

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**APRIL 23, 2013
AGENDA**

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

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

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

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

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

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

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

ORDER OF BUSINESS

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

2:00 p.m. - City Council Meeting

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

Subject: Single-Use Bag Ordinance (120.03)

Recommendation: That the Ordinance Committee:

- A. Receive a report from staff regarding status of the Environmental Impact Report (EIR) prepared by BEACON for the model draft Single-Use Bag Ordinance; and
- B. Provide direction to staff and the City Attorney regarding any revisions to the draft City Single-Use Bag Ordinance prior to its introduction by the City Council.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring April 21-27, 2013 As National Crime Victim's Rights Week**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 9, 2013.

3. Subject: Records Destruction For Public Works Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Fleet Management Division.

4. Subject: Adoption Of Ordinance For Granting Of Easements On City Property At Chapala And Yanonali Streets (330.03)

Recommendation: That Council Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving the Granting of Easements for Public Utilities In and Under the City-Owned Property at Chapala and Yanonali Streets.

5. Subject: Parma Park Trust Funds For The Maintenance Of Parma Park (570.05)

Recommendation: That Council increase appropriations and estimated revenues by \$73,529 in the Parks and Recreation Department Fiscal Year 2013 Miscellaneous Grants Fund for maintenance of Parma Park.

6. Subject: Award Of Professional Services Agreement For Document Printing And Mailing Services To Infosend, Inc. (210.01)

Recommendation: That Council authorize the Finance Director to execute a professional services agreement with InfoSend, Inc. for a term of three years with an optional two-year extension as additional one (1) year increments.

CONSENT CALENDAR (CONT'D)

7. Subject: Appropriation Of Asset Forfeiture Funds For The Council On Alcoholism And Drug Abuse Criminal Justice Early Identification Specialist Position And "Kids Fight Drugs" Calendar (210.01)

Recommendation: That Council increase appropriations and estimated revenues by \$52,000 in the Fiscal Year 2013 Police Department Police Asset Forfeiture and Grants Fund for continued funding for the Council on Alcoholism and Drug Abuse (CADA) Criminal Justice Early Identification Specialist position (\$47,000) and the City of Santa Barbara's share of the cost for the "Kids Fight Drugs" calendar (\$5,000).

NOTICES

8. The City Clerk has on Thursday, April 18, 2013, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

9. Subject: Recommendation To Conduct Vote-By-Mail General Municipal Election (110.03)

Recommendation: That Council authorize the City Clerk to conduct the November 5, 2013 General Municipal Election as a Vote-By-Mail Election.

PUBLIC WORKS DEPARTMENT

10. Subject: Contract For Construction Management Services For The Punta Gorda Street Bridge Replacement Project (530.04)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Filippin Engineering in the amount of \$330,674 for construction management support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$33,067 for extra services that may result from necessary changes in the scope of work; (Cont'd)

10. (Cont'd)

- B. Authorize the Public Works Director to execute a City Professional Services contract with Penfield & Smith in the amount of \$13,060 for engineering (design) support services for Lower Sycamore Creek Channel Widening, and authorize the Public Works Director to approve expenditures of up to \$1,306 for extra services that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$50,000 for engineering (design) support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$5,000 for extra services that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Cardno ENTRIX in the amount of \$90,881 for environmental coordination and biological monitoring services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$9,088 for extra services that may result from necessary changes in the scope of work.

11. Subject: Contract For Conceptual Design Of The Union Pacific Railroad Bridge Over Cabrillo Boulevard (530.04)

Recommendation: That Council:

- A. Authorize the City Administrator to enter into a Memorandum of Understanding, approved as to form by the City Attorney, with the Santa Barbara County Association of Governments for the Conceptual Design of the Union Pacific Railroad Bridge over Cabrillo Boulevard;
- B. Authorize the Public Works Director to execute a City Professional Services contract with HDR Engineering, Inc., in the amount of \$90,085, in a form of agreement approved by the City Attorney, for conceptual design services for the Union Pacific Railroad Bridge over Cabrillo Boulevard, and authorize the Public Works Director to approve expenditures of up to \$9,000 for extra services of HDR Engineering, Inc., that may result from necessary changes in the scope of work; and
- C. Increase appropriations and estimated revenues in the Streets Capital Fund by \$99,105 for the Conceptual Design of the Union Pacific Railroad Bridge over Cabrillo Boulevard funded from a payment from the Santa Barbara County Association of Governments.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

12. 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 a workers' compensation claim: *David Gomez v. City of Santa Barbara*, WCAB case numbers ADJ1197775, ADJ1136460 & ADJ1982772.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

13. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is a workers' compensation claim: *Michael Moses v. City of Santa Barbara*, WCAB case number ADJ7552390

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: April 23, 2013
TIME: 12:30 p.m.
PLACE: Council Chambers

Grant House, Chair
Frank Hotchkiss
Randy Rowse

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant To City Administrator

Stephen P. Wiley
City Attorney

ITEM FOR CONSIDERATION

Subject: Single-Use Bag Ordinance

Recommendation: That the Ordinance Committee:

- A. Receive a report from staff regarding the status of the Environmental Impact Report (EIR) prepared by BEACON for the model draft Single-Use Bag Ordinance; and
- B. Provide direction to staff and the City Attorney regarding any revisions to the draft City Single-Use Bag Ordinance prior to its introduction by the City Council.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Ordinance Committee

FROM: Environmental Services Division, Finance Department

SUBJECT: Single-Use Bag Ordinance

RECOMMENDATION: That the Ordinance Committee:

- A. Receive a report from staff regarding the status of the Environmental Impact Report (EIR) prepared by BEACON for the model draft Single-Use Bag Ordinance; and
- B. Provide direction to staff and the City Attorney regarding any revisions to the draft City Single-Use Bag Ordinance prior to its introduction by the City Council.

DISCUSSION:

At its May 22, 2012 meeting, Council declared the draft Single-Use Bag Ordinance as a "project" for the purposes of environmental review and for its use as the model ordinance to be considered for possible adoption by other jurisdictions in Santa Barbara and Ventura Counties. The intent of the ordinance is to reduce the environmental impacts related to the use of single-use carryout bags and to promote a shift toward the use of reusable bags. To this end, the draft ordinance would:

- Prohibit stores that sell food and pharmacies from providing plastic carryout bags (not including product or produce bags). Stores could only provide recyclable paper carryout bags or reusable bags.
- Assess a 10-cent charge on recyclable paper bags provided by such stores at the point-of-sale. Stores would be permitted to retain all paper bag charges and use the funds to offset costs to (1) comply with the ordinance; (2) provide recyclable paper bags; (3) provide low or no cost reusable bags to customers who are exempt; and/or, (4) produce and distribute educational materials encouraging the use of reusable bags.
- Require these stores to indicate number of recyclable paper carryout bags and total amount charged on the customer receipt and to report this information, including any educational efforts to promote reusable bags, annually to the City.

- Require these stores to provide, free of charge, either reusable bags or recyclable paper bags or both to customers participating in the California Special Supplemental Food Program for Women, Infants, and Children or in the Supplemental Food Program.

The stores regulated by this ordinance are categorized as follows:

- Tier 1 stores: Have at least 10,000 square feet of retail space and sell a line of dry grocery, canned good, or non-food items or have a licensed pharmacy. Stores within this category would be required to comply within six months of the ordinance effective date.
- Tier 2 stores: Comprising drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, including those that have a liquor license, food marts, or other similar retail store that sell a limited line of grocery items which typically includes, but is not limited to, milk, bread, soda, and snack foods. Stores within the Tier 2 category are required to be in compliance within one year of the ordinance effective date.

Environmental Review

Since the May 22, 2012 Council meeting, the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), a joint powers authority comprising several jurisdictions in Santa Barbara and Ventura Counties, developed and circulated a draft environmental impact report (EIR) on the model ordinance. The "Study Area" for the ordinance included all jurisdictions located within Santa Barbara and Ventura Counties (except the Cities of Ojai and Carpinteria, which have already adopted single-use bag ordinances).

Besides the project, the draft EIR also evaluated several alternatives including: (1) No project; (2) A ban on single-use plastic bags at all retail establishments except restaurants; (3) a Mandatory charge of \$0.25 for paper bags; (4) A ban on both single-use plastic and paper carryout bags; and, (5) a Mandatory charge of \$0.10 for plastic and paper carryout bags. It is important to note that the draft EIR found that the project would result in impacts that were "beneficial" to the environment or that were "less than significant" to the environment and would not require mitigation.

The public comment period on the draft EIR began on February 12, 2013 and ended on March 28, 2013. Comments submitted by stakeholders on the draft EIR included: 1) Distribution of free reusable bags, other than for a short term promotion, will result in a proliferation of reusable bags; 2) Washing reusable bags will result in increased water consumption; and, 3) implementation of the ordinance should include a consumer education component regarding air and water emissions produced during paper bag production and recycling.

Next Steps

On April 19, 2013, the BEACON board is expected to certify the Final EIR on the model ordinance. Prior to bringing the model ordinance to the full City Council for further action, staff will complete the environmental review process pursuant to CEQA and City policies and procedures. Staff will then bring the Final EIR (along with a possible addendum) to Council to make requisite findings pursuant to CEQA. Therefore, staff recommends that the Ordinance Committee review the draft ordinance that served as the project for the BEACON EIR to 1. confirm that staff should use this version of ordinance to complete the City's environmental review process; or, 2. provide staff with direction regarding changes to the draft ordinance.

Legal Developments

On March 11, 2013, the California Second District Court of Appeal in Los Angeles upheld the Los Angeles Superior Court's ruling that the Los Angeles County ordinance prohibiting retail stores from providing plastic carryout bags and requiring them to charge customers 10 cents for each paper carryout bag was not a tax under the either Proposition 218 or Proposition 26 because the charge is payable and retained exclusively by the retail store and is not remitted to the county.

ATTACHMENT: Chapter 9.150 – Proposed Model City Ordinance, Single-Use Bag Ordinance

PREPARED BY: Matt Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

DRAFT

Ordinance No.

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING THE
SANTA BARBARA MUNICIPAL CODE BY ADDING
CHAPTER 9.150 PERTANING TO THE USE OF
SINGLE-USE CARRY OUT BAGS AT CERTAIN
RETAIL FOOD AND GROCERY STORE
ESTABLISHMENTS WITHIN THE CITY.

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

SECTION ONE: Title 9 of the Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 9.150 ("Single-Use Carry Out Bags"), which reads as follows:

Section 9.150.010 Definitions.

The following definitions apply to this Chapter:

- A. Customer.** Any person purchasing goods from a store.
- B. Operator.** The person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.
- C. Person.** Any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. Plastic carryout bag.** Any bag made predominantly of plastic derived from either petroleum, natural gas, or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.
- E. Postconsumer recycled material.** A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original

manufacturing and fabrication process.

F. Produce bag or product bag. Any bag without handles used exclusively to carry produce, meats, or other food items from a display case within a store to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

G. Recyclable. Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

H. Recyclable paper carryout bag. A paper bag (of any size) that meets all of the following requirements: 1. contains no old growth fiber; 2. is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; 3. is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; 4. is accepted for recycling in curbside programs in the City; 5. has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and 6. displays the word "Recyclable" in a highly visible manner on the outside of the bag.

I. Reusable bag. A bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: 1. has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; 2. has a minimum volume of 15 liters; 3. is machine washable or is made from a material that can be cleaned or disinfected; 4. does not contain lead, cadmium, or any other heavy metal in toxic amounts; 5. has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and 6. if made of plastic, is a minimum of at least 2.25 mils thick.

J. Store. Any of the following retail establishments located and operating within the City:

1. A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and which sells a line of dry grocery or canned goods, or non-food items together with some perishable food items or a store that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or

2. A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other similar retail store or entity engaged in the retail sale of a limited line of grocery items or goods which typically includes, but is not limited to, milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 liquor license issued by the state Department of Alcoholic Beverage Control.

Section 9.150.020 Plastic carryout bags prohibited.

A. No store shall provide any customer with a plastic carryout bag.

B. The prohibition on providing plastic carryout bags applies only to bags provided by a store for the purpose of carrying away goods from the point of sale within the store and does not apply to produce bags or product bags supplied by a store.

Section 9.150.030 Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type which the customer may bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

Section 9.150.040 Regulation of recyclable paper carryout bags.

A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer ten cents (\$0.10) for each bag provided, except as otherwise allowed by this Chapter.

B. No store shall rebate or otherwise reimburse a customer any portion of the ten cent (\$0.10) charge required in subparagraph A, except as otherwise allowed by this Chapter.

C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged the customer for such bags.

D. All charges collected by a store under this Chapter may be retained by the store and used for one or more of the following purposes: 1. the costs associated with complying with the requirements of this Chapter; 2. the actual costs of providing recyclable paper carryout bags; 3. the costs of providing low or no cost reusable bags to customers of the store who are exempted by section 9.150.060; or 4. the costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores shall report to the City Finance Director, on an annual (calendar year) basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior year. Such reporting must be done on a form prescribed by the City Finance Director, and must be signed by a responsible agent or officer of the store in order to confirm that the information provided on the form is accurate and complete. Such reports shall be filed no later than ninety (90) days after the end of each year following the year in which this chapter becomes effective.

Section 9.150.050 Use of reusable bags.

A. All stores must provide reusable bags to customers, either for sale or at no charge.

B. Stores are strongly encouraged to educate their staff to promote the use of reusable bags and to post signs and other informational materials encouraging customers to use reusable bags.

Section 9.150.060 Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the state Welfare and Institutions Code.

Section 9.150.070 Enforcement and violations - penalties.

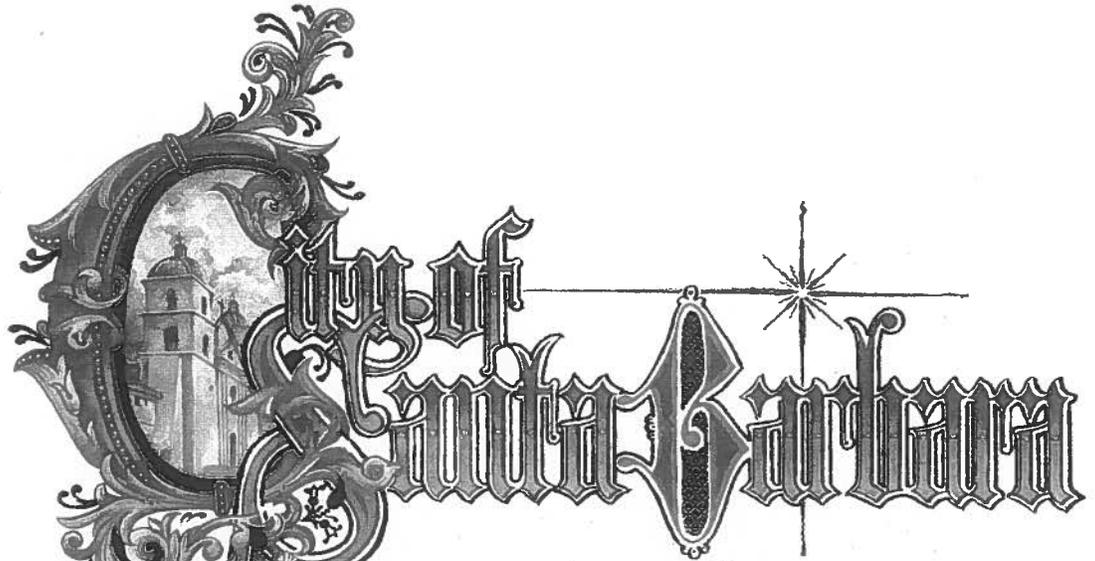
A. Administrative Enforcement. The City Finance Director (or his designee) shall have the primary responsibility for enforcement of this Chapter. The Director is authorized to promulgate Departmental regulations to assist stores in understanding and in complying with this Chapter and to take any and all other actions reasonable and necessary to enforce and interpret this Chapter.

B. Regulations on Free Reusable Bags. If determined to be appropriate and necessary, the City Finance Director may adopt regulations restricting or limiting the ability of those stores defined in subparagraphs J(1) and J(2) of section 9.150.010 to offer customers free reusable bags as a promotional item.

Section 9.150.080 Operative date.

For those stores defined in subparagraph (J)1) of section 9.150.010, this Chapter shall become operative One Hundred Eighty (180) days after the effective date of the City ordinance adopting this Chapter. For stores defined in subparagraph J(2) of Section 9.150.010, this Chapter shall become operative one year after the effective date of the City ordinance adopting this Chapter.

SECTION TWO: Within two years of the adoption date of this ordinance, the staff of the City Finance Department shall submit a written agenda report to the City Council describing, among other things, whether it appears to the Finance Department that this ordinance has reduced the number of plastic and paper bags used within the City by those stores regulated by this ordinance.



**PROCLAMATION
NATIONAL CRIME VICTIM'S RIGHTS WEEK
April 21-27, 2013**

WHEREAS, 18.7 million Americans are directly harmed by crime each year, and each crime affects many more family members, friends, neighbors, and co-workers; and

WHEREAS, crime can leave a lasting physical, emotional, or financial impact on people of all ages and abilities, and of all economic, racial, and social backgrounds; and

WHEREAS, in addition to these challenges, crime victims face a criminal justice system that, at times, ignores their rights and treats them with disrespect; and

WHEREAS, in 1982, the President's Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims; and

WHEREAS, today thousands of victim assistance programs provide help and support to child victims of violence and sexual abuse; stalking victims; survivors of homicide victims; victims of drunk-driving crashes; and victims; and

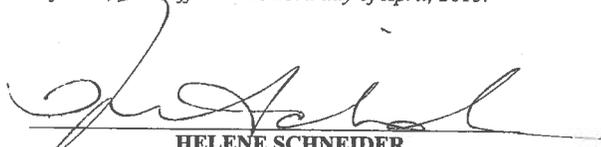
WHEREAS, now is the time to embrace new solutions that involve new partnerships with underserved communities and a greater emphasis on learning what works in meeting victims' needs; and

WHEREAS, the U.S. Department of Justice, through the Vision 21 initiative, calls for a renewed commitment to serving all victims of crime in the 21st century; and

*NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority invested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim the week of April 21-27, 2013, as **National Crime Victims' Rights Week** in recognition of victims and crime survivors who have turned personal tragedy into a motivating force.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 23rd day of April, 2013.




HELENE SCHNEIDER
Mayor



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING April 9, 2013 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco (2:06 p.m.), Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

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

CEREMONIAL ITEMS

- Subject: Proclamation Declaring April As National Poetry Month And Declaring Chryss Yost As Poet Laureate For The City Of Santa Barbara (120.04)**

Speakers:

Members of the Public: Barry Spacks, Perie Longo, David Starkey, Paul Willis, Chryss Yost.

Action: The Proclamation was presented to Poet Laureate Chryss Yost, Ginny Brush and the City's previous Poet Laureates.

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

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

Documents:

April 9, 2013, report from the Assistant City Administrator.

Speakers:

Staff: City Administrator James Armstrong, Award Recipients Kathryn Sangster and Stephen McCullough.

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

5-Year Pin

Margarita Morello, Accounting Coordinator, Finance Department
Alelia Parenteau, Administrative Analyst II, Public Works Department

15-Year Pin

Frances McDonald, Office Specialist II, Parks and Recreation Department
Enrique Alvarez, Irrigation Systems Tech, Parks and Recreation Department
Karla Megill, Executive Assistant, Parks and Recreation Department

20-Year Pin

Santos Escobar, Jr., Parks Manager, Parks and Recreation Department

25-Year Pin

Aurelio Arroyo, Lead Meter Reader / Water Distributer, Public Works Department
Peter Whittington, Irrigation Systems Tech, Parks and Recreation Department
Kathryn Sangster, Admin / Clerical Supervisor, Waterfront Department
Stephen McCullough, Harbor Patrol Supervisor, Waterfront Department

CHANGES TO THE AGENDA

Item Removed from Agenda

City Attorney Wiley stated that the following item was being removed from the agenda:

21. Subject: Conference with Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Sian Harden v. City of Santa Barbara, et al.*, SBSC No. 1385957.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

PUBLIC COMMENT

Speakers: Scott Wenz, CARS Are Basic; Bob Hansen; Nancy McCradie; Vanessa Patterson, Executive Director of the Foundation of Santa Barbara City College; David Daniel Diaz; Phil Conran; K8 longstory.

CONSENT CALENDAR (Item Nos. 3 – 17)

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

Motion:

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

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 2, 2013 (cancelled).

Action: Approved the recommendation.

4. Subject: Adoption Of Ordinance Approving Prohibition Of Commercial Vehicles Over Seven Tons On Hermosillo Road (530.05)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 10.36.031 of the Santa Barbara Municipal Code.

Action: Approved the recommendation; Ordinance No. 5611.

5. Subject: Introduction Of Ordinance Amending The Electronic Campaign Disclosure Filing Requirement (110.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 2.03.110 of the Santa Barbara Municipal Code Regarding the Mandatory Electronic Campaign Disclosure Filing Requirement.

Action: Approved the recommendation (April 9, 2013, report from the Assistant City Administrator; proposed ordinance).

6. Subject: Introduction Of Ordinances To Amend The Memoranda Of Understanding With Hourly And Treatment And Patrol (TAP) Bargaining Units (440.02)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Existing 2008-2012 Memorandum Of Understanding Between the City Of Santa Barbara and the Hourly Employees' Bargaining Unit to Extend the Term Through December 31, 2013 and to Reflect New Pension Requirements; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the 2011-2013 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units) to Include Appendix H Regarding the Transfer of Meter Readers to the Bargaining Unit.

Action: Approved the recommendations (April 9, 2013, report from the Assistant City Administrator; proposed ordinances).

7. Subject: Introduction Of Ordinance For Firefighters Memorandum Of Understanding Extension Through June 30, 2014 (440.02)

Recommendation: That Council ratify a 12-month extension to the 2007-2013 Memorandum of Understanding between the City and the Santa Barbara City Firefighters' Association, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Extending the 2007-2013 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Firefighters' Association through June 30, 2014.

Action: Approved the recommendation (April 9, 2013, report from the Assistant City Administrator; proposed ordinance).

8. Subject: Reallocation Of \$190,000 Fiscal Year 2013 Capital Outlay Funds For The Parks And Recreation Infrastructure Safety Improvement Program (230.01)

Recommendation: That Council approve the reallocation of \$190,000 from the Lower Mesa Lane Steps Replacement Project to the Park Infrastructure Safety Improvement Program in the Fiscal Year 2013 Capital Outlay Fund.

Action: Approved the recommendation (April 9, 2013, report from the Parks and Recreation Director).

9. Subject: Approval Of Contract For Bathymetric Survey Of Gibraltar Reservoir (540.09)

Recommendation: That Council authorize the Public Works Director to execute a professional services contract to MNS Engineers, Inc., in the amount of \$28,510 and in a form of agreement acceptable to the City Attorney, to perform a bathymetric survey of Gibraltar Reservoir, and approve expenditures of \$2,851 for extra services that may result from necessary changes in the scope of work, for a total of \$31,361.

Action: Approved the recommendation; Contract No. 24,467 (April 9, 2013, report from the Public Works Director).

10. Subject: Purchase Order With UCP Work, Incorporated (570.03)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.070 (L), and authorize the General Services Manager to issue a purchase order to UCP Work, Incorporated for janitorial services at the Waterfront for Fiscal Year 2014 in an amount not to exceed \$238,500 and for Fiscal Year 2015 in an amount not to exceed \$243,000.

Action: Approved the recommendation (April 9, 2013, report from the Waterfront Director).

11. Subject: Concession Agreement Amendment With M/E, Inc. (330.04)

Recommendation: That Council approve and authorize the Airport Director to execute this first amendment to Concession Agreement No. 23,446 with M/E, Inc., dba Santa Barbara News & Gift, amending Article 2, "Leased Premises" to add an additional 130 square feet, for storage of inventory, in the Airline Terminal, at 500 James Fowler Road, at the Santa Barbara Airport effective April 9, 2013.

Action: Approved the recommendation; Agreement No. 23,446.1 (April 9, 2013, report from the Airport Director).

12. Subject: Measure A Five-Year Local Program Of Projects For Fiscal Years 2014 - 2018 (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure A Five-Year Local Program of Projects for Fiscal Years 2014 - 2018.

Action: Approved the recommendation; Resolution No. 13-017 (April 9, 2013, report from the Public Works Director; proposed resolution).

13. Subject: Acquisition Of Real Property For The Cota Street Bridge Replacement Project (330.03)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Acquire and Accept In Fee The Real Property Interests Located at 536 Bath and 221 W. Cota Streets, Relating to the Cota Street Bridge Replacement Project, and Authorize the Public Works Director to Execute Such Agreements and Documents as Necessary for the Acquisition and Acceptance of Said Real Property Interests, in a Form Acceptable to the City Attorney, and Record Said Real Property Interests in the Official Records of the County of Santa Barbara; and
- B. Appropriate \$144,522 in the Streets Capital Fund from revenues received through the sale of surplus properties acquired for completed bridge replacement projects to the Cota Street Bridge Replacement Project in order to fund the City's match for the acquisitions at 536 Bath and 221 W. Cota Streets.

Action: Approved the recommendations; Resolution No. 13-018; Agreement Nos. 24,468 and 24,469 (April 9, 2013, report from the Public Works Director; proposed resolution).

14. Subject: Introduction Of Ordinance To Approve An Installment Sale Agreement, Trust Agreement and Continuing Disclosure Agreement In Connection With The Potential Sale Of Water Revenue Refunding Certificates Of Participation (240.04)

Recommendation: That Council introduce, by reading of title only, an Ordinance of the City of Santa Barbara Authorizing the Execution and Delivery by the City of an Installment Sale Agreement, a Trust Agreement and a Continuing Disclosure Agreement in Connection with the Execution and Delivery of City of Santa Barbara Water Revenue Refunding Certificates of Participation, Series 2013, and Authorizing Related Actions.

Action: Approved the recommendation (April 9, 2013, report from the Finance Director; proposed ordinance).

NOTICES

- 15. The City Clerk has on Thursday, April 4, 2013, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

16. Recruitment for City Advisory Groups
 - A. The City Clerk's Office will accept applications through Monday, May 6, 2013 at 5:30 p.m. to fill scheduled vacancies on various City Advisory Groups and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, April 17, 2013;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, May 21, 2013 at 4:00 p.m. (Estimated Time), Tuesday, June 4, 2013 at 4:00 p.m. (Estimated Time), and Tuesday, June 18, 2013 at 6:00 p.m.; and
 - C. The City Council will make appointments to fill the vacancies on various City Advisory Groups on Tuesday, June 25, 2013.

17. Received a letter advising of a vacancy created on the Water Commission with the departure of Commissioner Landon Neustadt; the vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Grant House reported that the Committee met to hear a Staff presentation on an ordinance regarding Historic and Special Design Districts. He stated that the item will continue to be heard at the Committee's April 16 meeting.

PUBLIC HEARINGS

18. **Subject: Proposed Designation Of Two Landmarks: Stark House At 1709 Overlook Lane And The Veterans Memorial At 112 West Cabrillo Boulevard (640.06)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Stark House at 1709 Overlook Lane (Assessor's Parcel Number 015-192-016) a City Landmark; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Designating the Veterans Memorial at 112 West Cabrillo Boulevard (Assessor's Parcel Number 033-101-013) a City Landmark.

Documents:

- April 9, 2013, report from the Assistant City Administrator/Community Development Director.
- Proposed Resolutions.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.

(Cont'd)

18. (Cont'd)

Documents (Cont'd):

- April 3, 2013, letter from Alastair Winn.
- April 9, 2013, handout from Bob Handy.
- April 9, 2013, handout from John Ramieri.

The titles of the resolutions were read.

Public Comment Opened:

2:39 p.m.

Speakers:

- Staff: Urban Historian Nicole Hernandez.
- Members of the Public: Bob Handy, Robert Burke, Ron Dexter, William Connell, John Ramieri, Kellem de Forest, Santa Barbara County Architect Robert Ooley.

Public Comment Closed:

3:01 p.m.

Motion:

Councilmembers House/Francisco to approve the recommendations;
Resolution Nos. 13-019 and 13-020.

Vote:

Unanimous roll call vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

AIRPORT DEPARTMENT

19. Subject: Proposed Marine Corps Tribute (610.03)

Recommendation: That Council approve and authorize the Airport Director to execute an agreement in a form acceptable to the City Attorney with the Pierre Claeysens Veterans' Museum and Library Foundation to transfer the right, title, and interest to the Marine Corps Tribute to the City.

Documents:

- April 9, 2013, report from the Airport Director.
- PowerPoint presentation prepared and made by Staff and Artist.
- April 4, 2013, email from Fred Lopez.
- April 5, 2013, email from Michel Nellis.
- April 5, 2013, letter from Santa Barbara County Supervisor Salud Carbajal.
- April 7, 2013, email from P.R. Schenck.

(Cont'd)

19. (Cont'd)

Documents (Cont'd):

- April 8, 2013, emails from Denison Bacon, Walt and Wendy Clapp, Brian Smith, Major Jose A. Ramirez (Ret), and Russell E. Mueller.

Speakers:

- Staff: Airport Director Karen Ramsdell.
- Artist: Douglas Lochner.
- Airport Commission: Chair Bruce Miller.
- Visual Arts in Public Places Committee: Jacqueline Dyson.
- Arts Advisory Committee: Robert Adams.
- Members of the Public: John Blankenship; Ginny Brush, Executive Director of Santa Barbara County Arts Commission; Joseph Narkevitz; Rita Ferri, Santa Barbara County Arts Commission; Fred Lopez; Jack Harris; Jose Ramirez; Dennis Merenbach; Peter Shank; Kellem de Forest.

Motion:

Councilmembers White/Hotchkiss to approve the recommendation; Agreement No. 24,470.

Vote:

Unanimous voice vote.

RECESS

3:58 p.m. – 4:08 p.m.

CITY ADMINISTRATOR

20. Subject: Professional Services Agreement with Godbe Research (170.01)

Recommendation: That Council:

- Approve and authorize the City Administrator to negotiate and execute a not to exceed, \$30,015 contract for professional services with Godbe Research to conduct a comprehensive opinion poll related to a possible revenue generating ballot measure;
- Allocate \$30,015 from the General Fund appropriated reserves to the City Administrator's Office Fiscal Year 2013 General Fund budget to cover the cost of the survey; and
- Appoint a three member ad hoc committee to work with staff and the consultant to craft the opinion survey.

Documents:

April 9, 2013, report from the Assistant City Administrator.

Speakers:

Staff: Assistant City Administrator Marcelo A. López. (Cont'd)

20. (Cont'd)

Motion:

Councilmembers House/Rowse to not move forward with conducting the proposed opinion poll.

Vote:

Majority voice vote (Noes: Councilmember Murillo).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White reported on the following meetings:
 - Fire and Police Commission meeting regarding the Whiskey Richards Dance Permit, which the Commission suspended for 60 days, which decision the owner has appealed to the City Council;
 - Eastside Traffic Workshop regarding issues of traffic on the Eastside;
 - Water Commission meeting, where issues of a water shortage and capital projects taking place at the El Estero Wastewater Treatment Plant were discussed.
- Councilmember Murillo reported on a recent Juvenile Justice Task Force meeting regarding mental health services being provided to juveniles. She also spoke regarding the Eastside Library mural opening and a recent Youth Advisory Council meeting.
- Councilmember Hotchkiss spoke regarding the Opening of the Old Spanish Days Fiesta event. He mentioned the visits from cruise ships and their passengers.
- Councilmember House reported on a luncheon at Presidio Springs where a discussion was held on a residential and treatment facility for transitioning mentally ill and drug-addicted homeless individuals into affordable housing.

RECESS

Mayor Schneider recessed the meeting at 4:47 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 22, and she stated that no reportable action is anticipated.

CLOSED SESSION

22. 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 Fire Management Association and the Police Officers' Association, and regarding discussions with certain unrepresented managers about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Cont'd)

22. (Cont'd)

Documents:

April 9, 2013, report from the Assistant City Administrator.

Time:

4:48 p.m. – 5:12 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 5:12 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
GWEN PEIRCE, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Mayor and Councilmembers

FROM: Administration Division, Public Works Department

SUBJECT: Records Destruction For Public Works Department

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Fleet Management Division.

DISCUSSION:

The City Council adopted Resolution No. 12-008 on February 14, 2012, approving the City of Santa Barbara Records Management Policies and Procedures Manual. The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

Pursuant to the Manual, the Public Works Director submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Public Works Director requests the City Council to approve the destruction of the Public Works Department records in the Fleet Management Division listed on Exhibit A of the proposed Resolution, without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's Sustainable Santa Barbara Program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records

Council Agenda Report
Records Destruction For Public Works Department
April 23, 2013
Page 2

Management Program outlines that records approved for destruction be recycled, reducing paper waste.

PREPARED BY: Micaela Hase, Administrative Assistant

SUBMITTED BY: Christine F. Andersen, Public Works Director/mh

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA RELATING TO THE DESTRUCTION OF
RECORDS HELD BY THE PUBLIC WORKS DEPARTMENT
IN THE FLEET MANAGEMENT DIVISION

WHEREAS, the City Council adopted Resolution No. 12-008 on February 14, 2012, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

WHEREAS, the City of Santa Barbara Records Management Policies and Procedures Manual contains the records retention and disposition schedules for all City departments. The records retention and disposition schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice;

WHEREAS, Government Code section 34090 provides that, with the approval of the City Council and the written consent of the City Attorney, the head of a City department may destroy certain city records, documents, instruments, books or papers under the Department Head's charge, without making a copy, if the records are no longer needed;

WHEREAS, the Public Works Director submitted a request for the destruction of records held by the Public Works Department to the City Clerk Services Manager to obtain written consent from the City Attorney. A list of the records, documents, instruments, books or papers proposed for destruction is attached hereto as Exhibit A and shall hereafter be referred to collectively as the "Records";

WHEREAS, the Records do not include any records affecting title to real property or liens upon real property, court records, records required to be kept by statute, records less than two years old, video or audio recordings that are evidence in any claim or pending litigation, or the minutes, ordinances or resolutions of the City Council or any City board or commission;

WHEREAS, the City Clerk Services Manager agrees that the proposed destruction conforms to the City's retention and disposition schedules;

WHEREAS, the City Attorney consents to the destruction of the Records; and

WHEREAS, the City Council of the City of Santa Barbara finds and determines that the Records are no longer required and may be destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Public Works Director, or her designated representative, is authorized and directed to destroy the Records without retaining a copy.

EXHIBIT A

PUBLIC WORKS DEPARTMENT – FLEET MANAGEMENT DIVISION

<u>Records Series</u>	<u>Date(s)</u>
Biennial Inspection of Terminals	1999-2009
Smog Records	1999-2009
Vehicle Records	1999-2009

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE GRANTING OF EASEMENTS FOR PUBLIC UTILITIES IN AND UNDER THE CITY-OWNED PROPERTY AT CHAPALA AND YANONALI STREETS, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AGREEMENTS WITH SOUTHERN CALIFORNIA EDISON COMPANY, VERIZON CALIFORNIA INC., COX COMMUNICATIONS CALIFORNIA LLC, AND CROWN CASTLE NG WEST INC., TO GRANT EASEMENTS RELATED TO THE CITY-OWNED PROPERTY AT CHAPALA AND YANONALI STREETS

WHEREAS, the City of Santa Barbara's Chapala Street Bridge Replacement Project and the County of Santa Barbara Flood Control District's Lower Mission Creek, Reach 2A, By-pass Box Culvert Project, require the relocation of several above-ground utilities in order to construct the bridge and the box culvert;

WHEREAS, the City of Santa Barbara is prepared to enter into an Agreement to Grant Easement with Southern California Edison Company for the purposes of relocating existing overhead electrical and communication facilities now existing in that portion of Chapala Street vacated via City Ordinance No. 4991, to underground electrical and communication facilities in and under a portion of that certain tract of land owned by the City of Santa Barbara commonly known as APN: 033-041-013 (and referred to herein as the Depot Triangle Property);

WHEREAS, the City of Santa Barbara is prepared to enter into an Agreement to Grant Easement with Verizon California Inc., for the purposes of relocating existing overhead communication facilities now existing in that portion of Chapala Street vacated via City Ordinance No. 4991, to underground communication facilities in and under the Depot Triangle Property;

WHEREAS, the City of Santa Barbara is prepared to enter into an Agreement to Grant Easement with Cox Communications California, LLC, for the purposes of relocating existing overhead communication facilities now existing in that portion of Chapala Street vacated via City Ordinance No. 4991, to underground communication facilities in and under a portion the Depot Triangle Property;

WHEREAS, the City of Santa Barbara is prepared to enter into an Agreement to Grant Easement with Crown Castle NG West Inc., for the purposes of relocating existing overhead communication facilities now existing in that portion of Chapala Street vacated via City Ordinance No. 4991, to underground communication facilities in and under a

portion of that certain tract of land owned by the City of Santa Barbara commonly known as APN: 033-041-013 (and referred to herein as the Depot Triangle Property); and

WHEREAS, this ordinance will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the agreements with each of the aforementioned utility companies, and provide for the grant and recordation of said easements.

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

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Agreement to Grant Easement with Southern California Edison Company, Verizon California Inc., Cox Communications California, LLC, and Crown Castle NG West, Inc. for the purposes of relocating existing overhead electrical and communication facilities to underground facilities in and under the Depot Triangle Property.

SECTION 2. That the grant of a nonexclusive easement as set forth in the Easement Deed to each of Southern California Edison Company, Verizon California Inc., Cox Communications California, LLC, and Crown Castle NG West Inc., for the purposes of relocating existing overhead electrical and communication utilities now existing in that portion of Chapala Street vacated via City Ordinance No. 4991, displaced by the Chapala Street Bridge Replacement Project and the County of Santa Barbara Flood Control District's Lower Mission Creek, Reach 2A, By-pass Box Culvert Project, and for all related purposes and uses in and under a portion of that certain tract of land owned by the City of Santa Barbara commonly known as APN: 033-041-013 and also referred to as the Depot Triangle Property, is approved pursuant to the City Charter Article V, Section 520, and the City Administrator is authorized to execute the same.

SECTION 3. That upon the effective date of the Ordinance, the City Clerk is authorized to record said Easement Deeds in the Official Records of the Office of the County Recorder, Santa Barbara County.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Mayor and Councilmembers

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Parma Park Trust Funds For The Maintenance Of Parma Park

RECOMMENDATION:

That Council increase appropriations and estimated revenues by \$73,529 in the Parks and Recreation Department Fiscal Year 2013 Miscellaneous Grants Fund for maintenance of Parma Park.

DISCUSSION:

Parma Park, one of the City's 11 open space parks, comprises 200 acres. Located in the upper Sycamore Creek watershed and generally bounded by Sycamore Canyon Road, Mountain Drive, and Montecito, Parma Park provides passive recreation opportunities to hikers and equestrians. Mountain biking is limited to fire roads within the park. Harold Parma, along with his family, deeded Parma Park to the City in November 1973. The Parma Park Trust (Trust), established in 2000, provides funds to support the preservation and maintenance of the park. Each year the Parks and Recreation Department (Department) submits an annual maintenance plan and reports expenditures to the Parma Park (Trustee). Maintenance activities that are funded by the Trust include trail maintenance, defensible space vegetation management, trail signage, olive grove restoration, exotic invasive plant management, and native habitat restoration.

BUDGET/FINANCIAL INFORMATION:

Each calendar year, the Trustee disburses funds from the Parma Park Trust to support park maintenance. In January 2013, the Department received \$73,529 from the Trust. The Parma Park account in the Department's Miscellaneous FY2013 Grants Funds currently has a balance of \$78,093. With the additional appropriation of \$73,529, the account balance will be \$151,622. Maintenance expenditures vary from year to year. The Department anticipates expenditures over the next 12 months will total \$56,000.

SUSTAINABILITY IMPACT:

Located within the upper Sycamore Creek Watershed, Parma Park provides 200 acres of undeveloped open space for the passive outdoor recreation benefits. Preservation and enhancement of Parma Park protects community natural resources.

PREPARED BY: Jill E. Zachary, Assistant Parks and Recreation Director

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Mayor and Councilmembers

FROM: Accounting Services Division, Finance Department

SUBJECT: Award Of Professional Services Agreement For Document Printing And Mailing Services To Infosend, Inc.

RECOMMENDATION:

That Council authorize the Finance Director to execute a professional services agreement with InfoSend, Inc. for a term of three years with an optional two-year extension as additional one (1) year increments.

DISCUSSION:

Since February of 2010, the City has contracted with CSG Systems, Inc. (CSG) to process, print and mail utility invoices and other miscellaneous notices to City residents and businesses. On October 30, 2012, the Finance Director notified CSG of the City's desire to allow the existing agreement to expire and to continue to contract with the vendor on a month-to-month basis through July 31, 2013.

To secure the services of a vendor for printing and mailing services beyond July 31st, the City could initiate its own competitive procurement process. Alternatively, it could adopt the price and business terms secured by another jurisdiction for similar services provided that the procurement process employed by the jurisdiction substantially conformed to that of the City.

In 2011, the City of Orange issued a request for proposals (RFP) for document printing and mailing services similar to those currently performed by CSG. Of the four proposals received (including CSG), the InfoSend cost proposal was substantially less than those of the other three respondents. For example, it's pricing for utility bills (comprising the largest proportion of all documents printed) was 22% to 36% less than its competitors. Besides price, InfoSend scored the most points in the other rating categories and as a result, was awarded a five year contract by the City of Orange.

Staff is confident that InfoSend has the technical, managerial and financial capacity to meet all of the obligations and provisions set forth in the attached professional services agreement. InfoSend has performed the full spectrum of data processing, print and mail services since 1996. The company has 280 clients, nineteen of which are former CSG clients.

All of the clients that staff surveyed consistently gave InfoSend high marks for quality service delivery, customer service and responsiveness to client needs. Staff was especially pleased to learn from two of InfoSend's clients that they noted substantial improvement in the timeliness of mail delivery with InfoSend when compared to their previous experience with CSG.

BUDGET/FINANCIAL INFORMATION:

In Fiscal Year 2012, the City paid approximately \$230,000 to CSG for bill print services. Had the City remained with CSG in Fiscal Year 2014, this amount would have increased to approximately \$236,000 based upon forthcoming postage increases and contractual adjustments to CSG's service fees. Under the terms of the Agreement with InfoSend, staff expects the City to pay approximately \$221,000 in FY 2014, a savings of approximately 7%. It should also be noted that the City will begin to incur charges when InfoSend begins to actually process utility bills on August 1, 2013. InfoSend will not charge the City fees for any activities performed during the implementation period prior to the "go live" date.

PREPARED BY: Matt Fore, Environmental Services Manager

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Mayor and Councilmembers

FROM: Investigative Division, Police Department

SUBJECT: Appropriation Of Asset Forfeiture Funds For The Council on Alcoholism And Drug Abuse Criminal Justice Early Identification Specialist Position And "Kids Fight Drugs" Calendar

RECOMMENDATION:

That Council increase appropriations and estimated revenues by \$52,000 in the Fiscal Year 2013 Police Department Police Asset Forfeiture and Grants Fund for continued funding for the Council on Alcoholism and Drug Abuse (CADA) Criminal Justice Early Identification Specialist position (\$47,000) and the City of Santa Barbara's share of the cost for the "Kids Fight Drugs" calendar (\$5,000).

DISCUSSION:

Since 1993, the City has provided financial support for CADA's early identification diversion program, a partnership with the Santa Barbara Municipal Court and the Sobering Center. The City has a three-year agreement with CADA to contribute annual funding of \$47,000 for the Criminal Justice Early Identification Specialist position. The position provides intervention and case management for individuals who have had more than five admissions to the Sobering Center within a 12 month period and who are identified as chronic habitual offenders. The specialist meets with habitual offenders following their release from jail or the Sobering Center and encourages them to seek treatment.

The "Kids Fight Drugs" calendar program is an annual program sponsored by CADA as an educational measure to help curb drug abuse. The Santa Barbara Police Department, Santa Barbara Sheriff's Office, and the District Attorney's Office have agreed to continue sharing the cost of producing the anti-drug calendars. The Police Department's share is \$5,000.

The Asset Forfeiture Account is comprised of forfeited funds that are obtained through law enforcement investigations and arrests of convicted drug dealers. According to the California Attorney General's Annual Report on Asset Forfeiture, "The goal of asset

forfeiture is to remove the profits from those that benefit from illegal drug trade." Forfeiture proceeds are restricted by the Health and Safety Code to the funding of education and drug abuse programs and the purchase of equipment that otherwise could not be afforded by the department.

BUDGET/FINANCIAL INFORMATION:

There are funds available in the Police Asset Forfeiture and Grants Fund to pay for these aforementioned activities and these activities meet the restricted use policy. The appropriation of \$47,000 will provide funding from September 1, 2012 through August 31, 2013, the third year in the three-year agreement.

PREPARED BY: Alex Altavilla, Police Captain

SUBMITTED BY: Camerino Sanchez, Police Chief

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Recommendation To Conduct Vote-By-Mail General Municipal Election

RECOMMENDATION:

That Council authorize the City Clerk to conduct the November 5, 2013 General Municipal Election as a Vote-By-Mail Election.

EXECUTIVE SUMMARY:

The proposal for the November 2013 Vote-By-Mail Election includes the following elements:

- Continuing to include return postage to make it easier for voters to return ballots;
- Designating four drop-off center locations to be open on Election Day; and
- Extending the days for the City Hall drop-off center location to be open the week prior to Election Day.

BACKGROUND:

The City has held three stand-alone elections: on November 6, 2007, November 3, 2009, and November 8, 2011. The voter turnout and the percentage of ballots returned by mail or in person for these elections are as follows:

Election Date	Registered Voters	Ballots Cast	By Mail	In Person	Voter Turnout
November 6, 2007	44,165	16,364	67%	33%	37.05%
November 3, 2009	46,718	23,167	78%	22%	49.59%
November 8, 2011	44,562	18,387	84%	16%	41.26%

The November 6, 2007 Election, the City's first stand-alone election, was conducted as a traditional poll election to fill three Councilmember seats and decide one ballot measure. The City's final direct election cost totaled approximately \$280,000.

The City Council authorized the City Clerk's Office to conduct the November 3, 2009 Election as a vote-by-mail election. The election was conducted to fill the Mayor's seat and three Councilmember seats, and to decide four ballot measures. The City's final direct election cost totaled approximately \$240,000. The City provided voters with prepaid postage envelopes to return their ballots and voters had the option to vote in person at any of the seven designated drop-off centers and on the Saturday before Election Day.

The November 8, 2011 Election was also a vote-by-mail election conducted to fill three Councilmember seats with no ballot measures. The total direct cost for that election was approximately \$208,000. Similar to 2009, the City provided voters with prepaid postage envelopes to return their ballots and voters had the option to vote in person at any of the five designated drop-off centers. The centers were also open the Saturday before Election Day.

DISCUSSION:

Staff recommends that Council approve conducting the 2013 election as a vote-by-mail election, based on the high voter turnout and cost savings in both the 2009 and 2011 elections. The 2013 election will be conducted to fill the Mayor's seat and three Councilmember seats and potentially to decide one ballot measure. The plan includes a recommendation to designate four drop-off center locations and eliminate opening the drop-off centers on the Saturday before the election due to historically low voter turnout that day. The City Hall drop-off center location hours would be extended to be open the week prior to Election Day

Drop-Off Center Locations

During the 2011 election, City Hall received 1,454 ballots during the six days that it was open, including 1,337 ballots that were received on Election Day alone.

The Braille Institute received 598, Grace Lutheran Church received 560, Pilgrim Terrace received 245, and the Municipal Tennis Center received 158 during the two-day period (Saturday preceding the Election and Election Day).

For the 2013 election, staff recommends designating four locations as drop-off centers: City Hall, the Braille Institute, Grace Lutheran Church, and the Eastside Library. The locations were chosen because City Hall, the Braille Institute and Grace Lutheran Church have proven to be effective locations in past elections and the Eastside Library appears to be more accessible to voters in the surrounding community. The locations are evenly spaced throughout the City, and staff feels that their locations would provide

ample coverage for any residents who want to drop off their ballots in person on Election Day. The drop-off center hours would be 7:00 a.m. – 8:00 p.m. on Election Day.

City Hall Drop-Off Center Extended Days

In 2011, additional poll workers were hired to work at the City Hall drop-off center from Wednesday, November 2, through Monday, November 7, in order to lessen the amount of foot traffic in the City Clerk's Office and increase accessibility to voters. This process was very successful. It allowed staff to manage the daily envelope processing in the Clerk's Office with fewer outside interruptions, while still maintaining accessibility to voters.

For 2013, staff recommends that this process be continued and that the City Hall drop-off center be opened:

- Tuesday, October 29 through Friday, November 1, during regular business hours;
- Monday, November 4, during regular business hours;
- Election Day, Tuesday, November 5, from 7:00 a.m. to 8:00 p.m.

Saturday prior to Election Day

In 2011, the total number of ballots dropped off at the five drop-off centers on the Saturday preceding the election was extremely low (271 total). For that reason, we are not recommending that the drop-off centers be opened on the Saturday before Election Day. Not opening on Saturday will generate a savings of approximately \$4,000 for drop-off center worker salaries, City Clerk's Office staff overtime and consultant costs. Other benefits include:

1. Eliminating the necessity for drop-off center Inspectors to make an extra trip to pick up and drop off ballots and supplies for both Saturday and Tuesday;
2. Eliminating the need to reserve drop-off center locations on a Saturday and ensure there is staff on site that day; and
3. Eliminating the need for City Clerk's staff to work on a Saturday, which they would normally not work.
4. Having City Clerk staff available to do election catch-up work should conditions require it.

Next Steps

The election work plan calls for staff to return to Council in May, subject to the City Council's approval of the budget, with a recommendation to approve professional services agreements related to equipment rental and election supplies, and an on-site elections consultant.

The plan also calls for staff to return to Council in mid-June requesting Council to adopt the necessary resolutions to schedule the City's general municipal election:

- Calling for the election,
- Authorizing a Vote-By-Mail election (if approved),
- Adopting regulations pertaining to candidates' statements,
- Directing the City Attorney to prepare an impartial analysis of any ballot measures or Charter Amendments, and
- Setting priorities for filing a written argument regarding ballot measures or Charter Amendments.

BUDGET/FINANCIAL INFORMATION:

The direct cost of a vote-by-mail election is approximately \$300,000. The cost of a traditional poll election is estimated at \$337,000. The Administrative Services Department Fiscal Year 2014 budget request includes \$300,000 from the General Fund for the 2013 General Municipal Election.

SUSTAINABILITY:

It is anticipated that a vote-by-mail election will reduce the number of potential vehicle trips made by voters and poll workers who would normally drive to the polls. This supports the City's sustainability goals to protect the environment.

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

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Management Services For The Punta Gorda Street Bridge Replacement Project

RECOMMENDATION: That Council:

- A. Authorize the Public Works Director to execute a City Professional Services contract with Filippin Engineering in the amount of \$330,674 for construction management support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$33,067 for extra services that may result from necessary changes in the scope of work;
- B. Authorize the Public Works Director to execute a City Professional Services contract with Penfield & Smith in the amount of \$13,060 for engineering (design) support services for Lower Sycamore Creek Channel Widening, and authorize the Public Works Director to approve expenditures of up to \$1,306 for extra services that may result from necessary changes in the scope of work;
- C. Authorize the Public Works Director to execute a City Professional Services contract with Drake Haglan and Associates in the amount of \$50,000 for engineering (design) support services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$5,000 for extra services that may result from necessary changes in the scope of work; and
- D. Authorize the Public Works Director to execute a City Professional Services contract with Cardno ENTRIX in the amount of \$90,881 for environmental coordination and biological monitoring services for the Punta Gorda Street Bridge Replacement Project, and authorize the Public Works Director to approve expenditures of up to \$9,088 for extra services that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

This Item was continued from April 16, 2013. Additional information will be provided to the City Council and the City Clerk's Office prior to the April 23 Council meeting. The Punta Gorda Street Bridge Replacement Project (Project) is needed to incrementally

widen Sycamore Creek to reduce neighborhood flooding. To move forward with the widening effort for this Project, the City needs to obtain construction management services to support staff, including construction management, engineering (design), and environmental and biological monitoring support services.

DISCUSSION:

PROJECT DESCRIPTION

The Project involves two concurrent improvement components. Component 1 is the Lower Sycamore Creek Channel Widening, located from U.S. Highway 101 to approximately 100 feet upstream, and just south of the Punta Gorda Street Bridge. Component 1 consists of constructing an earthen channel and other drainage facilities, planting landscape materials, and installing irrigation systems.

Component 2 is the Punta Gorda Street Bridge Replacement Project, located from the upstream limit of Component 1 to approximately 100 feet upstream of the Punta Gorda Street Bridge. Component 2 consists of removing and replacing a concrete bridge and roadway approaches, relocating water and sewer facilities, constructing an earthen channel, planting landscape materials, and installing irrigation systems. The proposed bridge consists of a precast/pre-stressed concrete deck and cast-in-place concrete abutment walls that incorporate cast-in-drilled-hole concrete foundations.

BACKGROUND

The California Department of Transportation (Caltrans) has been coordinating with the City, and started the Sycamore Creek widening effort with its U.S. Highway 101 Widening Project from Milpas Street to Hot Springs Road. This Caltrans project has now widened Sycamore Creek under U.S. Highway 101 to accommodate triple capacity of Sycamore Creek. The City will continue the creek widening effort with the Project from U.S. Highway 101 to approximately 100 feet upstream of the Punta Gorda Street Bridge. See Attachment for previous Council actions, grant funding, discretionary board approval, and encroachment removals.

On September 7, 2012, the City received notification from the California Department of Housing and Community Development of a conditional approval of the DRI grant funds in the total amount of \$2,662,525, for creek channel widening and bridge replacement improvements. The grant funds can only be used towards construction. Favorable construction bids are anticipated, and the full grant fund amount may not be needed.

CONSTRUCTION MANAGEMENT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Filippin Engineering (Filippin) in the amount of \$330,674 for construction management support services for the Project, and approve expenditures of up to \$33,067 for extra services that may result from necessary changes in the scope of work.

Staff requested proposals from consulting construction management firms and received proposals from four firms.

Staff evaluated the proposals and concluded that Filippin is the best qualified firm. Staff negotiated the fee with Filippin and concluded that the fee is fair compensation for the services.

Staff recommends that Council authorize the Public Works Director to execute a contract with P&S in the amount of \$13,060 for engineering (design) support services for Component 1 of the Project, and approve expenditures of up to \$1,306 for extra services that may result from necessary changes in the scope of work. P&S was the designer of Component 1. Staff reviewed and concluded that P&S's proposal is fair and reasonable and would provide the best value and continuity of services without delay.

Staff also recommends that Council authorize the Public Works Director to execute a contract with DHA in the amount of \$50,000 for engineering (design) support services for Component 2 of the Project, and approve expenditures of up to \$5,000 for extra services that may result from necessary changes in the scope of work. DHA was the designer of Component 2. Staff reviewed and concluded that DHA's proposal is fair and reasonable and would provide the best value and continuity of services without delay.

Lastly, Staff recommends that Council authorize the Public Works Director to execute a contract with Cardno ENTRIX (Cardno) in the amount of \$90,881 for environmental coordination and biological monitoring services for the Project, and approve expenditures of up to \$9,088 for extra services that may result from necessary changes in the scope of work. Cardno provided the biological studies for the design of the Project. Staff reviewed and concluded that Cardno's proposal is fair and reasonable and would provide the best value and continuity of services without delay.

COMMUNITY OUTREACH

Two months in advance of starting construction, staff will hold a Community Outreach workshop within the neighborhood of the Project. Written notices will be mailed to adjacent properties within 300 feet of the Project site. The Community Outreach workshop will provide a forum for staff interaction with the neighborhood to provide information and answer questions about the Project. Renderings and construction plans of the Project will be exhibited. Project fact sheets will be distributed which will contain information about the Project's benefit, location, construction schedule, traffic control showing temporary road closures and detours for vehicles, pedestrians, and bus routes, staff's contact information, and the City website information for construction status updates.

Staff will be mailing written notices at a minimum of two weeks in advance of the start of construction activity. The written notices will provide detailed information of construction hours, and staff's contact information will also be provided.

Once the construction contractor is issued the notice to proceed, the construction contractor will deliver another written notice 72 hours in advance of any construction activity to the adjacent properties within 300 feet from the Project site. In addition, the construction contractor will install a sign at the Project site that will show contact information of staff, the contractor, and the Project's environmental coordinator during the construction phase.

FUNDING

The Project's construction cost is federally funded in part by the 2010-2011 Community Development Block Grant Component Award for the 2008 Disaster Recovery Initiative Program. The following summarizes all Project design and construction costs:

PROJECT COSTS

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

Project Cost	Federal Share	City Share	Total
Design Cost - DHA (Contract)	\$0	\$166,000	\$166,000
Design Cost - P&S (Contract)	\$0	\$257,720	\$257,720
Other Design Cost - Environmental (Contract)	\$0	\$8,834	\$8,834
Other Design Cost - Land Survey (City Staff)	\$0	\$27,278	\$27,278
Project Management (City Staff)	\$0	\$116,556	\$116,556
Subtotal	\$0	\$576,388	\$576,388
Estimated Construction Contract Cost (Contract)	\$1,506,808	\$34,192	\$1,541,000
Estimated Construction Contract Change Order	\$280,773	\$0	\$280,773
Construction Management Cost (City Staff)	\$0	\$111,008	\$111,008
Construction Management Support/Inspection/Material Testing Cost (Contract)	\$363,741	\$0	\$363,741
Subtotal	\$2,151,322	\$145,200	\$2,296,522
Other Construction Cost - Engineering Support Services (DHA Contract)	\$55,000	\$0	\$55,000
Other Construction Cost - Engineering Support Services (P&S Contract)	\$14,366	\$0	\$14,366
Other Construction Cost - Environmental Coordination/Biological Monitoring (Contract)	\$99,969	\$0	\$99,969

<i>Subtotal</i>	\$169,335	\$0	\$169,335
TOTAL PROJECT COSTS	\$2,320,657	\$721,588	\$3,042,245

There are sufficient appropriated and budgeted funds in the Streets Capital Program to cover current and future City costs.

ENVIRONMENTAL IMPACTS

The Project has received all necessary environmental permits or approvals for construction. The Project includes a low-flow fish passage channel for the Tidewater Goby and riparian bank protection and planting.

- ATTACHMENT(S):** Project Milestones
- PREPARED BY:** Linda Sumansky, Principal Engineer/JI/mj
- SUBMITTED BY:** Christine F. Andersen, Public Works Director
- APPROVED BY:** City Administrator's Office

PROJECT MILESTONES

Council Actions

On January 13, 2009, Council authorized a contract with Penfield & Smith (P&S), to prepare a study and conceptual design options for Sycamore Creek, between the Union Pacific Railroad Bridge and approximately 100 feet upstream of Indio Muerto Street.

On February 23, 2010, Council authorized P&S to complete the final design services for creek channel widening between U.S. Highway 101 and Punta Gorda Street.

On October 4, 2011, Council approved an increase in appropriations and estimated revenues in the amount of \$3,392,985 for the newly created Disaster Recovery Initiative (DRI) Fund. This appropriation included \$2,662,525 for the Project, \$409,700 for San Pedro Creek Sewer Line Relocation, \$250,000 for an update to the City's Safety Element, and \$70,760 for general administration.

On December 6, 2011, Council authorized Drake Haglan and Associates (DHA) to complete final design services for the replacement of the Punta Gorda Street Bridge.

Grant Funding

On September 7, 2012, the City received notification from the California Department of Housing and Community Development of a conditional approval of the DRI grant funds in the total amount of \$2,662,525, for creek channel widening and bridge replacement improvements. The grant funds can only be used towards construction. Favorable construction bids are anticipated, and the full grant fund amount may not be needed.

Discretionary Board Approval

On September 7, 2012, the Project received final design approval from the Architectural Board of Review.

Encroachment Removals

On August 25, 2009, Council authorized the Public Works Director to terminate the Encroachment Permit (Agreement No. 16,786, Ordinance No. 4788) of Santa Barbara Green Mobile Home Park. On November 30, 2012, the Green Mobile Home Park finished removing and relocating the mobile home coaches away from the City's creek right of way.

On September 28, 2012, the former Deluxe Mobile Home Park finished removing the remaining, dilapidated building that was located at the southeast corner of the vacant property, away from the City's creek right of way.

Lower Sycamore Creek Channel Widening and Punta Gorda Street Bridge Replacement Project

Aerial Map



3/27 Mr Mayo email trail w/ GH included

From: Weiss, Bettie

Sent: Wednesday, March 27, 2013 2:29 PM

To: Armstrong, Jim; Andersen, Christine; House, Grant; Casey, Paul; Kennedy, Kathleen; Ilasin, John

Subject: RE: City of Santa Barbara - Grant House, Councilmember

Hello – I have checked in with Kathy Kennedy, Case Planner and John Ilason, Project Engineer on the status of the project and prior correspondence with Robert Mayo (see below the prior email from Kathy on December 15, 2011). Kathy also informs me that Paul Casey responded to a similar question from the Mayor last week.

This project has been in the works for the last several years and is now in the construction stage. John Ilasin informs us that there will be a public outreach workshop meeting tentatively scheduled for May 9th at the Franklin Center to discuss the construction of the project. The bid advertisement starts today and bid opening is scheduled for Thursday, May 2. Award of the construction contract is scheduled for June 4. The tentative date of the notice to proceed to the contractor is late June or early July. A construction easement item was on Council agenda this week.

Numerous notices went out on this project (for the environmental document, NEPA (floodplain) noticing, and ABR). All along, the City has been in touch with the Green Mobile Home Park regarding the removal of the driveway and the mobile homes/trailers that were located within the City right of way.

A Negative Declaration was prepared for the project as Kathy noted below. A hearing was held before the Planning Commission, the document is final and the proper Notice of Determination filed. Any appeal period is long over.

On the subject of Mr. Mayo's concern, the project went through the DART process and was evaluated by all City Departments. Some of the units exit onto Pitos Street then to Canada and others onto Punta Gorda .

Here are two excerpts from the environmental document:

“The Green Mobile Home Park has a 30-foot wide Revocable Encroachment Permit to accommodate seven mobile home sites that encroach into the City’s 60-foot public right-of-way. The encroachment permit has been terminated and the City Attorney’s office is working with the Green Mobile Home Park to have all the structures within the right-of-way removed prior to the commencement of construction. **Also, the Green Mobile Home Park driveway entrance on Punta Gorda Street is located within the public right-of-way and would be removed. Retaining the driveway was evaluated and determined to not be a feasible option, ...”**

“Emergency Access: The project requires removal of the Green Mobile Home Park access driveway currently located within the public right-of-way adjacent to the Punta Gorda Street Bridge. Two other driveways (on Punta Gorda Street and on Pitos Street)

also provide access to the mobile home park. The Fire Department has determined that adequate emergency access to the site would be maintained.”

I hope this info is helpful in responding to Mr. Mayo.

Thanks,

Bettie

Prior email from Kathy:

From: Kennedy, Kathleen

Sent: Thursday, December 15, 2011 2:42 PM

To: 'bob mayo'

Subject: RE: 1200 punta gorda st. bridge expansion.

Robert,

Thank you for your email. Notices were sent out to all those located within 300 feet of the project so it may be that you are located a bit further away than that. Here is a link to the information about the project on the City website.

http://www.santabarbaraca.gov/Resident/Environmental_Documents/Sycamore_Creek_and_Punta_Gorda/

Please let me know if you have any further questions.

Please note: Most City ADMINISTRATIVE OFFICES will be closed due to an unpaid leave, or furlough, for City employees from Monday, December 19th thru Monday, January 2nd. Offices will reopen on Tuesday, January 3, 2012. For more details, please visit the City's website at: <http://www.SantaBarbaraCA.Gov>. This includes the Community Development Department and Administrative Offices located at 630 Garden Street. There will be no counter, records or archives staff available during this 2 week period.

Thank you,

Kathy

Kathleen A. Kennedy, LEED AP
Associate Planner
City of Santa Barbara
Community Development Department
Planning Division
630 Garden Street, P.O. Box 1990
Santa Barbara, CA 93102
Tel: 805-564-5470, Extension 4560
Fax: 805-897-1904
email: kkennedy@SantaBarbaraCa.gov
www.SantaBarbaraCa.gov

From: bob mayo [mailto:bob_m51@yahoo.com]
Sent: Thursday, December 08, 2011 2:49 PM
To: Kennedy, Kathleen
Subject: 1200 punta gorda st. bridge expansion.

Hello Ms. Kennedy,

My name is Robert Mayo and I live at 1200 Punta Gorda, # 39 , SB. CA. 93103.
I live in the mobile Green Trailer park.
It is 2:40 pm in the afternoon on Dec. 8, 2011 and a neighbor in space # 32, John just told me about the bridge expansion and river restoration.
I did not receive any letters about this project. Should I have gotten a letter telling me about this project?
Thank you.
Robert Mayo

From: Armstrong, Jim
Sent: Wednesday, March 27, 2013 9:03 AM
To: Weiss, Bettie; Andersen, Christine
Subject: FW: City of Santa Barbara - Grant House, Councilmember

Bettie and Chris,

Can one of you please respond to Grant on this. It is a public works project, but looks like it is in Environmental review.

Thanks,

Jim

James L. Armstrong | City Administrator
City of Santa Barbara
PO Box 1990 | Santa Barbara, CA 93102
Office: 805-564-5301 | Mobile: 805-886-9688
Jarmstrong@santabarbaraca.gov

From: House, Grant
Sent: Tuesday, March 26, 2013 7:20 PM
To: Armstrong, Jim
Subject: FW: City of Santa Barbara - Grant House, Councilmember

Hi Jim, I do not know what this is about. Please have someone either brief me before I get back to Mr. Mayo. Thank you, Grant

From: Robert Mayo [mailto:rmayoca@gmail.com]
Sent: Wednesday, March 20, 2013 3:41 PM

To: House, Grant

Subject: City of Santa Barbara - Grant House, Councilmember

March 20, 2013

Dear Councilman Grant House,

This is a request to have the Sycamore Creek Restoration and New Bridge reviewed for several flaws in the Environmental Impact Reports.

This is project # MST-2009-00374, Called the Sycamore Creek Restoration.

The Person in charge in Planning is Kathleen Kennedy.

The project is slated to start very soon on July 1, 2013, this coming summer.

The City of Santa Barbara is inadvertently creating a serious fire trap for 50 families.

The problem is two fire exits have existed in this low-income, 50 family development Called (GMHP) since 1948. (GMHP) is recognized by the State of California and the City of Santa Barbara as a 501- C3, non-profit, low-income housing organization.

Current Santa Barbara City plans call for a removal of one of two, fire lanes on Punta Gorda Street. Leaving only one fire exit for (GMHP) on the Canada street exit for fifty families.

This is a request to go back over the plans while there is time to review the Fire and Safety problems created by the Sycamore Creek project. Currently on page 23 of the assessment on file the safety page is blank and it states there are no safety problems with the project. This is wrong, 200 people on (GMHP) premises are in serious danger by this fire lane removal.

Please help and review this project and stop a fire trap from being created. Save our Punta Gorda Fire lane exit. We do not want to stop this project, the room exists to create the fire lane, restore the creek and install a new bridge. The plans for this fire lane are

currently on file and available to view. I have seen plans myself and the Punta Gorda fire lane looks very nice, please build it.

Thank you very much,

Best Regards,

Robert Mayo

1200 Punta Gorda St. # 39

Santa Barbara, California, 93103

rmayoca@gmail.com

(805) 680-8724

**Sycamore Creek - 300 feet
includes Mobile Homes**

APN	LAYER	Owner	MailX1	M_Address1	M_Address2
517-336-004	Mobile Home	BAHENA, ANASTACIA		1212 PUNTA GORDA ST 4	SANTA BARBARA CA 93103
517-333-045	Mobile Home	BALDWIN VERNON W		1200 PUNTA GORDA ST 45	SANTA BARBARA CA 93103
017-291-009; 017-293-001	Ground	BARTLEIN ROBERT & JACOBS PRISCILLA TTEES		3944 STATE ST	SANTA BARBARA CA 93105
517-333-007	Mobile Home	BATTS, FRANKLIN G II		1200 PUNTA GORDA ST 7	SANTA BARBARA CA 93103
517-336-012	Mobile Home	BELLANCA FRANK		1212 PUNTA GORDA ST 12	SANTA BARBARA CA 93103
017-293-004	Ground	BELTRAN, AURELIO REA		1214 LIBERTY ST	SANTA BARBARA CA 93103
017-293-006	Ground	BENCHLEY ROAD TRUST		PO BOX 2668	SANTA BARBARA CA 93120
517-333-019	Mobile Home	BORQUE DENISE		1200 PUNTA GORDA ST 19	SANTA BARBARA CA 93103
517-336-007	Mobile Home	BOURBEAU ANDRE J		1212 PUNTA GORDA ST 7	SANTA BARBARA CA 93103
517-333-022	Mobile Home	BROWN LESLIE		1200 PUNTA GORDA ST 22	SANTA BARBARA CA 93103
517-333-016	Mobile Home	BROWNE PETER		1200 PUNTA GORDA ST 16	SANTA BARBARA CA 93103
017-334-004	Ground	BULFONE LIVING TRUST	C/O FRANK/LORRAINE CLARKE	940 ROSE LN	SANTA BARBARA CA 93110
517-333-008	Mobile Home	BURTON EDWIN		1200 PUNTA GORDA ST 8	SANTA BARBARA CA 93103
517-336-005	Mobile Home	BUSH LORIN		1212 PUNTA GORDA ST 5	SANTA BARBARA CA 93103
017-291-028	Ground	CABALLERO FAMILY TRUST		1117 PUNTA GORDA ST	SANTA BARBARA CA 93103
517-336-008	Mobile Home	CAMARGO, DANIEL M		1212 PUNTA GORDA ST 8	SANTA BARBARA CA 93103
517-333-030	Mobile Home	CAMPBELL CATHY L		1200 PUNTA GORDA ST 30	SANTA BARBARA CA 93103
517-333-027	Mobile Home	CARDENAS, CARMEN S		1200 PUNTA GORDA ST 27	SANTA BARBARA CA 93103
517-332-009	Mobile Home	CASTREJON FRANCO		1130 PUNTA GORDA ST 9	SANTA BARBARA CA 93103
517-336-016	Mobile Home	CEREZO, JOAQUINA	C/O CEREZO, JOSEFINA	1212 PUNTA GORDA 16	SANTA BARBARA CA 93103
517-336-023	Mobile Home	COBB RICHARD/NANCY		521 N LA CUMBRE 10	SANTA BARBARA CA 93110
517-333-037	Mobile Home	CORDOVA, JOSE		1200 PUNTA GORDA ST 37	SANTA BARBARA CA 93103
517-336-003	Mobile Home	CORONA, AGUSTIN		1212 PUNTA GORDA ST 3	SANTA BARBARA CA 93103
517-336-020	Mobile Home	CORONA-HERNANDEZ, AGUSTIN		1212 PUNTA GORDA ST 20	SANTA BARBARA CA 93103
017-334-001	Ground	CYPRESS TREE APARTMENTS INC		1200 PUNTA GORDA 31	SANTA BARBARA CA 93103
017-332-003	Ground	DELUXE SYNDICATE, LLC		1826 STATE ST	SANTA BARBARA CA 93101
517-333-044	Mobile Home	DESTJEAN WILLIAM A		1200 PUNTA GORDA ST 44	SANTA BARBARA CA 93103
517-333-018	Mobile Home	DIAZ CHARLES		1200 PUNTA GORDA ST 18	SANTA BARBARA CA 93103
517-333-017	Mobile Home	ECKERT GUY B III		1200 PUNTA GORDA ST 17	SANTA BARBARA CA 93103
517-332-016	Mobile Home	ERICKSON FRANCES P		PO BX 40193	SANTA BARBARA CA 93140 0193
517-333-024	Mobile Home	ESCOBAR ELIAS		1200 PUNTA GORDA ST 24	SANTA BARBARA CA 93103
517-333-025; - 031	Mobile Home	ESTES MATTHEW		1200 PUNTA GORDA ST 31	SANTA BARBARA CA 93103
517-332-004	Mobile Home	FINDLAY GEORGE STUART		1130 PUNTA GORDA ST 4	SANTA BARBARA CA 93103
517-333-033	Mobile Home	FLORES EVA		1200 PUNTA GORDA ST 33	SANTA BARBARA CA 93103
517-336-017	Mobile Home	FLORES, AMPARO		1212 PUNTA GORDA ST 17	SANTA BARBARA CA 93103
517-333-040	Mobile Home	FLORES, AUGUSTINE		1200 PUNTA GORDA ST 40	SANTA BARBARA CA 93103
017-293-015	Ground	FLORES, ERNESTO H		785 LA RODA AVE	SANTA BARBARA CA 93111
517-333-038	Mobile Home	FOARD EDWARD		1200 PUNTA GORDA ST 38	SANTA BARBARA CA 93103
517-336-010	Mobile Home	GARCIA, JORGE ALBERTO		1212 PUNTA GORDA 10	SANTA BARBARA CA 93103
517-333-006	Mobile Home	GASSO ALBERT		1200 PUNTA GORDA ST 6	SANTA BARBARA CA 93103
517-333-035	Mobile Home	GEORAS JOHN		1200 PUNTA GORDA ST 35	SANTA BARBARA CA 93103
017-291-015	Ground	GILBERT, SYLVIA M		1115 PUNTA GORDA ST	SANTA BARBARA CA 93103
517-333-041	Mobile Home	GONZALEZ, MICAELA		1200 PUNTA GORDA ST 41	SANTA BARBARA CA 93103
517-333-020	Mobile Home	GREENS MOBILE HOME PARK	C/O WILLIAM DERRICK & ASSOC	143 S B ST	OXNARD CA 93030
017-293-014	Ground	GUTIERREZ, RAUL		3002 PASEO DEL REFUGIO	SANTA BARBARA CA 93105
517-333-021	Mobile Home	HAROLD GEOFFREY NOLAN		1200 PUNTA GORDA ST 21	SANTA BARBARA CA 93103
017-293-013	Ground	HARP, LORRIANE JEAN FAM TR	C/O SUZETTE POULTER	10041 FOXBORO CIR	SAN RAMON CA 94583
017-293-003	Ground	HERNANDEZ, JOSE		1210 LIBERTY ST	SANTA BARBARA CA 93103
517-333-001	Mobile Home	HERRERA, BEN F JR		1200 PUNTA GORDA ST 1	SANTA BARBARA CA 93103
017-291-030	Ground	HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA		808 LAGUNA ST	SANTA BARBARA CA 93101
017-293-018	Ground	IBARRA LIVING TRUST		1205 PUNTA GORDA ST	SANTA BARBARA CA 93103
017-293-017	Ground	IBARRA, VERONICA		1207 PUNTA GORDA ST	SANTA BARBARA CA 93103

**Sycamore Creek - 300 feet
includes Mobile Homes**

517-336-019	Mobile Home	JIMENEZ, JOSE		1212 PUNTA GORDA ST 19	SANTA BARBARA CA 93103
017-292-016	Ground	JIMENEZ, MIGUEL		1205 LIBERTY ST	SANTA BARBARA CA 93103
517-336-002	Mobile Home	JOHNSON ANN K		1212 PUNTA GORDA ST 2	SANTA BARBARA CA 93103
517-336-022	Mobile Home	JOHNSON FLOYD M		1212 PUNTA GORDA ST 22	SANTA BARBARA CA 93103
517-333-014	Mobile Home	JUSCHUA, THILO		1200 PUNTA GORDA ST 14	SANTA BARBARA CA 93103
517-332-015	Mobile Home	KENDALL MYRNA J		1130 PUNTA GORDA ST 15	SANTA BARBARA CA 93013
517-336-006	Mobile Home	LARSON, KATHERINE		1212 PUNTA GORDA ST 6	SANTA BARBARA CA 93103
517-333-032	Mobile Home	LOGAN ROBERT HULL		1200 PUNTA GORDA ST 32	SANTA BARBARA CA 93103
017-293-002	Ground	LOPEZ, ERNESTINA		156 S POLI AVE	OJAI CA 93023
017-293-016	Ground	LOPEZ, JOSE		1209 PUNTA GORDA ST	SANTA BARBARA CA 93103
017-291-012	Ground	LYON, JOHN H		1230 W VALERIO ST	SANTA BARBARA CA 93101
517-333-047	Mobile Home	LYWA MARK		1200 PUNTA GORDA ST 28A	SANTA BARBARA CA 93103
017-292-014	Ground	MAMAHUA FRANCISCO/SOCORRO		1215 LIBERTY ST	SANTA BARBARA CA 93103
017-292-015	Ground	MANUEL, MICHAEL A TRUST OF THE MANUEL INTER VIVOS TRUST	C/O PROPERTY ONE MGMT	3324 STATE ST D	SANTA BARBARA CA 93105 2669
517-333-039	Mobile Home	MARTENS ERIC W		PO BX 4273	SANTA BARBARA CA 93140
517-336-014	Mobile Home	MAY PHILLIP R		1212 PUNTA GORDA ST 14	SANTA BARBARA CA 93103
517-333-034	Mobile Home	MCGUINNESS PATRICK/ELEANOR		1200 PUNTA GORDA ST 34	SANTA BARBARA CA 93103
517-336-001	Mobile Home	MEJIA AMPARO FLORES		1212 PUNTA GORDA ST 1	SANTA BARBARA CA 93103
517-332-008	Mobile Home	MEURISSE WALTER F		1130 PUNTA GORDA ST 8	SANTA BARBARA CA 93103
017-292-019	Ground	MORA RODOLFO/CECILIA		1204 INDIO MUERTO ST	SANTA BARBARA CA 93103
517-336-021	Mobile Home	NEBORSKY R		13065 VIA ESPERIA	DEL MAR CA 92014
517-336-013	Mobile Home	NEWBORN, SASHA		1212 PUNTA GORDA ST 13	SANTA BARBARA CA 93103
517-336-009	Mobile Home	OLVERA, EFREN		1212 PUNTA GORDA ST 9	SANTA BARBARA CA 93103
517-332-003	Mobile Home	ORR DANIEL P		1130 PUNTA GORDA ST 3	SANTA BARBARA CA 93013
517-333-011	Mobile Home	PALMA, ROCIO		1200 PUNTA GORDA ST 11	SANTA BARBARA CA 93103
517-333-013	Mobile Home	PASCASCIO DELPHIN L		1200 PUNTA GORDA ST 13	SANTA BARBARA CA 93103
017-292-018	Ground	PEREZ, JUAN J		303 S SOLEDAD ST	SANTA BARBARA CA 93103
017-291-011	Ground	PRESTON ERNEST/LOIS M TRUSTEES		2110 MONTEREY ST	SANTA BARBARA CA 93101
517-333-009	Mobile Home	PRICE PAMELA JAYNE		1200 PUNTA GORDA ST 9	SANTA BARBARA CA 93103
517-333-043	Mobile Home	RANUM, ERNEST		351 MORETON BAY LN 4	GOLETA CA 93117
017-291-025	Ground	RIOS, ARACELI		1134 INDIO MUERTO ST	SANTA BARBARA CA 93103
017-334-003	Ground	RODRIGUEZ JOSE/GUILLERMINA		1220 PUNTA GORDA ST	SANTA BARBARA CA 93103
517-333-015	Mobile Home	RODRIGUEZ, ANA ELIZABETH		1200 PUNTA GORDA ST 15	SANTA BARBARA CA 93103
517-333-023	Mobile Home	ROMERO ALBERT		1200 PUNTA GORDA ST 23	SANTA BARBARA CA 93103
517-333-026	Mobile Home	ROSS ROXANNE		1200 PUNTA GORDA ST 26	SANTA BARBARA CA 93103
517-333-028	Mobile Home	RULON DIANE MARIA		1200 PUNTA GORDA ST 28	SANTA BARBARA CA 93103
017-292-020	Ground	SANCHEZ, JOSE L & RUTH 2002 FAMILY TRUST		360 LADERA	LOMPOC CA 93436
517-333-002; - 046	Mobile Home	SHELP WESLEY LINCOLN		1200 PUNTA GORDA ST 2	SANTA BARBARA CA 93103
017-334-002	Ground	SOUTH COAST HOUSING INC	C/O DEL MONTE MGMT CORP-JEFF WAXMAN	114 W MISSION ST	SANTA BARBARA CA 93101
017-010-076; - 077	Ground	UNION PACIFIC RAILROAD	ATTN: LISA BURNSIDE, SR. MGR - R.E.	1400 DOUGLAS ST. STOP 1690	OMAHA, NE 68179
017-010-076; - 077		UNION PACIFIC RAILROAD	ATTN: DAVID PICKETT	10031 FOOTHILLS BLVD, STE 200	ROSEVILLE, CA 95747
017-291-004; - 026	Ground	ST GEORGE, EDWARD REVOCABLE TRUST		6563 TRIGO RD	GOLETA CA 93117
017-291-027	Ground	ST GEORGE, EDWARD REVOCABLE TRUST		5653 TRIGO RD	GOLETA CA 93117
517-333-010	Mobile Home	TASKER MERRY K		1200 PUNTA GORDA ST 10	SANTA BARBARA CA 93103
517-332-013	Mobile Home	TORRES GABRIEL		1130 PUNTA GORDA ST 13	SANTA BARBARA CA 93103
017-293-005	Ground	TORRES MARIA ELENA		1220 LIBERTY ST	SANTA BARBARA CA 93103
517-333-042	Mobile Home	TORRES, ROGELIO		1200 PUNTA GORDA ST 42	SANTA BARBARA CA 93103
517-332-011	Mobile Home	TROUCHE FLORENCE ANN		1130 PUNTA GORDA ST 11	SANTA BARBARA CA 93103
017-291-017	Ground	URZUA, LARRY		329 S VOLUNTARIO ST	SANTA BARBARA CA 93101
517-333-029	Mobile Home	VACANT		1200 PUNTA GORDA ST 29	SANTA BARBARA CA 93103
017-291-010	Ground	VALLE, JUSTINA		1133 PUNTA GORDA ST	SANTA BARBARA CA 93103

**Sycamore Creek - 300 feet
includes Mobile Homes**

517-333-036	Mobile Home	VAZQUEZ MOISES		1200 PUNTA GORDA ST 36	SANTA BARBARA CA 93103
517-336-015	Mobile Home	VENEGAS, ALICIA RUTH		1212 PUNTA GORDA ST 15	SANTA BARBARA CA 93103
517-333-012	Mobile Home	WELLENDORF WALTER		1200 PUNTA GORDA ST 12	SANTA BARBARA CA 93103
517-333-003	Mobile Home	WHIPPLE ROBERT		1200 PUNTA GORDA ST 3	SANTA BARBARA CA 93103
017-292-013	Ground	WHITE, EDDIE LEE		1219 LIBERTY ST	SANTA BARBARA CA 93103
517-333-004	Mobile Home	WILLIAMS TOM E		1200 PUNTA GORDA ST 4	SANTA BARBARA CA 93103
517-333-005	Mobile Home	WOGOMON AUDREY		1200 PUNTA GORDA ST 5	SANTA BARBARA CA 93103
517-336-011	Mobile Home	ZARATE, JOSE GERARDO		PO BOX 23158	SANTA BARBARA CA 93121
517-336-018	Mobile Home	ZUMBRUN SARA		1212 PUNTA GORDA ST 18	SANTA BARBARA CA 93103
		CITY OF SANTA BARBARA - CD PLANNING	RECEPTIONIST	630 GARDEN ST	SANTA BARBARA, CA 93101
		EAST SIDE	C/O KATHI & WESLEY BROWN	145 VISTA DE LA CUMBRE	SANTA BARBARA, CA 93105
		UPPER EAST SIDE ASSN	C/O ROBERT W KENNEDY PRES.	2323 ANACAPA ST	SANTA BARBARA, CA 93105
		MILPAS COMMUNITY ASSN	C/O ALLAN BLEEKER, PRESIDENT	PO BOX 4427	SANTA BARBARA, CA 93140
		EUCALYPTUS HILL ASSN	C/O MARCUS CRAHAN PRES.	830 WOODLAND DR	SANTA BARBARA, CA 93108
		US ARMY CORP OF ENGINEERS - VENTURA OFFICE	JOHN MARKHAM, PROJECT MGR.	2151 ALESSANDRO DRIVE,SUITE 110	VENTURA, CA 93001
		NATIONAL MARINE FISHERIES SERVICE		735 STATE STREET #616	SANTA BARBARA, CA 93101
		CA DEPARTMENT OF FISH AND GAME	NATASHA LOHMUS	1933 CLIFF DRIVE, SUITE 9	SANTA BARBARA, CA 93109
		CENTRAL COAST WATER AUTHORITY	JOHN BRADY - OPERATIONS MANAGE	255 INDUSTRIAL WAY	BUELLTON, CA 93427
		ENVIRONMENTAL DEFENSE CENTER		906 GARDEN ST. #2	SANTA BARBARA, CA 93101
		JANET MARTORANA	ENVIRONMENTAL SCIENCES LIBRARIAN	DAVIDSON LIBRARY, UCSB	SANTA BARBARA, CA 93106
		METROPOLITAN TRANSIT DISTRICT	GENERAL MANAGER	550 OLIVE ST	SANTA BARBARA, CA 93101
		S.B. CO AIR POLL CONT DIST	COMMUNITY PROGRAMS SUPV	260 N. SAN ANTONIO RD, SUITE A	SANTA BARBARA, CA 93110
		S.B. UNIFIED SCHOOL DISTRICTS	DIRECTOR OF FACILITIES & OPERATIONS	724 SANTA BARBARA ST	SANTA BARBARA, CA 93101
		SBCAG	DEPUTY DIRECTOR OF PLANNING	260 N. SAN ANTONIO RD, SUITE B	SANTA BARBARA, CA 93110
		SURFRIDER FOUNDATION	SANTA BARBARA CHAPTER	P.O. BOX 21703	SANTA BARBARA, CA 93121
		CENTRAL COAST REGIONAL	WATER QUALITY CONTROL BOARD - S	895 AEROVISTA PL, SUITE 101	SAN LUIS OBISPO, CA 93401
		US FISH AND WILDLIFE SERVICE	VENTURA FIELD OFFICE - ATTN: FIELD	2493 PORTLA RD, SUITE B	VENTURA, CA 93003
		NEIGHBORHOOD ADVISORY COUNCIL	C/O SARAH HANNAH	PARKS & REC	INTER-OFFICE MAIL
GREEN MOBILE HOME PARK ADDRESSES = 66					



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 6, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Authorization To Terminate The Green Mobile Home Park Encroachment Permit

RECOMMENDATION: That Council:

- A. Authorize and direct the Public Works Director to terminate a portion of the Encroachment Permit, Agreement No. 16,786, Ordinance No. 4788, for the Green Mobile Home Park (Park), from 120 feet south of Punta Gorda Street to Highway 101, effective September 1, 2010, in accordance with the terms of the Agreement; and
- B. Authorize the Public Works Director to terminate the remainder of the Encroachment Permit effective September 1, 2011.

BACKGROUND:

Caltrans is now constructing the Highway 101 Widening Project from Milpas Street to Hot Springs Road, which includes a new bridge that approximately triples the flood carrying capacity of Sycamore Creek under Highway 101. In order to fully utilize the increased capacity, Sycamore Creek must be widened. City staff has been working on a plan to reduce neighborhood flooding, like that experienced in 1995, by incrementally widening Sycamore Creek just upstream from Highway 101. This is especially important given the expected potentially large increase in runoff due to the effects of the Tea Fire in the Sycamore Canyon watershed.

Prior to 1989, Green Mobilehome Park was a privately owned park which rented mobilehome spaces to low income mobilehome owners. At that time, the SB Community Housing Corporation took the lead in working with the tenants and in approaching the park owner and arranging a sale of the Park to its tenants using an acquisition loan through from the State Housing and Community Development Department. This loan, along with a loan from the City Redevelopment Agency, allowed the low-income tenants in the Park to purchase and rehabilitate the Park so they could run the Park as a owner co-operative.

In 1992, SBCHC wanted to lower their debt service on several of the affordable rental properties which it had acquired and financed as part of its original tax exempt financing bonds. SBCHC had retained a security interest in Green MHP and had pledged Green MHP as one of the real properties used as security for the bonds. At a later date SBCHC had Green MHP removed as collateral used to secure the bonds and arranged for the Park's ownership to be transferred to a non-profit corporation incorporated by CHC called Cypress Tree Apartments.

As part of this refinancing, the City also granted Green MHP a 30-foot wide Revocable Encroachment Permit (Agreement No. 16,786) to accommodate seven mobilehome sites that encroach into the City's 60-foot Soledad Street right-of-way (Attachment 1). [The remaining 30 feet of Soledad Street right of way is occupied by Sycamore Creek.] The issuance of the encroachment permit by the City apparently was related to a demand from the title company which handled the refinance transaction after it discovered that the City right-of-way for Soledad Street went through the Park and caused the encroachment of several mobilehomes within this right-of-way. Apparently, this encroachment had been overlooked at the time of the original 1989-90 purchase by SBCHC.

On January 13, 2009, Council authorized a contract with Penfield & Smith to perform a study and conceptual design options for Lower Sycamore Creek Drainage Improvements (Study). The Study showed the necessity of using the entire 60-foot Soledad Street right of way for widening Sycamore Creek in order to increase its flood carrying capacity. Currently, Sycamore Creek Channel is approximately 27 feet wide at the top of the existing bank. In consultation with both the Creeks and Planning Divisions, Option A from the Study (Attachment 2) was selected as the typical Channel cross section. It is an earthen cross section with a rock slope that will be 60-feet wide at the top of bank.

In order to proceed with widening Sycamore Creek, staff needs Council's authorization to proceed to terminate the Encroachment Permit between the City and the successor owner, now Cypress Tree. Paragraph 6 of this Encroachment Permit states:

“REVOCATION UPON NOTICE: City may revoke this Encroachment Permit or a part hereof, at the sole discretion of the City, by giving written notice to Permittee at least 365 days prior written notice to Permittee of termination. In such event, Permittee shall, at Permittee's sole expense, remove any Encroachment or part thereof, and restore the area as shall be required by City.”

DISCUSSION:

The Park consists of 50 mobile home spaces adjacent to the Soledad Street right of way between Highway 101 and Punta Gorda Street (Attachment 3). There are seven spaces (Numbers 1, 2, 3, 4, 28, 48, and 51) that encroach into the City's Soledad Street

right of way at the southerly end (starting 120 feet south of Punta Gorda Street to the new Highway 101 Bridge). In addition, the driveway entrance from Punta Gorda Street encroaches into the City's Soledad Street right of way at the northerly end (the first 120 feet of Sycamore Creek downstream from Punta Gorda Street).

Staff proposes to partially terminate the Encroachment Permit, starting 120 feet downstream and south of Punta Gorda Street to the new Highway 101 Bridge, so that the first phase of creek widening can occur at the southerly end. This partial termination will directly impact the seven mobile home spaces that currently encroach into the Soledad Street right of way. The driveway entrance from Punta Gorda can continue to encroach until the City can finance the next phase of construction that will widen Sycamore Creek at the northerly end and replace the Punta Gorda Street Bridge.

Generally, creek widening construction should proceed from downstream to upstream in order to get the maximum hydraulic benefit. Caltrans is currently widening the Highway 101 Bridge. Further downstream is the Union Pacific Railroad Bridge (UPRB) that also needs widening. However, it has been determined that, in this instance, widening of the UPRB can occur and provide benefits at any time. Therefore, staff proposes widening the southerly (downstream) portion of the Soledad Street right of way first and requests authorization to terminate that portion of the existing Encroachment Permit, effective September 1, 2010.

Staff is working to find funding to replace the old existing Punta Gorda Street Bridge, thus allowing the City to widen the remaining northerly portion of the Sycamore Creek between the new Highway 101 Bridge and Punta Gorda Street. By delaying the termination of the remaining encroachment by one year, the Park will have additional time to prepare plans to eliminate this driveway and to reconfigure its layout to meet fire and safety requirements.

The President of the Board of Directors of Cypress Tree has been cooperating with staff by attempting to obtain information from residents who would be displaced by the proposed Sycamore Creek widening project and developing strategies to minimize any relocation inconveniences to the occupants. The City is not legally required to pay relocation costs to displaced residents; however, the Housing Authority has advised the City they will move any qualified displaced residents' names to the top of the eligibility list for Section 8 Housing because they are being displaced by government action. This is irrespective of the City's right under the Encroachment Permit to require removal of the Park's encroachments by giving written notice. It is currently unknown whether or not any of residents qualify for Section 8 Housing.

In addition, one of the seven mobile home sites that encroaches into the City's Soledad Street right of way is currently vacant. Staff is investigating renting this space until Channel construction starts. This way, the space will remain vacant, thereby reducing the number of residents that will be displaced by the proposed Sycamore Creek widening project, and the Park will continue to receive rent for that space.

Upon direction from Council to proceed with the termination of the Encroachment Permit, staff will move forward with completing final design to widen the Sycamore Creek Channel to accommodate the Caltrans bridge widening.

Public Outreach

On August 12, 2009, City staff met with approximately 15 Park residents to discuss the very clear public necessity for the Sycamore Creek Widening Project, including the unavoidable need to terminate the Encroachment Permit. A Spanish translator was provided. The meeting generally went well and Park residents appeared to understand the need to widen the creek and terminate the Encroachment Permit. Park residents and the Board of Directors of Cypress Tree were also notified of this Council Meeting.

BUDGET/FINANCIAL INFORMATION:

Currently, there are sufficient funds in the Streets Capital Program Fund to widen Sycamore Creek from 120 feet south of Punta Gorda Street to Highway 101. Staff will return to Council for construction contract authorization.

- ATTACHMENTS:**
1. Vicinity Map
 2. Option A - Typical Section Trapezoidal Channel
 3. Santa Barbara Green Mobile Home Park

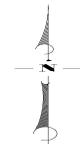
PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/LA/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

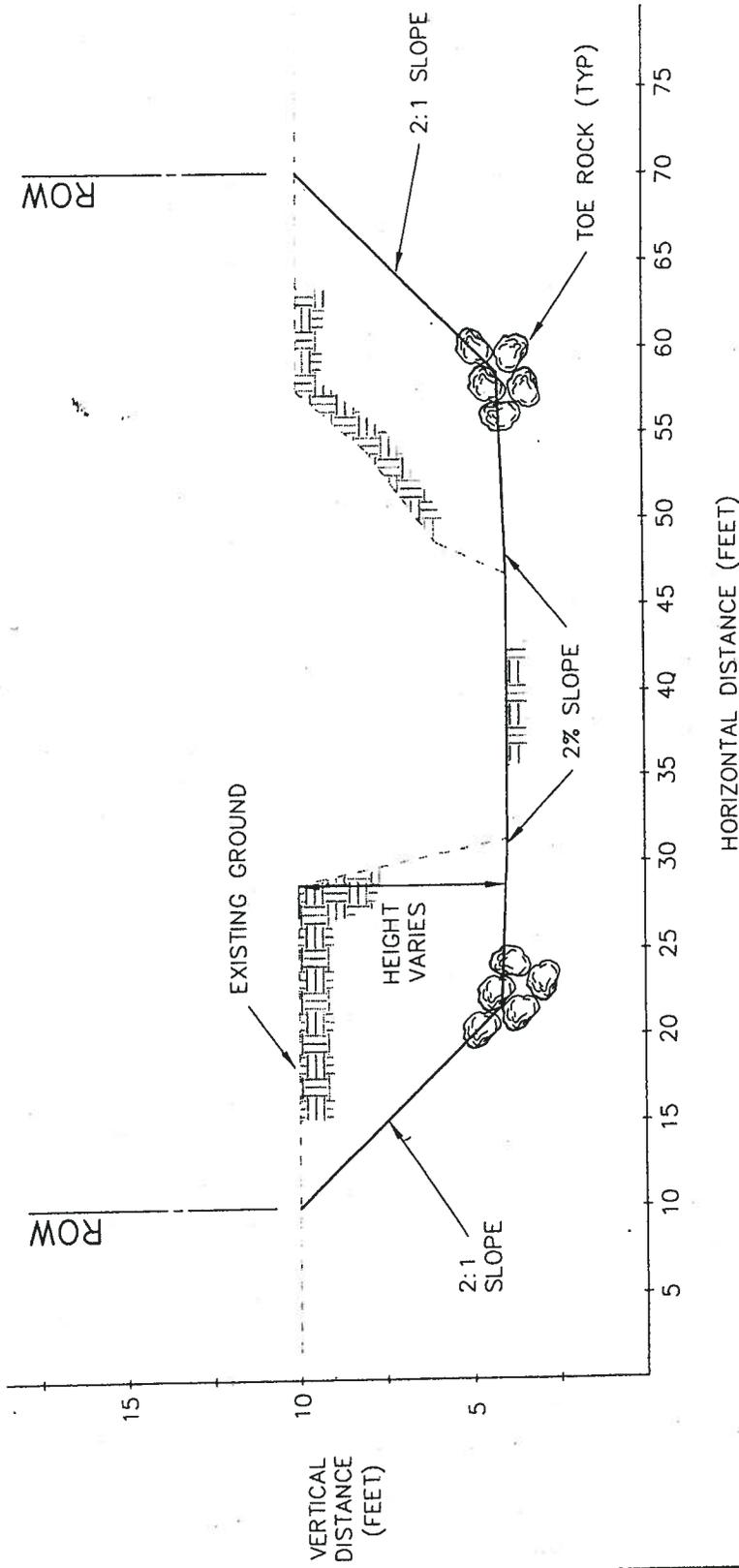
APPROVED BY: City Administrator's Office



VICINITY MAP



ATTACHMENT 2



**OPTION A - TYPICAL SECTION
TRAPEZOIDAL CHANNEL**

SOLEDAD RIGHT OF WAY CLEARANCE REPORT



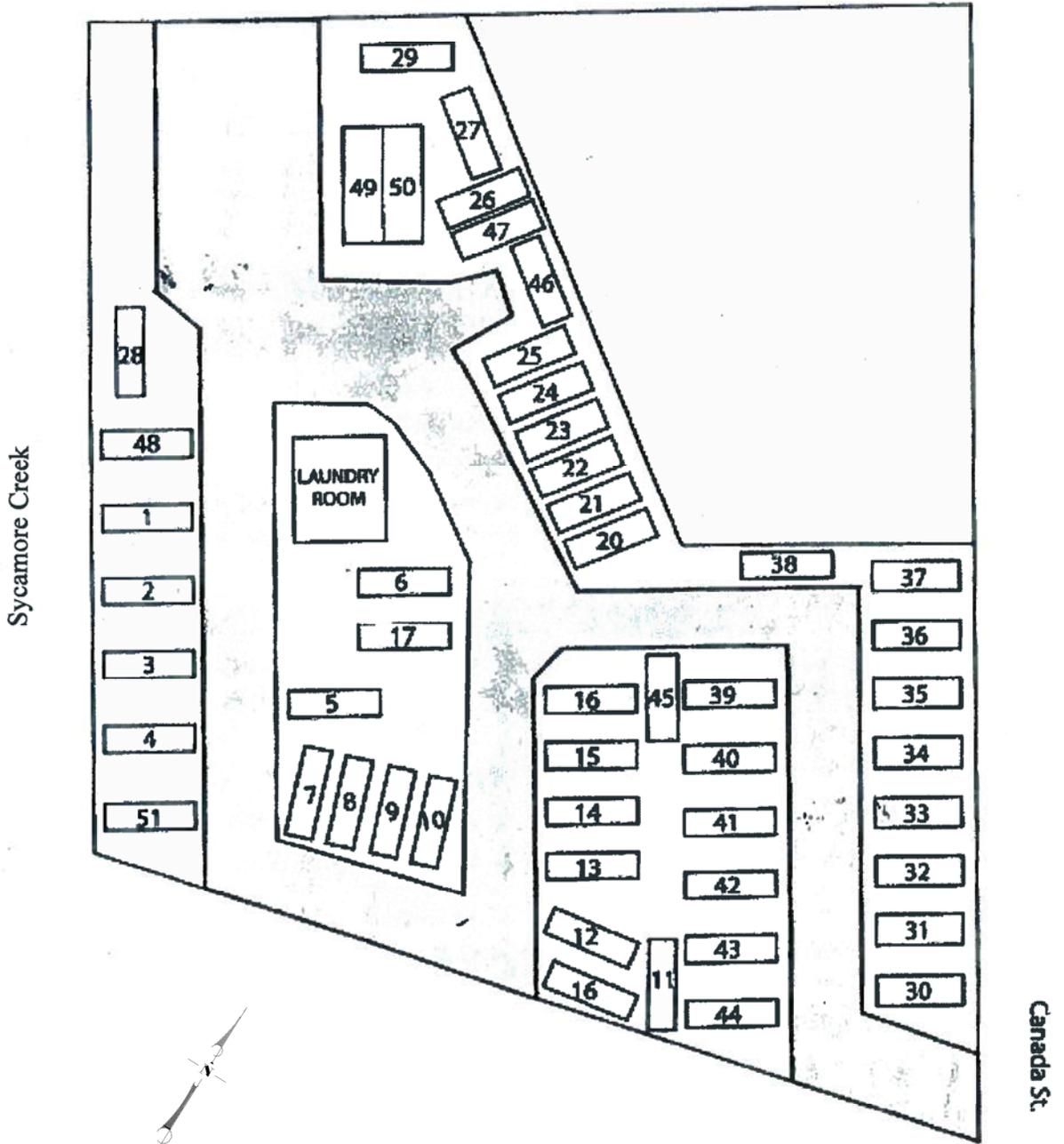
Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·

18767.01 HORIZ. 1"=10' / VERT. 1"=5'

SANTA BARBARA GREEN MOBILE HOME PARK

Not to scale

Punta Gorda St.





Penfield & Smith

111 East Victoria Street
Santa Barbara, CA 93101

tel 805-963-9532
fax 805-966-9801

www.penfieldsmith.com

Santa Barbara
Camarillo
Santa Maria
Lancaster

Civil Engineering

Land Surveying

Land Use Planning

Construction
Management & Inspection

Traffic & Transportation
Engineering

Transportation Planning

Structural Engineering

Water Resources
Engineering

GIS

W.O. 18767.02

July 28, 2010

Ms. Lisa Arroyo
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Subject: Lower Sycamore Creek Drainage Improvements Project
Driveway Alternatives

Dear Ms. Arroyo:

As part of the Lower Sycamore Creek Drainage Improvements Project scope, we have been tasked with briefly evaluating possible methods of maintaining access, to the adjacent trailer park within the Soledad Street right of way.

Under the pre-project condition, a 20 feet wide driveway provides alternate access to the trailer park south of Punta Gorda Street and east of the Sycamore Creek channel. The driveway has been constructed within the City right of way that has been proposed as part of the project channel improvements.

Methods of addressing this situation include:

- Relocating the driveway to somewhere within the trailer park property
- Altering the proposed project to maintain the driveway entrance

This alternatives evaluation only addresses possible methods of maintaining access within the City right of way and briefly discusses potential impacts.

Alternative A

Approach: Construct a bridge within the channel that would carry the driveway. See Exhibit 1 of 3.

Concerns:

- Piers will collect debris during high flows and block the flow through the bridge, causing flooding. This could cause a loss of between one third to one half of the bridge capacity.
- Would add \$1,100,000 to \$1,500,000 to the cost of the project
- Access to and repair of the bridge would be difficult.
- There would be a loss of approximately 2,800 square feet of riparian vegetation due to shading.

Ms. Lisa Arroyo
July 30, 2010
Page 2

Alternative B

Approach: Shift the bridge to the west and construct a retaining wall in the channel to support the driveway.

Concerns:

- Due to constraining the channel by the retaining wall, there could be a loss of between one third to one half of the channel capacity.
- Would add \$280,000 to the cost of the project.
- There would be a loss of approximately 3,900 square feet of riparian vegetation due to fill and necessary concrete walls and transition structures.

Alternative C

Approach: Extend a box culvert past the incursion by the driveway.

Concerns:

- Would add \$550,000 to the cost of the project.
- There would be a loss of approximately 6,600 square feet of riparian vegetation due to shading and filling.
- Fish passage would be detrimentally impacted due to the longer extent of the bridge.

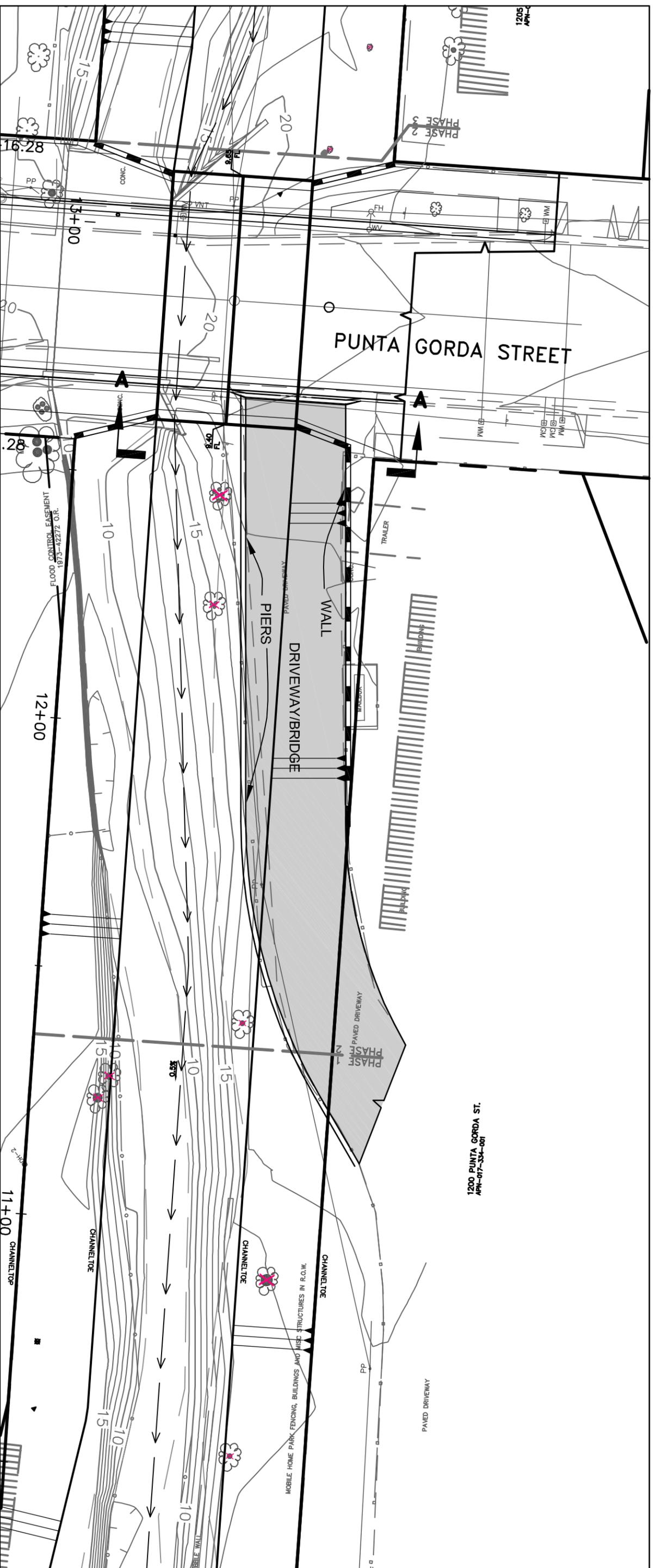
If you have any questions, please feel free to contact me at (805) 963-9538 extension 124.

Very truly yours,
PENFIELD & SMITH

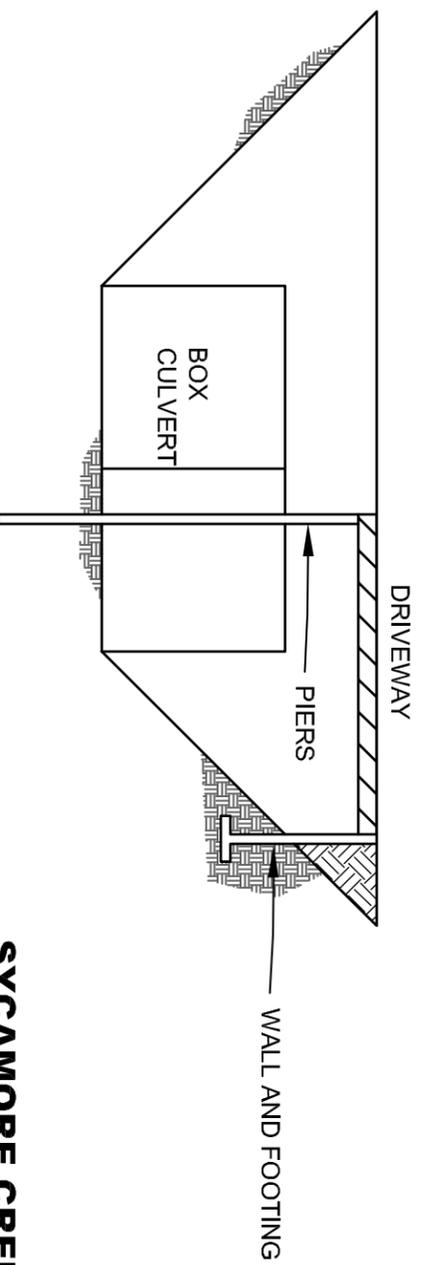


Craig A. Steward, P.E., CFM
Principal Engineer
RCE 37,253





- CONCERNS**
1. PIERS WILL COLLECT DEBRIS AND BLOCK FLOW THROUGH BRIDGE
 2. LOSS OF 1/3 - 1/2 OF FLOW CAPACITY
 3. EXPENSE: 2900 S.F. X \$350/S.F. = ±1.1M\$ - 1.5M\$
 4. ACCESS AND REPAIR OF BRIDGE DIFFICULT
 5. LOSS OF RIPARIAN VEGETATION, ~2800 S.F.



SCALE: 1" = 20'

TYPICAL SECTION A-A
SCALE: N.T.S.

**ALTERNATIVE A - BRIDGE
SYCAMORE CREEK CHANNEL IMPROVEMENTS**

JULY 30, 2010



Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Conceptual Design Of The Union Pacific Railroad Bridge Over Cabrillo Boulevard

RECOMMENDATION: That Council:

- A. Authorize the City Administrator to enter into a Memorandum of Understanding, approved as to form by the City Attorney, with the Santa Barbara County Association of Governments for the Conceptual Design of the Union Pacific Railroad Bridge over Cabrillo Boulevard;
- B. Authorize the Public Works Director to execute a City Professional Services contract with HDR Engineering, Inc., in the amount of \$90,085, in a form of agreement approved by the City Attorney, for conceptual design services for the Union Pacific Railroad Bridge over Cabrillo Boulevard, and authorize the Public Works Director to approve expenditures of up to \$9,000 for extra services of HDR Engineering, Inc., that may result from necessary changes in the scope of work; and
- C. Increase appropriations and estimated revenues in the Streets Capital Fund by \$99,105 for the Conceptual Design of the Union Pacific Railroad Bridge over Cabrillo Boulevard funded from a payment from the Santa Barbara County Association of Governments.

DISCUSSION:

Replacement and lengthening of the existing 100-year old Union Pacific Railroad Bridge (UPRR Bridge) over Cabrillo Boulevard (see Attachment 1 for vicinity map) is fundamental to the success of the planned Highway 101 High-Occupancy Vehicle (HOV) Project. The UPRR Bridge's length cannot accommodate the needs of the HOV Cabrillo Boulevard/101 Freeway Interchange (Interchange) for the expected number of Cabrillo Boulevard vehicle lanes, and provide accommodations for bike lanes and sidewalks. The completion of this proposed conceptual design will increase the likelihood that the Interchange improvements will include the necessary added vehicular lanes under the UPRR Bridge and provide accommodations for bicycles and pedestrians. The recently completed Highway 101 Operational Improvements Project's

(Improvements Project) newly constructed sidewalks and bike path currently lead to a dead end, forcing pedestrians to walk in the vehicle lane shoulders under the UPRR Bridge. It is anticipated that the conceptual design will connect bicycle and pedestrian paths at Los Patos Drive and Coast Village Road/Old Coast Highway.

BACKGROUND

Improvements to the Interchange were recently made as a part of the Improvements Project. However, they did not include the originally planned accommodations for cyclists and pedestrians under the UPRR Bridge. Originally, the Improvements Project included a tunnel under the UPRR tracks that was parallel to Cabrillo Boulevard to accommodate bicyclists and pedestrians. These project improvements were foregone because the UPRR was not comfortable with the proposed tunnel and requested that the bridge over Cabrillo Boulevard be lengthened instead. Since the lengthening of the UPRR Bridge was beyond the budget and the time limitations for completing the Improvements Project, no bicycle or pedestrian improvements along Cabrillo Boulevard under the UPRR Bridge were constructed.

The HOV Project proposes to reconstruct the Interchange and re-establish a southbound on-ramp. The proposed interchange is expected to increase the traffic volumes under the UPRR Bridge and eliminate any right turn lane for the re-established southbound on-ramp. Accordingly, adding additional vehicle capacity under the UPRR Bridge is necessary to ensure that historical traffic back-ups on Cabrillo Boulevard do not become worse. Reconstructing the UPRR Bridge will both ensure needed vehicle capacity for the new interchange and finish the needed bike and pedestrian improvements forgone with the last project.

The Santa Barbara County Association of Governments (SBCAG) is asking City staff to conduct the conceptual engineering of the bridge replacement because they believe that a successful design is most probable with the City working directly with the UPRR (See Attachments 2 and 3). To date, Caltrans and SBCAG have been unwilling to include the bridge replacement in the proposal to improve the HOV Cabrillo Freeway Interchange. By completing the conceptual design, the City will have the best opportunity to establish a feasible design and cost, and to obtain Union Pacific's willingness to cooperate/participate in the bridge replacement. Leaving the responsibility to develop a concept plan for the UPRR Bridge replacement to SBCAG has been, and is predicted to continue to be, unproductive.

If the UPRR Bridge replacement is feasible and supported by the UPRR, staff will return the lead role of the project to SBCAG to determine the approach to construct the Bridge. City staff's goal is to work with SBCAG staff to obtain funding for the construction of the bridge replacement in conjunction with, or prior to, the approval the Coastal Development Permit for the Highway 101 HOV Project.

PROJECT DESCRIPTION

The work consists of an engineering evaluation of the existing alignment and profile of both the railroad and the Cabrillo Boulevard roadway. This evaluation will determine conceptual design alternatives and costs for a bridge replacement that would accommodate bikes and pedestrians, and would complete the link between Los Patos Way and Coast Village Road/Old Coast Highway.

CONCEPTUAL DESIGN PHASE CONSULTANT ENGINEERING SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with HDR Engineering, Inc. (HDR), in the amount of \$90,085 for conceptual design services of the UPRR Bridge over Cabrillo Boulevard. With headquarters in Omaha, Nebraska, HDR is has significant experience working with the UPRR on such complex projects. Because of HDR's experience with UPRR, the City has negotiated exclusively with HDR on the scope of services and fee to complete this conceptual design.

FUNDING

Funding for the conceptual design phase will come from the \$99,105 that SBCAG will issue for this purpose. This amount represents the full extent of the unspent funds remaining from the City's contribution to earlier efforts to complete the design of bike and pedestrian improvements at this location.

With the receipt of funds from SBCAG, there will be sufficient funds in the Streets Capital Fund to cover the contract costs for the conceptual design phase. City staff costs will also be funded from the Streets Capital Fund.

Funds for final design and construction will be determined by SBCAG. Costs for these phases are initial estimates and will be refined with the conceptual design. Funding for future work will require continued cooperation between SBCAG, Caltrans, and the City.

ATTACHMENT(S):

- 1) Vicinity Map
- 2) Memorandum of Understanding
- 3) SBCAG Staff report, March 21, 2013

PREPARED BY: John Ewasiuk, Principal Civil Engineer/BD/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Old Coast Highway

Hot Springs Roundabout

US 101 South

Los Patos Way

Bird Refuge

Cabrillo Boulevard

Union Pacific Railroad Bridge

US 101 North

MEMORANDUM OF UNDERSTANDING
Between the Santa Barbara County Association of Governments
and the City of Santa Barbara

This memorandum of understanding between the Santa Barbara County Association of Governments (SBCAG) and the City of Santa Barbara (CITY) is entered into with the authorization of the Board of Directors of the SBCAG and the City Council of CITY and herein referred to collectively as PARTIES.

WHEREAS, SBCAG and CITY desire to make cost effective improvements along Cabrillo Boulevard under U.S. 101 and the Union Pacific Railroad (UPRR) bridge to safely connect bicycle and pedestrian paths at Los Patos Drive and Coast Village Road\Old Coast Highway (PROJECT); and

WHEREAS, an engineering study by SBCAG in conjunction with the U.S. 101 Milpas\Cabrillo-Hot Springs project was unsuccessful in securing the approval of UPRR for a bike\pedestrian tunnel PROJECT under their tracks; and

WHEREAS, subsequent efforts by SBCAG and CITY to design an interim PROJECT of raised sidewalk improvements on the shoulder of Cabrillo Boulevard raised safety and cost\benefit concerns and did not garner policy support at SBCAG; and

WHEREAS, SBCAG and CITY have concluded that the best long term PROJECT is a replacement of the UPRR bridge over Cabrillo Boulevard to provide improved roadway and shoulder width for vehicles and to accommodate bicycle and pedestrian facilities; and

WHEREAS, the CITY had previously provided funding for SBCAG's engineering efforts for the tunnel and interim sidewalk iterations of PROJECT; and

WHEREAS, a balance of unspent funds remains on account with SBCAG; and

WHEREAS, SBCAG and CITY believe that the CITY is best equipped to conduct preliminary engineering of the PROJECT specifically to include UPRR bridge replacement alternatives; and

WHEREAS, CITY has negotiated a scope of services with an engineering consultant to perform preliminary engineering for PROJECT with alternatives to replace the UPRR bridge;

NOW THEREFORE, the PARTIES do mutually agree as follows:

1. The purposes of conducting preliminary engineering are (1) to complete preliminary design and cost estimates for feasible alternatives for PROJECT, (2) for CITY to gain acceptance in writing from UPRR of a bridge replacement PROJECT prior to Coastal Development Permit application being submitted by Caltrans to CITY for the U.S. 101 HOV project and (3) to inform SBCAG, Caltrans and CITY of the extent to which PROJECT can be coordinated with the U.S 101 HOV project.
2. SBCAG will issue a check to the CITY in the amount of \$99,105 to conduct preliminary engineering of PROJECT which represents the full extent of the unspent funds remaining from CITY'S contribution to prior iterations of PROJECT.
3. CITY shall retain the services of a qualified consulting firm to conduct the preliminary engineering work necessary for the PROJECT, develop cost estimates for the alternatives, and present the PROJECT alternatives to UPRR and Caltrans for input, review and acceptance.

4. CITY shall assemble a project development team and conduct meetings of the team for the duration of preliminary engineering that shall include at a minimum, representatives of CITY, SBCAG and Caltrans.
5. CITY shall present results from the preliminary engineering of PROJECT to the CITY Planning Commission for concept review on the environmental and coastal resource impacts of PROJECT, the feasibility of PROJECT's preliminary design, comments or acceptance by UPRR and Caltrans; and the PROJECT's applicability to fulfill the related Coastal Development Permit condition placed on the Milpas to Hot Springs project.

Amendments to this memorandum of understanding shall require approval by the SBCAG Board of Directors and the Santa Barbara City Council.

Made and entered into on this ____ April, 2013.

CITY OF SANTA BARBARA
a Municipal Corporation

SANTA BARBARA COUNTY ASSOCIATION
OF GOVERNMENTS

Mr. James Armstrong
City Administrator

Mr. Jim Kemp
Executive Director

ATTEST:

Gwen Peirce, CMC
Santa Barbara City Clerk

APPROVED AS TO FORM:
Stephen P. Wiley
Santa Barbara City Attorney



STAFF REPORT

SUBJECT: Cabrillo Blvd Improvements

MEETING DATE: March 21, 2013

AGENDA ITEM: 7D

STAFF CONTACT: Fred Luna/Steve VanDenburgh

RECOMMENDATION:

Approve a Memorandum of Understanding with the City of Santa Barbara to return \$99,105 for preliminary engineering of the UPRR bridge replacement at Cabrillo Blvd.

SUMMARY:

Approval of the MOU with the City of Santa Barbara would return \$99,105 to the City that was given to SBCAG by the City. The funds were intended to be used by SBCAG to make bicycle and pedestrian improvements to Cabrillo Boulevard under the UPRR tracks. SBCAG was unsuccessful in identifying a project short of replacing the 100 year old UPRR bridge over Cabrillo Blvd. Using the returned funds, the City will take on the responsibility of preparing preliminary engineering plans for a bridge replacement project. SBCAG will participate on the project team with City staff and Caltrans. The South Coast Subregional Committee recommended approval of the MOU at their March 6 meeting.

DISCUSSION:

In February, the South Coast Subregional Committee directed staff to develop a Memorandum of Understanding to return to the City of Santa Barbara \$99,105 in unspent funds it provided to SBCAG to engineer pedestrian/bicycle improvements at the UPRR bridge on Cabrillo Blvd. The funds will be used by the City to pay for preliminary engineering for a bridge replacement.

A bridge replacement project is the third iteration of proposed improvements at this location to increase bike\ped safety and close a gap in the multi-purpose path between Los Patos Drive and Coast Village Road. From approximately 2007-2010, a team composed of SBCAG, Caltrans and the City had developed numerous proposals to tunnel under UPRR's tracks. UPRR rejected all options for tunneling under its tracks. The South Coast Subregional Committee in July 2012 had significant concerns about the safety benefits and legal liabilities to SBCAG of an "interim" improvement developed by SBCAG and the City that avoided impacting UPRR right of way with a raised sidewalk under the bridge on Cabrillo Blvd. Rather than transfer funding and lead agency status to the City to implement an interim improvement, the Committee directed staff to work with the City to integrate a gap closure safety project into a longer term solution coordinated with the 101 HOV project.

At this time, it is the project team's belief that a bridge replacement may be the best long term solution at this location. The team believes that the City of Santa Barbara's Public Works Department is best equipped to be the lead agency to engineer this complex project in coordination with UPRR and Amtrak to replace the 100 year old UPRR owned bridge while train services remain in operation.

Approximately \$99,000 in funds contributed to SBCAG by the City for the Cabrillo bike/ped project remains unspent. The South Coast Subregional Committee recommended at its March 6 meeting that the SBCAG board approve the attached MOU to return these funds to the City. The City would take the lead responsibility for completing the preliminary engineering work for replacement of the Cabrillo bridge. The MOU has been prepared by the staffs and counsels from the two agencies. Aside from returning funding, SBCAG's role would be to continue to assist the City as a member of the project team along with Caltrans.

An additional \$2.6 million in SBCAG's federal Transportation Enhancement funding, state-awarded safety funding, Measure D and city funds have been accumulated for the bike/ped improvements. Those funds will be held in reserve until the completion of preliminary engineering which SBCAG staff estimates will take 6-12 months. At that time, the City will return to the South Coast Subregional Committee to share the outcome of preliminary engineering including the project scope and cost of the bridge replacement project, how it could be coordinated with the 101 HOV project, and to request the funding in reserve.

COMMITTEE REVIEW:

The South Coast Subregional Planning committee approved a recommendation that the board approve the MOU at its March 6th, 2013 meeting.

ATTACHMENTS: Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
Between the Santa Barbara County Association of Governments
and the City of Santa Barbara

This memorandum of understanding between the Santa Barbara County Association of Governments (SBCAG) and the City of Santa Barbara (CITY) is entered into with the authorization of the Board of Directors of the SBCAG and the City Council of CITY and herein referred to collectively as PARTIES.

WHEREAS, SBCAG and CITY desire to make cost effective improvements along Cabrillo Boulevard under U.S. 101 and the Union Pacific Railroad (UPRR) bridge to safely connect bicycle and pedestrian paths at Los Patos Drive and Coast Village Road\Old Coast Highway (PROJECT); and

WHEREAS, an engineering study by SBCAG in conjunction with the U.S. 101 Milpas\Cabrillo-Hot Springs project was unsuccessful in securing the approval of UPRR for a bike\pedestrian tunnel PROJECT under their tracks; and

WHEREAS, subsequent efforts by SBCAG and CITY to design an interim PROJECT of raised sidewalk improvements on the shoulder of Cabrillo Boulevard raised safety and cost\benefit concerns and did not garner policy support at SBCAG; and

WHEREAS, SBCAG and CITY have concluded that the best long term PROJECT is a replacement of the UPRR bridge over Cabrillo Boulevard to provide improved roadway and shoulder width for vehicles and to accommodate bicycle and pedestrian facilities; and

WHEREAS, the CITY had previously provided funding for SBCAG's engineering efforts for the tunnel and interim sidewalk iterations of PROJECT; and

WHEREAS, a balance of unspent funds remains on account with SBCAG; and

WHEREAS, SBCAG and CITY believe that the CITY is best equipped to conduct preliminary engineering of the PROJECT specifically to include UPRR bridge replacement alternatives; and

WHEREAS, CITY has negotiated a scope of services with an engineering consultant to perform preliminary engineering for PROJECT with alternatives to replace the UPRR bridge;

NOW THEREFORE, the PARTIES do mutually agree as follows:

1. The purposes of conducting preliminary engineering are (1) to complete preliminary design and cost estimates for feasible alternatives for PROJECT, (2) for CITY to gain acceptance in writing from UPRR of a bridge replacement PROJECT prior to Coastal Development Permit application being submitted by Caltrans to CITY for the U.S. 101 HOV project and (3) to inform SBCAG, Caltrans and CITY of the extent to which PROJECT can be coordinated with the U.S 101 HOV project.
2. SBCAG will return to the CITY funds in the amount of \$99,105 which represents the full extent of the unspent funds remaining from CITY'S contribution to prior iterations of PROJECT.
3. CITY shall retain the services of a qualified consulting firm to conduct the preliminary engineering work necessary for the PROJECT, develop cost estimates for the alternatives, and present the PROJECT alternatives to UPRR and Caltrans for input, review and acceptance.

4. CITY shall assemble a project development team and conduct meetings of the team for the duration of preliminary engineering that shall include at a minimum, representatives of CITY, SBCAG and Caltrans.
5. CITY shall present results from the preliminary engineering of PROJECT to the CITY Planning Commission for concept review on the environmental and coastal resource impacts of PROJECT, the feasibility of PROJECT's preliminary design, comments or acceptance by UPRR and Caltrans; and the PROJECT's applicability to fulfill the related Coastal Development Permit condition placed on the Milpas to Hot Springs project.
6. CITY and SBCAG agree to the provisions outlined in Exhibit A.

Amendments to this memorandum of understanding shall require approval by the SBCAG Board of Directors and the Santa Barbara City Council.

Made and entered into on this _____, _____ 2013.

CITY OF SANTA BARBARA
a Municipal Corporation

SANTA BARBARA COUNTY ASSOCIATION
OF GOVERNMENTS

Mr. James Armstrong
City Administrator

Mr. Roger Aceves
Chair

ATTEST:

ATTEST:

Gwen Peirce, CMC
Santa Barbara City Clerk

Jim Kemp, Executive Officer
Clerk of the Board

APPROVED AS TO FORM:
Stephen P. Wiley
Santa Barbara City Attorney

APPROVED AS TO FORM:
Dennis Marshall
County Counsel



William M. Dillon,
Senior Deputy County Counsel

Exhibit A
INDEMNIFICATION AND NON-PARTNERSHIP

MUTUAL INDEMNIFICATION

CITY shall defend, indemnify and save harmless the SBCAG, its officers, agents and employees from any and all claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities arising out of this Agreement or occasioned by the performance or attempted performance of the provisions hereof; including, but not limited to, any act or omission to act on the part of the CITY or his agents or employees or other independent contractors directly responsible to him; except those claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities resulting from the sole negligence or willful misconduct of the SBCAG.

CITY shall notify the SBCAG immediately in the event of any accident or injury arising out of or in connection with this MOU.

SBCAG shall defend, indemnify and save harmless the CITY, its officers, agents and employees from any and all claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities arising out of this Agreement or occasioned by the performance or attempted performance of the provisions hereof; including, but not limited to, any act or omission to act on the part of the SBCAG or his agents or employees or other independent contractors directly responsible to him; except those claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities resulting from the sole negligence or willful misconduct of the CITY.

SBCAG shall notify the CITY immediately in the event of any accident or injury arising out of or in connection with this MOU.

NON-PARTNERSHIP

This MOU is not intended by the PARTIES to constitute or create a joint venture, pooling arrangement, or formal business organization of any kind. The rights and obligations of the PARTIES shall be only those expressly set forth herein.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 23, 2013

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 a workers' compensation claim: *David Gomez v. City of Santa Barbara*, WCAB case numbers ADJ1197775, ADJ1136460 & ADJ1982772.

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: April 23, 2013
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 a workers' compensation claim: *Michael Moses v. City of Santa Barbara*, WCAB case number ADJ7552390.

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