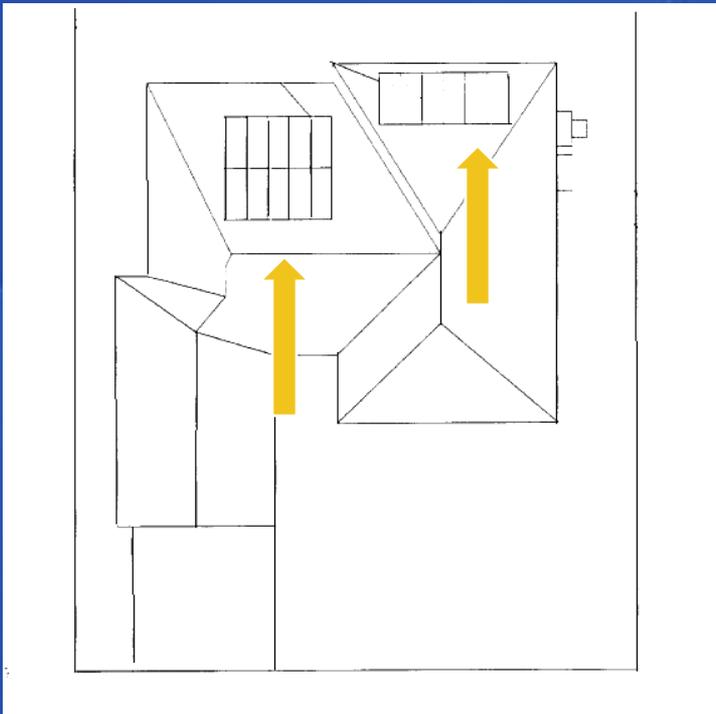
Murrell Rd

3.68 kW

Category 1

Owner: Patricia Brennan

Contractor: Sun Pacific Solar



Active Solar Not Publicly Visible Certificate

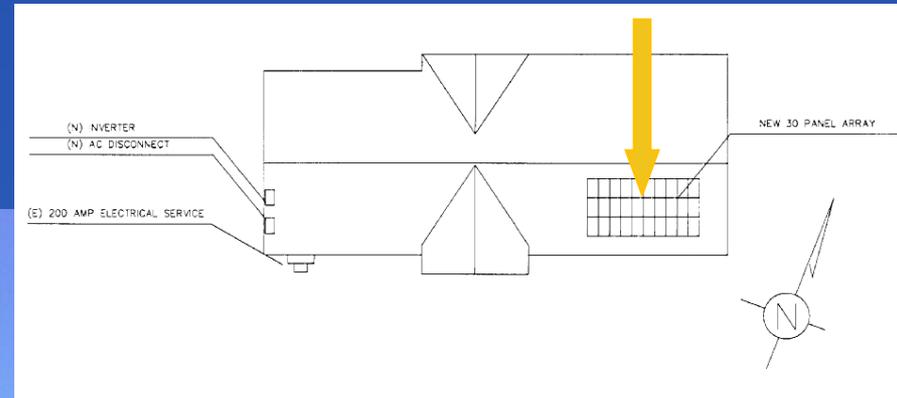
Calle Bello

7.35 kW

Category 1

Owner: US Bank Trustee

Contractor: Sun Pacific Solar



Active Solar Not Publicly Visible Certificate

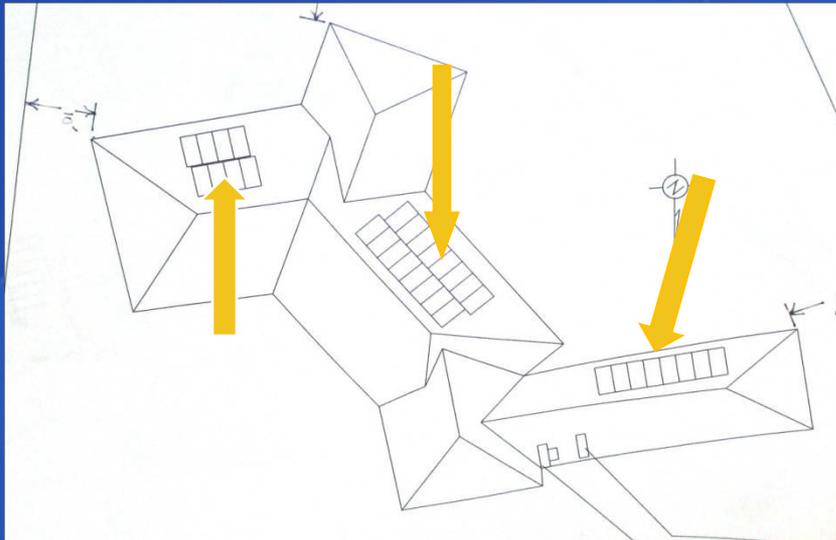
Category 1

Owner: Roache Family

Contractor: Sun Pacific Solar

Piedmont Rd

7.84 kW



Active Solar Not Publicly Visible Certificate

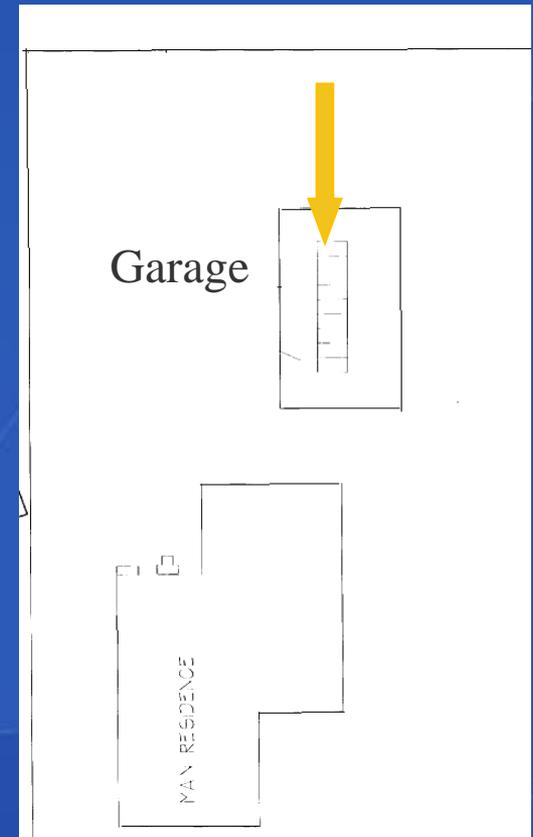
W Figueroa St.

2.16 kW

Category 1

Owners: Paul Broeker & Deborah
Lipp

Contractor: Sun Pacific Solar



Active Solar Not Publicly Visible Certificate

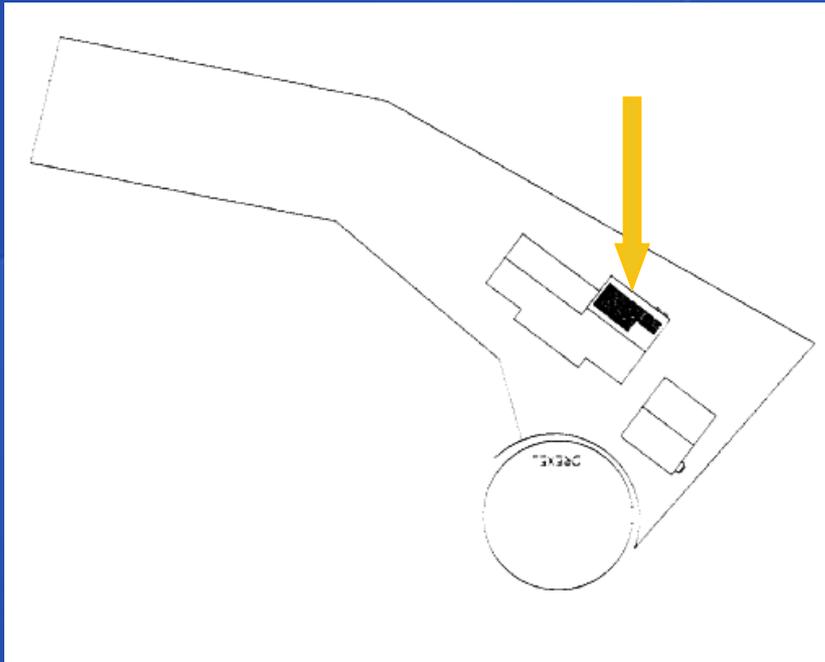
Drexel Dr

3.42 kW

Category 1

Owner: Mary Lee Hopkins

Contractor: Sun Pacific Solar



Active Solar Not Publicly Visible Certificate

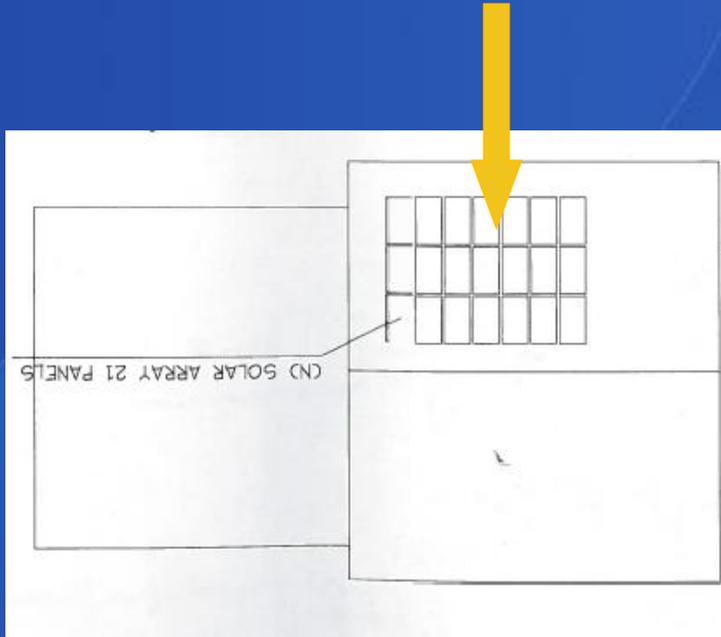
Category 1

Las Canoas Rd

Owners: Raymond & Donna Jordan

Contractor: Sun Pacific Solar

6.87 kW



Active Solar

Category 1

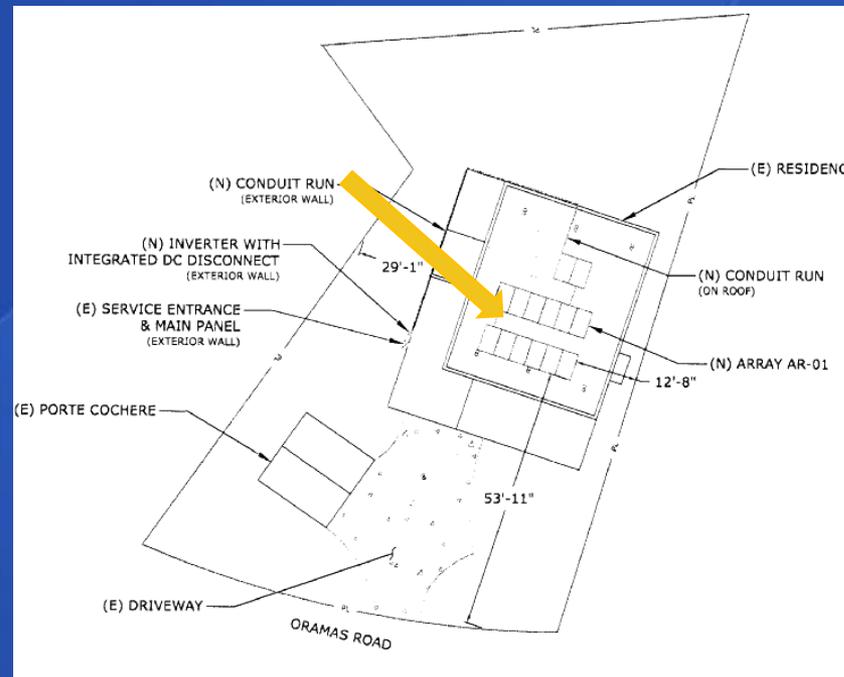
Not Publicly Visible: Flat Roof System Certificate

Owner: Raymond Clemencon

Oramas Rd

Contractor: REC Solar

3.36 kW



All panels concealed by parapet.

Active Solar

Category 1 & 3

Special Challenge: Flat Roof & Mission Tile

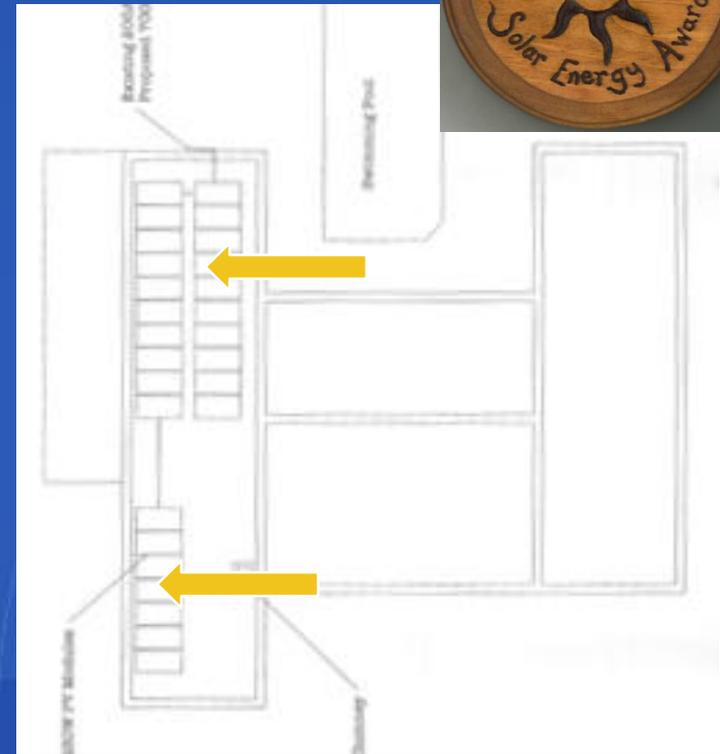
Plaque

Owners: James Milchak & Joni Gordon

Hope Terrace

Contractor: California Solar Electric Systems

6.21 kW



Active Solar

Category 2 & 3

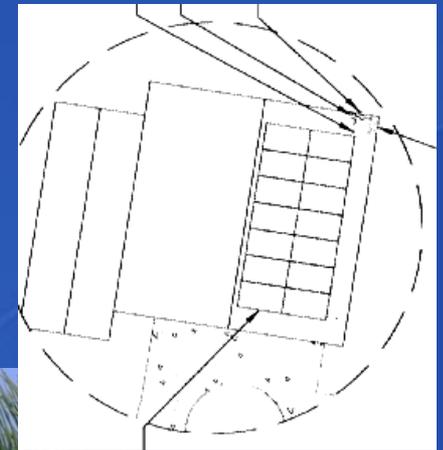
**Design & Special Challenge: Publicly Visible &
Historic Site
Certificate**

Owner: Kum-Kum Bhavnani

Contractor: REC Solar

San Roque Rd

3.29 kW



Garage



Active Solar Publicly Visible Certificate

Solana Ct

3.3 kW

Category 2

Owner: Smith Family

Contractor : REC



View from Alan Rd.



View from Solana Ct.

Active Solar

Category 2

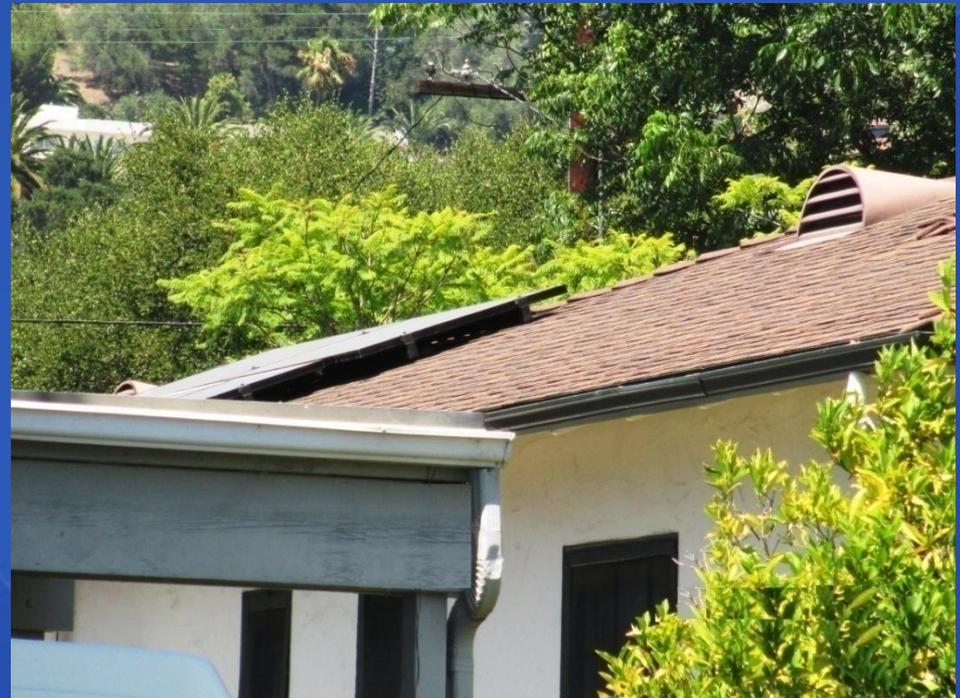
**Design Challenge: Publicly Visible
Certificate**

Paseo Del Refugio

3.36 kW

Owner: Teton Family

Contractor: REC Solar



Active Solar

Category 2

Design Challenge: Publicly Visible Plaque

Gibraltar Rd

6.11 kW

Owner: Dale Taylor

Contractor: Sun Pacific Solar



Eastern roof



Western roof



Active Solar

Category 3 & 1

**Special Challenge: Mission Tile
Certificate**

W. Micheltoarena St

4.5 kW

**Owners: James Fischer &
Judith Litschel**

Contractor: Advanced Solar Electric



View from public street.



View from private driveway, not
publicly visible.

Active Solar

Category 3 & 1

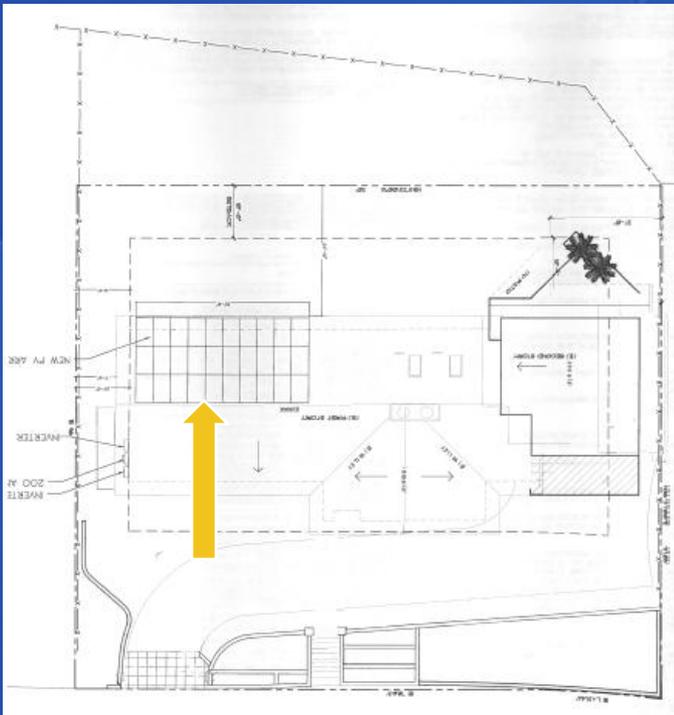
Special Challenge: Mission Tile Certificate

Owner: Tatiana Tikhonova

La Cresta Circle

Contractor: Carlton Electrical Construction

3.72 kW



Active Solar Special Challenge: Mission Tile Certificate

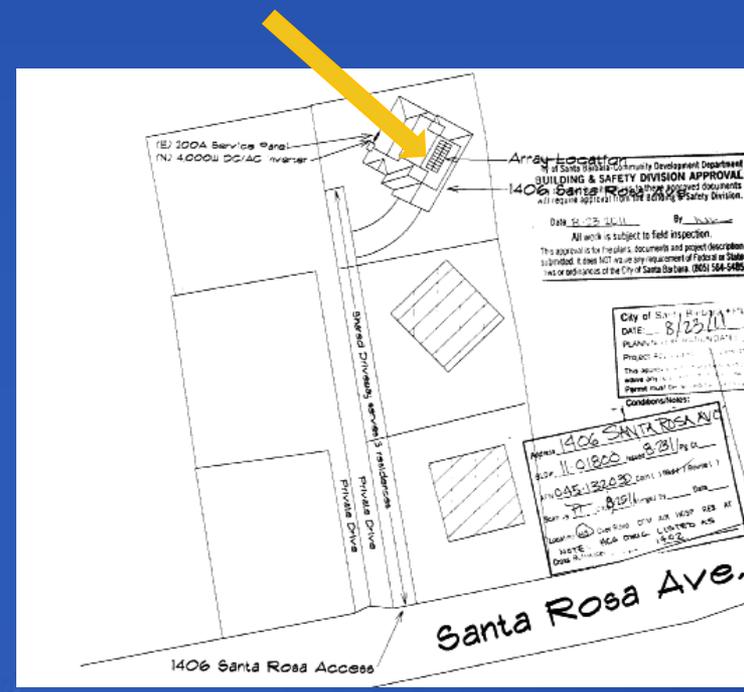
Category 3 & 1

Santa Rosa Ave

Owners: Hugh Kelly & Katya Bloom

Contractor: Planet Solar

3.4 kW



Active Solar

Special Challenge: Mission Tile & Historic Structure

Not Publicly Visible

Certificate

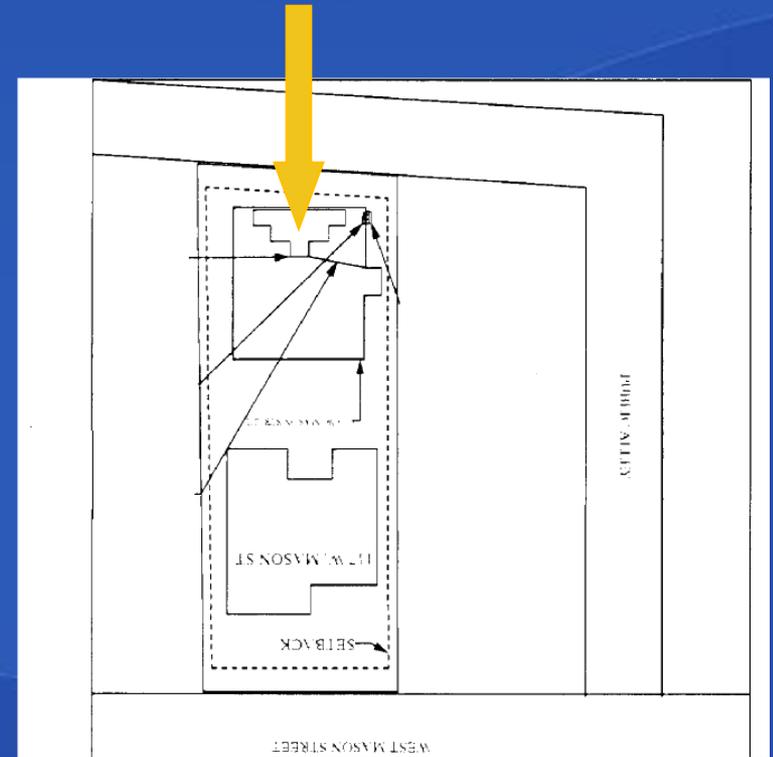
Category 3 & 1

Owner: Arthur Toga

W. Mason Street

Contractor: Solforce Systems Inc.

4.8 kW



Active Solar

Category 3 & 1

Not Publicly Visible & Special Challenge: Mission Tile

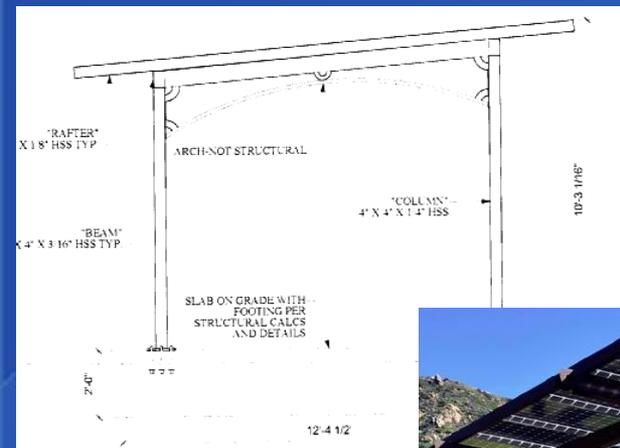
Plaque

Owner: Powell Family

W Mountain Dr

Contractor: Solforce Systems Inc.

3.72 kW



Active Solar

Category 3 & 2

Design & Special Challenge: Publicly Visible &

Historic Site

Plaque

Owner: Taylor Family

Chapala St

Contractor: REC Solar

3.52 kW



Passive Solar Certificates

- ◆ Las Canoas Road



Passive Solar Checklist

1. Building orientation
2. Window selection and placement
3. Use of thermal mass to moderate temperature
4. Meet remaining heating load with an efficient back-up system
5. Minimize direct sun exposure and heat absorption
6. Allow for cool air to enter the building
7. Give hot air a way out of building
8. Maximize natural light
9. Special glazing and automated controls

Active & Passive Solar Not Publicly Visible: Ideal Site Plaque

Owner: McNamara Family

Designer: The Fine Line

Contractors: Peter Novak Building and Design

Las Canoas Road

kW



Special Solar Program Recognition

South Santa Barbara County, including
City of Santa Barbara



Helped 49 properties to "Go Solar" in just three
months in 2011

Community Environmental Council





Congratulations!

To all award recipients of this year's

City of Santa Barbara

2012 Solar Recognition Program

It is through your efforts that our city has developed and maintained a more beautiful and sustainable community. Thank You!



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 25, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: None.

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

PUBLIC COMMENT

Speakers: Robert Burke, Richard Robinson, K8longstory.

CONSENT CALENDAR (Item Nos. 1 - 10)

The titles of the ordinances related to Consent Calendar items were read.

Motion:

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

Vote:

Unanimous roll call vote.

OCT 9 2012 #2

Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of September 10, 2012, and the regular meetings of September 11 and 18, 2012.

Action: Approved the recommendation.

2. Subject: Introduction Of Ordinance For A Lease Agreement With Accurate Aviation Group, Inc. (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Seven-Year Lease Agreement with Accurate Aviation Group, Inc., Dated as of October 31, 2012, 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.

Action: Approved the recommendation (September 25, 2012, report from the Airport Director; proposed ordinance).

3. Subject: Adoption Of Ordinance Approving Sale Of City Surplus Real Property Located At 136 West Haley Street And 306 West Ortega Street (330.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Sale of the Surplus Real Property Located at 136 West Haley Street (APN 037-162-010) to Victor Kirschbaum, in the High Bid Amount of \$350,000, and 306 West Ortega Street (APN 037-073-028) to G. Scott Armstrong & Cathy L. Armstrong, Trustees of the Armstrong Family Trust U/A/D 2/12/02, in the High Bid Amount of \$250,000.

Action: Approved the recommendation; Ordinance No. 5597; Agreement Nos. 24,259 and 24,260.

4. Subject: Adoption Of Ordinance Adopting The 2012-2013 General Unit Memorandum Of Understanding (440.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2012-2013 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Employees' Association (General Unit) and Providing for Compensation Changes for Confidential Employees.

Action: Approved the recommendation; Ordinance No. 5598; Agreement No. 24,261.

5. Subject: Agreement For Surface Water And Groundwater Monitoring (540.10)

Recommendation: That Council authorize the Public Works Director to execute a joint funding agreement with the United States Geological Survey for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2012 through October 31, 2013, with a City cost share not to exceed \$111,150.

Action: Approved the recommendation; Agreement No. 24,262 (September 25, 2012, report from the Public Works Director).

6. Subject: Approval Of Parcel Map And Execution Of Agreements For 2501 - 2511 Medcliff Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,798 and Standard Agreements relating to the approved subdivision at 2501-2511 Medcliff Road.

Action: Approved the recommendation; Agreement Nos. 24,263 and 24,264 (September 25, 2012, report from the Public Works Director).

7. Subject: Appropriation Of Federal Aviation Administration Airport Improvement Program Grant Funds For Santa Barbara Airport (560.04)

Recommendation: That Council accept the increased Federal Aviation Administration grant offer and increase appropriations and estimated revenues by \$3,360,273 in the Airport's Grants Fund for two projects, the Airline Terminal Improvement Project (Phase V) and the Taxiway C, H, J Rehabilitation Project (Phase I), both of which will be primarily funded from Federal Aviation Administration Airport Improvement Program (AIP) Grant No. 03-06-0235-045-2012 totaling \$3,046,424, with the City's 9.3% match portion of \$313,849 to be funded from Airport reserves above policy.

Action: Approved the recommendation; Agreement No. 24,265 (September 25, 2012, report from the Airport Director).

8. Subject: Contract For Launch Ramp Design - Santa Barbara Harbor (570.03)

Recommendation: That Council authorize the Waterfront Director to execute a Professional Services Contract with Moffatt & Nichol, Inc., approved as to form by the City Attorney, in the amount of \$51,500 for design services for the Santa Barbara Harbor Launch Ramp Project; and approve expenditures of up to \$5,150 for extra design services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 24,266 (September 25, 2012, report from the Waterfront Director).

9. Subject: August 2012 Investment Report (260.02)

Recommendation: That Council accept the August 2012 Investment Report.

Action: Approved the recommendation (September 25, 2012, report from the Finance Director).

NOTICES

10. The City Clerk has on Thursday, September 20, 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 concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FIRE DEPARTMENT

11. Subject: TsunamiReady Community Designation (520.02)

Recommendation: That Council accept recognition by the National Weather Service designating the City of Santa Barbara as a TsunamiReady Community.

Documents:

September 25, 2012, report from the Fire Chief.

Speakers:

- Staff: Emergency Services Manager Yolanda McGlinchey
- National Weather Service: Eric Boldt, Mark Jackson.

By consensus, the Council accepted a certificate designating the City of Santa Barbara as a TsunamiReady Community from National Oceanic and Atmospheric Administration (NOAA)/National Weather Service.

MAYOR AND COUNCIL REPORTS

12. Subject: Request From Mayor Schneider And Councilmember Francisco Regarding Safe Passage (530.04)

Recommendation: That Council consider the request from Mayor Schneider and Councilmember Francisco regarding safety issues for pedestrians, bicyclists and vehicle drivers in the corridor from Laguna Street, along with East Los Olivos Street through the intersections with Alameda Padre Serra and Mountain Drive, across Mission Creek Bridge, onto Mission Canyon Road, through the intersection with Puesta del Sol Road to the intersection with Las Encinas Road.

(Cont'd)

12. (Cont'd)

Documents:

- September 25, 2012, report from the City Administrator.
- June 8, 2012, document entitled "Safe Passage – Mission Historical Park to Mission Canyon" submitted by Concerned Citizens for Safe Passage.

Speakers:

- Staff: City Administrator James Armstrong, Principal Transportation Planner Rob Dayton, Parks and Recreation Director Nancy Rapp; City Attorney Stephen Wiley.
- Concerned Citizens for Safe Passage Working Group: Tom Jacobs.
- Members of the Public: Rosie Dyste, Santa Barbara County Planning Department; Scott Wenz, Cars Are Basic; Ernestine Ignacio DeSoto, Chumash Community Representative; Nancy Mixon; Father Richard McManus.

Councilmember Hotchkiss left the meeting at 3:06 p.m. due to a conflict of interest related to his residence which is located within the Safe Passage area.

Motion:

Councilmembers House/Francisco to direct staff to work with Safe Passage and the County of Santa Barbara to scope out a possible work plan and come back to the Council in two months.

Vote:

Unanimous voice vote (Absent: Councilmember Hotchkiss).

PUBLIC HEARINGS

13. Subject: Public Hearing For The City Of Santa Barbara's "2012 Analysis Of Impediments To Fair Housing Choice" (660.06)

Recommendation: That Council:

- A. Hold a public hearing to consider the "2012 Analysis of Impediments to Fair Housing Choice (AI)" and provide direction to staff regarding any changes to the AI; and
- B. Authorize staff to submit the final AI to the Department of Housing and Urban Development (HUD) in accordance with the requirements of the federal Community Development Block Grant (CDBG) and the Home Investments Partnership (HOME) programs.

Document:

September 25, 2012, report from the Assistant City Administrator/Community Development Director.

(Cont'd)

13. (Cont'd)

Public Comment Opened:
3:17 p.m.

Councilmember House left the meeting at 3:17 p.m. and returned at 3:19 p.m.

Speakers:

- Staff: Community Development Programs Supervisor Deirdre Randolph, Community Development Program Specialist Elizabeth Stotts
- Members of the Public: No one wished to speak.

Public Comment Closed:
3:24 p.m.

Councilmember Hotchkiss returned to the meeting at 3:26 p.m.

Motion:

Councilmember White/Rowse to approve recommendation B.

Vote:

Majority voice vote (Noes: Councilmember House).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo reported on her attendance, along with Mayor Schneider and Councilmember Francisco, at the Westside Association neighborhood meeting; she also said that she will start monthly office hours at the Eastside library soon.
- Councilmember Hotchkiss reported on the Arts Commission discussion of the new Airport sculpture and a recent West Beach residents meeting.
- Councilmember House reported on the recent meeting of the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) where they discussed the ban of single-use bags and the Conference and Visitor's Bureau board meeting where they are starting a new marketing campaign.
- Mayor Schneider thanked all involved for their work at the Westside Community Health Fair event which was held over the weekend.

RECESS

3:35 p.m. - 6:00 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Murillo, Rowse, White, Mayor Schneider.

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

MAYOR AND COUNCIL REPORTS

14. Subject: Request From Councilmembers Hotchkiss And Rowse Regarding Recent Architectural Board Of Review Conduct (640.03)

Recommendation: That Council consider a request from Councilmembers Hotchkiss and Rowse to review recent Architectural Board of Review actions concerning Chick-fil-A restaurant and decide appropriate action.

Documents:

- September 25, 2012, report from the City Administrator.
- September 24, 2012, letter from Keith Rivera.

Speakers:

- Staff: City Attorney Stephen Wiley, City Planner Bettie Weiss.
- Architectural Board of Review: Members Chris Gilliland, Gary Mosel.
- Members of the Public: Jim Worthen; Loyd Applegate; Bob Handy; Bill Marks, Work Group; Pam Brandon; Mark Bagley; Stephen Thomas; Terry Leftgoff, GLBA of Santa Barbara; Mike Jordan; Tania Israel, Fund for Santa Barbara Board Member; Teresa Machado who read a statement from Assemblymember Das Williams; Lauren Gunther, Pacific Pride Foundation; Hillary Blackerby; Nicole Dinkelacker, Just Communities Co-Chair; Daraka Larimore-Hall, Santa Barbara Democratic Party; Marco Silva, Pacific Pride Foundation; David Selberg, Pacific Pride Executive Director; John Doe; Dan Secord; Kathy Mora; Lynn Goebel; Michael Nicholson.

Recess: 8:01 p.m. – 8:09 p.m.

Motion:

Councilmembers House/Murillo to:

- 1) Retain Architectural Board of Review members Gary Mosel and Chris Gilliland and to invite Keith Rivera to return as a member of the Board and

(Cont'd)

14. (Cont'd)

- 2) Direct the City Attorney and Assistant City Administrator/Community Development Director to conduct training for Staff and members of the boards and commissions (particularly for the Chairs), specifically in the areas of conflict of interest and code of conduct, with an emphasis on the expectation that and critical need for each individual board member to consistently separate their personal political or socio-economic views from their role as a City board or commission member, and to avoid any intrusion of their personal opinions, whether explicit or implicit, into the City board and commission decision-making process.

Amendment Motion:

Councilmembers House/Murillo to:

- 1) Retain Architectural Board of Review members Gary Mosel and Chris Gilliland;
- 2) Direct the City Attorney and Assistant City Administrator/Community Development Director to conduct training for Staff and members of the boards and commissions (particularly for the Chairs), specifically in the areas of conflict of interest and code of conduct, with an emphasis on the expectation that and critical need for each individual board member to consistently separate their personal political or socio-economic views from their role as a City board or commission member, and to avoid any intrusion of their personal opinions, whether explicit or implicit, into the City board and commission decision-making process; and
- 3) Direct Staff to update the Code of Conduct, which is signed by board and commission members, to reflect changes recommended by the City Attorney.

Vote on Amendment Motion:

Majority voice vote (Noes: Councilmembers Francisco, Hotchkiss, Rowse).

Motion:

Councilmember White to direct Staff to return to the Council in the near future with an overview of the design review boards policies regarding board members and their role as an applicant.

The motion was withdrawn.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 9:42 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SARAH FOX
DEPUTY CITY CLERK

ATTEST: _____
BRENDA ALCAZAR
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

CITY COUNCIL AGENDA REPORT

AGENDA DATE: October 9, 2012

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department

SUBJECT: Subpoenas Of Records For Telecommunications Utility Users Tax (UUT) Audits

RECOMMENDATION:

That Council approve the issuance of Subpoenas to Sprint Telephony LLP, Level 3 Communications, and TW Telecom of California LP for Records in Connection with Telecommunications Utility Users Tax Audits.

DISCUSSION:

For many years, the City of Santa Barbara has contracted with MuniServices, LLP for a broad range of utility users' tax auditing services, including discovery and compliance services, legal guidance, legislative advocacy, and utility user tax revenue forecasts. In addition to these regular annual services, the City also participates in "city-specific audits" of individual telecommunications companies on an occasional basis. This year, the City of Santa Barbara has elected to participate in city-specific audits of Sprint Telephony PCS, Level 3 Communications and tw telecom of california [sic].

The city-specific audits of these three telecommunications companies will cover each provider's entire billing, tax calculation, and remittance process. It will include an extensive analysis of billing data at the individual customer level to determine that the proper amount of utility users' tax has been levied, collected and remitted to the City for customers located within the City limits.

In order to conduct the audit, telecommunications providers require several documents before they will release information on their billing and remittance processes and the proprietary customer information necessary to perform the detailed and specialized audit. These documents include: a Letter of Authorization from the City to each provider authorizing MuniServices to conduct the audit on behalf of the City of Santa Barbara (attached); a Non-Disclosure Agreement stating that the information used in the audit will be held as confidential by both the City and MuniServices; and, a Subpoena requiring that the proprietary customer information be given to MuniServices and determines the audit period. Proprietary customer information is protected by federal telecommunication customer privacy protection laws and can be released only by

subpoena order. In the City of Santa Barbara, subpoenas must be authorized and issued by a vote of the City Council.

ATTACHMENTS: Three Letters of Authorization to: Sprint Telephony PCS, Level 3 Communications, and tw telecom of california [sic]

EXHIBITS: Three Subpoena Duces Tecum to: Sprint Telephony PCS, Level 3 Communications, and tw telecom of california [sic]

PREPARED BY: Jill Taura, Treasury Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



City of Santa Barbara

Finance Department

www.SantaBarbaraCA.gov

April 4, 2012

Administration

805.564.5334

Accounting

805.564.5340

License & Permits

805.564.5346

Payroll

805.564.5357

Risk Management

805.564.5347

Treasury

805.564.5528

Utility Billing

805.564.5343

Fax

805.897.1978

735 Anacapa St.

PO Box 1990

Santa Barbara, CA

93102-1990

Purchasing

805.564.5349

Warehouse

805.564.5354

Mailroom

805.564.5360

Fax

805.897.1977

310. E. Ortega St.

PO Box 1990

Santa Barbara, CA

93102-1990

Environmental Services

805.564-5631

Fax

805.564.5688

1221 Anacapa Street

PO Box 1990

Santa Barbara, CA

93102-1990

Sprint Telephony PCS, LP
Mr. Brett Parks
Supervisor Tax Accounting
Mailstop: KSOPHL0512-5A626
6500 Sprint Parkway
Overland Park, KS 66251

Re: City of Santa Barbara Telecommunication and Video Users Tax (TVUT)
Ordinance – Letter of Authorization

Please be advised that City of Santa Barbara, CA has authorized the firm of MuniServices, LLC to conduct an audit of compliance with the City's Telecommunication and Video Users Tax Ordinance. MuniServices may, during the course of the audit, utilize the legal firm of Donald H. Maynor. In that event, both firms are authorized to execute confidentiality/non-disclosure agreements, on the City's behalf, relative to the audit.

The audit will include a three year period from March 2009 through February 2012. Any information obtained in connection with this audit shall only be used by MuniServices and by the City, for purposes related to the verification of the TVUT Ordinance.

In order to facilitate the timely completion of the audit, please extend your full cooperation to MuniServices or Donald H. Maynor.

If you have any questions, related to the process of the audit, please contact MuniServices UUT Manager, Gary Grace, at 818-661-5520.

If there are questions, related to the City's authority to conduct such audits, please contact me at 805-564-5336.

Sincerely,

Robert Samario
Finance Director
City of Santa Barbara

CC: MuniServices LLC
Donald H. Maynor



City of Santa Barbara

Finance Department

www.SantaBarbaraCA.gov

April 4, 2012

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PO Box 1990

Santa Barbara, CA

93102-1990

Environmental Services

805.564-5631

Fax

805.564.5688

1221 Anacapa Street

PO Box 1990

Santa Barbara, CA

93102-1990

Level 3 Communications LLC
Mr. Kelly Moser
Tax Manager
1025 Eldorado Blvd.
Broomfield, CO 80021
Level 3 Communications LLC

Re: City of Santa Barbara Telecommunication and Video Users Tax (TVUT)
Ordinance – Letter of Authorization

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Sincerely,

Robert Samario
Finance Director
City of Santa Barbara

CC: MuniServices LLC
Donald H. Maynor



City of Santa Barbara

Finance Department

www.SantaBarbaraCA.gov

May 8, 2012

Administration

805.564.5334

Accounting

805.564.5340

License & Permits

805.564.5346

Payroll

805.564.5357

Risk Management

805.564.5347

Treasury

805.564.5528

Utility Billing

805.564.5343

Fax

805.897.1978

735 Anacapa St.

PO Box 1990

Santa Barbara, CA

93102-1990

Purchasing

805.564.5349

Warehouse

805.564.5354

Mailroom

805.564.5360

Fax

805.897.1977

310. E. Ortega St.

PO Box 1990

Santa Barbara, CA

93102-1990

Environmental Services

805.564-5631

Fax

805.564.5688

1221 Anacapa Street

PO Box 1990

Santa Barbara, CA

93102-1990

tw telecom of california lp
Attn Rosi M. Boning, Tax Manager
10475 Park Meadows Dr.
Littleton, CO 80124

Re: City of Santa Barbara Telecommunication and Video Users Tax (TVUT)
Ordinance – Letter of Authorization

Please be advised that City of Santa Barbara, CA has authorized the firm of MuniServices, LLC to conduct an audit of compliance with the City's Telecommunication and Video Users Tax Ordinance. MuniServices may, during the course of the audit, utilize the legal firm of Donald H. Maynor. In that event, both firms are authorized to execute confidentiality/non-disclosure agreements, on the City's behalf, relative to the audit.

The audit will include a three year period from March 2009 through February 2012. Any information obtained in connection with this audit shall only be used by MuniServices and by the City, for purposes related to the verification of the TVUT Ordinance.

In order to facilitate the timely completion of the audit, please extend your full cooperation to MuniServices or Donald H. Maynor.

If you have any questions, related to the process of the audit, please contact MuniServices UUT Manager, Gary Grace, at 818-661-5520.

If there are questions, related to the City's authority to conduct such audits, please contact me at 805-564-5336.

Sincerely,

Robert Samario
Finance Director
City of Santa Barbara

CC: MuniServices LLC
Donald H. Maynor

CITY COUNCIL OF THE CITY OF SANTA BARBARA
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

In the Matter of the Investigation of)
Records of **SPRINT TELEPHONY PCS,**)
LP to determine possible delinquencies in) SUBPOENA DUCES TECUM
utilities users tax.)
_____)

TO SPRINT TELEPHONY PCS, LP:

You are hereby ordered to produce the following named documents and records to the City Finance Director at City Hall, 735 Anacapa Street, Santa Barbara, California no later than 60 days after the issuance of the subpoena, or 55 days after service, whichever is later. Reasonable costs of copying and postage are recoverable from the City. The records shall be accompanied by an affidavit of the custodian or other qualified witness stating in substance each of the following:

- a. the affiant is the duly authorized custodian of records or other qualified witness and has authority to certify the records;
- b. the copy is a true copy of all the records described in the subpoena;
- c. if **SPRINT TELEPHONY PCS, LP** has none of the records described, or only part thereof, the custodian or other qualified witness shall so state in the affidavit, and deliver the affidavit and such records as are available; and,
- d. the City requests the records below on electronic media in any of the formats: SQL, Access, or Excel, and Text for complete descriptions of data/codes/fields, etc. Letters, directives, policies, notices, etc., may be presented in hard copy or in PDF format:

The records to be produced are as follows:

- a. Provide the Company's Chart of Accounts, with account descriptions, for all Revenue Accounts and any other accounts used in the calculation of Telecommunication and Video Utility Users' Tax for Telecommunication Services.
- b. Indicate which of the Revenue Accounts are applicable to Telecommunication and Video Utility Users' Tax (TV-UUT). For each account that is not applicable to TV-UUT please state the reason why not.

- c. Provide a Copy of the Profit and Loss Statement for operations in the City for the months of October 2009, June 2011 and March 2012.
- d. Provide a Copy of the G/L Trial Balance by G/L Account Number for operations in the City for each month during the period October 2009 through September 2012.
- e. Provide a description of all rate plans and services (digital format if possible) that were offered to your subscribers within the City during the audit period of October 2009 through September 2012.
- f. Provide detailed billing records, in electronic format, for all subscribers in the jurisdictional boundaries of the City for the sample reporting periods October 2009, June 2011 and March 2012. Each billing record should include (at a minimum but not limited to) Acct #, Phone #, Billing Period, Plan/Service Description (Feature/SOC Code), Service Address, Billing Address (if different from service address), Amount Charged for the Service, and Regulatory Fees and Surcharges detailing the Tax Type and Taxing Authority. Total of all billing records for each sample reporting period, with any adjustments, should reconcile to the TV-UUT Remittance Form filed by your company to the City for that reporting period.
- g. Provide a reconciliation of any difference between the total TV-UUT charged to customers in the billing records provided for item f, above, and the TV-UUT remitted to the City for each sample reporting period.
- h. Provide a reconciliation of any difference between the total Gross Revenue on the Profit and Loss Statements as provided for item 3, above, and the total Gross Revenue charged to customers in the billing records provided for item f, above, for each sample reporting period.
- i. Provide a detailed explanation of each adjustment as mentioned in item f above, with a description of the purpose of the adjustment and how it was calculated. Provide company work papers that support all such calculations.
- j. For each Rate/Service Plan described in item e, provide five actual invoice copies (in .pdf or paper copy) for each sample reporting month (October 2009, June 2011 and March 2012). The same five subscriber accounts should be used for all three reporting periods: if there are a total of 5 rate or services plans offered during the audit period then the same account number should be used for all three periods which would result in 75 invoices (5 rate/service plans x 5 invoices x 3 sample periods).

- k. To the extent that you apply TV-UUT to bundled taxable and non-taxable services under a single price, and you only tax the taxable services, please explain how you apportion the charges between the taxable and non taxable services.
- l. Provide your current tax matrix, as used in your customer billing system, which lists the services and charges for customer billing purposes (e.g., individual service charges, individual regulatory surcharges, late fees, activation fees, etc.), indicating whether the service or charge is deemed taxable or non-taxable under the City's Telecommunication and Video Users' Tax Ordinance. The tax matrix should include tax indicators for Federal, State and City jurisdictions.
- m. Provide the names and addresses of all customers within the City, which, according to your records, are designated as exempt from the City's TV-UUT. If these records are not included in item f, above, provide by customer the total exempted rate/service charges for each of the sample reporting periods (October 2009, June 2011 and March 2012).
- n. Provide a copy of the TV-UUT Remittance Form for each month during the audit period, October 2009 through September 2012.
- o. Provide a schedule showing the total amount of TV-UUT billed to all subscribers in the City during the audit period for each reporting month.
- p. Describe the method and the commercial product, if any, that your company uses to attach a local jurisdictional tax code to the customer's service address.
- q. Provide a subscriber list, including address, of subscribers in the following zip codes for Geo Code verification: 93101, 93103, 93105, 93108, 93109, 93110, 93117 and 93190.
- r. Please describe how you currently calculate or apportion bad debt for purposes of applying the City's TV-UUT to the net taxable revenues. Indicate any changes in methodology regarding the calculation of apportionment of bad debt since October 1, 2009, and provide any documents reflecting such change.

This subpoena duces tecum is issued pursuant to the authority set forth in Section 509 of the City Charter of the City of Santa Barbara and Section 37104 of the California Government Code.

WITNESS, the Mayor of the City of Santa Barbara, County of Santa Barbara, State of California, this ____ day of _____, 2012.

ATTEST:

CITY OF SANTA BARBARA,
a Municipal Corporation

Gwendolynn Peirce
City Clerk Services Manager

By _____
Mayor Helene Schneider

CITY COUNCIL OF THE CITY OF SANTA BARBARA

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

In the Matter of the Investigation of)
 Records of **LEVEL 3 COMMUNICATIONS**)
 to determine possible delinquencies in) SUBPOENA DUCES TECUM
 utilities users tax.)
 _____)

TO LEVEL 3 COMMUNICATIONS:

You are hereby ordered to produce the following named documents and records to the City Finance Director at City Hall, 735 Anacapa Street, Santa Barbara, California no later than 60 days after the issuance of the subpoena, or 55 days after service, whichever is later. Reasonable costs of copying and postage are recoverable from the City. The records shall be accompanied by an affidavit of the custodian or other qualified witness stating in substance each of the following:

- a. the affiant is the duly authorized custodian of records or other qualified witness and has authority to certify the records;
- b. the copy is a true copy of all the records described in the subpoena;
- c. if **LEVEL 3 COMMUNICATIONS** has none of the records described, or only part thereof, the custodian or other qualified witness shall so state in the affidavit, and deliver the affidavit and such records as are available; and,
- d. the City requests the records below on electronic media in any of the formats: SQL, Access, or Excel, and Text for complete descriptions of data/codes/fields, etc. Letters, directives, policies, notices, etc., may be presented in hard copy or in PDF format:

The records to be produced are as follows:

- a. Provide the Company's Chart of Accounts, with account descriptions, for all Revenue Accounts and any other accounts used in the calculation of Telecommunication and Video Utility Users' Tax for Telecommunication Services.
- b. Indicate which of the Revenue Accounts are applicable to Telecommunication and Video Utility Users' Tax (TV-UUT). For each account that is not applicable to TV-UUT please state the reason why not.

- c. Provide a Copy of the Profit and Loss Statement for operations in the City for the months of October 2009, June 2011 and March 2012.
- d. Provide a Copy of the G/L Trial Balance by G/L Account Number for operations in the City for each month during the period October 2009 through September 2012.
- e. Provide a description of all rate plans and services (digital format if possible) that were offered to your subscribers within the City during the audit period of October 2009 through September 2012.
- f. Provide detailed billing records, in electronic format, for all subscribers in the jurisdictional boundaries of the City for the sample reporting periods October 2009, June 2011 and March 2012. Each billing record should include (at a minimum but not limited to) Acct #, Phone #, Billing Period, Plan/Service Description (Feature/SOC Code), Service Address, Billing Address (if different from service address), Amount Charged for the Service, and Regulatory Fees and Surcharges detailing the Tax Type and Taxing Authority. Total of all billing records for each sample reporting period, with any adjustments, should reconcile to the TV-UUT Remittance Form filed by your company to the City for that reporting period.
- g. Provide a reconciliation of any difference between the total TV-UUT charged to customers in the billing records provided for item f, above, and the TV-UUT remitted to the City for each sample reporting period.
- h. Provide a reconciliation of any difference between the total Gross Revenue on the Profit and Loss Statements as provided for item 3, above, and the total Gross Revenue charged to customers in the billing records provided for item f, above, for each sample reporting period.
- i. Provide a detailed explanation of each adjustment as mentioned in item f above, with a description of the purpose of the adjustment and how it was calculated. Provide company work papers that support all such calculations.
- j. For each Rate/Service Plan described in item e, provide five actual invoice copies (in .pdf or paper copy) for each sample reporting month (October 2009, June 2011 and March 2012). The same five subscriber accounts should be used for all three reporting periods: if there are a total of 5 rate or services plans offered during the audit period then the same account number should be used for all three periods which would result in 75 invoices (5 rate/service plans x 5 invoices x 3 sample periods).

- k. To the extent that you apply TV-UUT to bundled taxable and non-taxable services under a single price, and you only tax the taxable services, please explain how you apportion the charges between the taxable and non taxable services.
- l. Provide your current tax matrix, as used in your customer billing system, which lists the services and charges for customer billing purposes (e.g., individual service charges, individual regulatory surcharges, late fees, activation fees, etc.), indicating whether the service or charge is deemed taxable or non-taxable under the City's Telecommunication and Video Users' Tax Ordinance. The tax matrix should include tax indicators for Federal, State and City jurisdictions.
- m. Provide the names and addresses of all customers within the City, which, according to your records, are designated as exempt from the City's TV-UUT. If these records are not included in item f, above, provide by customer the total exempted rate/service charges for each of the sample reporting periods (October 2009, June 2011 and March 2012).
- n. Provide a copy of the TV-UUT Remittance Form for each month during the audit period, October 2009 through September 2012.
- o. Provide a schedule showing the total amount of TV-UUT billed to all subscribers in the City during the audit period for each reporting month.
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This subpoena duces tecum is issued pursuant to the authority set forth in Section 509 of the City Charter of the City of Santa Barbara and Section 37104 of the California Government Code.

WITNESS, the Mayor of the City of Santa Barbara, County of Santa Barbara, State of California, this ____ day of _____, 2012.

ATTEST:

CITY OF SANTA BARBARA,
a Municipal Corporation

Gwendolynn Peirce
City Clerk Services Manager

By _____
Mayor Helene Schneider

CITY COUNCIL OF THE CITY OF SANTA BARBARA

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

In the Matter of the Investigation of)
 Records of **TW TELECOM OF**)
CALIFORNIA, LP to determine possible) SUBPOENA DUCES TECUM
 delinquencies in utilities users tax.)
 _____)

TO TW TELECOM OF CALIFORNIA, LP:

You are hereby ordered to produce the following named documents and records to the City Finance Director at City Hall, 735 Anacapa Street, Santa Barbara, California no later than 60 days after the issuance of the subpoena, or 55 days after service, whichever is later. Reasonable costs of copying and postage are recoverable from the City. The records shall be accompanied by an affidavit of the custodian or other qualified witness stating in substance each of the following:

- a. the affiant is the duly authorized custodian of records or other qualified witness and has authority to certify the records;
- b. the copy is a true copy of all the records described in the subpoena;
- c. if **TW TELECOM OF CALIFORNIA, LP** has none of the records described, or only part thereof, the custodian or other qualified witness shall so state in the affidavit, and deliver the affidavit and such records as are available; and,
- d. the City requests the records below on electronic media in any of the formats: SQL, Access, or Excel, and Text for complete descriptions of data/codes/fields, etc. Letters, directives, policies, notices, etc., may be presented in hard copy or in PDF format:

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This subpoena duces tecum is issued pursuant to the authority set forth in Section 509 of the City Charter of the City of Santa Barbara and Section 37104 of the California Government Code.

WITNESS, the Mayor of the City of Santa Barbara, County of Santa Barbara, State of California, this ____ day of _____, 2012.

ATTEST:

CITY OF SANTA BARBARA,
a Municipal Corporation

Gwendolynn Peirce
City Clerk Services Manager

By _____
Mayor Helene Schneider



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 9, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase In Change Order Authority For Headworks Screening Replacement Project At El Estero Wastewater Treatment Plant

RECOMMENDATION:

That Council authorize an increase in the Public Works Director's Change Order Authority to approve expenditures for extra work for the Headworks Screening Replacement Project at the El Estero Wastewater Treatment Plant, Contract No. 23,881, in the amount of \$222,411 for a total contract expenditure authority of \$4,746,851.

DISCUSSION:

BACKGROUND

In February 2012, an Environmental Site Assessment Report evaluating the condition of all of the City's known underground storage tanks (UST) was completed. The report identified a fuel leak in a UST located at the El Estero Wastewater Treatment Plant (EEWWTP) adjacent to the Headworks Screening and Influent Pump Station (IPS) building. The assessment report identified that the UST, containing diesel and used to operate one of the facilities backup power generators, was leaking and needed to be removed and the soil cleaned up within two years (by 2014).

Two major projects, Headworks and the IPS, are currently under construction at the EEWWTP. The Headworks Screening Replacement Project (Headworks Project) includes the replacement of piping and the entire pavement surface in the vicinity of the UST. In reviewing the scope of work for the UST removal, approximately \$150,000 could be saved in mobilization and construction management costs if the removal of the UST were incorporated with the current Headworks Project, rather than completing the tank removal as a separate project.

CURRENT STATUS

The Headworks Project, being completed by Stanek Constructors, Inc., is currently under construction and is expected to be substantially completed in December of 2012. The Influent Pump Station Replacement Project, being completed by GSE Construction, is currently in the submittal and equipment procurement phase, with major construction work scheduled to begin in April of 2013, and to be completed in 2014.

As a cost and schedule-saving measure, staff recommends increasing Stanek's Headworks Project contract by \$222,411 so that the removal of the leaking UST can be completed as part of the Headworks Project. Including the UST removal with the Headworks Project provides an overall cost savings to the City by eliminating the need to complete a separate project for the tank removal. Once the IPS work begins, it is anticipated to limit access to the area and could complicate the City efforts of removing the UST by the 2014 deadline. Including the removal of the leaking UST in the Headworks Project, allows the tank to be removed prior to major work beginning on the IPS Project, and it meets the 2014 removal deadline.

BUDGET/FINANCIAL INFORMATION:

FUNDING

The proposed \$222,411 change order increase may be eligible for coverage under the low interest State Revolving Fund (SRF) loan, which is providing funding for the Headworks Project. If the change order increase is found to be non-participating, there is sufficient funding in the Wastewater Capital Fund to cover the cost.

The following summarizes the expenditures recommended in this report:

HEADWORKS CONSTRUCTION CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Headworks Contract Amount (Stanek)	\$3,910,000	\$391,000	\$4,301,000
Increase approved by Council March 13, 2012 to include IPS bypass (non-participating SRF work)	\$0	\$223,440	\$223,440
Proposed Increase	\$0	\$222,411	\$222,411
Totals	\$3,910,000	\$836,851	\$4,746,851

The following summarizes all Project costs:

HEADWORKS ESTIMATED TOTAL PROJECT COST

Design	Subtotal	\$561,494
Construction Contract		\$3,910,000
Construction Change Order Allowance		\$836,851
Construction Management/Inspection (by City Staff)		\$91,157
Construction Management/Inspection (by Contract)		\$418,265
Design Support Services During Construction (by Contract)		\$224,192
Construction	Subtotal	\$5,480,465
	Project Total	\$6,041,959

There are sufficient appropriated funds in the Wastewater Fund to cover all remaining project costs.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/AF/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 9, 2012

TO: Mayor and Councilmembers

FROM: Waterfront Department, Business Division

SUBJECT: Introduction Of Ordinance For A Lease Agreement With Brophy & Sons, Inc.

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a 23-Year Lease dated as of November 16, 2012, with Brophy & Sons, Inc., Doing Business As, Brophy Brothers Restaurant and Clam Bar and On The Alley, at an Average Base Rent of \$35,800 Per Month or 10% of Gross Sales, Whichever is Greater.

BACKGROUND:

In August 2010, Harbor Commission recommended that City Council approve a new 25-year lease with Brophy & Sons, Inc ("Brophys") for the second floor restaurant operation at 119 Harbor Way. On September 21, 2010, the City Council adopted an Ordinance approving the 25-year lease with Brophys.

In January 2011, Brophys assumed the Minnow Café lease located at 117-E Harbor Way through a lease assignment process. The Minnow Café lease had expired in 2008 and the business had been operating on a month-to-month "holdover" status since that time. Brophys continued to operate the Minnow Café until closing for an extensive remodel in October 2011. The business reopened in May 2012 as "On The Alley" and includes additional space formerly occupied by the Santa Barbara Fish Market at 117-F Harbor Way.

DISCUSSION:

The remodel of the former Minnow Café and Fish Market spaces triggered County Environmental Health Services (EHS) upgrades and Americans with Disabilities Act (ADA) improvements, which required substantial work in the adjacent Brophys lease space in suite "H" of the 117 building. Although Brophys and On The Alley maintain separate identities and operate from different business models, functionally the lease spaces are combined. The proposed lease combines the two restaurant spaces and

rent obligations into one lease contract, simplifying rent payments, accounting, and record keeping.

The basic terms of the proposed lease are as follows:

- **Base Rent:** \$35,800 average per month, allocated seasonally (Brophys base rent + On The Alley base rent)
- **Percentage Rent:** 10% of gross sales, escalating to 11% at \$3 million (no change)
- **Cost of Living Adjustment:** Annually, based on changes in the Consumer Price Index
- **Term:** Approximately three years remaining on the initial term with 4 five-year options for a total of 23 years
- **Personal Guarantee:** Since the lease is with a corporation, Susan Bennett signed the City's standard personal guarantee

All other business terms of the lease remain unchanged.

The Harbor Commission recommended that the City Council approve the lease agreement at their September 20, 2012, meeting.

ATTACHMENT: Lease Space

PREPARED BY: Brian Bosse, Waterfront Business Manager

APPROVED BY: City Administrator's Office

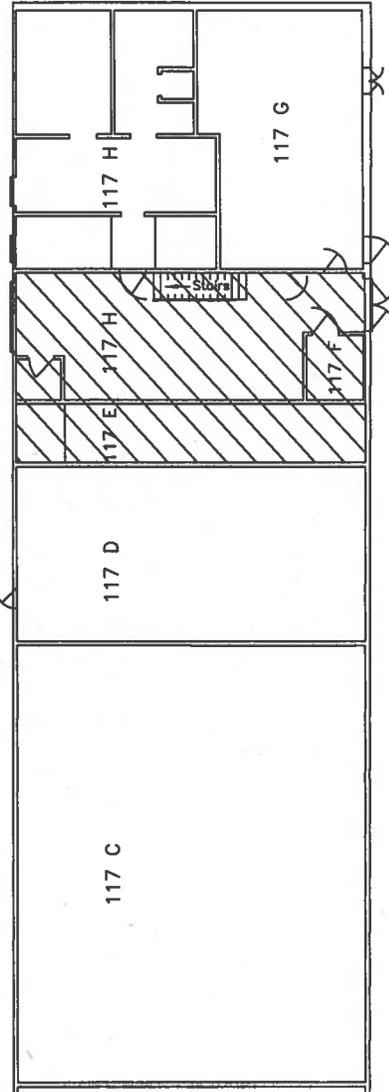
117 HARBOR WAY
 117 E 268 SQ. FT.
 117 F 48 SQ. FT.
 117 H 533 SQ. FT.
 117 TOTAL 849 SQ. FT.

119 HARBOR WAY
 119 A 2,204 SQ. FT.
 119 TOTAL 2,204 SQ. FT.

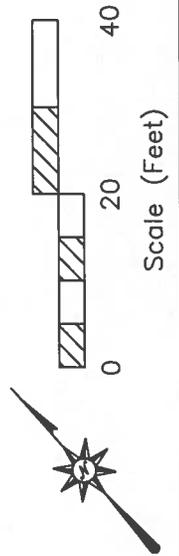
Lease Area 117 849 SQ. FT.
 Lease Area 119 2,204 SQ. FT.
TOTAL LEASE 3,153 SQ. FT.



Second Floor



First Floor



Lease Area Exhibit A

REVISIONS

DATE: 9/12/2012	APPROVED BY: B. BOSSE	DRAWN BY: T. LAWLER
ADDRESS: 117 HARBOR WAY		SHEET NO: 1 OF 1
	City of Santa Barbara	DRAWING NO: 1170-026
	Waterfront Department	

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A 23-YEAR LEASE AGREEMENT DATED AS OF NOVEMBER 16, 2012 WITH BROPHY & SONS, INC., DOING BUSINESS AS, BROPHY BROTHERS RESTAURANT AND CLAM BAR AND ON THE ALLEY, AT AN AVERAGE BASE RENT OF \$35,800 PER MONTH OR 10% OF GROSS SALES, WHICHEVER IS GREATER.

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, An Ordinance of the Council of the City of Santa Barbara Approving a 23-Year Lease dated as of November 16, 2012 With Brophy & Sons, Inc. is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 9, 2012
TO: Mayor and Councilmembers
FROM: Patrol Division/Traffic Section, Police Department
SUBJECT: Santa Barbara Police Foundation Donation

RECOMMENDATION: That Council:

- A. Accept a donation in the amount of \$3,000 from the Santa Barbara Police Foundation; and
- B. Increase estimated revenues and appropriations by \$3,000 in the Police Asset Forfeiture and Miscellaneous Grants Fund for the installation of motorcycle patrol rifles funded from the Santa Barbara Police Foundation donation.

DISCUSSION:

In March 2002, the Santa Barbara Police Department deployed AR-15 semi-automatic rifles in all black and white patrol units. The AR-15's were issued to field officers in order to provide superior capability to protect themselves and citizens when coming into contact with heavily armed criminals.

The Santa Barbara Police Department officers assigned to motorcycle duty are considered "first responders" and have the same need for patrol rifle capability as officers assigned to patrol vehicles. Motorcycle units are often dispatched and respond to the same high priority calls as patrol officers, often being the first to arrive on scene due to their mobility. Currently, when the motor officers arrive to these dangerous incidents, they are only armed with their handgun and have no vehicle to use as cover/concealment. A total of \$23,200 has previously been appropriated for this project; however, for completion of the project the Santa Barbara Police Foundation will donate an additional \$3,000.

BUDGET/FINANCIAL INFORMATION:

Funding for this item will come entirely from the Santa Barbara Police Foundation's donation and no City funds will be utilized.

PREPARED BY: Captain David Whitham, Patrol Division Commander

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 9, 2012

TO: Mayor and Councilmembers

FROM: Chief's Staff, Police Department

SUBJECT: Police Department Update

RECOMMENDATION:

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

DISCUSSION:

As requested by the Mayor and City Council, beginning on December 6, 2011, Police Chief Cam Sanchez will give an oral presentation to Council regarding the status of the Police Department and its operations. This presentation will be part of a series of updates and will occur on a periodic basis.

SUBMITTED BY: Cam Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 9, 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 new 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