

**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>

**DECEMBER 11, 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.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of November 27, 2012 (cancelled), and December 4, 2012.

2. Subject: Introduction of Erosion and Sedimentation Control Ordinance (640.04)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.85 to the Santa Barbara Municipal Code Relating to Erosion and Sedimentation Control Standards for Construction; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Building and Safety Division Erosion and Sedimentation Control Program.

3. Subject: Adoption Of Ordinance For Renewal Of Agreement To Use Recycled Water (540.13)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Renewal of an Agreement Between the City of Santa Barbara and Elings Park Dated as of January 10, 2013, for the Use and Delivery of the City's Recycled Water at Elings Park.

CONSENT CALENDAR (CONT'D)

4. Subject: Resolution Of Intent To Award A Franchise Agreement To MarBorg Industries, Inc. (510.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Grant a Ten-Year Exclusive Franchise for Citywide Solid Waste Collection and Disposal Services in the City to MarBorg Industries, Inc., A California Corporation.

5. Subject: Resolution Authorizing Execution Of Grant Agreement In The Amount Of \$1,889,299 With The State Of California For Low Impact Development Storm Water Infiltration Project (540.10)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director, or Designee, to Negotiate and Execute an Agreement, and Any Amendments Thereto, with the State of California for the Low Impact Development (LID) Storm Water Infiltration Project.

6. Subject: Fiscal Year 2013 Interim Financial Statements For The Four Months Ended October 31, 2012 (250.02)

Recommendation: That Council accept the Fiscal Year 2013 Interim Financial Statements for the Four Months Ended October 31, 2012.

7. Subject: Approval Of Final Map And Execution Of Agreements For 1255 Coast Village Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map Number 20,805 and standard agreements relating to the approved subdivision at 1255 Coast Village Road, and authorize the City Engineer to record a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete.

8. Subject: Approval Of Parcel Map And Execution Of Agreements For 1533 San Miguel Avenue (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,799 and standard agreements relating to the approved subdivision at 1533 San Miguel Avenue.

CONSENT CALENDAR (CONT'D)

9. Subject: Contract For Asset Management Program Support Services For El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the Public Works Director, subject to approval as to form by the City Attorney, to execute a contract with Carollo Engineers, Inc., in the amount of \$247,802 to provide Asset Management Program support services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$24,780 for extra services of Carollo Engineers that may result from necessary changes in the scope of work, for a total not-to-exceed amount of \$272,582.

10. Subject: Contract For Construction Of The Corporate Yard Well Replacement Project (540.10)

Recommendation: That Council:

- A. Award a contract with Layne Christensen Co. in their bid amount of \$978,000 for construction of the Corporate Yard Well Replacement Project, Bid No. 3659, and authorize the Public Works Director to execute the contract and approve expenditures up to \$117,360 to cover any cost increases that may result from contract change orders and differences between estimated bid quantities and actual quantities measured for payment;
- B. Authorize the Public Works Director to execute a contract with Pueblo Water Resources in the amount of \$150,454 for construction support services, and approve expenditures of up to \$15,046 for extra services of Pueblo Water Resources that may result from necessary changes in the scope of work; and
- C. Authorize the City Administrator to execute, subject to approval as to form by the City Attorney, an amendment to the document entitled "Declaration of Covenants, Conditions and Restrictions" entered into between the Redevelopment Agency of the City of Santa Barbara and Transition House, Inc. in 1992 to extend the term thereof for an additional period of 40 years.

11. Subject: Extension Of Agreement For Southern California Edison Energy Management Grant (630.06)

Recommendation: That Council authorize the Public Works Director to execute an amendment to the Flight 5.6 Agreement with Southern California Edison to extend the date of the agreement from December 31, 2012, to December 31, 2014.

CONSENT CALENDAR (CONT'D)

12. **Subject: Increase To Contract For Self-Check/Radio Frequency Identification System (570.04)**

Recommendation: That Council:

- A. Authorize the Library Director to increase the contract with Bibliotheca in the amount of \$149,794.38 to trade-up nine self-check kiosks to models with significantly improved design and functionality, and purchase 9 additional staff stations;
- B. Authorize the Library Director to approve additional services that may be identified during the contract in an amount not to exceed \$14,900;
- C. Authorize the Library Director to negotiate and execute an amendment to the contract with Bibliotheca in a form acceptable to the City Attorney and an amount not to exceed \$164,694.38;
- D. Appropriate \$113,219.90 in the Fiscal Year 2013 Library Department, General Fund, operating budget funded from a transfer from the Miscellaneous Library Trust Account for the improved self-check kiosks with improved functionality, and additional staff stations at the Central and Eastside Libraries; and
- E. Appropriate \$51,474.48 from the County Library Reserve Fund for the same system at the Goleta Valley Branch Library.

13. **Subject: Introduction Of Ordinance For 2012-2013 Police Management Memorandum Of Understanding (440.02)**

Recommendation: That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association for the period of July 1, 2012, through December 31, 2013, by introduction and subsequent adoption of, 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 Police Management Association.

NOTICES

- 14. The City Clerk has on Thursday, December 6, 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

PUBLIC WORKS DEPARTMENT

15. Subject: Annual Wastewater Collection System Report (540.13)

Recommendation: That Council hear a report from staff on the wastewater collection system maintenance and management activities for Calendar Year 2012.

MAYOR AND COUNCIL REPORTS

16. Subject: Appointments To City Advisory Groups (140.05)

Recommendation: That Council make appointments to the City's advisory groups.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

17. 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. Pending litigation considered is: **Stanley Thompson v. City of Santa Barbara, WCAB case numbers ADJ7241417, ADJ7240125, and ADJ6825246.**

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

18. 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. Pending litigation considered is: **Hector Balboa v. City of Santa Barbara, WCAB case number unassigned.**

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

CLOSED SESSIONS (CONT'D)

19. Subject: Conference with Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

ADJOURNMENT



**CITY OF SANTA BARBARA
CITY COUNCIL MINUTES**

**REGULAR MEETING
November 27, 2012
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on November 27, 2012, was cancelled by the Council on November 1, 2011.

The next regular meeting of the City Council is scheduled for December 4, 2012, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING December 4, 2012 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 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: Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: Dale Francisco.

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

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through December 31, 2012.

Documents:

December 4, 2012, report from the Assistant City Administrator/
Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Information Systems
Supervisor Robert Badger.

(Cont'd)

1. (Cont'd)

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

5 YEARS

Francine Grady, Finance Department
Tyler Larson, Police Department
Michael Borrayo, Public Works Department
Adam Daniels, Public Works Department

10 YEARS

Kathleen Kennedy, Community Development Department
Lin Goodnick, Airport Department

15 YEARS

Stanley Macias, Airport Department

20 YEARS

Douglas Wilson, Public Works Department

25 YEARS

Robert Badger, Administrative Services –
IS Department
Rose Frausto, Public Works Department

PUBLIC COMMENT

Speakers: Megan Alley, Denice Irma Salazar, Kenneth Loch, Nancy Tunnell.

CONSENT CALENDAR (Item Nos. 2 – 10)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of November 13 and 20, 2012.

Action: Approved the recommendation.

3. Subject: Hearing For Adoption Of A Resolution Of Order To Vacate Easement For Public Right-Of-Way On A Portion Of Lowena Drive (530.04)

Recommendation: That Council:

- A. Hear all persons interested in or objecting to the proposed vacation of a portion of Lowena Drive; and
- B. Find that the subject portion of Lowena Drive is not necessary for present or prospective public street easement purposes, and adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Ordering the Vacation of the Portion of Lowena Drive Located Adjacent to Assessor's Parcel Nos. 029-202-001 and 029-201-004 as Hereinafter Described, and Providing for the Recordation of This Resolution Upon Successful Completion of Conditions Contained Herein.

Action: Approved the recommendation; Resolution No. 12-085 (December 4, 2012, report from the Public Works Director; proposed resolution; affidavits of publications).

4. Subject: Introduction Of Ordinance For Renewal Of Agreement To Use Recycled Water (540.13)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Renewal of an Agreement Between the City of Santa Barbara and Elings Park Dated as of January 10, 2013, for the Use and Delivery of the City's Recycled Water at Elings Park.

Speakers:

Staff: Water Resources Supervisor Allison Jordan

Action: Approved the recommendation (December 4, 2012, report from the Public Work Director; proposed ordinance).

5. Subject: Contract For Data Collection And Integration Services For The Traffic Sign Inventory Database Project (530.05)

Recommendation: That Council authorize the Public Works Director to execute a Professional Services Agreement with Transmap Corporation in the amount of \$72,781 for data collection and integration services for the traffic sign inventory database project, and authorize the Public Works Director to approve expenditures of up to \$10,917 for extra services.

Action: Approved the recommendation; Contract No. 24,312 (December 4, 2012, report from the Public Works Director).

6. Subject: Contract For Technical Services For The Commercial, Industrial And Institutional Water Use Survey And Incentive Program (540.05)

Recommendation: That Council authorize the Public Works Director to execute a contract with Maddaus Water Management in the amount of \$64,000 for technical services for the Commercial, Industrial and Institutional Water Use Survey and Custom Incentive Water Conservation Program, and authorize the Public Works Director to approve expenditures of up to \$6,400 for extra services of Maddaus Water Management that may result from necessary changes in the scope of work.

Speakers:

Staff: Water Resources Supervisor Allison Jordan

Action: Approved the recommendation; Agreement No. 24,313 (December 4, 2012, report from the Public Works Director).

7. Subject: Renewal Of Use Agreement With Santa Barbara Montessori (550.08)

Recommendation: That Council approve a Use Agreement dated as of December 4, 2012, with Santa Barbara Montessori for the use of Palm Park Parking Lot as a school bus stop and authorize the Waterfront Director to execute the Agreement.

Action: Approved the recommendation; Agreement No. 24,314 (December 4, 2012, report from the Waterfront Business Manager).

8. Subject: Lease Amendment With Santa Barbara Shellfish Company (330.04)

Recommendation: That Council approve an amendment to Lease Agreement No. 19,694, Santa Barbara Shellfish Company, which adds the City's standard financing provision to the lease in order to facilitate refinancing of the 1,160 square foot restaurant located at 230 Stearns Wharf.

Action: Approved the recommendation; Agreement No. 19,694.2 (December 4, 2012, report from the Waterfront Business Manager).

9. Subject: Five-Year Lease Agreement With Harbor Marine Works (330.04)

Recommendation: That Council approve a five-year lease agreement with Merritt Bartlett Marine Incorporated, doing business as Harbor Marine Works, dated as of December 1, 2012, at an initial base rent of \$4,157 per month, subject to annual CPI increases, for the boat repair yard at 122 Harbor Way.

Action: Approved the recommendation; Agreement No. 24,315 (December 4, 2012, report from the Waterfront Director).

NOTICES

10. The City Clerk has on Thursday, November 29, 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

CITY ADMINISTRATOR

11. Subject: Citywide Performance Highlights For Fiscal Year 2012 (170.01)

Recommendation: That Council receive a summary of department performance highlights for Fiscal Year 2012 and comparative financial indicators from other cities.

Documents:

- December 4, 2012, report from the City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: City Administrator James Armstrong, Assistant to the City Administrator Nina Johnson
- Member of the Public: Robert Burke.

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

POLICE DEPARTMENT

12. Subject: Purchase Order For Police In-Car Video System And Installation (330.05)

Recommendation: That Council:

- A. Find it in the City's best interest to waive the formal bid process as authorized by Municipal Code 4.52.070 (L), and authorize the City General Services Manager to issue a Purchase Order to Watch Guard, in the amount of \$208,368, for the purchase of the Police In-Car Video system; and
- B. Find it in the City's best interest to waive the formal bid process as authorized by Municipal Code 4.52.070 (L), and authorize the City General Services Manager to issue a Purchase Order to Global Mounting Solutions in the amount of \$22,798 for the installation of the Watch Guard's In-Car Video system.

(Cont'd)

12. (Cont'd)

Documents:

- December 4, 2012, report from the Chief of Police.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Captain David Whitham, Police Information Technology Manager
Dennis Diaz.

Motion:

Councilmembers House/Hotchkiss to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Murillo commented on her attendance at several holiday events in the community, her volunteer work at Casa Esperanza, and she also mentioned that she has set up office hours at the Eastside Library to occur on the fourth Monday of every month.
- Councilmember Hotchkiss commented on the recent downtown Santa Barbara Holiday Parade.

RECESS

Mayor Schneider recessed the meeting at 3:44 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 13, 14 and 15, and said that no reportable action is anticipated.

CLOSED SESSIONS

13. Subject: Council Chambers Safety And Security (520.04)

Recommendation: That Council hold a closed session to receive a report from the Police Department regarding safety and security within the City Council Chambers pursuant to Subsection (a) of Section 54957 of the Government Code.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

Documents:

December 4, 2012, report from the Chief of Police.

Time:

3:45 p.m. – 4:20 p.m.

No report made.

15. Subject: Conference With Real Property Negotiators - 1102 East Montecito Street, 1111 East Mason Street, 2505 Modoc Road and 700 East Anapamu Street (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54956.8 to consider real property negotiations between the City and the Santa Barbara Unified School District.

Properties:

Eastside Library/Franklin Center, 1102 East Montecito Street, APN 017-061-002;

Franklin Elementary School, 1111 East Mason Street, APN 017-101-003, APN 017-101-004, APN 017-061-003 and APN 017-094-002;

Fire Station No. 5, 2505 Modoc Road, La Cumbre Junior High School, APN 049-170-007; and

Santa Barbara High School, 700 East Anapamu Street, APN 029-180-009, APN 029-240-003, and APN 029-240-008.

City Negotiator: City Administrator's Office and the City Attorney's Office.

Negotiating Party: Superintendent of Schools' Office, Santa Barbara Unified School District

Under Negotiation: Rent, terms of lease.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

December 4, 2012, report from the City Administrator.

Time:

4:23 p.m. – 4:38 p.m.

No report made.

14. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Firefighters Association, 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

(Cont'd)

14. (Cont'd)

Documents:

December 4, 2012, report from the Assistant City Administrator.

Time:

4:40 p.m. – 5:05 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting in memory of Barry Berkus at 5:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
SARAH FOX
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Community Development Department, Building and Safety Division

SUBJECT: Introduction Of Erosion And Sedimentation Control Ordinance

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.85 to the Santa Barbara Municipal Code Relating to Erosion and Sedimentation Control Standards for Construction; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Building and Safety Division Erosion and Sedimentation Control Program.

EXECUTIVE SUMMARY:

The proposed ordinance continues the City's practice of managing erosion and sedimentation during construction projects. Adoption of this ordinance satisfies a requirement of the City's Storm Water Management Program (SWMP) and will enable more effective enforcement of the erosion control standards.

DISCUSSION:

Since at least 2003, the Building and Safety Division of the Community Development Department has had policies in place to properly manage erosion and sediment during construction activities. These policies specify erosion and sedimentation control standards and best management practices that are to be applied when a construction project disturbs soil.

When the City prepared the Storm Water Management Program (SWMP) in 2006-2009, the City identified the Building and Safety Division's erosion and sedimentation control policies as the means of satisfying the State's NPDES General Permit (State Permit) requirements for storm water management on construction sites.

The City's erosion and sedimentation control policies employ a tiered approach where smaller projects on generally flat land can satisfy the policy requirements by selecting from a menu of best management practices applicable to the project site, while larger projects on steeper slopes or projects located adjacent to critical areas, such as creeks, are required to provide a more detailed plan for controlling erosion and sediment during construction. These standards have been applied as conditions of approval for building permits or grading permits with good success. The staff of the Regional Water Quality Control Board of (Regional Board) has acknowledged the effectiveness of the City's approach.

Despite the effectiveness of the City's program, the Regional Board has identified the lack of an erosion control ordinance as a deficiency under the State Permit and has ordered the City to correct the program deficiency by December 31, 2012. In response to the order from the Regional Board, City staff has prepared an ordinance that incorporates the erosion and sedimentation control policy into the Municipal Code. The proposed ordinance would:

1. Require the preparation of erosion control plans for all projects requiring a grading permit or building permit that will disturb soil,
2. Require erosion control measures to be installed and maintained in accordance with the approved erosion control plan, and
3. Enable enforcement of erosion control policy violations as violations of the Municipal Code enforceable by stop work orders, administrative citations, or criminal sanctions.

The requirements of the erosion control policy are not changing; but the City's ability to enforce the policy is improving. While the City has had good success in incorporating the erosion control best management practices into grading permits and building permits, the proposed ordinance will provide clear authority to require compliance with the policy when the City discovers construction without permits. This will ensure consistency and fairness in the application of the requirements.

The Ordinance Committee reviewed a draft of the ordinance on November 20, 2012 and voted unanimously to forward the ordinance to the City Council with recommendations for staff to clarify which projects must comply with the standards and to more clearly identify the City staff responsible for implementing the ordinance. The ordinance presented to the City Council for introduction includes the requested revisions.

ENVIRONMENTAL REVIEW:

The City Environmental Analyst has reviewed the draft Erosion and Sediment Control Ordinance and found that it is exempt from environmental review pursuant to CEQA Guideline Section 15308 as an action of a regulatory agency for the protection of the environment.

SUSTAINABILITY IMPACT:

The ordinance is a required action item under the City's adopted Storm Water Management Program and, by improving the scope and consistency of enforcement of existing City environmental policies, will serve to protect and improve water quality within the City's watersheds.

PREPARED BY: Lonnie Cassidy, Building Plan Check/Inspection Supervisor

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADDING CHAPTER 22.85 TO THE
SANTA BARBARA MUNICIPAL CODE RELATING TO
EROSION AND SEDIMENTATION CONTROL
STANDARDS FOR CONSTRUCTION**

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

SECTION 1. Chapter 22.85 is added to the Santa Barbara Municipal Code to read as
follows:

22.85.010 Permit Required for Grading.

It shall be unlawful for any person to perform any grading or for any property owner to allow anyone to perform any grading on any lot within the City that requires a grading permit under the provisions of the California Building Code, as adopted and amended pursuant to Section 22.04.020 of this Code, without first obtaining a grading permit or building permit from the Building Official.

22.85.020 Erosion and Sediment Control Plan.

The Building Official shall not issue any grading permit or building permit unless the applicant has submitted an erosion and sediment control plan prepared in accordance with the City of Santa Barbara Erosion and Sedimentation Control Program adopted by resolution of the City Council and the Building Official has approved the erosion and sediment control plan.

22.85.030 Installation of Erosion and Sediment Control Measures.

It shall be unlawful for any person to perform any work pursuant to a grading permit or building permit or for any property owner to allow anyone to perform any work pursuant to a grading permit or building permit on any lot within the City without installing or implementing the erosion and sediment control measures required for such work in accordance with the approved erosion and sediment control plan.

22.85.040 Maintenance of Erosion and Sediment Control Measures.

It shall be unlawful for any person to perform any work pursuant to a grading permit or building permit or for any property owner to allow anyone to perform any work pursuant to a grading permit or building permit on any lot within the City without maintaining the erosion and sediment control measures required for such work in accordance with the approved erosion and sediment control plan. No person shall be

deemed to have satisfied the requirements of an approved erosion and sediment control plan until a final inspection of the work has been approved.

22.85.050 Additional Erosion and Sediment Control Measures.

The Building Official may require additional erosion and sediment control measures to be installed or implemented if an inspection of the lot demonstrates that the erosion and sediment control measures shown on the approved erosion and sediment control plan are insufficient to prevent sediment or other materials from leaving the lot or the construction activities occurring on the lot differ from those indicated on the approved erosion and sediment control plan. Any additional erosion and sediment control measures required by the Building Official shall be incorporated into the approved erosion and sediment control plan.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADOPTING THE BUILDING AND
SAFETY DIVISION EROSION AND SEDIMENTATION
CONTROL PROGRAM

WHEREAS, since July 2003, the Building and Safety Division has been requiring the implementation of best management practices for the proper management of erosion and sediment during construction;

WHEREAS, When the City prepared the Storm Water Management Program (SWMP) in 2006-2009, the City identified the Building and Safety Division's Erosion/Sedimentation Control Program as the means of satisfying the State's NPDES General Permit (State Permit) requirements for storm water management on construction sites;

WHEREAS, until the adoption of this Resolution, the Building and Safety Division required the implementation of these best management practices as conditions of approval for building permits or grading permits; and

WHEREAS, concurrent with the adoption of this Resolution, the City Council has adopted an ordinance requiring the preparation of an erosion control plan connection with any building permit that involves grading or any grading permit. In addition, the ordinance provides the means of enforcing the installation and maintenance of the best management practices specified in the approved erosion control plan.

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

SECTION 1. The City Council hereby adopts the Building and Safety Division Erosion and Sedimentation Control Program as specified in Exhibit A.

SECTION 2. This Resolution shall become effective upon the effective date of the Ordinance of the Council of the City of Santa Barbara Adding Chapter 22.85 to the Santa Barbara Municipal Code Relating to Erosion and Sedimentation Control Standards for Construction.



City of Santa Barbara

Building & Safety Division

**EROSION/SEDIMENTATION
CONTROL PROGRAM**

EROSION / SEDIMENTATION CONTROL AND STORMWATER QUALITY MANAGEMENT PROGRAM

1. Introduction

This Program identifies standards for erosion prevention, sediment control and stormwater quality management during construction, and long-term post-construction site stabilization. The purpose of this program is to eliminate and prevent conditions of significant erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil or vegetation cover, disruption of water supply, and increased danger from flooding in the City of Santa Barbara. In combination with other state, federal, and local laws and ordinances, these requirements are intended to protect the beneficial uses of waters within the watershed.

- Erosion prevention techniques are designed to protect soil particles from the force of rain and wind so that they will not erode. These techniques include, but are not limited to such things as construction scheduling, ground cover and plantings, and installation of erosion control matting.
- Sediment control measures are designed to capture soil particles after they have been dislodged in order to retain the soil particles on-site. These measures include, but are not limited to silt fences, sediment barriers, and settling or sediment detention basins. Both erosion prevention techniques and sediment control measures have appropriate uses; however, it has been shown that sediment control measures are less effective in preventing soil movement and water quality impacts than erosion prevention techniques.
- A [Standard Erosion Control Plan](#) (see Sect. 5) is the minimum requirement for any grading or land clearing for a development project. If the Building Official determines that the project site has slopes greater than 15%, the building site is adjacent to a critical area (such as a creek), the area of disturbed soil exceeds one acre, or special conditions or unusual hazards exist, a Detailed Erosion Control Plan will be required. A listing of the Best Management Practices (BMP's) to be utilized shall be included as part of any application for a Building Permit or a Grading Permit. Installation details for the selected measures shall also be included as part of the plan set.
- A [Detailed Erosion Control Plan](#) (see Sect. 6) is required on projects that have slopes greater than 15 percent, are adjacent to critical areas (such as a creek), the disturbed soil area is greater than 1 acre or where special conditions or unusual hazards exist. A listing of the Best Management Practices (BMP's) measures to be utilized shall be included as part of any application for a Building Permit or a Grading Permit. Installation details for the selected measures shall also be included as part of the Erosion Control Plan drawings. All BMP measures must be in place and functional before any other building inspection can occur.

2. Authorized Personnel

Persons authorized to prepare the Detailed Erosion Control Plans include:

- A Certified Professional Soil Erosion and Sediment Control Specialist,
- A California Licensed Civil Engineer,
- A California Licensed Landscape Architect,
- A California Registered Geologist, certified as an Engineering Geologist,
- A California Licensed Architect.

3. Slope Determination

Before Standard Erosion Control Measures can be applied to a project, it must be determined that the slope is not more than 15%. This is calculated according to the following procedures:

"Average slope" of a parcel of land or any portion thereof shall be computed by applying the formula ($S = .00229 \text{ IL divided by A}$) to the natural slope of the land, before grading is commenced as determined from a topographic map conforming to National Mapping Standards and having a scale of not less than

1 inch equals 200 feet and a contour interval of not less than five feet (5'). The letters in this formula shall have the following significance:

S = The average slope of the land in percent.

I = The contour interval in feet.

L = The combined length of all contours in feet, excluding the length of contours in drainage channels and in natural water courses below the 25 year flood level.

A = The net area of parcel or portion thereof, in acres, after deducting all areas in drainage channels below the 25 year flood level, for which the slope is to be determined.

The City may require topographical contour mapping prepared by a licensed professional in order to determine slope.

4. Erosion Control and Stormwater Management Manuals

Applicants and landowners are directed to use the Best Management Practices (BMP's) outlined in the following reference manuals as the erosion control standards for Standard Erosion and Sediment Control Plans:

The [Association of Bay Area Governments \(ABAG\) Manual of Standards for Erosion and Sediment Control \(Second Edition, May 1995\)](#) the erosion control standards manual for planning and design in the City of Santa Barbara. Drawings and design details from this source may be used in submittal of Standard Erosion Control Measures and detailed Erosion Control Plans. Their website may be used for viewing and/or downloading of information. www.cabmphandbooks.com/construction.asp

The [Erosion and Sediment Control Field Manual](#) available from the California Regional Water Quality Control Board, San Francisco Bay Region may be used by contractors and City inspectors in the field.

The [California Stormwater Best Management Practices Handbooks](#) available from the Stormwater Quality Task Force, March 1993. Separate handbooks are available for: 1) Construction Activity; 2) Industrial/Commercial; and, 3) Municipal work areas.

In addition several commercial publications and design drawings are available for preparation of Erosion Control Plans, such as Erosion Draw.

5. Standard Erosion and Sediment Control Plan Requirements

a) **Required Best Management Practices (BMPs).** The following BMPs for soil erosion and sediment control shall be used, as applicable, in a Standard Erosion Control Plan. Installation of these BMPs shall conform to the requirements found in the documents and/or websites listed in Section 4 of this policy.

Gravel Construction Entrance. A gravel construction entrance is generally required where vehicle traffic is anticipated off of existing paved or graveled roads. If there is more than one vehicle access point, a gravel construction entrance should be installed at each entrance. The responsibility for field design to meet site conditions, and maintenance of the construction entrances remains with the property owner or construction contractor. The owner/contractor shall remain responsible for the clean-up of any mud or dirt that is tracked onto streets or paved areas, even with the installation of gravel construction entrances.

Vehicles or equipment shall not enter a property adjacent to a creek, watercourse, or storm water facility unless adequate measures are installed to prevent physical erosion into the water.

Catch Basin Protection. A filter system shall be used on catch basins (drop inlets) in public and private streets, and parking areas as a means of sediment control. Alternate methods will require the approval of the City.

Sediment Filters/Barriers. For all projects, a silt fence or straw wattle dike shall be installed along the down slope edge of the disturbed area, prior to the commencement of grading. The sediment filter structures will be located so that all runoff from the construction site is filtered, or passes through a sediment detention basin prior to crossing a property line, entering a creek, or entering the City storm drain system. Sediment shall be removed when the depth of sediment exceeds one half of the height

of the structure. Silt fences and straw wattles shall be installed according to the standard references cited.

Straw wattles can be used as dikes to stabilize temporary channel flow lines or as a perimeter filter barrier. Straw wattles must be installed in a trench, staked and backfilled if they are to be effective in reducing flow velocity and filtering sediment from runoff.

Straw wattles should not remain in place more than 12 months after installation unless it can be determined significant deterioration has not occurred. When used as a perimeter filter, sediment should be removed when material is within 3 inches of the top of any wattle.

Silt fences should be installed where sediment from sheet flow or rill and gully erosion will enter directly onto adjacent property. When installing, it is important the fabric material be anchored into a trench and backfilled.

Maintenance of filter fences is similar to that of straw wattles in that the fabric must be inspected and needed repairs implemented after every storm event. Sediment deposits shall be removed when material reaches a depth of more than one-half of the fence height.

Plastic Sheeting. Plastic sheeting shall generally not be used as an erosion control measure over large areas. Plastic sheeting may be used to protect small, highly erodible areas, or to protect temporary stockpiles of material. If plastic sheeting is used, all resulting concentrated water flow from the plastic must be directed to a properly designed or existing drainage system able to handle the runoff without causing additional erosion.

Existing Vegetation and Revegetation. As far as is practicable, existing vegetation shall be protected and left in place, in accordance with the clearing limits shown on the approved Building Permit or Grading Permit and the approved Erosion Control Plans. The exception is where exotic plant materials are to be removed, or fire fuels reduced in accordance with an approved Plan. Work areas shall be carefully located and marked to reduce unnecessary damage to existing vegetation.

Slope Protection. Hydro-seeding alone will normally not be considered satisfactory erosion protection for disturbed slopes steeper than 4H:1V. Disturbed slopes steeper than 4H:1V shall be protected using straw and tackifier. The installation of erosion control blankets shall be required for all disturbed slopes steeper than 2.5H:1V and greater than 20 feet in slope length. Installation of straw wattles staked on contour shall be required for all slopes steeper than 4H:1V with slope lengths greater than 30 feet. Straw wattles or silt fencing shall be installed at the toe of all slopes steeper than 4H:1V, and along (just below) top of bank along all creeks.

Wet Weather Measures. On sites where vegetation and ground cover have been removed from more than 0.5 acre of land, vegetative ground cover shall be planted on or before **September 15** with the ground cover established by **October 15**. As an alternative, if a protective ground cover is not established by **October 15**, the open areas shall be protected through the winter with straw mulch, erosion blankets, the installation of additional straw wattles, or other method(s) approved by the City.

Seeding. Seeding shall be as follows, or as recommended by a California Licensed Landscape Architect or a Certified Professional Soil Erosion and Sediment Control Specialist.

SEED MIX ONE

(Application rate = 40 kg/ha or 35 lb/ac)	
blando brome	40%
zorro annual fescue	8%
lana vetch	12%
rose clover	15%
crimson clover	15%
sub clover	<u>10%</u>
TOTAL	100%

SEED MIX TWO

Application rate=40 kg/ha or 35 lbs/acre)	
blando brome1	35%
rose clover	20%
annual ryegrass	15%
crimson clover	10%
creeping red fescue	5%
zorro annual fescue	<u>5%</u>
TOTAL	100%

Fertilizer

12-12-12	450 kg/ha (400 lb/ac), or
15-15-15	340 kg/ha (300 lb/ac), or
16-20-0	340 kg/ha (300 lb/ac).

Mulch

Straw 3,400 kg/ha (3,000 lb/ac), or wood fiber (if hydroseeded) 2,300 kg/ha (2,000 lb/ac)

b) Additional Erosion Control Measures. In addition to the required best management practices, the following erosion control measures shall be implemented as part of the standard erosion control plan when applicable.

- During any clearing, earth moving and/or grading phases of the project, water trucks or sprinkler systems shall be used in sufficient quantities to prevent dust from leaving the site. In addition, the entire area of disturbed soils shall be wetted down during the early morning hours and at the end of each day in such a manner as to create a crust.
- During the construction phase of the project, water trucks or sprinkler systems shall be used to keep all areas of vehicular movement damp enough to prevent dust raised from leaving the site. As a minimum, this will include the wetting down of such areas in the late morning hours and at the close of each day's activities.
- All trucks hauling soil materials to and from the site shall be covered with a tarp to prevent dust from blowing off the truck.
- All alleyways, circulation routes, haul routes, streets and sidewalks shall be kept clean and clear of dirt, dust and debris in a manner acceptable to the City of Santa Barbara's Public Works Department as outlined in their "Procedures for the Control of Runoff into Storm Drains and Watercourses". At a minimum, said areas shall be cleaned at the end of each working day or more often if directed by City personnel. The flushing of dirt or debris to storm drain or sanitary sewer facilities shall not be permitted. Failure to keep these areas clean will result in the issuance of a "Stop Work" order, which will not be released until such time as the area is cleaned in a manner acceptable to the City. Earth moving and grading activities shall be limited to the hours between 7:00 A.M. and 6:00 P.M. or as specified in the approved Erosion Control Plan or the project conditions of approval.
- After the completion of the clearing, grading, or excavation phase, the entire area of disturbed soil shall be treated to prevent wind pick up of the soil. Any one of the following methods may accomplish this:
 - The seeding and or watering of the site until such time as the ground cover has taken root.
 - The spreading of soil binders.
 - The wetting down of the area in such a manner as to create a crust on the surface and the repeated soaking of the area, as necessary, to maintain the crust and prevent soil blowing.
- The contractor or builder shall designate a person or persons to monitor the storm water pollution prevention and dust control programs, and to order increased watering as necessary to prevent the transport of dust off-site, and additional BMPs to prevent storm water pollutants from entering public right-of-way. This person's duty shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such person or persons shall be provided to the City of Santa Barbara Community Development Department and be placed on the plans.

c) Protection Measure Removal

The erosion prevention and sediment control measures shall remain in place and be maintained in good condition until all disturbed soil areas are permanently stabilized by installation and establishment of landscaping, grass, mulching, or are otherwise covered and protected from erosion.

d) Standard Erosion Control Measures Submittal Requirements

The plans sheets for a **Standard Erosion Control Plan** shall include the following information:

- Specific measures to be installed.
- Specific locations where measures will be installed.
- Installation details.

6. Detailed Erosion Control Plan Requirements

The Detailed Erosion Control Plan submittal must comply with all of the requirements for the Standard Erosion Control Measures and also include a written narrative and detailed site plan and typical drawings and details.

a) Narrative

Written narrative (to be included with Plan) on letterhead or signed plan sheet of person responsible for Plan preparation shall include:

- Proposed schedule of grading activities and infrastructure milestones in a chronological format, including dates for beginning of phased grading areas and dates that areas will be stabilized. For example, easterly slope rough grading complete, streets graded, storm sewers and inlets installed, paving complete on Street X, creek outfall structure complete, etc.
- Description of potentially affected areas adjacent to site.
- Description of soils, geology, vegetation and nearby creeks.
- Description of critical areas of high erosion potential; unstable slopes.
- Description of erosion control measures on slopes, lots, streets, etc.
- Description of sediment detention basins, including design assumption and calculations.
- Description of emergency erosion and sediment control measures to be implemented for storms within 48 hours.
- Name and 24 hour telephone number of person responsible for erosion and sediment control.

b) Site Plan

The site plan shall include the following information:

- Scale, north arrow and legend.
- Vicinity map.
- Watershed boundaries within project.
- Contours and spot elevations indicating runoff patterns before and after grading.
- Critical areas within or near the project (creeks, wetlands, landslides, steep slopes, etc.).
- Limits of clearing and grading.
- Creek top of bank, delineation of any Creek Buffer Areas and existing vegetation and any special trees/wetlands to be fenced and protected.
- Location and types of temporary and permanent erosion and sediment control measures.
- Site access locations.
- Signature block for plan preparer.
- Additional plans that may be needed to illustrate narrative addressing stages of construction such as street graded-no storm drains; storm system installed; streets paved; etc.

7. BMP Maintenance Requirements.

The permittee shall maintain the facilities and erosion control measures prescribed in the approved *Erosion Control Plan (Standard or Detailed)* so as to continue to be effective throughout the construction and establishment of permanent vegetation phases of the project. If the facilities and techniques approved in the Erosion Control Plans are not effective or sufficient, as determined by a City site inspection, the permittee shall submit a revised Plan within three working days of written notification by the City of unacceptable site erosion conditions. Upon approval of the revised plan by the City, the permittee shall immediately implement the additional facilities and measures included in the revised plan. In cases where significant erosion is likely to occur, the City may require that the applicant install interim control measures prior to submittal of the revised Erosion Control Plan.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE RENEWAL OF AN AGREEMENT BETWEEN THE CITY OF SANTA BARBARA AND ELINGS PARK DATED AS OF JANUARY 10, 2013, FOR THE USE AND DELIVERY OF THE CITY'S RECYCLED WATER AT ELINGS PARK

WHEREAS, the potable water supply of the City of Santa Barbara (City) is limited, and therefore, water conservation is important to ensure adequate water supplies;

WHEREAS, the City operates a recycled water treatment plant which produces recycled water of satisfactory quality for safe use in irrigating landscape areas within the City;

WHEREAS, Elings Park, leases, operates, and maintains landscaped areas to be irrigated, using recycled water, at its site located at 1298 Las Positas Road, Santa Barbara, California; and

WHEREAS, Elings Park has agreed to accept recycled water for irrigation of its landscaped areas, and the City has agreed to deliver recycled water to Elings Park under the terms and conditions to be set forth in a User Agreement between them.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Agreement between the City and Elings Park for the City to deliver recycled water to Elings Park at 1298 Las Positas Road, Santa Barbara, California, for their purchase and use is approved in accordance with the City Charter.

SECTION 2. The Public Works Director is authorized to execute said Agreement for a twenty-year term.

SECTION 3. Following the effective date of this Ordinance, the City Clerk is hereby authorized to cause the recordation of said Agreement in the Official Records, in the Office of the County Recorder, County of Santa Barbara, California.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Environmental Services, Finance Department

SUBJECT: Resolution Of Intent To Award A Franchise Agreement To MarBorg Industries, Inc.

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Grant a Ten-Year Exclusive Franchise for Citywide Solid Waste Collection and Disposal Services in the City to MarBorg Industries, Inc., A California Corporation.

DISCUSSION:

Since December 13, 2011, the City has engaged in sole source negotiations with MarBorg Industries, Inc. (MarBorg) on a new ten-year franchise agreement for solid waste collection services. On October 17, 2012, staff from the City and MarBorg reached agreement on the following terms for the new franchise:

- Acceptable rates for customers that provide for a reasonable profit to MarBorg, similar to what the City could likely expect to achieve through a competitive RFP process;
- Desirable new services similar to those found in modern collection contracts;
- Replacement of diesel vehicles with compressed natural gas (CNG) vehicles;
- Maintenance of City fees and program support necessary for operations;
- A rate structure in the business and multi-unit residential sectors that provides for increased rate stability, while still providing adequate rate incentives for diversion; and,
- Important new diversion programs that will both help the City meet anticipated future state mandates and divert 10% more waste to into source separated diversion programs by 2023.

The cost of the agreement is estimated to be \$16,790,736 per year, subject to variations in customer subscription levels, and will be increased annually by a CPI adjustment and any adjustment to tipping fees. The cost will be fully funded through the rates charged to solid waste customers. A summary of the proposed customer rates and summary of the

proposed franchise agreement are attached as Exhibit A and Exhibit B to the resolution, respectively.

Note that an in-depth discussion of the negotiation process and customer impacts resulting from the proposed rates was included in the November 20, 2012 Council Agenda Report (attached) and is therefore not included in this report.

Resolution of Intent to Award a Franchise

Section 1401 of the City Charter requires Council to announce its intention to award a franchise by passing a resolution that 1) describes the basic business terms and conditions of the proposed franchise; and, 2) sets the date and time of a public hearing where any person wishing to object to or otherwise comment on the award may be heard by Council. The public hearing has been scheduled for January 29, 2013. Should Council adopt the resolution of intention, a notice of the City's intent to award a new franchise would be published in a local newspaper of general circulation.

Passage of the Resolution of Intention is the first step in a public noticing process required by Article XIV of the Charter to eventually allow the Council to consider and approve a new City franchise through the enactment of a City ordinance approving the specific financial and operational terms of the particular franchise agreement in the form of a detailed long-term contract. The ordinance to grant the exclusive franchise to MarBorg will be introduced at the January 29, 2013, Council meeting and scheduled for adoption at the February 5, 2013, Council meeting. The adoption of the ordinance requires affirmative votes of five members of Council.

BUDGET/FINANCIAL INFORMATION:

Should Council award a franchise to MarBorg based upon the tentative agreement, it will cost an estimated \$16,790,736 per year, subject to variations in customer subscription levels. This is approximately \$670,000 higher than the current cost for services. The increase to the hauler compensation is due to 1) new services and more expensive CNG vehicles; and, 2) an adjustment for the expected loss in future revenue MarBorg will experience due to migration from trash to less expensive diversion containers as a direct result of new diversion requirements, which MarBorg would need to absorb under the agreement.

All costs will be paid for by rates charged to solid waste customers. The rates listed in Attachment are based on current conditions, and will be increased prior to implementation on July 1, 2013 by the CPI and tipping fees increases that have been standard under the City's hauler contracts.

SUSTAINABILITY IMPACT:

Sustainability improvements under the new agreement will include increased diversion from the landfill due to two new diversion programs in the business and multi unit residential sectors and increases in free recycling and greenwaste in the single family residential sector. The agreement also calls for the replacement of all current diesel vehicles with compressed natural gas, reducing air quality impacts.

PREPARED BY: Matt Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO GRANT A TEN-YEAR EXCLUSIVE FRANCHISE FOR CITYWIDE SOLID WASTE COLLECTION AND DISPOSAL SERVICES IN THE CITY TO MARBORG INDUSTRIES, INC., A CALIFORNIA CORPORATION.

WHEREAS, On December 13, 2011, the City Council of the City of Santa Barbara directed the Finance Director to enter into sole source negotiations with MarBorg Industries, Inc. ("MarBorg") for a Citywide Solid Waste Franchise Agreement;

WHEREAS, the City and MarBorg have subsequently reached agreement to terms for a new ten-year Citywide franchise;

WHEREAS, the terms of the new franchise include acceptable rates for customers and a reasonable profit for MarBorg, similar to what the City could likely expect to achieve through a competitive procurement process;

WHEREAS, the terms of the new franchise include desirable new services for ratepayers and the City and new diversion requirements that will help the City to meet anticipated future State mandates; and

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

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

SECTION 1. Pursuant to Section 1401 of the City Charter, the City Council of the City of Santa Barbara declares its intention to hold a public hearing on Tuesday, January 29, 2013 at 2:00 pm in the City Council Chambers of the Santa Barbara City Hall located at 735 Anacapa St., Santa Barbara, CA 93101 to consider granting a ten-year franchise to MarBorg Industries, Inc. for solid waste collection and disposal services Citywide.

SECTION 2. Any and all persons having an interest in the proposed franchise or any objection to the proposed franchise agreement will be heard by the City Council on that date, and any objection to the franchise agreement may be expressed at such hearing prior to a City Council determination on the franchise and the possible introduction of an ordinance authorizing and approving award of the franchise to MarBorg.

SECTION 3. The terms and conditions of the proposed franchise agreement are generally described in the Exhibits attached hereto as Exhibit "A" and Exhibit "B", both dated October 17, 2012.

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

**Tentative Agreement
Deal Points 10-17-2012**

Unless specifically proposed to be changed, below, terms under the contract will be the same as under the current MarBorg Zone 2 as modified by MarBorg's proposal to the City of September 2011, allowing for mutually agreeable modernization of language and other changes. The deal points below are for purposes of reaching conceptual agreement and are not meant to constitute contract language. Approval to these terms subject to subsequent agreement between negotiators to a comprehensive franchise agreement document, and final approval by MarBorg's Board of Directors and the City Council.

Issue	Proposal
Term	There will be two portions of the agreement, the Transition Plan and the new Franchise Agreement. The Transition Plan will become effective 30 days following adoption by ordinance of the award of the franchise to MarBorg. The new franchise terms for both zones will become effective upon expiration of the current franchise agreement for Zone 1 (midnight on June 7, 2013). As of that date, the new agreement will replace the existing agreement for Zone 2. The new agreement will expire at midnight on June 7, 2023.
Compensation to MarBorg	New rates will be effective July 1, 2013 as proposed and as adjusted for CPI and tipping fee for Fiscal Year 2014 pursuant to the contract. Until the new rates become effective, compensation to MarBorg will continue at existing rates, including the business sector revenue guarantee. MarBorg will continue its revenue concession totaling \$300,000 to the City, which was originally negotiated and enacted for Fiscal Year 2012, for Fiscal Year 2013. [Concession payment may be made by a lump sum payment, or through reductions to monthly payment to MarBorg from the City]
Agreement on Recycling Revenue Sharing	The City and MarBorg will enter into negotiations for a separate agreement regarding the sharing of any revenues derived from the sale by MarBorg of comingled recyclables or any other materials collected pursuant to the franchise agreement. Such negotiations may begin at any time, however the City agrees that the effective date of any revenue sharing arrangement will not be earlier than January 1, 2014.
July 2012 CPI	As proposed by MarBorg, there will be no CPI adjustment for

increase	July 2012. The first CPI increase would be July 1, 2013.
Adjustment for Significant Decline in Profit	If, no sooner than 60 months after the effective date of the agreement, MarBorg demonstrates to the satisfaction of the City's Finance Director that the franchise has become structurally unprofitable over the long term, MarBorg may request that the City consider a special rate increase. MarBorg will reimburse the City for the full cost of outside auditing services to evaluate such request. Approval of such rate increase will be at sole discretion of the City Council.
Single Family Service	<p>Service will be provided as current, with enhancements proposed by MarBorg in September 2011 proposal.</p> <p>[E.g., weekly service; Basic single family trash rates will include: 32 gallons trash; unlimited comingled recycling; 192 gallons of green waste; two bulky item clean ups per year; unlimited white goods collection; household battery and cellular phone collection; a sharps mail-in program; six extra greenwaste tags for use throughout the year; unlimited extra collection of trash, comingled recycling, and green waste on collection day during two weeks following Christmas.]</p> <p>Service will be backyard <u>can</u> service unless curbside <u>cart</u> service is selected by the account holder after being apprised of both alternatives. There will be no rate discount for curbside cart service. Backyard cart service will be available at a premium.</p> <p>Single family service includes the option of a greenwaste dumpster collected once per week at the single family rate.</p> <p>There will no longer be a green waste only rate. MarBorg will collect trash, greenwaste, and recycling on the same day.</p>
Definition of Multi-Unit Residential Customer	Any residence, or group of residences, with two (2) or more Dwelling Units, including any flat, apartment, duplex, triplex, condominium, town home or other premises, other than a hotel or motel, used for housing persons and serviced with one (1) or more common Containers.
Basic Multi-Unit Service	<p>Service will be provided as current, with the enhancements proposed by MarBorg in the September 2011 proposal.</p> <p>(e.g., 1x to 6x weekly service; the minimum service rate will include: 32 gallons trash; 96 gallons of comingled recycling; 96 gallons of green waste; two bulky item clean ups per year per account; unlimited white goods collection; household battery and cellular phone collection; a sharps mail-in program; six extra greenwaste tags for use throughout the year; unlimited extra</p>

	collection of trash, comingled recycling, and green waste on collection day during two weeks following Christmas. Customers will continue to have free access to ABOP and buy back centers.
Business Service	Service will be provided as current, and as proposed by MarBorg in the September 2011 proposal.
BUS and MUR (Dumpster) Foodscraps Collection	<ul style="list-style-type: none"> • MarBorg will provide foodscraps containers and will collect the containers at the frequencies as listed on the Rate Schedule. • MarBorg will maintain foodscraps separate from other materials (trash, recycling and greenwaste). As directed by City, MarBorg may commingle greenwaste and foodscraps in the same container. • MarBorg will deliver foodscraps to the South Coast Transfer Station unless otherwise directed by City • MarBorg will pay the foodscraps tipping fee (currently \$54 per ton) directly to the City's foodscraps processor. • At the request of City or customers, MarBorg will steam clean foodscraps containers up to two times per year at no additional cost to the customer. Customers that request additional steam cleaning of containers will be charged the Steam Clean rate listed on the Rate Schedule. • MarBorg will begin providing MUR foodscraps service with 90 days written notice from the City to commence such service.
Definition of Foodscraps (or Food Material):	Foodscraps and trimmings from food preparation generated by food processing establishments, grocery stores, institutional cafeterias (such as prisons, schools and hospitals), restaurants, and/or residential food scrap collection. These materials include, but not limited to: meat, fish and dairy waste, agricultural products, fruit and vegetable waste, grain waste and acceptable food packaging such items as pizza boxes, paper towels, waxed cardboard, contaminated paper products and other items deemed "compostable" by the manufacturer such as tableware, utensils and other implements used to serve or store food products.
ABOP/Buy-Back Center Facilities	MarBorg will continue to operate its ABOP/Buy back Center facilities, and City single family and multi-unit residential will have free access to downtown ABOP and buy back centers. MarBorg will also report usage and origin data in a form and frequency acceptable to City.
Notification of Bulky-Item and White Goods Collection	Upon receiving notification of SFR and MUR customers to close an active account, MarBorg will notify the customer of Bulky Item and White Goods Collection service to which the customer is entitled.
Protocol for	<ul style="list-style-type: none"> • Upon request by customer for Bulky Item Collection or

Scheduling Annual Pick-Up/Bulky Item Collection	<p>service, MarBorg will enter a note into the CIS Utility Billing System.</p> <ul style="list-style-type: none"> • MarBorg will collect Bulky Items and/or White Goods at least two days per week or in sufficient frequency to prevent lengthy accumulation of goods at the curb.
Access to MarBorg Customer Service Information System	<ul style="list-style-type: none"> • MarBorg will provide to the City access to its customer service information system, currently IPAC, in order for City to have timely access to City customer information.
Collection Method	<p>The collection method in all sectors will be semi-automated, as defined. Any change to fully automated service in any neighborhood or other area must be approved by the City, following negotiations over rate relief to customers associated with the reduced costs of providing fully automated service. All materials collected through franchised service will remain the property of the City of Santa Barbara.</p>
Days of Collection	<p>MarBorg may adjust routes so that trash, green waste and recycling are collected on the same day.</p>
Hours of Collection	<p>MarBorg will confine collection of carts, cans and dumpsters to the following hours:</p> <p>Residential: 7:00 am – 6:00 pm Commercial: 5:00 am – 6:00 pm*</p> <p>*if nearby residents complain to City or MarBorg regarding noise, then collection will begin no earlier than 6:00 am in those areas.</p>
BUS and MUR Cart Set-Out Site	<ul style="list-style-type: none"> • MUR: the default service location for MUR carts will be at the curb. • BUS: the default service location for BUS carts will be at the curb. However, MarBorg will continue to service BUS carts from any BUS customer service location (regardless of owner/operator of the business) at the location where the carts are currently set out for collection. • Any new BUS customer requesting cart service will be serviced at the curb unless “service-in-place” service is requested by City. • There will be no backyard service charge on BUS carts.
Collection Frequencies	<p>MarBorg will provide collection at any frequency listed on the rate schedule. Default foodscraps collection will be Monday, Wednesday and Friday. However, at the customer’s request, MarBorg will provide more frequent foodscraps collection service at the rate listed on the Rate Schedule.</p>
Minimum Collection Frequency	<p>Minimum collection frequency for SFR, MUR and BUS customers will be one time per week.</p>
Maximum Collection Frequency	<p>Maximum collection frequency for SFR will be one time per week. SFR customers requesting collection service at</p>

	<p>frequencies greater than one time per week will be charged MUR service and will be identified as MUR customers in the CIS database.</p>
Repeated Overflow Charge	<p>Any customer whose solid waste container or containers have significant and repeated overflowing solid waste prior to being emptied on collection day, will be subject to an overflow charge. The rate for the overflow charge will be the same as the extra pick up rate for the applicable container.</p> <p>No overflow charges may be assessed unless (A) Written notice of an overflow has been provided to the account holder of the premises (e.g. notice affixed to container and photo proof of service), and a subsequent overflow occurs at the premises within ninety days: (i) after such notice has been given; or (ii) after the last overflow charge has been assessed at the premises; and (B) There is significant overflow from the container and the container cannot be closed, and (C) overflow is evidenced by a photograph; and (D) The overflow actually has been collected by MarBorg.</p> <p>No overflow charge will may be assessed for overflow that is caused by a late, missed, or improperly performed collection by MarBorg.</p> <p>Overflow charges assessed pursuant to this chapter may be waived by the Finance Director, or his/her designee, or by MarBorg if it is determined that the owner or manager of the premises has taken reasonable steps to avoid future overflows, including but not limited to increasing the container capacity and/or collection frequency on the premises, installing locks on the lids of containers and/or on access gates to curtail illegal dumping by third parties, or other property management measures designed to avoid overflows.</p>
Repeated Contamination Charge	<p>Any customer whose green waste, recycling, or foodscraps container shows significant and repeated contamination will be subject to a contamination charge. Contamination will only be counted where such contamination requires MarBorg to treat the entire contaminated container as trash, rather than subjecting it to alternative processing as green waste, foodscraps, and/or recycling. The rate for the contamination charge will be the same as the extra pick up rate for the applicable container.</p> <p>No contamination charges may be assessed unless (A) Written notice of an contamination (e.g. Notice of Non-Collection affixed to contaminated container and photo proof of service), has been</p>

	<p>provided to the account holder of the premises, and a subsequent overflow occurs at the premises within ninety days: (i) after such notice has been given; or (ii) after the last overflow charge has been assessed at the premises; and (B) the contaminated container is evidenced by a photograph; and (D) The contaminated container actually has been collected by MarBorg.</p> <p>No contamination charge will may be assessed for contamination that is caused by a late, missed, or improperly performed collection by MarBorg.</p> <p>Contamination charges assessed pursuant to this chapter may be waived by the Finance Director, or his/her designee, or by MarBorg if it is determined that the owner or manager of the premises has taken reasonable steps to avoid future contamination, including but not limited to increasing or reallocating the container capacity and/or collection frequency on the premises, installing locks on the lids of containers and/or on access gates to curtail illegal dumping by third parties, or other property management measures designed to avoid contamination.</p>
Collection Vehicles	<p>Collection vehicles will be as provided currently, with enhancements proposed by MarBorg in its September 2001 proposal. MarBorg will use current diesel vehicles through the end of their depreciation period (10 years) after which vehicles will be replaced with new CNG vehicles. MarBorg will have 1 year from the franchise effective date to replace vehicles that are already fully depreciated with CNG vehicles.</p>
Containers	<p>Service will be provided as current, with enhancements proposed by MarBorg in its September 2011 proposal. The following specific terms will apply:</p> <ul style="list-style-type: none"> • Single Family residential customers will continue to provide their own trash cans. MarBorg will provide trash cans to multi-unit residential and business customers. MarBorg will provide trash carts and dumpsters to all customers. • MarBorg will provide all recycling and green waste carts, cans, and dumpsters to all customers. • MarBorg will provide all foodscraps carts, cans, and dumpsters to Business customers and foodscraps dumpsters to Multi-Unit Residential customers. • There will no longer be a multi-unit residential fee assessed for dumpster rental. Dumpster rental will be included in the proposed rates. • There will no longer be a credit for business owned

	<p>dumpsters. Dumpster rental will continue to be included in the proposed rates.</p> <p>MarBorg will maintain, repair and replace all containers that it provides.</p>
Container Marking	<p>MarBorg will provide carts, cans and dumpsters that include the following information:</p> <ul style="list-style-type: none"> • Material Type: “Trash,” “Recycling,” “Greenwaste” or “Foodscraps” • Container Size: e.g. 32 gallons, 2 yard, etc. • Contractor’s Name (MarBorg) and customer service phone number • Common items associated with each material type • Prohibited Items: items that are prohibited from being placed into the container for collection (e.g. household hazardous waste, commingling of trash or greenwaste in recyclables container, etc.)
Free Services Provided by MarBorg	<p>MarBorg will continue to be able to provide free service to customers and employees, at its option, with written notice to the City. MarBorg will be the billable party for such service and will remit full payment to the City Utility Billing Office (including City fees and taxes). MarBorg will recoup its own service fees on free services, less City fees and taxes, through normal monthly payments from the City.</p>
Additional Containers for SB Schools	<p>MarBorg will continue to provide carts not set out for collection (not serviced) for classrooms and campuses as requested by SB School District personnel.</p>
Annex Yard Service	<p>There will be an annual cap on annex yard collection service of 3000 tons or 750 trips, as proposed by MarBorg</p>
MarBorg C&D Facility	<p>The amount of spoils and City-collected illegally dumped material that the City may disposed of for free at the MarBorg C&D Facility will be increased to 2000 tons, as proposed by MarBorg in its September 2011 proposal. MarBorg will offer an additional 1000 tons of disposal at cost (10% discount).</p>
Public Places and Municipal Buildings	<p>MarBorg will service all MTD bus stops, public containers, parks, municipal buildings, either existing or placed into service during the contract term, free of charge.</p>
Looking Good Santa Barbara	<p>MarBorg will provide status quo funding of \$80,000 per year for Looking Good Santa Barbara program. The City will agree that such funding will be used for salaries and supplies only. The amount will be automatically adjusted, beginning in July 2013, by the CPI.</p>
Public Communication Fund	<p>The City will agree to a fixed hauler’s liability for support to Public Education at \$141,600 per year. This amount will be automatically adjusted, beginning in July 2013, by the CPI. City will agree to provide MarBorg with an opportunity to review and</p>

	comment prior to release of materials.
Zero Waste Events	As proposed in MarBorg's September 2011 proposal. In addition, MarBorg will provide the number of carts requested by City for each event. MarBorg will steam clean containers before delivering them to the City facility.
Abandoned Waste Collection	MarBorg will provide Abandoned Waste Collection as described in its September 2011 proposal. In addition, MarBorg will collect any abandoned waste within 72 hours following notification to MarBorg by City Environmental Services Division or Streets Division.
City Fees Assessed on Customers	MarBorg will remit City fees as reflected on the rate proposal sheets. Such fees currently include City fees assessed on customers of 8.08% (4% recycling, 3.24% regional, 0.84% closed landfill fees) on hauler revenues from all sectors, plus 5.54% on hauler revenues from the business sector only. [Hauler revenues are calculated as gross revenues less these City fees assessed on customers]. The City may change the structure or amount of such fees after appropriate notice and consultation with MarBorg.
Roll-off and Compactor Billing	Scheduled Roll-offs and compactors will be billed by MarBorg until such time as the City is able to bill them. MarBorg will list each charge as a separate line item including container rental and each pickup service charge. Each pickup will list the date of collection, the material type, the weight, and the total charge. MarBorg will remit City Taxes and Fees to City for services that it bills.
Billing Fee	MarBorg will remit a billing fee of 5% on hauler revenues, as reflected on the rate proposal. [Hauler revenues are calculated as gross revenues less the City fees assessed on customers- currently 8.08% in residential sectors and 13.62% in the business sector]. MarBorg will not remit a billing fee on scheduled roll-off and compactor services that are billed by MarBorg directly to customers.
Franchise Fee	The franchise fee will continue to be 2% of gross revenues.
Existing Diversion Programs	MarBorg will continue to participate in existing diversion programs, as those programs are reflected in current practice and including enhancements reflected in its September 2011 proposal.
New Diversion Requirements	MarBorg will implement the new diversion program contained in Attachment 1, including indemnification of the City under AB939.
Environmental Considerations	MarBorg will provide service consistent with the environmental considerations. CNG vehicle replacements will be as reflected in "collection vehicles" above.
MUR "Backyard Cart Service" Charge	MarBorg will charge MUR customers the "Backyard Cart Charge" as listed on the Rate Schedule. However, the property currently named "Los Amigos Mobile Home Estates" will receive Backyard

	Cart Service at no additional charge throughout the contract term.
Extra Pickups	MUR and/or BUS customers requesting extra pick-up service will be serviced on the next service day. MarBorg will charge the "Extra Pickup" rate listed on the Rate Schedule.
Missed Pickups	In the event of a missed pick up, MarBorg will go back within 24 hours to service the missed containers.
Container Replacement	MarBorg will replace missing containers on the next regularly scheduled collection day.
Container Repair	MarBorg will exchange damaged containers with fully functional containers on the next regularly scheduled collection day.
Container Exchange	Upon request by a customer to exchange containers of one size or material type with containers of a different size or type, MarBorg will make the exchange within five Within five (5) business days.
Liquidated Damages	Updated amounts and categories included at Attachment 2.
Spill Cleanup	<p>MarBorg will not be responsible for cleaning up un-sanitary conditions caused by the carelessness of the Customer; however, MarBorg will clean up any material, fluids or residue that is spilled or scattered by its employees within four hours of spilling or dropping the material or receiving notice of such spill from a customer or the City.</p> <p>Equipment oil, hydraulic fluids, spilled paint, or any other liquid or debris resulting from MarBorg's operations or equipment repair will be covered immediately with an absorbent material and removed from the street surface. MarBorg will equip its collection vehicles with sufficient quantities of petroleum absorbent materials along with a broom and shovel.</p> <p>MarBorg will maintain a log of spills that indicates the material spilled, quantity and remedial actions taken and will immediately report any spills entering or endangering any waterway or storm drain or any spill of forty-two (42) gallons or more to the State Office of Emergency Service (OES) as required by law.</p>
Hazardous Waste	<p>MarBorg will not knowingly collect hazardous waste, or remove unsafe or poorly containerized hazardous waste from a collection container. MarBorg will refuse to collect hazardous waste and will instead contact the generator and request that the generator arrange for proper disposal. If the generator cannot be reached immediately, MarBorg will, before leaving the premises, leave a Non-Collection Notice indicating the reason for refusing to Collect the material.</p> <p>If MarBorg encounters hazardous waste in a collection container that poses an imminent danger to people or property, MarBorg will immediately call 9-1-1 and the Contract Administrator.</p> <p>If hazardous waste is identified at the time of delivery to the disposal or processing facility, and the Generator cannot be</p>

	identified, MarBorg will be responsible for handling and arranging lawful transport and disposition of the hazardous waste.
Customer Information	<p>MarBorg will collect and maintain the following information on customer accounts during each customer service contact event with the account holder:</p> <ul style="list-style-type: none"> • full first name, middle initial and last name of account holder • address of the property where containers are serviced • customer mailing address • customer electronic mail address • customer landline and mobile phone numbers • Information regarding customer complaints • Last four digits of account holder's Social Security Number or full Tax Identification Number if Business or Home Owner's Association <p>On a monthly basis, MarBorg will update all changes to customer information listed above in the City's Utility Billing System.</p>
CIS Information	<p>MarBorg will record and will ensure that the following information is maintained accurately in the CIS Billing System:</p> <ul style="list-style-type: none"> • MarBorg will identify "high content, "medium content" and "low content" trash containers that are sorted after collection • MarBorg will identify all City facilities and City public containers that receive service from MarBorg
New Customer Packets	<p>MarBorg will mail and/or email (if customer has provided email address) "New Customer Packets" to all new Single Family Residential, Multi-Unit Residential and Business customers within five (5) business days of starting service or from when requested by the customer. City will develop and provide hard copy versions of the New Customer Packet for each sector to MarBorg throughout the contract term.</p>
Credits	<p>MarBorg will provide credits to customers upon return of dumpster locks.</p>
Spanish-Speaking Capacity	<p>MarBorg will ensure that a sufficient number of customer service representatives are fluent in Spanish language.</p>
Transition Plan	<p>Prior to commencement of service under the proposed franchise agreement, MarBorg will complete the following transition tasks:</p> <ul style="list-style-type: none"> • Provide emergency backup plan to City • Provide collection route maps along with customer names, service addresses and days of collection • Provide equipment inventory • Provide emergency contact number to City Contract Administrator • Provide insurance coverages (including endorsements) and

	<p>performance bond</p> <ul style="list-style-type: none"> • Provide procurement schedule for new containers and CNG vehicles • Finalize collection methods for all services described in the franchise agreement (e.g. MUR battery and cell phone collection). • Customer outreach regarding franchise changes: meetings, notices, etc.
Refund Policy	Retroactive to one year from when over-charge is discovered
Defense of Exclusive Franchise	The City may, but will not be required, to take action to defend the grant of the exclusive franchise to MarBorg. MarBorg will defend the validity and enforceability of the exclusive franchise and will pay all costs related to such defense.
Stopping Service on Delinquent Accounts	<ul style="list-style-type: none"> • For all customer accounts that have trash and water service on the same account, the City Utility Billing Office will continue to take the lead on delinquent payments. However, for accounts that have trash service only: • SFR and BUS Accounts: MarBorg will be permitted to discontinue service and collect trash and recycling containers from customers whose accounts are more than 40 days delinquent. • MUR: MarBorg will be permitted to discontinue service and collect trash and recycling containers from customers whose accounts are more than 40 days delinquent. However, if a landlord pays for all units, then MarBorg will also provide notice of discontinued service to each individual customer no later than 48 hours prior to service disruption. • Before stopping service to any account, MarBorg will provide 10 days prior written notice to the City.
Updates to Amounts	Updates to other monetary amounts in the franchise agreement (performance bond and insurance requirements, liquidated damages, assignment fees, etc.) will be made in consultation with appropriate City and MarBorg staff.
Existing Covenants to Remain	The assurances and covenants from MarBorg provided in consideration of the grant of the two five-year options to extend the term of the agreement between the City and MarBorg for Zone Two of the City shall be included in the new franchise agreement, with appropriate updates of monetary amounts: 1. Section 3.17 Construction and Operation of the MarBorg Recycling Facility; 2. Section 12.12 "Rates not to Exceed Comparable Localities;" 3. Section 14.01 "Restrictions on Assignment;" and 4. Section 14.02 "Binding on Successors."
Billing Change	City will initially continue to do billing. If the City chooses to designate MarBorg to assume customer billing responsibility

	during the term of the agreement, MarBorg will cease paying the City the 5% billing fee, and there will be a resulting 5% reduction in the City's MSW rates
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Diversion Program

<p>AB 939 Indemnification</p>	<p>MarBorg will be responsible for ensuring the City meets its 50% diversion requirement under AB 939. MarBorg agrees to indemnify City in the event the diversion, source reduction and recycling goals of the Integrated Waste Management Act (Act) are not met by City. City and MarBorg agree to negotiate with respect to any additional Act-related services, which MarBorg and City agree to implement</p>
<p>Citywide Diversion Requirement</p>	<p>The current commercial diversion requirement 3.18 will be supplanted by a citywide franchised service diversion requirement.</p> <p><u>Minimum Diversion Requirement:</u> MarBorg will increase the annual percentage of source-separated recyclables, greenwaste and foodscraps collected in carts, cans, dumpsters, scheduled roll-off boxes and compactors for all customer classes by at least one percentage point per Contract Year throughout the term of the Agreement.</p> <p><u>Measurement of Minimum Diversion Requirement</u> The annual diversion rate citywide will be measured by calculating the annual percentage by weight that source-separated recyclables, greenwaste and foodscraps collected by MarBorg from scheduled carts, cans, dumpsters, roll-off boxes and compactors comprises of the total solid waste collected by MarBorg for each Contract Year. Contract Year is defined as “a period of twelve (12) months beginning July 1st and ending June 30th.”</p> <p>The annual diversion rate citywide will be calculated as follows: (Recyclables+ Greenwaste +Foodscraps collected during the Contract Year) / (Total Waste collected during the Contract Year)</p> <p>Recyclables include:</p> <ul style="list-style-type: none"> • Gross weight of franchise material collected in blue designated recycling cans, carts, and dumpsters and charged a recyclables rate. • Gross weight of franchise material collected in scheduled roll-off containers or compactors that is listed on the customer bill as Comingled Recycling, Metal, or Cardboard and charged the tipping fee for that specific commodity.

Greenwaste Includes:

- Gross weight of franchise material collected in green designated greenwaste cans, carts, and dumpsters and charged greenwaste rates.
- Gross weight of franchise material collected in scheduled roll-off containers or compactors that is listed on the customer bill as Greenwaste, Sawdust, or Wood Waste, and charged the tipping fee for that specific commodity.

Foodscraps Includes:

- Gross weight of franchise material collected in yellow designated foodscraps carts and dumpsters and charged foodscraps rates.

Total Waste Includes:

- All material collected in franchise cans, carts, dumpsters, scheduled roll-off containers and compactors excluding roll-off containers that contain 100% inert materials generated from construction and demolition.

Data used in calculating the annual diversion rate citywide will be taken from the Monthly Reports submitted by MarBorg. As shown in Attachment 3, diversion shall equal the sum of the tonnages in blue cells and total waste shall be considered as the sum of the tonnages in both the blue and yellow cells. Data in grey cells will not be used in calculating the annual diversion rate citywide. The annual diversion rate citywide will be calculated from data from both zones.

The scheduled collection of construction and demolition debris in roll-off containers is not included in the calculations.

Compliance with the Minimum Diversion Requirement Citywide:

MarBorg will be deemed to be in compliance with the Minimum Diversion Requirement provided that the following equation yields a value of greater than or equal to 1% for any given Contract Year throughout the term of the Agreement:

(Annual Diversion Rate Citywide at the end of the Current Contract Year minus the Baseline Diversion rate) / (Total Number of Contract

	<p>Years since July 1, 2013)</p> <p>Greater than required diversion in any year will not increase the total minimum percent diversion for any subsequent year.</p> <p><u>Baseline Diversion Rate Citywide:</u> The baseline diversion rate citywide will be established in July of 2013 pursuant to the following formula:</p> <p>(Recycling+ Greenwaste +Foodscraps collected between July 1, 2012 and June 30, 2013) / (Total Waste Generated between July 1, 2012 and June 30, 2013)</p>
Corroboration of Diversion	<p><u>Corroboration of Diversion</u> MarBorg will provide the City with any documentation that the City requests in order to verify compliance with the minimum diversion requirement, including but not limited to information currently contained in MarBorg’s monthly reports to the City. In particular, MarBorg will retain information such as weigh tickets, invoices, bills of lading, or receipts which the City may request. MarBorg will provide City with copies of documentation within 7 days of City request.</p> <p><u>Weighing and Record Requirements</u> MarBorg will cause a weigh master who is certified under law to weigh all recyclables, green waste and foodscraps upon delivery to the City-designated facility and record all of the following information:</p> <ol style="list-style-type: none"> a. weight and material type, b. delivery date and time, c. route and truck number, and d. driver name and any identification number
No Commingling	<p>MarBorg will not mix refuse, recyclables, green waste and foodwaste. Parties acknowledge that customers might not cooperate with collection programs and might discard refuse, recyclables or green waste together in the same container.</p>
Sorting of Commercial Loads at MarBorg C&D Facility	<p>City, at any point during the term of the Agreement may direct the flow of any franchised material to other diversion facilities and may explicitly prohibit sorting of trash loads at the MarBorg C&D Facility.</p>
AB 341 Diversion Subscription Requirements	<p>For the purposes of this Section, Business customers that generate a minimum of four (4) cubic yards of trash per week and Multi-Unit Residential customers comprised of five (5) or more dwelling units are referred to as “AB 341 Customers.”</p>

	<p>Within 5 years following execution of the Agreement, and throughout the remainder of the Agreement, MarBorg will ensure that at least 30% of subscription collection service (including free and paid containers) is comprised of diversion services (commingled recycling, greenwaste and foodscraps) for 90% of all AB 341 Customers.</p> <p>Implementation: For each of the first five consecutive contract years, MarBorg will ensure that an increasing increment of at least 18% of all AB 341 Customers are brought into compliance with the 30% diversion requirement.</p> <table border="0"> <thead> <tr> <th><u>End of contract year</u></th> <th><u>Percent with 30% diversion</u></th> </tr> </thead> <tbody> <tr> <td>Year 1</td> <td>18%</td> </tr> <tr> <td>Year 2</td> <td>36%</td> </tr> <tr> <td>Year 3</td> <td>54%</td> </tr> <tr> <td>Year 4</td> <td>72%</td> </tr> <tr> <td>Year 5 (& thereafter)</td> <td>90%</td> </tr> </tbody> </table> <p>Trash containers designated in CIS as “High Content,” “Medium Content” and/or “Low Content” will be viewed as trash containers when evaluating compliance with the 30% subscription requirement. Moreover, diversion collection service that MarBorg provides free of charge to customers or for which MarBorg pays customers for commodities (e.g. source-separated glass) will be counted toward the 30% diversion requirement provided that the non-billed diversion containers are identified in the CIS Billing System.</p> <p>The subscription based diversion requirements will be achieved by MarBorg without the adoption of a mandatory commercial recycling ordinance.</p>	<u>End of contract year</u>	<u>Percent with 30% diversion</u>	Year 1	18%	Year 2	36%	Year 3	54%	Year 4	72%	Year 5 (& thereafter)	90%
<u>End of contract year</u>	<u>Percent with 30% diversion</u>												
Year 1	18%												
Year 2	36%												
Year 3	54%												
Year 4	72%												
Year 5 (& thereafter)	90%												
Corroboration of Subscription requirements	<ul style="list-style-type: none"> • AB 341 Customer List: within two months following the execution of the Agreement, and at the beginning of each Contract Year thereafter, MarBorg will provide to City a tentative list of AB 341 Customers along the following information for each customer: <ul style="list-style-type: none"> • CIS Account Number; • Sharing Agreements and the names and account numbers of the sharing parties; • Current service level; and, • Current diversion rate. 												

	<ul style="list-style-type: none"> • At the beginning of each Contract Year, MarBorg will provide City with an updated AB 341 Customer List that identifies the AB 341 Customers with whom MarBorg will work to bring them into compliance with the 30% diversion requirement during the Contract Year. • MarBorg will provide to City information regarding its progress toward achieving this provision in its monthly reports to City. If a customer refuses to subscribe to minimum diversion services as described, the MarBorg will provide documentation of the customer's refusal with its monthly reports to City and record the information in the CIS Billing System.
Diversions Element to Transition Plan	As part of its Transition Plan, MarBorg will develop a Diversion Plan describing how and when it will accomplish the diversion performance standards outlined in the Agreement. MarBorg will revise its Diversion Plan in conjunction with any change in scope of franchise services (for example, addition of a new program in response to increased State diversion requirements).
Assistance to City staff	<p>The following cooperation will continue, consistent with current practice:</p> <ul style="list-style-type: none"> • City may choose to work with customers to improve their diversion performance. If requested by City, MarBorg will make its personnel available to meet with City and customers on service-related issues. • Upon request from City, MarBorg will review building permit applicants' plans and advise applicants regarding adequacy of container storage space and access, particularly to accommodate access to, and collection of recyclable materials. MarBorg will provide this service at no charge to City.
Enforcement of Anti-Scavenging Laws	MarBorg will cooperate with City, including City-instituted civil actions, in enforcing anti-scavenging laws against a person alleged to have violated Public Resources Code Section 41950.

<p>Communication with Customers</p>	<ul style="list-style-type: none">• MarBorg (and its employees) will be a full participant in representing and supporting the solid waste policies and diversion goals adopted by the City Council in its written and verbal communication with customers. • Web Site: MarBorg will maintain a web site with content acceptable to City. MarBorg will post all of the following information on its web-site:<ul style="list-style-type: none">a. information about franchise services, including options for cart sizes,b. a link to the City's current Rate Schedule,c. link(s) to City's websitesd. link(s) to programs or facilities where customer can legally discard special waste (including Universal Waste and e-waste) and hazardous waste,e. MarBorg contact information, andf. other information related to waste management upon City request
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Attachment 2

Liquidated Damages

Collection Reliability	Current	PROPOSED
(a) For each failure to commence service to a new customer account within seven (7) days after order, in excess of five (5) such failures annually:	\$150.00	\$210
(b) For each failure to collect MSW or Recyclable Materials which has been properly set out for collection, from an established Customer account, on the scheduled collection day, in excess of five (5) such failures annually:	\$150.00	\$210
(c) For each failure to collect MSW or Recyclable Materials, which has been properly set out for collection, from the same Customer on two (2) consecutive scheduled pick up days:	\$150.00	\$210
(d) For each failure to prepare for or properly conduct an on-call City- clean up, including failure to timely deliver in good condition and, if a bin or roll-off box, empty of MSW or Recyclable Materials or any other necessary equipment, materials or supplies; failure to provide adequate personnel to dispatch, collect, transport or respond to City's requests for services specific to the clean up event; failure to cooperate with City's traffic control plan(s); failure to clean up any litter generated by MarBorg's personnel at any site utilized by City for event:	\$250.00	\$350
Collection Quality	Current	PROPOSED
(a) (i) For each occurrence of damage to private property which exceeds five (5) such occurrences annually:	\$250.00	\$350
(ii) Failure to repair damage to Customer property caused by MarBorg or its personnel.	N/A	\$700
(b) For each failure to	\$150.00	\$210

properly return any empty container to avoid pedestrian or vehicular traffic impediments or to place any can in an upright position with lid securely fastened, in excess of five (5) such occurrences annually:		
(c) For each occurrence of discourteous behavior to a Customer:	\$250.00	\$350
(d) For each occurrence of excessive noise:	\$250.00	\$350
(e) For each failure to clean up MSW or Recyclable Materials spilled from containers, in excess of five (5) such failures annually:	\$150.00	\$210
(f) For each occurrence of collecting MSW or Recyclable Materials during unauthorized hours, in excess of five (5) such occurrences annually:	\$500.00	\$700
(g) For each occurrence of mixing or adding uncontaminated Greenwaste to MSW and avoiding diversion and/or subsequent separate collection of Greenwaste:	\$200.00	\$280
(h) For each failure to conform to the requirements of Sections 5.02.E.2, Cleaning; 5.02.E.3, Painting; 5.02.E.4, Maintenance; 5.02.F, Operation; 5.03.C, Cleaning, Painting and Maintenance of MarBorg-Furnished Containers; 5.03.D, Compactors; 5.04.B, Driver Qualifications; and 5.04.C, Uniforms, which exceed in any one or a combination of categories above five (5) such occurrences annually:	\$150.00	\$210
(i) For each incident of commingling trash with Source Separated Greenwaste or other Source Separated recyclable materials:	\$250.00	\$350
Responsiveness to Customer	Current	PROPOSED
(a) For each failure to initially respond to a Customer complaint within twenty four (24) hours:	\$100.00	\$150
(b) For each failure to carry out responsibilities for establishing service:	\$500.00	\$700

(c) For each failure to conform to the requirements of Article 6:	\$250.00	\$350
(d) For each failure to weekly comply with Section 6.04.D, that is, for each percentage or a portion thereof in excess of the ninety percent (90%) minimum standard for answering incoming calls before the fourth (4th) ring, or for each percentage or a portion thereof in excess of ten percent (10%) of callers required to wait on hold for more than thirty (30) seconds before being connected to a customer service representative, or for each percentage point or a portion thereof in excess of three percent (3%) that callers, on average as calculated weekly, receive a telephone busy signal:	\$250.00	\$350
(e) Failure to deliver or exchange Cans, Carts, Bins, or other Containers within the time required. (new)	N/A	\$150
(f) Failure to repair or replace damaged Cans, Carts, Bins, or other Containers within the time required. (new)	N/A	\$150
(g) Failure to timely install locks on Bins. (new)	N/A	\$150
(h) Failure to properly cover materials in Collection vehicles.	N/A	\$350
(i) Failure to provide a Spanish speaking Customer Service Representative.		\$150
Submissions to City	Current	PROPOSED
(a) Timeliness; Any report shall be considered late until such time as a correct and complete report is received by City. For each calendar day a report is late, the daily liquidated damage amount shall be:	\$250.00	\$350
(b) Failure to provide information requested by the City pursuant to the agreement, including but not limited to information necessary to ensure the smooth transfer of operations to a new hauler upon termination or transfer of the franchise agreement, within XX days. For each calendar day a report is late, the daily liquidated	N/A	\$350

damage amount shall be:		
-------------------------	--	--

Other Failure to perform	Current	PROPOSED
(a) Failure to deliver any Collected materials to City-approved Disposal Facility, Recyclables Processing Facility, C&D Facility, Composting Facility, or Green Waste Processing Facility, as appropriate, not including direct transfer of materials at an intermediate transfer point pending transport to the City-approved facility, or as otherwise expressly provided in this Agreement.	N/A	\$5,000.00 first failure. \$25,000.00 each subsequent failure.
(b) Failure to meet the minimum diversion requirements (1% per year increase citywide) for any compliance year.	N/A	Shortfall in cumulative diversion requirement for the year: \$50,000 per 0.5% shortfall or part thereof.
(c) Failure to meet the incremental diversion subscription requirement for AB 341 Customers in any compliance year.	N/A	Shortfall in cumulative subscription requirement: \$20,000 per 5% shortfall or part thereof.
(d) Failure to obtain any written approval, consent or approval of City or to notify City when required under the Agreement.		\$210
(e) Failure to cure non-compliance with the provisions of this Agreement in the manner and time set forth in this Agreement.		\$210
(i) For each incident of commingling trash with Source Separated Greenwaste or other Source Separated recyclable materials:	\$250.00	\$350

Attachment 3

Collection Information Zone 1						
Franchise Services						
Cart/Can Tonnages:	Single Family Residential	Multi-Unit Residential	Business	Schools	City	Public
Trash	434	300	56	0		25
Recycling	263	107	31	1	0	2
Greenwaste	351	71	9	0	1	
Food			20	11		
Use gross tonnage only. Do not make deductions for sorted loads.						
Dumpster Tonnages	Diversion %	Multi-Unit Residential	Business	Schools	City	Public
Trash	0%	375	629	29	42	27
High Content Trash	50%		0			
Medium Content Trash	25%					
Low Content Trash	10%		0			
Recycling	90%	16	153	10	7	0
Greenwaste	95%	6	6	4	2	
Food	100%		89	9		
Franchise Rolloff and Compactor Tonnages						
Solid Waste	0%		211			
Low Content	10%					
Recycling	100%		14			
C&D (bulky items)	77%		70			
Greenwaste/Wood	100%		3			
C&D Inerts	100%					
Other Residential Services		Bulky Disposed	Bulky Recycled	Batteries (lbs)	Cell Phones (lbs)	# of Sharps Containers Distributed
Single Family		6	7			
Multi-Unit						
2013 Franchise Contract Diversion Both Zones						39%

Single Family Residential Rates

1 of 6

October 17, 2012

GROSS RATES - FEES INCLUDED

	Service Category	Rate
RESIDENTIAL	32 gallon refuse	28.14
	64 gallon refuse	33.83
	96 gallon refuse	37.00
	128 gallon refuse	40.13
	Additional 32 gal refuse	7.46
	Additional 32 gal green	2.00
	Distance 100-150	3.99
	Distance 150+	24.18
	slope	3.10
	Backyard cart -per cont.	8.44
	1.5 Yd Green Dumpster	19.01
	2 Yd Green Dumpster	25.34
	3 Yd Green Dumpster	38.02
4Yd Green Dumpster	50.70	

CITY OF SANTA BARBARA

Single Family Residential Extra Pick Up Rates

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October 17, 2012

GROSS RATES - FEES INCLUDED

RESIDENTIAL	Service Category	Rate
	Trash, extra pickup (each bag) on regular service day	\$2.00
	Trash, extra pickup (up to 4 bags) not on regular service day	\$11.21
	Recycling, extra pickup on regular service day	\$0.00
	Recycling, extra pickup (unlimited) of bags not on regular service day	\$11.21
	Greenwaste, extra pickup (each bag) on regular service day	\$2.00
	Greenwaste, extra pickup (up to 4 bags) not on regular service day	\$11.21
	Greenwaste Dumpster extra pick up (up to 4 bags) any day	\$11.21

CITY OF SANTA BARBARA

Business Rates

4 of 6

October 17, 2012

GROSS RATES - FEES INCLUDED

	Container Type	Number of Collections per Week							Extra Pickup (per
		1	2	3	4	5	6	7	
COMMERCIAL	Trash								
	Trash Minimum Rate	27.35							
	32 gallon Can	14.03	29.47	44.90	60.33	75.76	91.20	106.63	3.86
	32 gallon Cart	14.03	29.47	44.90	60.33	75.76	91.20	106.63	3.86
	64 gallon Cart	27.35	57.43	87.51	117.61	147.69	177.77	207.85	7.52
	96 gallon Cart	40.68	85.43	130.18	174.93	219.67	264.42	309.17	11.19
	1.5 cu. yard Dumpster	115.34	242.21	369.09	495.96	622.82	749.71	876.57	31.72
	2 cubic yard Dumpster	153.58	322.51	491.46	660.39	829.34	998.27	1,167.21	42.23
	3 cubic yard Dumpster	230.05	483.11	736.17	989.23	1,242.28	1,495.34	1,748.39	63.26
	4 cubic yard Dumpster	306.51	643.68	980.84	1,318.00	1,655.16	1,992.33	2,329.48	84.29
	1.5 cu. yard Compactor	344.75	723.99	1,103.21	1,482.44	1,861.66	2,240.89	2,620.13	94.81
	2 cubic yard Compactor	459.45	964.86	1,470.25	1,975.65	2,481.06	2,986.46	3,491.85	126.35
	3 cubic yard Compactor	688.87	1,446.62	2,204.38	2,962.14	3,719.89	4,477.65	5,235.40	189.44
	Recycling								
	32 gallon Can	7.01	14.72	22.42	30.14	37.85	45.56	53.26	1.93
	32 gallon Cart	7.01	14.72	22.42	30.14	37.85	45.56	53.26	1.93
	64 gallon Cart	14.03	29.47	44.90	60.33	75.76	91.20	106.63	3.86
	96 gallon Cart	21.04	44.18	67.32	90.46	113.61	136.76	159.89	5.79
	1.5 cu. yard Dumpster	57.68	121.12	184.56	248.00	311.45	374.90	438.33	15.86
	2 cubic yard Dumpster	76.79	161.26	245.72	330.20	414.67	499.14	583.60	21.12
	3 cubic yard Dumpster	115.02	241.55	368.06	494.58	621.11	747.63	874.15	31.63
	4 cubic yard Dumpster	153.26	321.85	490.44	659.02	827.61	996.20	1,164.79	42.15
	Greenwaste								
	32 gallon Can	7.01	14.72	22.42	30.14	37.85	45.56	53.26	1.93
	32 gallon Cart	7.01	14.72	22.42	30.14	37.85	45.56	53.26	1.93
	64 gallon Cart	14.03	29.47	44.90	60.33	75.76	91.20	106.63	3.86
	96 gallon Cart	21.04	44.18	67.32	90.46	113.61	136.76	159.89	5.79
	1.5 cu. yard Dumpster	57.68	121.12	184.56	248.00	311.45	374.90	438.33	15.86
	2 cubic yard Dumpster	76.79	161.26	245.72	330.20	414.67	499.14	583.60	21.12
	3 cubic yard Dumpster	115.02	241.55	368.06	494.58	621.11	747.63	874.15	31.63
	4 cubic yard Dumpster	153.26	321.85	490.44	659.02	827.61	996.20	1,164.79	42.15
	Foodscraps								
	32 gallon Cart	7.01	14.72	22.42	30.14	37.85	45.56	53.26	1.93
64 gallon Cart	14.03	29.47	44.90	60.33	75.76	91.20	106.63	3.86	
1.5 cu. yard Dumpster	57.68	121.12	184.56	248.00	311.45	374.90	438.33	15.86	
2 cubic yard Dumpster	76.79	161.26	245.72	330.20	414.67	499.14	583.60	21.12	
3 cubic yard Dumpster	115.02	241.55	368.06	494.58	621.11	747.63	874.15	31.63	
4 cubic yard Dumpster	153.26	321.85	490.44	659.02	827.61	996.20	1,164.79	42.15	
Dumpster Push Out, more than 25'	6.35	12.70	19.05	25.40	31.75	38.10	44.45	-	

CITY OF SANTA BARBARA

Scheduled Roll-Off Compactor Rates

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October 17, 2012

GROSS RATES -FEES INCLUDED

	Charge	Type	Container	Monthly Flat Rate	Per Pickup
Roll-Off	Hauling	Local	Compactor		160.83
	Hauling	Tajiguas	Rolloff		227.85
	Hauling	Tajiguas	Compactor		267.13
	Hauling	Local	Rolloff		201.03
	Hauling	Non-Service Fee	Rolloff/Compactor		55.13
	Tipping Fee			actual fee + 15.49%	
	Rental	all sizes	Rolloff	110.94	
	Rental	30 yard	Compactor	493.11	
	Rental		Cart Dumper	104.64	

CITY OF SANTA BARBARA

Special Services Rates

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October 17, 2012

GROSS RATES - FEES INCLUDED

Service	Charge per Incident
Exchange Cart-more than once per 3 months	7.39
Restart Service	14.30
Steam Clean Cart	7.39
Steam Clean Dumpster	43.77
Exchange Dumpster	43.77
Provide Padlock	14.30
Non-Barlock Locking Dumpster	38.62
Install Padlock on cart	28.62
Install Barlock on dumpster	84.40
Replace Key	5.72
Steam Clean Compactor	93.39
Steam Clean Rolloff	81.71
Go Back Charge/Special Pickup (up to 4 cans)	11.21
Overloaded Trash Dumpster	16.69
Overloaded Recycling Dumpster	7.91
Delinquency Fee per account, per month, for any billing period in which a delinquent unpaid balance exists	5.00



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Creeks Division, Parks and Recreation Department

SUBJECT: Resolution Authorizing Execution Of Grant Agreement In The Amount Of \$1,889,299 With The State Of California For Low Impact Development Storm Water Infiltration Project

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director, or Designee, to Negotiate and Execute an Agreement, and Any Amendments Thereto, with the State of California for the Low Impact Development (LID) Storm Water Infiltration Project.

DISCUSSION:

Background

Storm water and urban runoff from impervious surfaces are major sources of surface water quality degradation. Runoff from parking lots often contains pollutants including hydrocarbons, fine sediments, bacteria, metals, nutrients, and other pollutants that are toxic to aquatic organisms and potentially harmful to human health.

Project Description

The purpose of the project is to design and install permeable paver projects to treat storm water and urban runoff through infiltration. The project will retrofit parking lots and paved areas at three City parks and recreation facilities. The project will replace over 100,000 square feet of existing asphalt with permeable pavers and vegetation. This will allow storm water and urban runoff to infiltrate into the soil, providing water treatment and groundwater recharge. The project is located at the following sites:

- 1) Oak Park
 - Main Parking Lot
 - Oak Park Stage Area and Main Picnic Area
 - Oak Park Tennis Court Parking Lot

Council Agenda Report

Resolution Authorizing Execution Of Grant Agreement In The Amount Of \$1,889,299 With The State Of California For Low Impact Development Storm Water Infiltration Project

December 11, 2012

Page 2

- 2) Stevens Park Parking Lot
- 3) Westside Neighborhood Center Parking Lot.

These sites were selected because they are high use areas, provide an opportunity to remove a significant area of impermeable surfaces, and drain directly into Mission and San Roque Creeks. The primary purpose of the pavers is to detain and filter polluted storm water and incidental urban runoff through passive infiltration without compromising the existing use of the parking lot or surrounding structures. A secondary purpose of this project is to serve as a demonstration of how to retrofit existing parking lots to improve water quality while minimizing the cost of construction and post construction maintenance.

Grant Funding

Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, was approved by California voters in the general election on November 7, 2006. Proposition 84 provides the State Water Board \$90 million for matching grants to local public agencies for the reduction and prevention of storm water contamination of rivers, lakes, and streams (PRC § 75050[m]). Projects must either implement LID strategies or assist in compliance of established storm water Total Maximum Daily Loads. State Water Resources Control Board (SWRCB) staff plans to distribute Storm Water Grant Program (SWGPP) funding through at least two rounds of funding, with up to \$45 million available in Round 1, and the remaining funding available in Round 2.

Although competition was extremely high for these funds, the Creeks Division was awarded a \$1,889,299 grant for the LID Storm Water Infiltration Project. This project was selected because it implements LID strategies and improves water quality in Santa Barbara creeks. With the successful design and installation of permeable pavers at the MacKenzie Park Parking Lot in 2011, the Creeks Division has demonstrated the capacity to implement LID projects.

The SWGPP guidelines require a resolution authorizing the applicant's representative to negotiate and execute a grant agreement. Once a grant agreement has been executed, the project will be put out to bid for construction. The Creeks Division anticipates construction to take place between May and October 2013.

BUDGET/FINANCIAL INFORMATION:

The total estimated cost of the project is \$2,562,177. The SWRCB grant will provide \$1,889,299 toward the design and construction of the LID Storm Water Infiltration Project. It is estimated that the project will require Measure B matching funds in the amount of \$672,878. Final project costs will be determined once construction bids are received. Once the grant agreement is complete and construction bids are received, the Creeks Division will return to Council to appropriate the grant funds. Measure B

matching funds for the project are available in the Creeks Division Capital Improvement Program and Creeks Fund Reserve.

SUSTAINABILITY IMPACT:

Storm water and urban runoff from impervious surfaces are a major source of surface water quality degradation. Infiltrating polluted runoff provides passive treatment at the source, which enhances watersheds and beaches, reduces damaging peak storm water flows, recharges groundwater, and requires no power consumption for operation.

PREPARED BY: Cameron Benson, Creeks Restoration/Clean Water Manager

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

APPROVED BY: City Administrator's Office

RESOLUTION NO: _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PARKS AND RECREATION DIRECTOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE AN AGREEMENT, AND ANY AMENDMENTS THERETO, WITH THE STATE OF CALIFORNIA FOR THE LOW IMPACT DEVELOPMENT (LID) STORM WATER INFILTRATION PROJECT

LID Storm Water Infiltration Project

WHEREAS, the City of Santa Barbara is authorized to enter into an agreement with the State of California.

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

1. The Parks and Recreation Director, or designee, of the City of Santa Barbara is hereby authorized to negotiate and execute an agreement between the City of Santa Barbara and the State of California for the LID Storm Water Infiltration Project according to the terms and conditions set forth in the agreement; and
2. The Council appoints the Parks and Recreation Director, or designee, as representative of the City of Santa Barbara to conduct negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and other documents which may be necessary for the completion of the proposed project.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Fiscal Year 2013 Interim Financial Statements For The Four Months Ended October 31, 2012

RECOMMENDATION:

That Council accept the Fiscal Year 2013 Interim Financial Statements for the Four Months Ended October 31, 2012.

DISCUSSION:

The interim financial statements for the four months ended October 31, 2012 (33.3% of the fiscal year) are attached. The interim financial statements include budgetary activity in comparison to actual activity for the General Fund, Enterprise Funds, Internal Service Funds, and select Special Revenue Funds.

ATTACHMENT: Interim Financial Statements for the Four Months Ended October 31, 2012

PREPARED BY: Doug B. Smith, Senior Accountant

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
GENERAL FUND					
Revenue	105,981,730	29,556,181	-	76,425,549	27.9%
Expenditures	106,318,788	37,209,242	1,784,037	67,325,509	36.7%
<i>Addition to / (use of) reserves</i>	(337,058)	(7,653,062)	(1,784,037)		
WATER OPERATING FUND					
Revenue	33,792,362	13,992,261	-	19,800,101	41.4%
Expenditures	34,908,858	10,333,424	2,994,292	21,581,143	38.2%
<i>Addition to / (use of) reserves</i>	(1,116,496)	3,658,837	(2,994,292)		
WASTEWATER OPERATING FUND					
Revenue	17,207,200	6,028,748	-	11,178,452	35.0%
Expenditures	17,369,170	4,635,870	1,727,495	11,005,805	36.6%
<i>Addition to / (use of) reserves</i>	(161,970)	1,392,878	(1,727,495)		
DOWNTOWN PARKING					
Revenue	6,795,891	2,564,064	-	4,231,827	37.7%
Expenditures	7,905,307	2,408,352	649,213	4,847,742	38.7%
<i>Addition to / (use of) reserves</i>	(1,109,416)	155,711	(649,213)		
AIRPORT OPERATING FUND					
Revenue	14,774,556	5,141,811	-	9,632,745	34.8%
Expenditures	15,293,694	3,905,737	717,309	10,670,647	30.2%
<i>Addition to / (use of) reserves</i>	(519,138)	1,236,074	(717,309)		
GOLF COURSE FUND					
Revenue	1,872,903	624,717	-	1,248,186	33.4%
Expenditures	1,923,510	787,555	19,558	1,116,397	42.0%
<i>Addition to / (use of) reserves</i>	(50,607)	(162,839)	(19,558)		
INTRA-CITY SERVICE FUND					
Revenue	5,930,750	1,955,148	-	3,975,602	33.0%
Expenditures	6,607,428	1,925,536	1,258,494	3,423,398	48.2%
<i>Addition to / (use of) reserves</i>	(676,679)	29,612	(1,258,494)		

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
FLEET REPLACEMENT FUND					
Revenue	2,549,018	852,209	-	1,696,809	33.4%
Expenditures	2,384,199	113,800	1,573,360	697,038	70.8%
<i>Addition to / (use of) reserves</i>	164,819	738,409	(1,573,360)		
FLEET MAINTENANCE FUND					
Revenue	2,441,918	819,845	-	1,622,073	33.6%
Expenditures	2,521,089	763,372	266,847	1,490,870	40.9%
<i>Addition to / (use of) reserves</i>	(79,171)	56,472	(266,847)		
SELF INSURANCE TRUST FUND					
Revenue	6,101,986	2,355,644	-	3,746,342	38.6%
Expenditures	5,949,472	1,862,893	331,842	3,754,737	36.9%
<i>Addition to / (use of) reserves</i>	152,514	492,751	(331,842)		
INFORMATION SYSTEMS ICS FUND					
Revenue	2,358,079	787,163	-	1,570,916	33.4%
Expenditures	2,765,492	742,602	448,626	1,574,263	43.1%
<i>Addition to / (use of) reserves</i>	(407,413)	44,561	(448,626)		
WATERFRONT FUND					
Revenue	12,072,564	4,788,058	-	7,284,506	39.7%
Expenditures	13,162,748	4,967,539	760,471	7,434,738	43.5%
<i>Addition to / (use of) reserves</i>	(1,090,184)	(179,481)	(760,471)		
TOTAL FOR ALL FUNDS					
Revenue	211,878,957	69,465,848	-	142,413,108	32.8%
Expenditures	217,109,755	69,655,923	12,531,544	134,922,288	37.9%
<i>Addition to / (use of) reserves</i>	(5,230,799)	(190,075)	(12,531,544)		

*** It is City policy to adopt a balanced budget. In most cases, encumbrance balances exist at year-end. These encumbrance balances are obligations of each fund and must be reported at the beginning of each fiscal year. In addition, a corresponding appropriations entry must be made in order to accommodate the 'carried-over' encumbrance amount. Most differences between budgeted annual revenues and expenses are due to these encumbrance carryovers.*

CITY OF SANTA BARBARA
General Fund
Interim Statement of Budgeted and Actual Revenues
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Remaining Balance	Percent Received	Previous YTD
TAXES					
Sales and Use	19,933,931	5,021,775	14,912,156	25.2%	4,491,005
Property Taxes	24,626,561	1,269,182	23,357,379	5.2%	1,018,568
Utility Users Tax	7,015,200	2,323,078	4,692,122	33.1%	2,434,510
Transient Occupancy Tax	14,489,200	6,442,929	8,046,271	44.5%	5,981,069
Business License	2,220,780	617,778	1,603,002	27.8%	523,300
Real Property Transfer Tax	356,180	202,914	153,266	57.0%	133,574
<i>Total</i>	68,641,852	15,877,655	52,764,197	23.1%	14,582,026
LICENSES & PERMITS					
Licenses & Permits	208,988	65,514	143,474	31.3%	78,004
<i>Total</i>	208,988	65,514	143,474	31.3%	78,004
FINES & FORFEITURES					
Parking Violations	2,382,621	943,513	1,439,108	39.6%	880,001
Library Fines	120,331	36,874	83,457	30.6%	39,228
Municipal Court Fines	162,352	34,252	128,100	21.1%	51,645
Other Fines & Forfeitures	305,000	79,908	225,092	26.2%	66,638
<i>Total</i>	2,970,304	1,094,547	1,875,757	36.8%	1,037,511
USE OF MONEY & PROPERTY					
Investment Income	729,077	330,666	398,411	45.4%	275,171
Rents & Concessions	453,827	110,540	343,287	24.4%	86,685
<i>Total</i>	1,182,904	441,206	741,698	37.3%	361,856
INTERGOVERNMENTAL					
Grants	438,610	459,946	(21,336)	104.9%	6,866
Vehicle License Fees	-	48,265	(48,265)	100.0%	198,535
Reimbursements	14,040	292	13,749	2.1%	1,323
<i>Total</i>	452,650	508,502	(55,852)	112.3%	206,724
FEES & SERVICE CHARGES					
Finance	848,301	292,756	555,545	34.5%	275,982
Community Development	4,495,945	1,492,760	3,003,185	33.2%	1,614,241
Recreation	2,441,584	994,346	1,447,238	40.7%	888,396
Public Safety	555,980	196,986	358,994	35.4%	195,839
Public Works	5,407,003	1,928,229	3,478,774	35.7%	1,799,174
Library	673,140	313,146	359,994	46.5%	44,194
Reimbursements	4,271,753	1,454,583	2,817,170	34.1%	1,976,483
<i>Total</i>	18,693,706	6,672,805	12,020,901	35.7%	6,794,310
OTHER REVENUES					
Miscellaneous	1,470,548	1,367,999	102,549	93.0%	650,782
Franchise Fees	3,509,700	998,840	2,510,860	28.5%	1,101,278
Indirect Allocations	5,841,852	1,947,284	3,894,568	33.3%	2,037,273
Operating Transfers-In	3,009,226	581,828	2,427,398	19.3%	645,786
<i>Total</i>	13,831,326	4,895,951	8,935,375	35.4%	4,435,118
TOTAL REVENUES	105,981,730	29,556,181	76,425,549	27.9%	27,495,548

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
GENERAL GOVERNMENT						
<u>Mayor & City Council</u>						
MAYOR	737,693	249,175	1,435	487,083	34.0%	
<i>Total</i>	737,693	249,175	1,435	487,083	34.0%	235,452
<u>City Attorney</u>						
CITY ATTORNEY	2,011,215	747,334	8,325	1,255,556	37.6%	
<i>Total</i>	2,011,215	747,334	8,325	1,255,556	37.6%	678,124
<u>Administration</u>						
CITY ADMINISTRATOR	1,551,018	508,692	1,435	1,040,890	32.9%	
CITY TV	473,554	129,809	80,220	263,526	44.4%	
<i>Total</i>	2,024,572	638,501	81,655	1,304,416	35.6%	622,938
<u>Administrative Services</u>						
CITY CLERK	461,229	151,017	19,219	290,993	36.9%	
HUMAN RESOURCES	1,258,017	388,748	20,512	848,757	32.5%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	14,447	-	-	14,447	0.0%	
<i>Total</i>	1,733,693	539,765	39,731	1,154,197	33.4%	566,483
<u>Finance</u>						
ADMINISTRATION	241,585	81,035	3,000	157,550	34.8%	
TREASURY	530,592	189,264	14,600	326,728	38.4%	
CASHIERING & COLLECTION	438,330	151,513	-	286,817	34.6%	
LICENSES & PERMITS	446,773	151,776	-	294,997	34.0%	
BUDGET MANAGEMENT	434,881	138,890	20,380	275,611	36.6%	
ACCOUNTING	493,940	166,011	45,160	282,769	42.8%	
PAYROLL	286,604	97,358	-	189,246	34.0%	
ACCOUNTS PAYABLE	218,948	73,200	-	145,748	33.4%	
CITY BILLING & CUSTOMER SERVICE	647,851	181,931	-	465,920	28.1%	
PURCHASING	698,481	194,714	3,106	500,660	28.3%	
CENTRAL STORES	160,944	46,738	392	113,814	29.3%	
MAIL SERVICES	108,448	36,279	392	71,777	33.8%	
<i>Total</i>	4,707,377	1,508,709	87,030	3,111,637	33.9%	1,405,237
TOTAL GENERAL GOVERNMENT	11,214,550	3,683,485	218,177	7,312,888	34.8%	3,508,233
PUBLIC SAFETY						
<u>Police</u>						
CHIEF'S STAFF	994,588	584,400	654	409,534	58.8%	
SUPPORT SERVICES	626,474	200,815	1,301	424,358	32.3%	
RECORDS	1,173,614	367,417	5,754	800,443	31.8%	
COMMUNITY SVCS	994,713	344,057	5,782	644,874	35.2%	
PROPERTY ROOM	155,893	43,554	820	111,519	28.5%	
TRNG/RECRUITMENT	412,970	172,301	22,881	217,788	47.3%	
RANGE	1,157,431	393,538	29,853	734,040	36.6%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
PUBLIC SAFETY						
<u>Police</u>						
BEAT COORDINATORS	825,860	283,204	-	542,656	34.3%	
INFORMATION TECHNOLOGY	1,320,105	567,145	8,757	744,204	43.6%	
INVESTIGATIVE DIVISION	4,697,571	1,499,575	3,721	3,194,275	32.0%	
CRIME LAB	132,701	44,464	-	88,237	33.5%	
PATROL DIVISION	15,258,604	5,118,808	169,354	9,970,442	34.7%	
TRAFFIC	1,373,035	448,482	1,100	923,453	32.7%	
SPECIAL EVENTS	786,140	603,861	-	182,279	76.8%	
TACTICAL PATROL FORCE	1,303,426	426,513	-	876,913	32.7%	
STREET SWEEPING ENFORCEMENT	306,625	78,065	-	228,560	25.5%	
NIGHT LIFE ENFORCEMENT	287,755	96,464	-	191,291	33.5%	
PARKING ENFORCEMENT	944,849	297,079	27,800	619,970	34.4%	
CCC	2,389,953	777,032	2	1,612,919	32.5%	
ANIMAL CONTROL	629,335	158,684	-	470,651	25.2%	
<i>Total</i>	<u>35,771,642</u>	<u>12,505,459</u>	<u>277,779</u>	<u>22,988,404</u>	35.7%	<u>11,850,278</u>
<u>Fire</u>						
ADMINISTRATION	768,141	275,740	4,389	488,012	36.5%	
EMERGENCY SERVICES AND PUBLIC ED	246,443	85,962	-	160,481	34.9%	
PREVENTION	1,149,192	355,586	-	793,606	30.9%	
WILDLAND FIRE MITIGATION PROGRAM	174,860	57,789	5,490	111,581	36.2%	
OPERATIONS	17,711,629	6,522,207	66,421	11,123,001	37.2%	
ARFF	1,740,953	594,887	-	1,146,066	34.2%	
<i>Total</i>	<u>21,791,218</u>	<u>7,892,171</u>	<u>76,300</u>	<u>13,822,747</u>	36.6%	<u>7,044,598</u>
TOTAL PUBLIC SAFETY	<u>57,562,860</u>	<u>20,397,630</u>	<u>354,079</u>	<u>36,811,151</u>	36.1%	<u>18,894,875</u>
PUBLIC WORKS						
<u>Public Works</u>						
ADMINISTRATION	1,005,992	322,173	12,463	671,356	33.3%	
ENGINEERING SVCS	4,650,713	1,557,847	5,132	3,087,733	33.6%	
PUBLIC RT OF WAY MGMT	1,000,166	291,403	2,229	706,534	29.4%	
ENVIRONMENTAL PROGRAMS	557,906	93,040	287,997	176,869	68.3%	
<i>Total</i>	<u>7,214,777</u>	<u>2,264,463</u>	<u>307,822</u>	<u>4,642,492</u>	35.7%	<u>2,136,522</u>
TOTAL PUBLIC WORKS	<u>7,214,777</u>	<u>2,264,463</u>	<u>307,822</u>	<u>4,642,492</u>	35.7%	<u>2,136,522</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
PRGM MGMT & BUS SVCS	413,527	145,358	368	267,801	35.2%	
FACILITIES	828,084	258,893	32,719	536,471	35.2%	
YOUTH ACTIVITIES	714,977	408,766	5,665	300,545	58.0%	
SR CITIZENS	723,198	243,782	690	478,727	33.8%	
AQUATICS	1,096,927	552,776	30,454	513,696	53.2%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
SPORTS	484,909	146,335	7,797	330,777	31.8%	
TENNIS	255,362	90,467	-	164,895	35.4%	
NEIGHBORHOOD & OUTREACH SERV	947,586	347,544	12,689	587,354	38.0%	
ADMINISTRATION	599,031	202,292	2,230	394,509	34.1%	
PROJECT MANAGEMENT TEAM	223,076	79,500	-	143,576	35.6%	
BUSINESS SERVICES	310,413	116,832	1,996	191,585	38.3%	
FACILITY & PROJECT MGT	973,211	411,576	501	561,135	42.3%	
GROUNDS MANAGEMENT	4,357,754	1,424,379	84,870	2,848,505	34.6%	
FORESTRY	1,182,017	364,880	124,227	692,910	41.4%	
BEACH MAINTENANCE	151,599	56,112	19,281	76,206	49.7%	
<i>Total</i>	<u>13,261,671</u>	<u>4,849,492</u>	<u>323,487</u>	<u>8,088,691</u>	39.0%	<u>4,565,560</u>
<u>Library</u>						
ADMINISTRATION	537,794	155,100	-	382,694	28.8%	
PUBLIC SERVICES	2,126,837	679,248	700	1,446,889	32.0%	
SUPPORT SERVICES	1,785,985	518,272	87,743	1,179,970	33.9%	
<i>Total</i>	<u>4,450,616</u>	<u>1,352,620</u>	<u>88,443</u>	<u>3,009,553</u>	32.4%	<u>1,247,659</u>
TOTAL COMMUNITY SERVICES	<u>17,712,287</u>	<u>6,202,112</u>	<u>411,930</u>	<u>11,098,245</u>	37.3%	<u>5,813,219</u>
COMMUNITY DEVELOPMENT						
<u>Community Development</u>						
ADMINISTRATION	577,992	206,949	4,580	366,463	36.6%	
ECON DEV	47,384	14,316	-	33,068	30.2%	
CITY ARTS ADVISORY PROGRAM	427,260	361,237	-	66,024	84.5%	
HUMAN SVCS	926,170	199,661	444,567	281,942	69.6%	
LR PLANNING/STUDIES	966,481	309,422	535	656,524	32.1%	
DEV & DESIGN REVIEW	1,251,412	403,048	21,731	826,633	33.9%	
ZONING	1,204,968	375,172	1,800	827,996	31.3%	
DESIGN REV & HIST PRESERVATN	1,083,146	364,362	8,604	710,180	34.4%	
BLDG PERMITS	1,097,900	375,223	567	722,111	34.2%	
RECORDS & ARCHIVES	543,242	172,122	9,048	362,072	33.3%	
PLAN CK & COUNTER SRV	1,308,665	404,907	598	903,160	31.0%	
<i>Total</i>	<u>9,434,620</u>	<u>3,186,419</u>	<u>492,029</u>	<u>5,756,172</u>	39.0%	<u>3,396,994</u>
TOTAL COMMUNITY DEVELOPMENT	<u>9,434,620</u>	<u>3,186,419</u>	<u>492,029</u>	<u>5,756,172</u>	39.0%	<u>3,396,994</u>
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
DUES, MEMBERSHIPS, & LICENSES	22,272	1,693	-	20,579	7.6%	
COMMUNITY PROMOTIONS	1,536,799	836,537	-	700,262	54.4%	
SPECIAL PROJECTS	381,073	139,700	-	241,373	36.7%	
TRANSFERS OUT	43,500	14,500	-	29,000	33.3%	

CITY OF SANTA BARBARA
 General Fund
 Interim Statement of Appropriations, Expenditures and Encumbrances
 For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
DEBT SERVICE TRANSFERS	349,125	299,959	-	49,166	85.9%	
CAPITAL OUTLAY TRANSFER	548,234	182,745	-	365,489	33.3%	
APPROP. RESERVE	298,691	-	-	298,691	0.0%	
<i>Total</i>	3,179,694	1,475,134	-	1,704,560	46.4%	1,542,439
TOTAL NON-DEPARTMENTAL	3,179,694	1,475,134	-	1,704,560	46.4%	1,542,439
TOTAL EXPENDITURES	106,318,788	37,209,242	1,784,037	67,325,509	36.7%	35,292,282

*** The legal level of budgetary control is at the department level for the General Fund. Therefore, as long as the department as a whole is within budget, budgetary compliance has been achieved. The City actively monitors the budget status of each department and takes measures to address potential over budget situations before they occur.*

For Enterprise and Internal Service Funds, the legal level of budgetary control is at the fund level. The City also monitors and addresses these fund types for potential over budget situations.

CITY OF SANTA BARBARA
Special Revenue Funds
Interim Statement of Revenues and Expenditures
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
TRAFFIC SAFETY FUND					
Revenue	506,204	174,095	-	332,109	34.4%
Expenditures	506,204	174,095	-	332,109	34.4%
<i>Revenue Less Expenditures</i>	-	-	-	-	
CREEK RESTORATION/WATER QUALITY IMPRVMT					
Revenue	3,002,872	1,342,737	-	1,660,135	44.7%
Expenditures	3,780,959	929,677	445,931	2,405,350	36.4%
<i>Revenue Less Expenditures</i>	(778,087)	413,060	(445,931)	(745,215)	
SOLID WASTE PROGRAM					
Revenue	18,509,144	6,079,955	-	12,429,189	32.8%
Expenditures	18,677,350	5,956,220	226,042	12,495,088	33.1%
<i>Revenue Less Expenditures</i>	(168,206)	123,735	(226,042)	(65,899)	
COMM.DEVELOPMENT BLOCK GRANT					
Revenue	2,132,621	178,428	-	1,954,193	8.4%
Expenditures	2,132,621	183,593	378,316	1,570,712	26.3%
<i>Revenue Less Expenditures</i>	-	(5,165)	(378,316)	383,481	
COUNTY LIBRARY					
Revenue	1,821,003	454,378	-	1,366,625	25.0%
Expenditures	1,972,623	604,176	67,137	1,301,310	34.0%
<i>Revenue Less Expenditures</i>	(151,620)	(149,799)	(67,137)	65,316	
STREETS FUND					
Revenue	9,983,673	3,849,859	-	6,133,814	38.6%
Expenditures	13,751,673	3,667,513	1,263,132	8,821,027	35.9%
<i>Revenue Less Expenditures</i>	(3,768,000)	182,346	(1,263,132)	(2,687,213)	
MEASURE A					
Revenue	3,021,238	1,046,832	-	1,974,406	34.6%
Expenditures	3,322,218	718,671	1,165,556	1,437,991	56.7%
<i>Revenue Less Expenditures</i>	(300,980)	328,161	(1,165,556)	536,415	

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

WATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Water Sales - Metered	29,800,000	12,272,795	-	17,527,205	41.2%	11,818,004
Service Charges	537,000	288,438	-	248,562	53.7%	224,766
Cater JPA Treatment Charges	2,405,482	712,136	-	1,693,346	29.6%	652,441
Investment Income	500,000	207,332	-	292,668	41.5%	234,878
Reimbursements	519,880	480,704	-	39,176	92.5%	-
Miscellaneous	30,000	30,856	-	(856)	102.9%	39,891
Operating Transfers-In	-	-	-	-	100.0%	168,501
TOTAL REVENUES	<u>33,792,362</u>	<u>13,992,261</u>	<u>-</u>	<u>19,800,101</u>	<u>41.4%</u>	<u>13,138,480</u>
EXPENSES						
Salaries & Benefits	7,830,597	2,587,835	-	5,242,762	33.0%	2,445,322
Materials, Supplies & Services	9,187,970	2,271,958	2,197,126	4,718,886	48.6%	2,218,982
Special Projects	1,282,374	150,824	544,543	587,007	54.2%	162,467
Water Purchases	7,728,477	2,514,667	205,185	5,008,625	35.2%	2,820,787
Debt Service	4,989,408	1,642,246	-	3,347,162	32.9%	1,843,034
Capital Outlay Transfers	3,426,649	1,142,216	-	2,284,433	33.3%	3,761,472
Equipment	150,193	10,018	12,398	127,777	14.9%	49,778
Capitalized Fixed Assets	128,189	7,541	35,039	85,609	33.2%	8,126
Other	35,000	6,118	-	28,882	17.5%	5,632
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>34,908,858</u>	<u>10,333,424</u>	<u>2,994,292</u>	<u>21,581,143</u>	<u>38.2%</u>	<u>13,315,600</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

WASTEWATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service Charges	16,337,000	5,646,497	-	10,690,503	34.6%	5,170,365
Fees	614,000	306,923	-	307,077	50.0%	207,668
Investment Income	206,200	59,900	-	146,300	29.0%	76,000
Public Works	25,000	10,928	-	14,072	43.7%	15,611
Miscellaneous	25,000	4,500	-	20,500	18.0%	10,868
Operating Transfers-In	-	-	-	-	100.0%	224,699
TOTAL REVENUES	<u>17,207,200</u>	<u>6,028,748</u>	<u>-</u>	<u>11,178,452</u>	<u>35.0%</u>	<u>5,705,211</u>
EXPENSES						
Salaries & Benefits	5,423,604	1,833,042	-	3,590,562	33.8%	1,633,801
Materials, Supplies & Services	6,708,910	1,794,970	1,696,920	3,217,020	52.0%	1,683,946
Special Projects	326,300	4,020	-	322,281	1.2%	4,104
Debt Service	1,646,192	-	-	1,646,192	0.0%	-
Capital Outlay Transfers	3,000,121	1,000,040	-	2,000,081	33.3%	1,530,853
Equipment	83,044	2,798	23,614	56,632	31.8%	297
Capitalized Fixed Assets	26,000	-	6,961	19,039	26.8%	-
Other	5,000	1,000	-	4,000	20.0%	1,000
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>17,369,170</u>	<u>4,635,870</u>	<u>1,727,495</u>	<u>11,005,805</u>	<u>36.6%</u>	<u>4,854,001</u>

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)
DOWNTOWN PARKING

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Improvement Tax	840,000	411,173	-	428,827	48.9%	380,812
Parking Fees	5,757,166	2,087,890	-	3,669,276	36.3%	1,979,616
Investment Income	112,800	37,802	-	74,998	33.5%	39,833
Rents & Concessions	40,925	13,642	-	27,283	33.3%	-
Miscellaneous	1,500	(943)	-	2,443	-62.9%	(11)
Operating Transfers-In	43,500	14,500	-	29,000	33.3%	117,953
TOTAL REVENUES	<u>6,795,891</u>	<u>2,564,064</u>	<u>-</u>	<u>4,231,827</u>	<u>37.7%</u>	<u>2,518,204</u>
EXPENSES						
Salaries & Benefits	4,024,353	1,316,917	-	2,707,436	32.7%	1,300,386
Materials, Supplies & Services	1,915,082	518,409	216,841	1,179,831	38.4%	520,966
Special Projects	531,806	101,852	426,871	3,083	99.4%	71,405
Transfers-Out	297,121	99,040	-	198,081	33.3%	99,040
Capital Outlay Transfers	1,111,945	370,648	-	741,297	33.3%	347,757
Equipment	25,000	1,486	5,500	18,014	27.9%	1,212
TOTAL EXPENSES	<u>7,905,307</u>	<u>2,408,352</u>	<u>649,213</u>	<u>4,847,742</u>	<u>38.7%</u>	<u>2,340,766</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)
AIRPORT OPERATING FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Leases - Commercial / Industrial	4,345,075	1,501,002	-	2,844,073	34.5%	1,452,365
Leases - Terminal	5,043,600	1,735,721	-	3,307,879	34.4%	1,707,744
Leases - Non-Commerical Aviation	1,498,800	535,617	-	963,183	35.7%	503,553
Leases - Commerical Aviation	3,549,000	1,291,621	-	2,257,379	36.4%	914,466
Investment Income	171,700	40,680	-	131,020	23.7%	63,929
Miscellaneous	166,381	37,170	-	129,211	22.3%	166,551
Operating Transfers-In	-	-	-	-	100.0%	100,055
TOTAL REVENUES	14,774,556	5,141,811	-	9,632,745	34.8%	4,908,663
EXPENSES						
Salaries & Benefits	5,101,719	1,714,698	-	3,387,021	33.6%	1,704,702
Materials, Supplies & Services	7,079,052	1,973,236	710,196	4,395,620	37.9%	1,914,838
Special Projects	736,200	159,930	-	576,270	21.7%	244,624
Transfers-Out	18,295	6,098	-	12,197	33.3%	14,737
Debt Service	1,780,853	-	-	1,780,853	0.0%	-
Capital Outlay Transfers	428,504	44,894	-	383,610	10.5%	598,209
Equipment	63,569	5,720	7,114	50,736	20.2%	9,592
Other	-	1,161	-	(1,161)	100.0%	-
Appropriated Reserve	85,502	-	-	85,502	0.0%	-
TOTAL EXPENSES	15,293,694	3,905,737	717,309	10,670,647	30.2%	4,486,702

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

GOLF COURSE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Fees & Card Sales	1,559,903	556,368	-	1,003,535	35.7%	532,593
Investment Income	6,300	3,498	-	2,802	55.5%	3,402
Rents & Concessions	306,000	64,853	-	241,147	21.2%	89,106
Miscellaneous	700	(3)	-	703	-0.5%	228
Operating Transfers-In	-	-	-	-	100.0%	34,541
TOTAL REVENUES	<u>1,872,903</u>	<u>624,717</u>	<u>-</u>	<u>1,248,186</u>	<u>33.4%</u>	<u>659,870</u>
EXPENSES						
Salaries & Benefits	989,689	356,865	-	632,824	36.1%	376,761
Materials, Supplies & Services	560,984	196,743	13,558	350,683	37.5%	185,486
Special Projects	300	-	-	300	0.0%	-
Debt Service	185,650	161,887	-	23,763	87.2%	159,507
Capital Outlay Transfers	158,373	52,791	-	105,582	33.3%	30,679
Equipment	27,500	18,422	6,000	3,078	88.8%	1,013
Other	1,014	847	-	167	83.5%	847
TOTAL EXPENSES	<u>1,923,510</u>	<u>787,555</u>	<u>19,558</u>	<u>1,116,397</u>	<u>42.0%</u>	<u>754,292</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

INTRA-CITY SERVICE FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Service charges	99,584	33,195	-	66,389	33.3%	33,195
Work Orders - Bldg Maint.	3,085,446	1,063,047	-	2,022,399	34.5%	1,038,476
Grants	321,388	128,095	-	193,293	39.9%	199,354
Service Charges	2,057,130	685,710	-	1,371,420	33.3%	677,523
Miscellaneous	367,202	45,100	-	322,102	12.3%	1,988
Operating Transfers-In	-	-	-	-	100.0%	111,634
TOTAL REVENUES	5,930,750	1,955,148	-	3,975,602	33.0%	2,062,170
EXPENSES						
Salaries & Benefits	3,290,726	1,153,274	-	2,137,452	35.0%	1,035,445
Materials, Supplies & Services	1,158,398	353,855	199,484	605,059	47.8%	324,771
Special Projects	1,857,597	232,585	1,038,077	586,936	68.4%	375,197
Equipment	15,000	-	-	15,000	0.0%	-
Capitalized Fixed Assets	285,708	185,823	20,933	78,952	72.4%	263,171
TOTAL EXPENSES	6,607,428	1,925,536	1,258,494	3,423,398	48.2%	1,998,584

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

FLEET REPLACEMENT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Rental Charges	2,146,217	715,406	-	1,430,811	33.3%	600,398
Investment Income	128,400	46,593	-	81,807	36.3%	44,471
Rents & Concessions	224,401	74,800	-	149,601	33.3%	74,800
Miscellaneous	50,000	15,410	-	34,590	30.8%	44,991
TOTAL REVENUES	<u>2,549,018</u>	<u>852,209</u>	<u>-</u>	<u>1,696,809</u>	<u>33.4%</u>	<u>764,661</u>
EXPENSES						
Salaries & Benefits	185,579	65,063	-	120,516	35.1%	55,982
Materials, Supplies & Services	3,059	570	-	2,489	18.6%	367
Special Projects	300,000	-	-	300,000	0.0%	-
Capitalized Fixed Assets	1,895,561	48,168	1,573,360	274,033	85.5%	255,365
TOTAL EXPENSES	<u>2,384,199</u>	<u>113,800</u>	<u>1,573,360</u>	<u>697,038</u>	<u>70.8%</u>	<u>311,714</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

FLEET MAINTENANCE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Maintenance Charges	2,371,918	790,639	-	1,581,279	33.3%	790,639
Reimbursements	10,000	3,333	-	6,667	33.3%	-
Miscellaneous	60,000	25,872	-	34,128	43.1%	7,485
Operating Transfers-In	-	-	-	-	100.0%	32,935
TOTAL REVENUES	<u>2,441,918</u>	<u>819,845</u>	<u>-</u>	<u>1,622,073</u>	33.6%	<u>831,059</u>
EXPENSES						
Salaries & Benefits	1,220,922	428,711	-	792,211	35.1%	402,701
Materials, Supplies & Services	1,185,057	324,380	236,170	624,508	47.3%	309,019
Special Projects	105,110	10,092	30,677	64,341	38.8%	9,331
Equipment	10,000	190	-	9,810	1.9%	-
TOTAL EXPENSES	<u>2,521,089</u>	<u>763,372</u>	<u>266,847</u>	<u>1,490,870</u>	40.9%	<u>721,051</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

SELF INSURANCE TRUST FUND

	** Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Insurance Premiums	2,598,025	866,008	-	1,732,017	33.3%	849,028
Workers' Compensation Premiums	2,600,000	866,667	-	1,733,333	33.3%	833,333
OSH Charges	187,961	-	-	187,961	0.0%	-
Investment Income	116,000	22,647	-	93,353	19.5%	43,154
Miscellaneous	-	322	-	(322)	100.0%	2,110
Accel - Return of Premium	600,000	600,000	-	-	100.0%	-
TOTAL REVENUES	6,101,986	2,355,644	-	3,746,342	38.6%	1,727,626
EXPENSES						
Salaries & Benefits	517,317	169,887	-	347,430	32.8%	160,518
Materials, Supplies & Services	5,076,048	1,574,337	331,842	3,169,869	37.6%	1,486,342
Special Projects	100	-	-	100	0.0%	-
Transfers-Out	356,007	118,669	-	237,338	33.3%	1,231,317
TOTAL EXPENSES	5,949,472	1,862,893	331,842	3,754,737	36.9%	2,878,177

*** The Self Insurance Trust Fund is an internal service fund of the City, which accounts for the cost of providing workers' compensation, property and liability insurance as well as unemployment insurance and certain self-insured employee benefits on a city-wide basis. Internal Service Funds charge other funds for the cost of providing their specific services.*

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

INFORMATION SYSTEMS ICS FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Service charges	2,358,079	786,026	-	1,572,053	33.3%	762,131
Miscellaneous	-	1,138	-	(1,138)	100.0%	1,209
Operating Transfers-In	-	-	-	-	100.0%	6,580
TOTAL REVENUES	2,358,079	787,163	-	1,570,916	33.4%	769,920
EXPENSES						
Salaries & Benefits	1,642,999	545,529	-	1,097,470	33.2%	525,503
Materials, Supplies & Services	795,547	185,393	362,299	247,855	68.8%	207,360
Special Projects	14,500	1,024	5,000	8,476	41.5%	2,704
Equipment	295,864	10,656	81,328	203,880	31.1%	31,829
Capitalized Fixed Assets	1,000	-	-	1,000	0.0%	-
Appropriated Reserve	15,582	-	-	15,582	0.0%	-
TOTAL EXPENSES	2,765,492	742,602	448,626	1,574,263	43.1%	767,396

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Four Months Ended October 31, 2012 (33.3% of Fiscal Year)

WATERFRONT FUND

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Leases - Commercial	1,657,000	640,648	-	1,016,352	38.7%	585,389
Leases - Food Service	2,423,000	1,115,245	-	1,307,755	46.0%	999,498
Slip Rental Fees	4,041,464	1,356,181	-	2,685,283	33.6%	1,322,072
Visitors Fees	383,000	178,231	-	204,769	46.5%	170,177
Slip Transfer Fees	450,000	178,300	-	271,700	39.6%	216,650
Parking Revenue	1,886,360	857,629	-	1,028,731	45.5%	826,210
Wharf Parking	248,880	100,712	-	148,169	40.5%	94,688
Other Fees & Charges	235,008	85,643	-	149,365	36.4%	133,384
Investment Income	150,900	65,995	-	84,905	43.7%	66,021
Rents & Concessions	310,952	118,516	-	192,436	38.1%	124,545
Miscellaneous	286,000	90,959	-	195,041	31.8%	40,071
Operating Transfers-In	-	-	-	-	100.0%	151,160
TOTAL REVENUES	12,072,564	4,788,058	-	7,284,506	39.7%	4,729,865
EXPENSES						
Salaries & Benefits	5,741,416	2,002,420	-	3,738,996	34.9%	1,946,714
Materials, Supplies & Services	3,621,195	1,103,359	753,684	1,764,151	51.3%	1,001,275
Special Projects	140,685	66,328	-	74,357	47.1%	25,767
Debt Service	1,849,105	1,226,865	-	622,240	66.3%	1,051,353
Capital Outlay Transfers	1,540,978	513,659	-	1,027,319	33.3%	311,494
Equipment	129,369	53,907	6,787	68,675	46.9%	14,570
Capitalized Fixed Assets	40,000	-	-	40,000	0.0%	-
Other	-	1,000	-	(1,000)	100.0%	1,000
Appropriated Reserve	100,000	-	-	100,000	0.0%	-
TOTAL EXPENSES	13,162,748	4,967,539	760,471	7,434,738	43.5%	4,352,174

NOTE - These figures reflect the operating fund only. Though the capital fund is excluded, the current year contribution from the operating fund is shown in the Capital Transfers.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Final Map And Execution Of Agreements For 1255 Coast Village Road

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Final Map Number 20,805 and standard agreements relating to the approved subdivision at 1255 Coast Village Road, and authorize the City Engineer to record a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document after the public improvements are complete.

DISCUSSION:

A Tentative Map for the subdivision located at 1255 Coast Village Road (Attachment 1), was conditionally approved on February 9, 2012 by adoption of the Planning Commission Conditions of Approval, Resolution Number 005-12 (Attachment 2). The project involves a mixed use building that will consist of two residential condominiums and seven commercial condominiums. Staff has reviewed the Final Map (Map) and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the Planning Commission approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2012-01350. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code, applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property* and the *Agreement for Land Development Improvements*.

THE FINAL/FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Final Map Number 20,805 by the Planning Commission Conditions of Approval Resolution Number 005-12
 3. List of Owners/Trustees

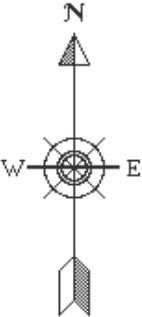
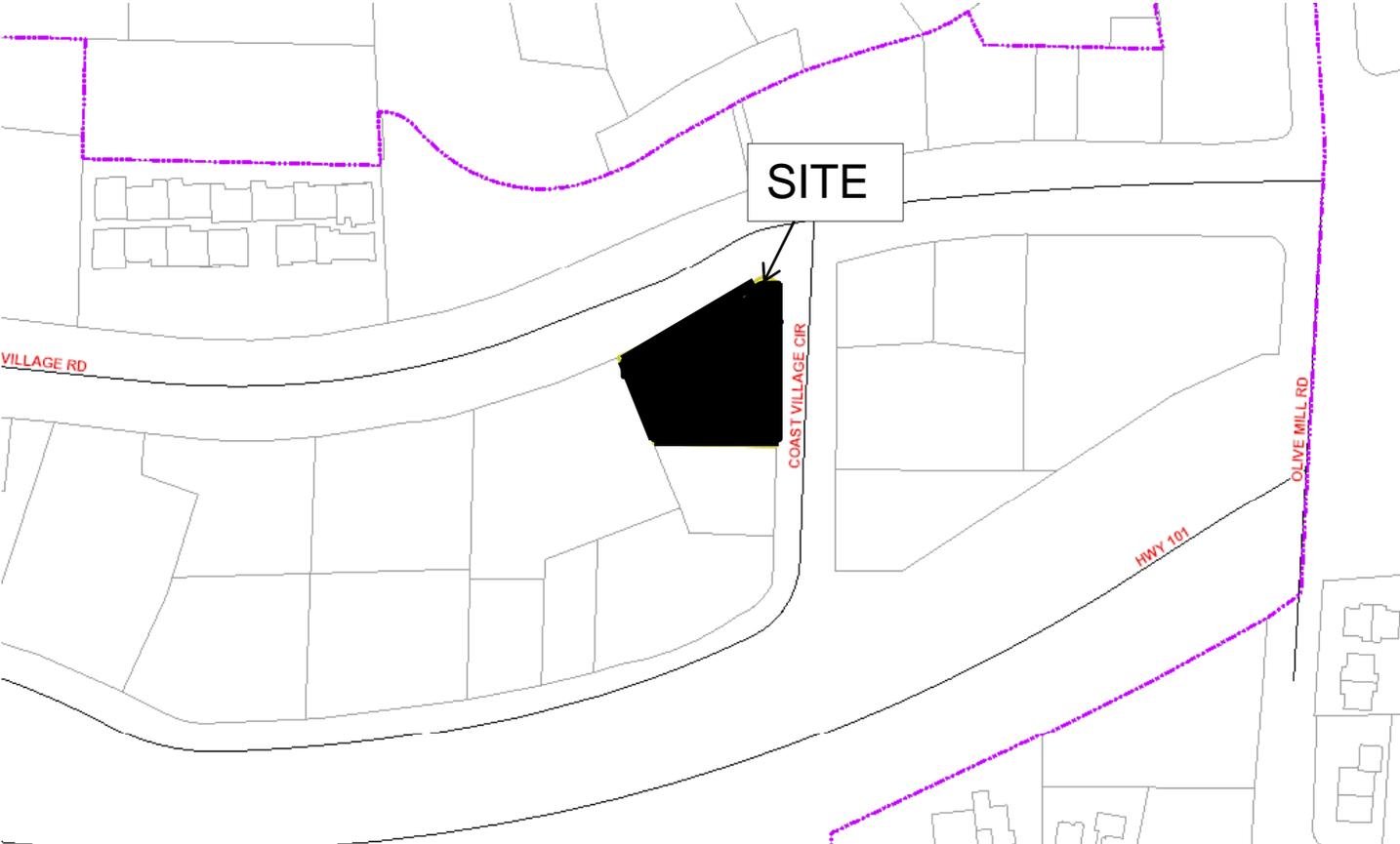
PREPARED BY: Mark Wilde, Supervising Civil Engineer/TS/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map
1255 Coast Village Road



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,805 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 005-12

1255 Coast Village Road

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on February 9, 2012 is limited to two residential condominiums and up to 8,047 sf square feet of commercial development that may be subdivided into as many as seven (7) commercial condominium units and the improvements shown on the Tentative Subdivision Map signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Public Improvement Districts.** The property owner waives the right, through deed restriction, to protest the formation of public improvement districts.
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** The underground parking structure walls shall be designed for 'un-drained' conditions unless the required Geotech/Soils Report indicates no significant or contaminated flows are expected.

Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and/or Coastal Development Permit are required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

7. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material (and green waste) collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.

8. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the property owner/management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
9. **Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways (including driveways), common utilities and other similar shared or common facilities or improvements of the development, including the proposed shrub/hedge screen at corner of Coast Village Circle which may encroach into the public rights-of-way and any landscaping planted in tree wells on both Coast Village Road and Coast Village Circle, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the commercial and residential condominium units. Maintenance of all features in the public Rights-of-Way are also included in the Encroachment Permit under C.9 of these Conditions of Approval.
 - b. **Residential Garages Available for Parking.** A covenant that includes a requirement that all residential garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. **Parking Space Assignment Prohibited.** All parking spaces, with the exception of the two residential garages, shall remain unassigned and shall be open and available to all users of the project site.
 - d. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.
 - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - f. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

ATTACHMENT 3

1255 Coast Village Road

Black Valner, LLC

LIST OF OWNERS

Albert Valner, President



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Parcel Map And Execution Of Agreements For 1533 San Miguel Avenue

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,799 and standard agreements relating to the approved subdivision at 1533 San Miguel Avenue.

DISCUSSION:

A Tentative Map for the subdivision located at 1533 San Miguel Avenue (Attachment 1), was conditionally approved on June 29, 2011 by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 023-11, (Attachment 2). The project involves the subdivision of one parcel into two parcels. Parcel One would remain vacant.

Staff has reviewed the Parcel Map (Map) and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the SHO approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2011-01433. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

Staff recommends that Council authorize the City Administrator to execute the required *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*.

The *Agreement Assigning Water Extraction Rights* does not require Council approval, and will be signed by the Public Works Director in accordance with City Council Resolution Number 02-131.

THE PARCEL/FINAL MAP IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE.

- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions required to be recorded concurrent with Parcel Map Number 20,799 by the Staff Hearing Officer Conditions of Approval Resolution Number 023-11
 3. List of Owners/Trustees

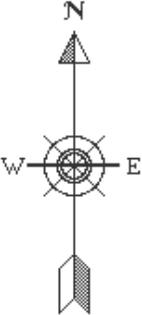
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map
1533 San Miguel Avenue



Not to Scale

CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,799 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 023-11

1533 San Miguel Avenue

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 29, 2011 is limited to the subdivision of an existing 24,580 square foot (0.564 acre) parcel into two parcels with proposed Parcel 1 to be approximately 12,740 square feet (0.292 acres) and proposed Parcel 2 to be approximately 11,840 square feet (0.272 acres); removal of an existing fence, block walls, patio, patio cover, steps and walkway; construction of one new uncovered parking space and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
2. **Future Development.** All future development on the property shall be subject to the following conditions:
 - a. All future construction shall comply with the applicable conditions of approval contained in Section E. "Construction Implementation Requirements."
 - b. **Permeable Paving.** Permeable paving shall be provided in the driveway for Parcel 1 to the extent feasible.
 - c. **Guest Parking.** Adequate space shall be provided on Parcel 1 to accommodate two guest vehicles.
3. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).

ATTACHMENT 3

1533 SAN MIGUEL AVENUE

LIST OF OWNERS

W.T. Brummett

Jennifer D. Brummett



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Contract For Asset Management Program Support Services For El Estero Wastewater Treatment Plant

RECOMMENDATION:

That Council authorize the Public Works Director, subject to approval as to form by the City Attorney, to execute a contract with Carollo Engineers, Inc., in the amount of \$247,802 to provide Asset Management Program support services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$24,780 for extra services of Carollo Engineers that may result from necessary changes in the scope of work, for a total not-to-exceed amount of \$272,582.

DISCUSSION:

The City owns and operates an activated sludge wastewater treatment plant (El Estero). This plant requires continual maintenance and refurbishment due to the nature of its operations. Since 2006, El Estero staff has developed an asset management system to ensure that these important maintenance and refurbishment activities are performed in an effective manner.

On October 18, 2011, the City awarded to Carollo Engineers, Inc., (Carollo) a one-year contract for asset management system services through a competitive Request for Proposals process. Efforts from this contract have resulted in a synthesis of earlier Asset Management Program (AMP), efforts and have produced an Asset Management Plan document. This document recognizes important past accomplishments in El Estero AMP development and outlines a blueprint for achieving future AMP development goals and direction.

Important El Estero AMP activities which have been completed to-date include:

- Identification of a complete asset inventory with physical and functional characteristics;

- Development of level of service goals based upon business objectives and customer needs;
- Assessment of baseline condition and performance of all plant and lift station assets;
- Assignment of proper management strategy for each asset;
- Development of asset refurbishment forecasts to anticipate major equipment repair needs during the next 10 years; and
- Development of reports to measure asset and maintenance performance.

The past year's contract with Carollo also has resulted in significant improvements to El Estero's parts inventory management practices, existing computer maintenance management system (CMMS) software installation, and CMMS database management services. This contract is now drawing to a close.

At this time, City staff is requesting that Council authorize the Public Works Director to execute an additional one-year professional services contract to Carollo in order to continue asset management system work at El Estero. The proposed contract's scope of work includes continuation of professional consultant support services for:

- CMMS application and underlying database maintenance technical support services. The CMMS is the actual asset management and work order tracking software needed to document and plan maintenance work performed by City staff at El Estero. Technical support services are needed to manage database inputs and applications to ensure that the software application data does not become out of date and inaccurate;
- Optimization of the existing AMP inventory management activities, including integration of newly constructed Capital Improvement Project (CIP) assets into the existing CMMS asset registry and inventory management functions. Inventory management activities involve the purchase and tracking of critical component parts used to repair and maintain major pieces of equipment at El Estero. Not having parts in inventory when needed will prevent the timely repair of equipment, and emergency actions could be required to restore major pieces of equipment back to service. A well managed inventory management program ensures that the necessary parts are on site for effective and timely equipment maintenance or repair;
- Support for select CIP project planning and prioritization activities. This work assists City staff in their CIP project prioritization for planning, design and construction scheduling of smaller El Estero CIP projects;
- Optimization of the AMP's existing business and work practices. This work ensures that City staff performs their maintenance work activities both efficiently and effectively by updating detailed procedures in CMMS work orders for City staff to use when performing work. The consultant also provides quality assurance review of completed work orders to ensure that important field data is transmitted back into the CMMS software system, which is important for future maintenance of the equipment; and

- AMP training and documentation development for El Estero's maintenance and operations personnel. This project work ensures that City staff members are trained and prepared to assume leadership roles in managing AMP activities in the coming year.

Carollo has provided similar services for numerous other public wastewater agencies with similar asset management support needs. While more El Estero AMP responsibilities will be assumed by City staff in the future, it is recognized that the most complicated CMMS database management and quality assurance review activities are highly specialized and are cost-effectively performed by outside consultants with these unique abilities on an on-going basis.

At its meeting on November 12, 2012, the Board of Water Commissioners voted 5-0-0 to approve staff's recommendation.

BUDGET/FINANCIAL INFORMATION:

This project was anticipated and funds were included in the Fiscal Year 2013 Sanitary Sewer Overflow Reduction Program budget for this work.

PREPARED BY: Chris Toth, Wastewater System Manager/avb

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of The Corporate Yard Well Replacement Project

RECOMMENDATION: That Council:

- A. Award a contract with Layne Christensen Co. in their bid amount of \$978,000 for construction of the Corporate Yard Well Replacement Project, Bid No. 3659, and authorize the Public Works Director to execute the contract and approve expenditures up to \$117,360 to cover any cost increases that may result from contract change orders and differences between estimated bid quantities and actual quantities measured for payment;
- B. Authorize the Public Works Director to execute a contract with Pueblo Water Resources in the amount of \$150,454 for construction support services, and approve expenditures of up to \$15,046 for extra services of Pueblo Water Resources that may result from necessary changes in the scope of work; and
- C. Authorize the City Administrator to execute, subject to approval as to form by the City Attorney, an amendment to the document entitled "Declaration of Covenants, Conditions and Restrictions" entered into between the Redevelopment Agency of the City of Santa Barbara and Transition House, Inc., in 1992 to extend the term thereof for an additional period of 40 years.

DISCUSSION:

BACKGROUND

The City's groundwater supplies are an important part of the City's overall water supply. They help meet peak summer water demands and supplement depleted surface water supplies during droughts. Groundwater supplies also serve as an emergency water source in the event of a catastrophic interruption to the water supplies from the Santa Ynez River or the State Water Project.

In 2011, Council awarded a contract to rehabilitate the Ortega Groundwater Treatment Plant (OGTP), which included rehabilitation of three of the four downtown wells. The OGTP facility and wells are anticipated to be ready for operation in the summer of 2013. Rehabilitation of the Corporate Yard Well (CYW) was originally included in the OGTP project scope. However, during the initial design phase, it was determined that the CYW was in the process of failing and the well needed to be re-drilled, rather than rehabilitated. Work pertaining to the CYW was removed from the scope of the OGTP project.

In March 2012, Council awarded a contract to Pueblo Water Resources (Pueblo) for design services to abandon the existing well and drill a new CYW. There are two phases involved in municipal well development. This first phase is the construction of the well, which is the scope of this construction contract. The second phase involves the pump, piping, and electrical design and construction, which will occur when construction of the new well is complete. It is anticipated that the second phase of construction will occur in the summer/fall of 2013. Upon completion of the second phase and prior to the well becoming operational, the California Department of Public Health must issue a permit for the domestic well operation.

PROJECT DESCRIPTION

The existing CYW was drilled in 1974 to a depth of 675 feet. When it was operational, the CYW produced approximately 500 gallons per minute. The replacement well will be drilled in a portion of the City's Corporate Yard used by the Parks and Recreation Department for vehicle and supply storage. The new well site is approximately 50 feet from the current CYW location. The proposed CYW Replacement Project consists of abandoning the existing failed CYW in compliance with standards set by the Department of Public Health, and constructing a new 700-foot deep well.

The drilling process has several phases, including a few that require 24-hour operations for up to 14 days (not consecutive). To mitigate noise impacts to the neighbors, the CYW Project includes the installation of a temporary 24-foot sound wall surrounding the site. The sound wall and use of special engine mufflers have been very successful at mitigating noise on the two previous well projects in the San Roque neighborhood and at Santa Barbara High School.

Water produced from the new CYW will be piped to the OGTP for treatment before being put into the City's water distribution system. The water production of the new CYW is anticipated to be similar to the original CYW, since it will tap into the same aquifer at nearly the same depth.

CONTRACT BIDS

One bid was received for the subject work as follows:

	BIDDER	BID AMOUNT
1.	Layne Christensen Co. Fontana, CA	\$978,000

Three contractors attended the mandatory pre-bid meeting. However, only one bid was received. Staff contacted the other two contractors to inquire as to why they did not submit bids. Both contractors stated they were extremely busy and had previous work commitments that conflicted with the CYW Project schedule, and therefore, did not have sufficient equipment or staffing resources available for the CYW Project.

The CYW Project is being scheduled during the winter months to minimize impacts to Parks and Recreation's operations. The CYW Project completion will coincide with the completion of the OGTP construction, which is anticipated to be in the summer of 2013.

The low bid of \$978,000 submitted by Layne Christensen Co., is an acceptable bid that is responsive to and meets the requirements of the bid specifications. The change order funding recommendation of \$117,360, or 12 percent, is recommended for this project because there are many unknowns related to underground work.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Pueblo in the amount of \$150,454 for construction management and inspection services and approve expenditures of up to \$15,046 for extra services of Pueblo that may result from necessary changes in the scope of work. Due to the unique nature of well work, the design team will oversee every step of the well drilling process to document and provide time-sensitive direction to the contractor. Pueblo was selected to perform the design, construction management, and inspection as part of a competitive request for proposal process. Pueblo has the knowledge and experience necessary to successfully complete this type of work.

COMMUNITY OUTREACH/COORDINATION EFFORTS

The CYW Project duration is anticipated to be eight weeks, and as stated above, approximately two of the weeks will require some periods of 24-hour work operations. Prior to construction, letters will be sent out to all residents within 500 feet of the site, informing them of the work and providing the appropriate contact information for any questions, concerns, or issues that may come up during construction.

The Transition House, located at 434 E. Ortega Street, is the closest CYW Project neighbor. Based on the project sound study and staff’s experience with neighbors on the two previous City well drilling projects, noise has been successfully mitigated by installing a temporary 24-foot high sound wall around the project area. Staff will take additional measures with the Transition House by holding an informational project meeting for them prior to the two week-long period that will include some 24-hour work efforts. Staff is also investigating other noise mitigation measures specifically for the Transition House, and will be in daily contact with the Transition House staff during the two-week period.

PERMITTING

The California Department of Public Health oversees and issues permits for the use of domestic water wells in the State. The Administrative Code requires that as part of the permitting process, the water agency must provide documentation to the Public Health Department that demonstrates the well site, including a 50 foot radius around the site, is protected from potential sources of contamination. The 60-year Affordability Control Covenant, recorded on the “Mom’s” property at 421-425 East Cota Street in 2011 between the City and Transition House, provides sufficient land use controls to ensure the protection of the well site as required by the State. Similarly, the “Declaration of Covenants, Conditions and Restrictions Imposed on Real Property,” recorded on the Transition House in 1992 also provides adequate land use controls to protect the well site. This document expires in 2022, and therefore does not ensure the well site will be protected for its useful life of 50 years. Transition House has agreed to extend the term of this affordability covenant for an additional 40 years, until 2062, which will provide an adequate period of protection for the well site as required by the State.

FUNDING

There are sufficient appropriated funds in the Water Fund to cover the cost of the CWY Project. The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Layne Christensen Co.	\$978,000	\$117,360	\$1,095,360
Pueblo	\$150,454	\$15,046	\$165,500
TOTAL RECOMMENDED AUTHORIZATION			\$1,260,860

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

ESTIMATED TOTAL PROJECT COST

Phase 1 Design Costs	
Design (by Contract)	\$89,970
City Staff	\$61,000
Subtotal	\$150,970
Phase 1 Construction Costs	
Construction Contract	\$978,000
Construction Change Order Allowance	\$117,360
Construction Management/Inspection (by Contract)	\$165,500
Construction Administration (by City Staff)	\$31,000
Subtotal	\$1,291,860
Phase 2 Estimated Design & Construction Costs	
Design & Construction	\$250,000
Subtotal	\$250,000
TOTAL PROJECT COST	\$1,692,830

This item was heard by the Water Commission on December 10, 2012.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/CW/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Facilities Division, Public Works Department

SUBJECT: Extension Of Agreement For Southern California Edison Energy Management Grant

RECOMMENDATION:

That Council authorize the Public Works Director to execute an amendment to the Flight 5.6 Agreement with Southern California Edison to extend the date of the agreement from December 31, 2012, to December 31, 2014.

DISCUSSION:

In 2010 Southern California Edison (SCE) conducted a solicitation for proposals from public agencies under its Flight 5.6 Grant program to provide funds for projects supporting California's Long Term Energy Efficiency Strategic Plan. In response to this solicitation, the City submitted a proposal requesting funds to purchase and install an Enterprise Energy Management System (EEMIS). SCE accepted the City's proposal, and on March 6, 2012, Council authorized the receipt of \$360,000 in Flight 5.6 grant funding to purchase, design, and install an EEMIS. The terms of the grant originally stipulated that all work to design and install the EEMIS must be completed by December 31, 2012. However, due to the nature and scope of the public agency projects funded under Flight 5.6 Grant, SCE has agreed to amend the original grant to extend the project completion deadline to December 31, 2014. Under this new deadline, the City will be able to successfully design and install the EEMIS system in compliance with the terms of the grant.

SUSTAINABILITY IMPACT:

Installation of the EEMIS will enable the City to forecast energy usage on a day-ahead basis and execute load control commands to help the City reach its demand reduction goals in response to California grid conditions as indicated by the California Independent System Operator Corporation. The City will also potentially achieve additional permanent load reduction using the analytic capabilities of EEMIS to identify inefficient end uses and prioritize energy conservation measures related to plug load, mechanical and lighting systems.

By reducing our peak demand of electricity, we will reduce the burden on California's peak power plants and will help negate the need to build additional power plants in the future. An EEMIS is the first step toward achieving this goal because successful energy management and reduction depends on the collection of energy data.

PREPARED BY: Jim Dewey, Facilities and Energy Manager/AP/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Administration, Library Department

SUBJECT: Increase to Contract for Self-Check/Radio Frequency Identification System

RECOMMENDATION: That Council:

- A. Authorize the Library Director to increase the contract with Bibliotheca in the amount of \$149,794.38 to trade-up nine self-check kiosks to models with significantly improved design and functionality, and purchase 9 additional staff stations;
- B. Authorize the Library Director to approve additional services that may be identified during the contract in an amount not to exceed \$14,900;
- C. Authorize the Library Director to negotiate and execute an amendment to the contract with Bibliotheca in a form acceptable to the City Attorney and an amount not to exceed \$164,694.38;
- D. Appropriate \$113,219.90 in the Fiscal Year 2013 Library Department, General Fund, operating budget funded from a transfer from the Miscellaneous Library Trust Account for the improved self-check kiosks with improved functionality, and additional staff stations at the Central and Eastside Libraries; and
- E. Appropriate \$51,474.48 from the County Library Reserve Fund for the same system at the Goleta Valley Branch Library.

DISCUSSION:

In November 2010 City Council approved a contract in the amount of \$249,634.75 with Bibliotheca RFID Library Systems to design and install a Radio Frequency Identification (RFID) self check and collection security system. The project suffered numerous delays due to the buyout of the company by another, and a two-month delay in the receipt of electronic parts for the system caused by the 2011 earthquake and tsunami in Japan. Full implementation has not occurred to date.

The RFID security system element of the project was implemented successfully and functions well with respect to loss prevention and the management of inventory. The

self-check kiosks have been in operation since December 2011 with nearly 75% of the transactions at the Central and Eastside libraries performed by users rather than staff members and nearly 60% at the Goleta Library. The efficiencies realized by the kiosks allowed the Central and Eastside Libraries to re-open on Mondays at a reduced cost.

However, the credit card payment system required in the contract has not been implemented and the Library Department has withheld 33% of the full payment amount. Until August 2012, when the company once again changed hands, the Library department was in negotiation with Bibliotheca-ITG over their inability to comply with credit card security requirements, specifically certification for the Payment Application Data Security Standard 2.0 (PA-DSS), thus preventing the Library department from implementing one of the critical features of the self-check kiosks.

The President of Bibliotheca North America proposed a solution that does meet the required certification. This payment system is more robust than the system that was to originally be supplied. Bibliotheca has agreed to provide and install the Comprise SmartPay System on each of the 9 kiosks at no cost. For the payment system to work, the library will need to upgrade to the next generation self-check software at a cost of \$2,500 per kiosk, a discount from the list price of \$4,995.

The President of Bibliotheca North America acknowledged the difficulties the Library has experienced in implementing the new RFID/self-check systems, including the credit card payment issue, the length of time and difficulty in getting the self-check kiosks to perform at the level required for acceptance, and the problematic results of merging ITG software with Bibliotheca hardware. Bibliotheca has offered to replace the current model of kiosks, now nearly three years old, with a newer and more sophisticated model. The offer includes replacement of the four kiosks at the Central Library at no charge and a 60% trade-in credit for the five remaining kiosks at the Eastside and Goleta Libraries.

These new kiosks have the following features:

- Acceptance of bill and coin payments
- Ability to link to library's event calendar and suggest upcoming programs to patrons as they check out their materials
- Ability to link to the NoveList[®] literature product to make book recommendations based on what the user is checking out

The addition of a high-grade bill and coin payment system is expected to further reduce the percentage of staff-assisted transactions, realizing additional salary savings.

In addition, Bibliotheca will provide the following enhancements at a reduced or no cost:

- Free remote access management software for performing maintenance, changes to the setup, and retrieval of usage statistics (\$4,200 value)
- One year of maintenance at no charge (\$11,181 value)
- Payment of 50% of shipping costs

Because of the significant improvements in design and functionality provided by these kiosks, the desire to provide consistency of service at the various sites and the ease of service and maintenance, the Library Department proposes replacing all 9 kiosks at the three Libraries.

When the system was installed, the Library Department recognized a need for an additional kiosk at the Eastside Library and nine additional staff stations at the three libraries. The cost is for adding these is \$27,476.56.

BUDGET/FINANCIAL INFORMATION:

The total cost of the requested changes to the contract, excluding extra services that may be needed, is \$149,794. The following table includes the breakdown:

	Central Library	Eastside Library	Goleta Library	Totals
SmartServe 400 Kiosk w/ upgraded software	\$55,980.00	\$27,990.00	\$41,985.00	\$125,955.00
Credit Return	-\$35,348.00	-\$17,674.00	-\$26,511.00	-79,533.00
Coin & Bill Payment w/ housing unit	\$25,940.00	\$12,970.00	\$19,455.00	\$58,365.00
Add'l SmartStation 200	\$7,975.00	\$1,595.00	\$4,785.00	\$14,355.00
Additional Kiosk		\$11,020.00		\$11,020.00
Tax & Shipping	\$8,336.86	\$4,435.04	\$6,860.48	
	\$62,883.86	\$40,336.04	\$46,574.48	

The additional appropriations needed to complete and provide significant enhancements to the project, including the \$14,900 in extra services that may be needed, are:

- \$113,219.90 from the Library Miscellaneous Trust Account to acquire the improved kiosks and functionality for the Central Library and Eastside Branch Library, purchase a second kiosk for the Eastside Branch and to purchase nine additional staff stations
- \$51,474.48 from the County Library Fund reserves to acquire the improved kiosks and functionality and to purchase additional staff stations for the Goleta Branch Library

PREPARED BY: Scott Love, Library Services Manager

SUBMITTED BY: Irene Macias, Library Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Introduction Of Ordinance For 2012-2013 Police Management Memorandum Of Understanding

RECOMMENDATION:

That Council ratify the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association for the period of July 1, 2012, through December 31, 2013, by introduction and subsequent adoption of, 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 Police Management Association.

DISCUSSION:

The Memorandum of Understanding (MOU) between the City and the Police Management Association ("Association"), covering nine management employees, expired on June 30, 2012. Negotiators from the City and the Association have been meeting regularly to negotiate a successor agreement, and have reached a tentative agreement through December 31, 2013. The membership of the Association has ratified the agreement.

Under the Agreement:

- Beginning in January 2013, employees will begin to pay 2.88% of their total PERS-able compensation to PERS, and the City will provide a 3% base salary increase which will fully offset this contribution.
- The annual vacation cash-out benefit, which has not occurred for the last few years, will be permanently discontinued; a final one-time vacation cash-out of 80 hours will be offered; and the maximum vacation accrual will be raised by 40 hours.
- The cafeteria plan allowance (for the purchase of health insurance) will be increased by \$116 per month effective January 1, 2013.

- Employees who are newly hired or promoted into the bargaining unit will have a 120 hour cap on holiday accruals, similar to that applicable to other police employees.

Because managers' use of the vacation cash-out exceeds the new cost for the health benefit being provided as part of this MOU, the City will actually achieve ongoing net labor cost savings of approximately 1.5% from this plan. This is similar to the overall reduction that the unrepresented City managers took under the salary plans applicable to them this fiscal year.

BUDGET/FINANCIAL INFORMATION:

This package will increase General Fund costs in Fiscal Year 2013 by approximately \$37,817, and will decrease ongoing costs in Fiscal Year 2014 and thereafter by \$37,461.

However, since the agreement discontinues an unbudgeted labor cost (vacation cash-out) in favor of a budgeted labor cost (health benefit increases), the budgetary impact will be different than the net cost of the agreements as shown above. Budget costs will increase by \$6,264 in Fiscal year 2013 and by \$12,528 on an ongoing basis thereafter.

PREPARED BY: Kristine Schmidt, Employee Relations Manager

SUBMITTED BY: Marcelo López, Assistant City Administrator

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

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
POLICE MANAGEMENT ASSOCIATION

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association entered into as of July 1, 2012 and attached hereto and incorporated herein by reference as Exhibit "A" is hereby adopted.

SECTION 2. During the term of the agreement, the City Administrator is hereby authorized to implement the terms of the Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Management Association without further action by the City Council, unless such further action is explicitly required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and publish changes to the salary schedule(s) adopted with the annual operating budget.

**CITY OF SANTA BARBARA
AND
SANTA BARBARA POLICE MANAGEMENT ASSOCIATION**

MEMORANDUM OF UNDERSTANDING
JULY 1, 2012, THROUGH DECEMBER 31, 2013

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SANTA BARBARA
AND THE
SANTA BARBARA POLICE MANAGEMENT ASSOCIATION**

THIS AGREEMENT, SIGNED ON _____, IS ENTERED INTO AS OF JULY 1, 2012, BETWEEN THE CITY OF SANTA BARBARA, HEREINAFTER REFERRED TO AS THE "CITY," AND THE SANTA BARBARA POLICE MANAGEMENT ASSOCIATION, HEREINAFTER REFERRED TO AS THE "ASSOCIATION."

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et. seq. of the Government Code, the duly authorized representatives of the City and the duly authorized representatives of the Association, having met and conferred in good faith concerning wages, hours, and terms and conditions of employment of Unit employees, declare their agreement to the provisions of this Memorandum of Understanding.

FOR THE CITY:

FOR THE ASSOCIATION:

Kristine Schmidt
Employee Relations Manager

David Whitham
Police Captain

Frank Mannix
Deputy Police Chief

Gil Torres
Police Captain

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1. Scope of Representation

The Association represents the following management job classifications:

Police Lieutenant
Police Captain

2. Base Salaries

- A. Base salary ranges for each classification will increase by three percent (3%) effective January 12, 2013.
- B. During the term of the agreement, the existing ability of the Police Chief to recommend merit increases for eligible employees will not be changed. The intent of this section is that the Police Chief not be directed to reduce or eliminate merit increases during the term of the agreement based on economic conditions.

3. Compensation Analysis

Beginning no later than September 1, 2013, the parties will meet and confer in order to attempt to reach agreement about the position of Police Captain and Police Lieutenant compensation within the labor market and within the organization for purposes of discussion during labor negotiations for a successor agreement. This shall include examining:

- 1. Compaction Data: Internal compensation relationships between the City's management and non-management classifications.
- 2. Labor Market Data:
 - i. The relative position of City of Santa Barbara's police management compensation within the applicable public sector labor market, and
 - ii. The compensation differentials between comparable management and non-management classifications within the same labor market.

4. Overtime

Overtime will be accrued only when assigned by the Police Chief to emergency duty, disasters, mutual aid, or similar situations. Overtime will be accrued or paid out at the rate of time and one-half.

5. Educational Incentive (POST) Pay

Employees will receive advanced Police Officers Standards and Training (POST) pay in the same amount, and under the same conditions, as established for police sergeants under their labor agreement in effect at the time.

6. Spanish Language Premium Pay

Employees who establish proficiency in Spanish to the satisfaction of the Police Chief and the Human Resources Manager will be eligible for Spanish language premium pay in the same amount, and under the same conditions, as established for police officers under their labor agreement in effect at the time.

7. Uniform Allowance

Employees will receive a uniform allowance in the same amount, and under the same conditions, as established for a Police Officer under their labor agreement in effect at the time.

8. Cafeteria Plan Contribution

- A. Employees will receive a monthly contribution to the cafeteria plan for the purchase of health and welfare benefits and/or optional cash-out. The cafeteria plan contribution will be \$1,560.00 per month. Effective January 1, 2013, this amount will increase to \$1676.00 per month. This increase will not be considered a qualifying event allowing benefit changes to selections made during the most recent open enrollment period.
- B. Information about the benefits available and their cost will be distributed to all employees at the beginning of each benefit year (i.e. calendar year).
- C. The City retains full and complete control over the selection, approval and administration of the City's group insurance program.
- D. The benefits will be subject to the following rules:
 - 1) Benefit selections must be made prior to the beginning of each benefit year. Employee changes in benefit plan selections, such as adding or deleting coverage and/or dependents, may only be made in accordance with Section 125 of the Internal Revenue Code and City policy.
 - 2) All benefits selected from the cafeteria plan must be paid for in full from the maximum benefit provided except when the maximum is insufficient to cover all insurance coverage selected. In such cases, the premium amount not funded by the City-provided benefit will be paid through an employee deduction applied against the medical premiums.
 - 3) No unexpended dollar amounts associated with selected benefits may be disbursed to a terminating employee.
 - 4) All benefit selections are subject to State and Federal rules, regulations, and laws regarding employee benefits and tax status. No guarantee is made regarding the tax-exempt status of any and all benefits presented or selected.
 - 5) Employees will be eligible for benefits coverage and the monthly cafeteria plan contribution, on the first day of the month following their hire date.

9. Domestic Partnership Benefits

The cafeteria plan allowance can be used toward same sex and opposite sex domestic partner dependent coverage under the medical, dental, and vision plans, and any other plan where such coverage is allowed. In order to receive this benefit, domestic partners must be registered with the City Clerk's Office and/or the Secretary of State of California, and the employee must provide proof of registration. The affected employee(s) will be responsible for all tax consequences of this benefit.

Additionally, Domestic Partners who are registered with the City Clerk's Office and/or the Secretary of State of California are treated the same as spouses under all City policies related to employees' families.

10. Life Insurance

Life Insurance will be provided equal to an amount of one times annual salary. An equal amount will be provided for accidental death and dismemberment (ADD) coverage. This amount will not be counted against the cafeteria plan allowance.

11. Long Term Disability

Each employee will receive City-paid coverage under a long term disability insurance program. This amount will not be counted against the cafeteria plan allowance.

12. Short Term Disability

Employees will be eligible to participate in an optional Short-term Disability plan at their own cost.

13. Accident/Critical Illness Insurance

Employees will be eligible to participate in an optional Supplemental Accident and Critical Illness insurance plan at their own cost.

14. Tax-Qualified Expense Accounts

The City will continue to offer several tax-qualified arrangements to allow employees to set aside money to pay for eligible expenses on a pre-tax basis. These include:

- Medical Flexible Spending Account
- Dependent Care Account

15. Vacation

A. Employees will accrue vacation as follows:

0-2	15	Days	(120 hours)
3-5	20	Days	(160 hours)
6-7	25	Days	(200 hours)
8+	28	Days	(224 hours)

B. Effective September 30, 2012, the normal maximum vacation accrual will be increased from 352 hours to 392 hours (49 days). A employee whose vacation balances exceed the maximum accrual hours will not be eligible to accrue further vacation until such time as the employee has reduced his or her accrued leave balances through time off or catastrophic leave donation , to below the maximum accrual. There is no retroactive grant of vacation compensation for the period of time the vacation compensation was at the cap.

C. The maximum vacation accrual may be waived if scheduled vacations are cancelled by the City for emergencies or cancelled by the employee due to the illness, injury, or personal emergency. The employee will submit to the City Administrator, via the Department Head, a memo requesting approval for the accrual beyond the maximum. The City Administrator may establish a deadline by which the employee must reduce the vacation accrual to at or below the maximum, or be subject to the accrual discontinuance as outlined in Section B, above.

16. Vacation Cash-Out

There will be a one-time cash-out of up to 80 hours of vacation to be paid on or before the December 28, 2012 paycheck. City will notify employees of the procedure to request such vacation cash out. Any hours cashed out during 2012 under the continuation of the expired 2010-2012 MOU shall be credited against these 80 hours.

City will provide notice to employees about how an employee can complete the paperwork necessary to increase deferrals to deferred compensation accounts during the pay period in which vacation cash-out occurs.

17. Vacation & Sick Leave Advanced Credit Upon Hire

- A. An employee who is appointed from outside City of Santa Barbara government service within one (1) year of leaving employment with either the City of Santa Barbara or another city, county, state agency, federal agency or special district and who, in the opinion of the Human Resources Manager, possesses government experience directly related to the position to which he or she has been appointed, may be offered credit for years of prior service with the City of Santa Barbara and/or his or her immediate previous government employer in the following ways:
- i. Vacation Accrual: At the discretion of the Human Resources Manager, the employee may be offered credit for up to the total number of prior full years of service at the City of Santa Barbara and/or his or her immediate previous government employer toward the initial vacation accrual rate. The employee will not be eligible to progress to a higher accrual rate until employee has the normal required minimum amount of City of Santa Barbara service for that accrual rate.
 - ii. Sick bank: At the discretion of the Human Resources Manager, the employee may be credited with up to 96 hours of sick leave. Thereafter, employee will accrue sick leave at the normal rate.
- B. A former City of Santa Barbara employee reemployed within one year under Santa Barbara Municipal Code Section 3.16.320 will automatically qualify for the full vacation accrual credit under (i), above, for his or her prior City of Santa Barbara service. However, under no circumstance will prior accrued vacation balances cashed out to the employee upon termination be reinstated.

18. Holidays

Employees shall accrue 4.33 hours of holiday leave each biweekly pay period (24 pay periods). Said hours shall be credited to the employee's Holiday Bank.

- 1. The following days are included in the Holiday Bank:
 - January 1st (New Year's Day)
 - 3rd Monday in January (Martin Luther King Jr.'s Birthday)
 - 3rd Monday in February (President's Day)
 - Last Monday in May (Memorial Day)
 - July 4th (Independence Day)
 - 1st Monday in September (Labor Day)
 - 4th Thursday in November (Thanksgiving)
 - The Friday immediately following Thanksgiving Day
 - December 25th (Christmas Day)
- 2. Four additional days (32 hours) each fiscal year are included in the holiday bank and may be designated by the employee as holidays

For employees hired or promoted into the bargaining unit on or after July 1, 2013 only: If an employee's holiday bank exceeds 120 hours, the City shall have the option to either require the employee to take the holiday time off or to pay the employee for the hours at straight time. The option of time off or pay in lieu of holiday hours shall be at the sole discretion of the City. Employee in the bargaining unit before July 1, 2013 will not be subject to this provision.

19. Management Leave

- A. Full-time regular employees designated as being exempt from the overtime provisions of the Fair Labor Standards Act will be eligible for management leave, subject to the Police Chief's approval.
- B. Each eligible management employee is awarded management leave for the fiscal year as follows:

- Employees on the payroll July 1 (inclusive) 40 hours
- Employees hired between July 2 and October 1 (inclusive) 30 hours
- Employees hired between October 2 and January 1 (inclusive) 20 hours
- Employees hired between January 2 and April 1 (inclusive) 10 hours

- C. An employee on a Leave of Absence without Pay on July 1st will receive the Management Leave hours (prorated) when s/he returns to work
- D. The Police Chief may grant additional paid Management Leave to each eligible management employee during the year. The amount of additional paid leave, if any, will be subject to discretion of the Police Chief.
- E. Management Leave is scheduled like vacation.
- F. Management Leave is not related to hours worked nor subject to accrual, and may not be carried over beyond the end of the fiscal year. Upon resignation or termination, an employee will not be entitled to any payout of management leave.
- G. Administration of Management Leave is subject to the discretion and approval of the Police Chief. Final resolution of any disputes arising with regard to Management Leave will rest with the City Administrator.

20. Sick Leave

Sick leave allowance will accrue at the rate of 8 hours per month.

21. Non-Replenishable Sick Leave

- A. After five (5) years of continuous service, an employee may accumulate additional “non-replenishable” sick leave at the rate of sixteen (16) hours at full salary for each additional year of continuous service.
- B. The maximum accumulation is two hundred and forty (240) hours and is not replenishable.
- C. Non-replenishable sick leave hours may only be used after the employee’s entire regular sick leave bank is exhausted.

22. Catastrophic Leave

Employees will be eligible to donate vacation time to the applicable leave banks of full-time and part-time employees who are incapacitated due to a catastrophic illness or injury or who must care for a spouse or child who has a catastrophic illness or injury under the Management Catastrophic Leave Policy.

23. Leaves of Absence

- A. Employees may request a medical leave of absence of up to one year under the City’s FMLA/CFRA Family Medical Leave Policy, the Leave without Pay (Medical Reasons) Policy, the Maternity Leave Policy, and/or the Parental Leave Policy.
- B. The City Administrator may grant an extra leave of absence, in addition to that provided under the various sick leave policies to an employee who has been continuously employed by the City for five (5) years or more. When all sick leave has been exhausted, the employee can make a request, in writing, for extra leave and attach a report from his/her medical doctor stating the extent of the illness and the approximate time required for recovery. If approved the request shall be based on the following schedule:

Service in Years (active & continuous):	Maximum # of Months of Extra Leave Allowable:
5- 10	3
10-15	6 (including the 3 above)
15-20	9 (including the 6 above)
20 +	12 (including the 9 above)

During such period of extra leave, the employee shall receive an amount equal to 50% of his/her regular salary (MC 3.08.210).

- C. Non-Medical Leave: Employees may also request a personal leave of absence of up to one year for non-medical reasons under the City's Leave of Absence without Pay (Non-medical reasons) Policy. A sabbatical may constitute a reason for a leave of absence. An approved leave of absence without pay will not constitute a break in continuous service.

24. PERS Retirement

- A. Retirement Formula: Employees will be covered under the Police Safety contract under the Public Employees' Retirement System (PERS) with a 3% at age 50 benefit formula and with a final compensation measurement period of the highest single (1) year.

Effective January 1, 2013, new employees and/or members as defined by California Public Employees' Pension Reform Act of 2013 (hereinafter "AB 340") shall be covered under the 2.7% at 57 retirement formula, with a final compensation measurement period of the average of the highest three (3) consecutive years, as well as all other statutory requirements of AB 340.

- B. Member Contributions: Prior to January 12, 2013, the City will continue to contribute the entire employee's portion of the PERS contribution rate on behalf of bargaining unit members. Effective January 12, 2013, the City will contribute 6.12% of the 9.0% PERS member contribution rate on behalf of bargaining unit members; the employee will pay 2.88% of the member contribution. All such sums as required by law shall be credited to the individual member's account.

Notwithstanding the above, effective January 1, 2013, new employees and/or members as defined by AB 340 shall contribute the greater of what other employees contribute, or half the normal cost as defined by AB 340; the City will not pay any portion of these employees' contributions.

- C. Reporting Employer Paid Member Contributions: The City shall report the value of any Employer Paid Member Contributions (EPMC) to PERS as compensation earnable pursuant to Government Code Section 20636(c)(4).
- D. Employees will also have the option, at their own expense, to receive PERS service credit for any military service time or other service time eligible for service credit purchase under the PERS Police Safety plan.
- E. The parties agree that any provisions of this Agreement that are contrary to or inconsistent with the lawful provisions of AB 340, shall be modified so as to cause them to be consistent with those lawful provisions through letter of understanding to amend the Agreement.

25. Deferred Compensation

In addition to the City's retirement plans, employees may elect to participate in a tax-qualified Section 457 government defined contribution retirement program.

26. Service Credit For Sick Leave Upon Retirement

- A. At the time of retirement, the City purchases an annuity for the retiring employee that pays a monthly benefit similar to the PERS amendment that provides service credit for sick leave.
- B. The following conditions apply to this benefit:
 - 1. In order to qualify for service credit for sick leave upon retirement, the retiring employee must have at least 500 sick leave hours;
 - 2. The conversion rate of 0.004 years of service credit for each day of sick leave is utilized;
 - 3. The retiring employee may take the cash purchase value of the annuity in lieu of the monthly annuity;
 - 4. 90% PERS retirement limit
 - a. Prior to December 21, 2010, safety group members who obtained 90% of final compensation upon retirement were not eligible for this benefit. All safety group PERS contract evaluations limit a safety member's maximum annual pension to no more than 90% of final compensation regardless of the length of service and this benefit carried the same restriction. This provision was not intended to provide a benefit when a similar benefit would not be available from PERS under the service credit for sick leave contract amendment.
 - b. Effective December 21, 2010, employees who are eligible to receive an annuity under this program shall no longer be subject to reduction of that annuity based on the 90% PERS retirement limit. This shall not apply, however, to any employee who was already subject to a reduced annuity as of December 21, 2010 .
 - 5. If the City amends its PERS Police contract evaluation to include service credit for sick leave upon retirement, employees will be included in that PERS contract amendment and the annuity program will be discontinued.

27. Retiree Medical Insurance Contribution

- A. This provision is applicable to employees who retire from City service and
 - 1. Have 10 or more years of classified or unclassified service; or
 - 2. Retire from the City with an industrial disability retirement.
- B. The City will contribute \$10.50 per month, per year of service, toward the purchase of retiree medical insurance, up to a maximum of 35 years (i.e. \$315 per month).
- C. The retiree is not limited to the purchase of a City sponsored plan, provided however, that if the retiree purchases another insurance plan, the retiree must supply the City with adequate proof of insurance coverage prior to any contribution from the City. Proof of such coverage will be provided to the City on a periodic basis, as reasonably determined by the City.
- D. The City will continue to make its contribution until the retiree reaches age 65 or dies, whichever occurs first, provided however, that if the retiree dies before reaching the age of 65 and there is a surviving spouse or registered domestic partner, the City's contribution will cease when the retiree would have reached 65. Thereafter, the spouse may remain on the insurance plan, at his/her cost, subject to the conditions set forth by the insurance company.

28. Educational Reimbursement Programs

The Citywide Educational Reimbursement Policy and the Management Master's Degree Program were suspended effective July 1, 2009. Employees will not be eligible for these benefits until such time as the program has been reinstated by the City Administrator Citywide.

29. Layoff and Rehire

- A. In cases of the abolition of a position which results in the layoff of personnel or reduction in force, the individual with the least time in classification will be the first laid off.
- B. Where individuals possess equal time in classification, total time with the Santa Barbara City Police Department will be used to determine seniority.
- C. The individual affected will have the right to "bump" downward to the next lower sworn classification such that the last hired employee in the lowest sworn rank will be the first employee laid off.
- D. Rehiring will be accomplished pursuant to Municipal Code Section 3.16.350.

30. City Rights

- A. The City shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law, except to the extent such authority is explicitly waived by the express terms of this agreement.
- B. The City's rights shall include the right to determine the level of, and the manner in which, the City's activities are conducted, managed, and administered. The Association recognizes the exclusive right of the City to establish and maintain rules and procedures for the administration of its departments. Such rights include, but are not limited to, the exclusive right to: determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of economic reasons or for cause as provided in Section 1007 of the City Charter; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.
- C. The Association recognizes that the City Administrator retains, whether exercised or not, exclusive management decision-making authority over matters within the rights of the City.
- D. The Association recognizes that all bargaining unit members are "unclassified" employees as that term is defined in Article X of the City Charter.

31. Term, Waiver, and Severability

- A. The term of this agreement shall be eighteen (18) months commencing July 1, 2012 and ending at midnight on December 31, 2013. The term of this agreement may be extended by mutual agreement.
- B. The Association acknowledges that it had the unlimited right to bargain with regard to issues within the scope of representation. For the term of this Agreement, unless otherwise provided in this Agreement, the City shall not be further obligated to meet and confer. All terms and conditions of employment not covered by this agreement shall continue to be subject to the City's direction and control.
- C. If any provision of this Agreement is declared by judicial authority to be unlawful, unenforceable, or not in accordance with applicable provisions of state, federal or local laws or regulations, such part of the provision will be suspended and superseded by the applicable law or regulation and

the remainder of this Agreement shall remain in full force and effect for the duration of this Agreement.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Annual Wastewater Collection System Report

RECOMMENDATION:

That Council hear a report from staff on the wastewater collection system maintenance and management activities for Calendar Year 2012.

DISCUSSION:

The City operates 257 miles of wastewater collection system pipelines, the majority of which are six- or eight-inch in diameter and serve to convey wastewater to the City's El Estero Wastewater Treatment Plant. The operation of the wastewater collection system is regulated by the State Water Resources Control Board under a Waste Discharge Requirement Permit.

In December 2010, the City retained the consultant Brown and Caldwell to assess system management practices and assist with modifying those practices to reduce the sanitary system spill level. In April of 2011, Santa Barbara Channelkeeper filed a lawsuit against the City in federal district court alleging violations of the Clean Water Act. City staff and Channelkeeper agreed to the terms of a consent decree in March 2012.

As part of this agreement, City staff will present the progress on collection system maintenance and operation activities to Council each year. This is the first of those presentations. Channelkeeper will be afforded 20 minutes to address the Council at the beginning of the item.

BUDGET/FINANCIAL INFORMATION:

Funding for implementation of the consent decree, along with all collection system costs, is provided through the Wastewater Fund rates. The rates were most recently increased in June 2012.

SUSTAINABILITY IMPACT:

Limiting overflows and accelerating the renewal of the collection system will ensure that wastewater is effectively conveyed to the El Estero Wastewater Treatment Plant for treatment.

PREPARED BY: Rebecca Bjork, Water Resources Manager/mh

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012
TO: Mayor and Councilmembers
FROM: City Clerk's Office, Administrative Services Department
SUBJECT: Appointments To City Advisory Groups

RECOMMENDATION:

That Council make appointments to the City's advisory groups.

DISCUSSION:

Currently, there are 64 positions available for appointment to various City advisory groups. On October 30, November 13 and November 20, 2012, the Council interviewed applicants for these positions.

Per Resolution No. 12-012, Santa Barbara Youth Council applicants are required to appear for an interview before the Youth Council and the City Council in order to be eligible for appointment. The Youth Council held interviews on November 5 and November 12, 2012. The Youth Council's recommendations are included as Attachment 1.

The Guidelines for the City of Santa Barbara Advisory Groups, Resolution No. 06-092, states that applicants are required to appear for an interview before the City Council. The names of applicants failing to appear for an interview are removed from the list of persons eligible for appointment. Attachment 2 is a list of applicants eligible for appointment. With the exception of the positions on the Metropolitan Transit District Board (MTD) and the Mosquito and Vector Management District Board (MVMD), appointments to the advisory groups will be effective January 1, 2013. The appointments to the MTD and MVMD will be effective March 7, 2013 and January 8, 2013, respectively.

ATTACHMENTS:

1. Recommendations from the Santa Barbara Youth Council, dated November 19, 2012
2. List of Eligible Applicants

PREPARED BY: Gwen Peirce, City Clerk Services Manager

SUBMITTED BY: Marcelo A. López, Assistant City Administrator

APPROVED BY: City Administrator's Office



**City of Santa Barbara
Parks and Recreation Department**

Memorandum

DATE: November 19, 2012

TO: Mayor and Councilmembers

VIA: City Clerk's Office

FROM: Santa Barbara Youth Council

SUBJECT: Recommendation for Appointment to the Santa Barbara Youth Council

On March 27, 2012, the City Council adopted Resolution No. 12-018 that formally established the Santa Barbara Youth Council as a City advisory body. As part of the Resolution, a two-step appointment process was created. During semi-annual recruitments, applicants for the Youth Council would initially be interviewed by current the Youth Council, and their recommendation forwarded to the City Council for consideration. The applicants would also be required to interview with the City Council, consistent with other City boards and commissions. The Resolution also stipulated that for this first year, current eligible 2012 Youth Council members would be allowed to automatically serve another year, with their term expiring June 30, 2013. There are 12 members that are eligible to remain as members, leaving three vacancies. Under the Resolution, the membership of the Youth Council was set at 15 members.

Interviews for 2013 Appointments

The City Clerk's office recruited for three positions – (1) representative for alternative high school, (1) representative for Dos Pueblos High School, and (1) representative for at-large. The Youth Council and staff made a concerted effort to recruit from Dos Pueblos High School, alternative, community and continuation high schools, independent studies, as well as through youth service agencies for this recruitment period. The City Clerk's office received four applications for appointment to the Santa Barbara Youth Council. Of the four, there was one from an alternative school (La Cuesta Continuation) and three for at-large positions. There were no applicants for Dos Pueblos High School.

Of the four applicants, two interviewed with the Santa Barbara Youth Council, both for the at-large position. The following is the Youth Council's recommendation for appointment to the Santa Barbara Youth Council for the At-large position.

1. Alexis Flores – San Marcos High School – At large position.

ACCESS ADVISORY COMMITTEE

- Two vacancies.
- Terms expire 12/31/2014.
- Residents of the City or a full-time employees of an entity doing business within the City who demonstrate an interest, experience, and commitment to issues pertaining to disability and access: Representatives from the Architectural/Engineering/Building Community
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Architectural/ Engineering/Building Community (2)</i>	Martha Degasis			

AIRPORT COMMISSION

- Two vacancies.
- Terms expire 12/31/2016.
- One appointee must be a qualified elector of the City; and
One appointee may be a qualified elector of the City or resident of the County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified elector of the City (1)</i>	None			
<i>Qualified elector of the City or resident of the County (1)</i>	John G. Busby			County
	Carl L. Hopkins			County
	Karen M. Kahn			County

ARCHITECTURAL BOARD OF REVIEW

- Three vacancies.
- Terms expire 12/31/2016.
- Qualified electors of the City or the County of Santa Barbara:
 - Two members with professional experience in related fields
 - One member may be a licensed architect, have professional experience in related fields, or represent the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Professional experience in related fields (2)</i>	Sarah Maria Anthony			City
	Penn Smith			City
<i>Licensed Architect/ Professional experience in related fields/Public at large (1)</i>	Thiep Cung			Licensed Architect – County
	Scott Hopkins			Licensed Architect – City
	Donald E. Polk		1) Architectural Board of Review 2) Historic Landmarks Commission	Public at Large – County
	Andrew Roteman			Licensed Architect – County
	Juliette Sponsel			Public at Large – County; Current Building & Fire Code Board of Appeals member – open term
	Wm. Howard Wittausch			Licensed Architect – City

BUILDING AND FIRE CODE BOARD OF APPEALS

- Two vacancies.
- Open terms.
- Residents of the City or adjoining unincorporated areas of Santa Barbara County. Appointees shall demonstrate knowledge and expertise in specialty areas governed by the construction and fire codes of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Residents of the City or unincorporated area of Santa Barbara County (2)</i>	None			

CIVIL SERVICE COMMISSION

- One vacancy.
- Term expires 12/31/2016.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government and, for 1 year after ceasing to be a member, may not be eligible for any salaried office or employment with the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified elector of the City (1)</i>	Gabriel Garcia	12/13/2005 (7 years)		

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Six vacancies.
- One term expires 12/31/2014; one term expires 12/31/2015; and four terms expire 12/31/2016.
- Residents or employees within the City but need not be qualified electors of the City. One representative from each:
 - Disabled Community
 - Downtown Neighborhood
 - Housing Authority
 - Human Services Agencies
 - Lower Westside Neighborhood
 - Senior Community
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Disabled Community (1)</i>	Michael Just	12/16/2008 (4 years)		
<i>Downtown Neighborhood (1)</i>	James Cook	6/29/2010 (2 years, 6 months)		
<i>Housing Authority (1)</i>	Frank Quezada			
<i>Human Services Agencies (1)</i>	Patricia "Max" Rorty			
<i>Lower Westside Neighborhood (1)</i>	Greg Gorga	12/16/2008 (4 years)		
<i>Senior Community (1)</i>	Rocky Jacobson	6/29/2010 (2 years, 6 months)		Also eligible for Downtown Neighborhood category.

COMMUNITY EVENTS & FESTIVALS COMMITTEE

- Two vacancies.
- Terms expire 12/31/2015.
- Representatives of the Business/Lodging/Retail Industry.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd)	Notes
<i>Business/Lodging/ Retail Industry (2)</i>	None			

DOWNTOWN PARKING COMMITTEE

- Three vacancies.
- Terms expire 12/31/2016.
- Appointees shall demonstrate an interest and knowledge of downtown parking issues:
 - One member must be a resident of the City.
 - Two members may be residents of the City or the County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Resident of the City (1)</i>	Matt W. LaBrie	12/16/2008 (4 years)		City
<i>Residents of the City or the County (2)</i>	Eugene (Gene) McKnight	12/16/2008 (4 years)		County

FIRE AND POLICE COMMISSION

- One vacancy.
- Term expires 12/31/2016.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified elector of the City (1)</i>	Adam Maingot		1) Harbor Commission 2) Fire & Police Commission	
	Diego Torres-Santos	3/1/2011 (1 year, 10 months)		

FIRE AND POLICE PENSION COMMISSION

- Three vacancies.
- One term expires 12/31/2013; and two terms expire 12/31/2016.
- One active or retired firefighter who need not be a resident or qualified elector of the City;
 One active or retired police officer who need not be a resident or qualified elector of the City and
 One qualified elector of the City who is not an active firefighter, police officer, and does not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Active/Retired Firefighter (1)</i>	Michael K. Jacobs	1/9/1979 (34 years)		
<i>Active/Retired Police Officer (1)</i>	None			
<i>Qualified elector of the City (1)</i>	None			

HARBOR COMMISSION

- One vacancy.
- Term expires 12/31/2016.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified elector of the City (1)</i>	Bill Cordero Sr.			
	Adam Maingot		1) Harbor Commission 2) Fire & Police Commission	
	William (Bill) Spicer	6/30/2009 (3 years, 6 months)		

HISTORIC LANDMARKS COMMISSION

- Two vacancies.
- Terms expire 12/31/2016.
- Qualified electors of the City or the County of Santa Barbara:
 - One professional architectural historian/
 - One member may be a licensed architect, licensed landscape architect, professional architectural historian, or represent the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Professional Architectural Historian (1)</i>	Fermina B. Murray	12/7/2004 (8 years)		County
<i>Licensed Architect/ Licensed Landscape Architect/Professional Architectural Historian/ Public at large (1)</i>	Linus Huffman		1) Planning Commission 2) Parks & Recreation Commission 3) Historic Landmarks Commission	Public at large – City
	Donald E. Polk		1) Architectural Board of Review 2) Historic Landmarks Commission	Public at large – County

LIBRARY BOARD

- One vacancy.
- Term expires 12/31/2016.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified elector of the City (1)</i>	Pamela Purcilly McMaster		1) Planning Commission 2) Rental Housing Mediation Task Force 3) Library Board	
	Susette H.H.C. Naylor			

LIVING WAGE ADVISORY COMMITTEE

- Three vacancies.
- One term expires 6/30/2015; and two terms expire 6/30/2016.
- One representative from each:
 - Employee of a local Santa Barbara area nonprofit entity;
 - Owner/Manager of a service contractor subject to the City's Living Wage Ordinance.
 - Santa Barbara Downtown Organization or Santa Barbara Chamber of Commerce Nominee.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Employee of local Nonprofit Entity (1)</i>	None			
<i>Owner/Manager of a service contractor subject to the City's Living Wage Ordinance (1)</i>	None			
<i>Santa Barbara Downtown Organization <u>or</u> Santa Barbara Chamber of Commerce Nominee (1)</i>	None			

MEASURE P COMMITTEE

- Seven vacancies.
- Two terms expire 12/31/2013; two terms expire 12/31/2014; one term expires 12/31/2015; and two terms expire 12/31/2016.
- Two residents of the City; and one representative from each:
 - Civil Liberties Advocate
 - Drug abuse, treatment & prevention counselor
 - Medical Professional
 - Criminal Defense Attorney
 - Medical Marijuana Patient
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Civil Liberties Advocate (1)</i>	None			
<i>Criminal Defense Attorney (1)</i>	None			
<i>Drug abuse, treatment & prevention counselor (1)</i>	None			
<i>Medical Marijuana Patient (1)</i>	None			
<i>Medical Professional (1)</i>	David Bearman, M.D.	3/6/2007 (5 years, 10 months)		
<i>Residents of the City (2)</i>	None			

METROPOLITAN TRANSIT DISTRICT BOARD

- Two vacancies.
- Terms expire 3/6/2017 (Appointments effective 3/7/2013).
- Residents within the Santa Barbara Metropolitan Transit District.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Residents (2)</i>	John G. Britton	2/11/1997 (15 years, 10 months)		
	Keith J. Coffman-Grey			
	Olivia G. Rodriguez	6/29/2010 (2 years, 8 months)		
	Kristie Shubin			
	David Tabor			

MOSQUITO AND VECTOR MANAGEMENT DISTRICT BOARD

- One vacancy.
- Term expires 1/5/2015 (Appointment effective 1/8/2013).
- Registered voter of the City of Santa Barbara or a member of the City Council.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Registered Voter of the City of Santa Barbara or a member of the City Council (1)</i>	None			

NEIGHBORHOOD ADVISORY COUNCIL

- Four vacancies.
- One term expires 12/31/2013; and three terms expire 12/31/2016
- Residents of the City who need not be qualified electors of the City:
 - One resident of the City who represents the public at large; and
 - Three representatives from any of the following neighborhoods:

➤ West Downtown	➤ Eastside	➤ Lower Eastside
➤ Laguna	➤ Westside	➤ Lower Westside

Note: Council may appoint up to three youth members that are the ages of 16 or 17 years. Priority may be given to youth from the six specified neighborhoods.

- Appointees may not hold any full-time paid office or employment in City government.

NOTE: Applicants under the Neighborhood Representative category are also eligible for appointment to the Public at Large category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Neighborhood Representatives (3)</i>	Sally Foxen	3/1/2011 (1 year, 10 months)		Lower Westside Neighborhood
<i>Public at large (1)</i>	None			

PARKS AND RECREATION COMMISSION

- Two vacancies.
 - Terms expire 12/31/2016.
 - Qualified electors of the City.
- Note:** Council may appoint one youth member that is age 16 or 17 years, a resident of the City and a citizen of the United States.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified electors of the City (2)</i>	Linus Huffman		1) Planning Commission 2) Parks & Recreation Commission 3) Historic Landmarks Commission	

PLANNING COMMISSION

- Two vacancies.
- Terms expire 12/31/2016.
- Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified electors of the City (2)</i>	June Belletto de Pujo			
	Linus Huffman		1) Planning Commission 2) Parks & Recreation Commission 3) Historic Landmarks Commission	
	Sheila Lodge	12/16/2008 (4 years)		
	Pamela Purcilly McMaster		1) Planning Commission 2) Rental Housing Mediation Task Force 3) Library Board	
	Jay Rawlins		1) Planning Commission 2) Rental Housing Mediation Task Force	

RENTAL HOUSING MEDIATION TASK FORCE

- Four vacancies.
- Terms expire 12/31/2016.
- Residents of the City or the County of Santa Barbara:
 - Two homeowners
 - One landlord
 - One tenant

Note: Non-resident members must be owners of residential rental property within the City limits or affiliated with organizations concerned with landlord-tenant issues within the City limits.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
Homeowners (2)	Leesa Beck	6/28/2011 (1 year, 6 months)		County
	Justin Dullum	12/16/2008 (4 years - Tenant)		City
Landlord (1)	Richard Axilrod			City
Tenant (1)	Pamela Purcilly McMaster		1) Planning Commission 2) Rental Housing Mediation Task Force 3) Library Board	City
	Jay Rawlins		1) Planning Commission 2) Rental Housing Mediation Task Force	City

SANTA BARBARA YOUTH COUNCIL

- Three vacancies.
- Terms expire 12/31/2014.
- Members must be between the ages of 13 – 19 years. One member from each of the following:
 - Alternative School
 - Dos Pueblos High School
 - Public at large
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Alternative School (1)</i>	None			City
<i>Dos Pueblos High School (1)</i>	None			
<i>Public at large (1)</i>	Cambria De La Cruz			City – Santa Barbara High School
	Alexis Flores			County – San Marcos High School

SISTER CITIES BOARD

- Two vacancies.
- Terms expire 12/31/2016.
- Residents of the City of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Residents of the City (2)</i>	Marti Correa de Garcia			
	Barbara J. Ellis			

TRANSPORTATION AND CIRCULATION COMMITTEE

- Three vacancies.
- Term expires 12/31/2016.
- One appointee must be a qualified elector of the City; and
Two appointees may be qualified electors of the City or residents of the County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

Note: Applicants listed under the Qualified Elector category are also eligible for the Qualified Elector of the City or resident of the County category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified elector of the City (1)</i>	Sebastian Aldana Jr.			City - Current Neighborhood Advisory Council Member; term expires 12/31/13.
	Cynthia Boche			City
	Robert Burnham			City - Current Access Advisory Committee Member; term expires 12/31/14.
	Edward France	12/16/2008 (4 years)		City
<i>Qualified electors of the City or residents of the County (2)</i>				

WATER COMMISSION

- Two vacancies.
- Terms expire 12/31/2016.
- Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd)	Notes
<i>Qualified electors of the City (2)</i>	Landon Neustadt	7/31/2007 (5 years, 5 months)		
	Russell R. Ruiz	7/3/2007 (5 years, 6 months)		



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012
TO: Mayor and Councilmembers
FROM: Risk Management Division, Finance Department
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. Pending litigation considered is: ***Stanley Thompson v. City of Santa Barbara, WCAB case numbers ADJ7241417, ADJ7240125, and ADJ6825246.***

Scheduling: Duration, 10 minutes; anytime
Report: None anticipated

PREPARED BY: Mark W. Howard, Risk Manager
SUBMITTED BY: Robert Samario, Finance Director
APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: Risk Management Division, Finance Department

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.

Pending litigation considered is: ***Hector Balboa v. City of Santa Barbara, WCAB case number Unassigned.***

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

PREPARED BY: Mark W. Howard, Risk Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 11, 2012

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Conference With Legal Counsel - Anticipated Litigation

RECOMMENDATION:

That Council hold a closed session to consider significant exposure to litigation (one potential case) pursuant to subsection (b)(1) of section 54956.9 of the Government Code and take appropriate action as needed.

SCHEDULING: Duration, 15 minutes; anytime

REPORT: None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office