

**CITY OF SANTA BARBARA  
CITY COUNCIL**

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



**Paul Casey**  
*Acting City Administrator*

**Ariel Pierre Calonne**  
*City Attorney*

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

**NOVEMBER 11, 2014  
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:** If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator's Office at 564-5305. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

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

## **ORDER OF BUSINESS**

- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting Begins
- 5:00 p.m. - Recess
- 6:00 p.m. - City Council Meeting Reconvenes

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

**Subject: Review Amendments To Municipal Code Title 16, Liquid And Industrial Waste Disposal (120.03)**

Recommendation: That the Ordinance Committee review amendments to Municipal Code Title 16 Pertaining to Liquid and Industrial Waste Disposal and forward proposed amendments to the City Council.

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

### **AFTERNOON SESSION**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **CEREMONIAL ITEMS**

1. **Subject: Proclamation Acknowledging Soroptimist International Of Santa Barbara’s “Workplace Campaign To End Domestic Violence”**
2. **Subject: Proclamation Declaring November 2014 As National Runaway Prevention Month**

## CHANGES TO THE AGENDA

### PUBLIC COMMENT

### CONSENT CALENDAR

#### CITY COUNCIL

**3. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of October 28, 2014.

**4. Subject: Appropriation Of Federal Shared Asset Forfeiture Reserve Funds (520.04)**

Recommendation: That Council appropriate \$25,866 of the Federal Shared Asset Forfeiture Reserve to the Police Department's Federal Shared Asset Forfeiture Fund for the purchase and installation of a metal detector in the Police Department lobby, and reimbursement for the new monitors and stands for the new Communications Center.

**5. Subject: Approval Of Parcel Map And Execution Of Agreements For 836 Bath Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,808 and standard agreements relating to the approved subdivision at 836 Bath Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document.

**6. Subject: Approval Of Parcel Map And Execution Of Agreements For 128 Anacapa Street (640.08)**

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,806 and standard agreements relating to the approved subdivision at 128 Anacapa Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document.

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

### **7. Subject: Sole Source Vendor For The MyRide Bus Pass Program (150.05)**

Recommendation: That Council:

- A. Authorize the City's General Services Manager to issue a purchase order to the Metropolitan Transit District in the amount of \$55,000 according to the Sole Source provisions of Santa Barbara Municipal Code Section 4.52.070 (K) in order to fund the cost of rides taken under the City's Employee Bus Pass Program for Fiscal Year 2015; and
- B. Authorize the City's General Services Manager to renew the Purchase Order with Santa Barbara Metropolitan Transit District annually through Fiscal Year 2019, subject to Council approval of the annual Downtown Parking Fund budget.

### **8. Subject: Agreement For Surface Water And Groundwater Monitoring (540.11)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a joint funding agreement with United States Geological Survey for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2014 through October 31, 2015, with a City cost share not to exceed \$146,900; and
- B. Authorize the Public Works Director to approve expenditures up to \$20,000 for extra monitoring services.

### **9. Subject: Professional Service Contract For The Bikestation Module For City Parking Lot 3 And Contract For Construction (550.03)**

Recommendation: That Council:

- A. Authorize the Public Works Director to award a professional service agreement with Mobis Transportation Alternatives in the amount of \$119,143 for provision of the Bikestation Module, and approve expenditures up to \$17,870 for extra services that may result from necessary change in the scope of work; and
- B. Award a contract with Draper Construction, waiving minor bid irregularities, in their low bid amount of \$98,690 for construction of site improvements for the Bikestation Module For City Parking Lot 3, Bid No. 3680; and authorize the Public Works Director to execute the contract and approve expenditures up to \$14,804 to cover any cost increases that may result from contract change orders for extra work.

## CONSENT CALENDAR (CONT'D)

### 10. **Subject: On-Bill Financing Agreements For Los Banos Pool Lights And Granada Garage Carbon Monoxide Sensors (550.01)**

Recommendation: That Council:

- A. Authorize the Public Works Director to enter into two On-Bill Financing Agreements with Southern California Edison for a combined amount of \$24,402.87 that will be used to reimburse the City for costs associated with a pool light upgrade at the Los Banos Del Mar Pool and a sensor upgrade at the Granada Garage; and
- B. Increase estimated revenues by \$10,015.47 in the Intra-City Services Fund and increase estimated revenues by \$14,387.40 in the Downtown Parking Fund.

### 11. **Subject: Mills Act Historic Property Contract For 612 East Valerio Street (640.06)**

Recommendation: That Council grant an exception to the Mills Act contract limits outlined in Santa Barbara Municipal Code Section 22.22.160.C.4(m) for a designated Structure of Merit property at 612 East Valerio Street and authorize the Community Development Director to execute a historic property contract.

## SUCCESSOR AGENCY

### 12. **Subject: Geotechnical Contract Services For Cabrillo Pavilion And Bathhouse Renovation Project (570.08)**

Recommendation: That the Successor Agency:

- A. Authorize the Executive Director to execute a contract between the Successor Agency and Fugro Consultants, Incorporated, in the amount of \$55,271 to prepare a Geotechnical Study for the Cabrillo Pavilion and Bathhouse Renovation Project, and
- B. Authorize the Executive Director to approve extra work, as necessary, in an amount not to exceed \$5,527, or 10 percent.

## NOTICES

- 13. The City Clerk has on Thursday, November 6, 2014, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 14. A City Council site visit is scheduled for Monday, November 17, 2014, at 1:30 p.m. to the property located at 3435 Marina Drive, which is the subject of an appeal hearing set for November 18, 2014, at 2:00 p.m.

**This concludes the Consent Calendar.**

## **REPORT FROM THE ORDINANCE COMMITTEE**

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

#### CITY ADMINISTRATOR

**15. Subject: Proposed Eastside Business Improvement District (150.05)**

Recommendation: That Council receive a status report from the Milpas Community Association on proposed plans to create an Eastside Business Improvement District.

#### POLICE DEPARTMENT

**16. Subject: Police Department Update And Additional Police Officer Position (520.04)**

Recommendation: That Council:

- A. Receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution No. 14-046, the Position and Salary Control Resolution for Fiscal Year 2015, Affecting the Police Department Effective November 11, 2014.

### **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

### **CLOSED SESSIONS**

**17. Subject: Conference With City Attorney - Anticipated Litigation - Initiation Of Litigation On One Matter (160.03)**

Recommendation: That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

**RECESS**

**EVENING SESSION**

**RECONVENE**

**ROLL CALL**

**PUBLIC COMMENT**

**MAYOR AND COUNCIL REPORTS**

**18. Subject: Interviews For City Advisory Groups (140.05)**

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.

(Continued from October 28, 2014)

**ADJOURNMENT**

To Monday, November 17, 2014, at 1:30 p.m. at the property located at 3435 Marina Drive. (See Agenda Item No. 14)

CITY OF SANTA BARBARA

**ORDINANCE COMMITTEE MEETING**

MEETING AGENDA

DATE: November 11, 2014  
TIME: 12:30 p.m.  
PLACE: Council Chambers

Randy Rowse, Chair  
Frank Hotchkiss  
Cathy Murillo

Office of the City  
Administrator

Office of the City  
Attorney

Kate Whan  
Administrative Analyst

Ariel Pierre Calonne  
City Attorney

**ITEM FOR CONSIDERATION**

**Subject: Review of Amendments to Municipal Code Title 16, Liquid And Industrial Waste Disposal**

Recommendation: That the Ordinance Committee review amendments to Municipal Code Title 16 Pertaining to Liquid and Industrial Waste Disposal and forward proposed amendments to the City Council.



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Ordinance Committee

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

**SUBJECT:** Review of Amendments to Municipal Code Title 16, Liquid And Industrial Waste Disposal

### RECOMMENDATION:

That the Ordinance Committee review amendments to Municipal Code Title 16 Pertaining to Liquid and Industrial Waste Disposal and forward proposed amendments to the City Council.

### DISCUSSION:

The City's wastewater system operates under a National Pollution Discharge Elimination System (NPDES) Permit, issued by the California Regional Water Quality Control Board (RWQCB). The NPDES Permit contains federal requirements of the Clean Water Act and Title 40 of the Code of Federal Regulations (40 CFR) Part 403, which is administered by the United States Environmental Protection Agency (EPA). One requirement of the Clean Water Act, 40 CFR Part 403, and the NPDES permit is that the City implement an industrial liquid waste Pretreatment Program governing the quality and quantity of wastewater that is discharged to the City's wastewater collection system.

The purpose of the Pretreatment Program is to prevent the discharge of wastes that could interfere with the wastewater treatment process at the El Estero Wastewater Treatment Plant (El Estero). The program ensures that the City complies with its NPDES Permit requirements at El Estero, which includes the following parameters:

- Specific effluent limitations;
- Water quality-based toxic pollutant limitations;
- Criteria for sludge use or disposal;
- Removal efficiency requirements; and
- Overall requirements regarding facility operations and maintenance.

Santa Barbara Municipal Code Title 16 provides the standards and the legal authority for enforcement of the Pretreatment Program.

Since the last revision to Title 16, the EPA has made changes to the requirements for the Pretreatment Program, which must be incorporated into the City's Municipal Code. EPA/RWQCB inspections of local municipalities are conducted periodically in accordance with EPA protocols to ensure that Pretreatment Programs are administered according to federal requirements. Inspections of the City's Pretreatment Program have been conducted several times in recent years. This has resulted in a list of requirements and changes needed for the City's Pretreatment Program to comply with current federal regulations.

Since 2010, the City has contracted with Larry Walker Associates (LWA) to assist in revising the existing Title 16 Ordinance, as required by the EPA. The Title 16 Ordinance language has now been redrafted in its entirety to comport with these updated EPA regulatory requirements. Changes have been made throughout this document to reflect current federal regulations, to add strength and clarity to the City's legal authority, and to update the Pretreatment Program's administrative structure, allowing for a more streamlined implementation of City activities involved with its regulated industrial community. Some of the noted changes include:

- Adopting the general structure of EPA's 2006 Model Sewer Use Ordinance
- Implementing Pretreatment Streamlining Rule requirements
- Implementing requirements from EPA/RWQCB Pretreatment Compliance Inspections and Audits
- Updating and adding definitions
- Defining three tiers of wastewater discharge permits and types of discharges
- Strengthening enforcement authority and tying enforcement procedures to the Enforcement Response Plan

The proposed Title 16 Ordinance implements non-substantive changes (40 CFR Part 403.18), which only require notification to the RWQCB at least forty-five (45) days prior to implementation. The Board of Water Commissioners was informed of this Title 16 Ordinance revision at its meeting on November 10, 2014.

#### **BUDGET/FINANCIAL INFORMATION:**

The Title 16 Ordinance update process will have no budgetary impact on the Wastewater Fund.

#### **ENVIRONMENTAL INFORMATION:**

These Title 16 modifications are exempt from the California Environmental Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for the Protection of the

Environment) as the changes proposed make the project consistent with federal and state regulations designed to protect the environment.

**PREPARED BY:** Christopher Toth, Wastewater System Manager/mh

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE BY REPEALING TITLE 16 IN ITS ENTIRETY AND ADDING TITLE 16 PERTAINING TO LIQUID AND INDUSTRIAL WASTE DISPOSAL.

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

SECTION 1. Title 16 of the Santa Barbara Municipal Code is amended by repealing Title 16 in its entirety and adding Title 16 which reads as follows:

**Chapter 16.02      General Provisions.**

**16.02.010.    Purpose.**

The purpose of this Title is to protect the Waters of the State; provide against pollution of streams, creeks and storm drains; control and regulate Discharges to storm drains; and to control and regulate all Discharges of Waste or Wastewater into, either directly or indirectly, the sewerage system and Publicly Owned Treatment Works (POTW) of the City of Santa Barbara.

**16.02.020.    Scope; Conflict with Other Provisions of Code.**

**A.    GENERAL APPLICABILITY.** This Title establishes rules, regulations, and standards for the elimination of Pollutants, and governs the quality and quantity of discharged Wastes, the degree of waste pretreatment required, the issuance of Wastewater Discharge Permits, the assessment of fees and charges and the imposition of penalties for violation of this Title. Subject to the exception of subsection B hereof, the provisions of this Title shall apply to all Discharges, directly or indirectly into the

ocean, creeks, lagoons, storm drains and other Waters of the State, and to all Discharges of Wastes and Wastewater directly or indirectly into any Community Sewer or POTW of the City. To the extent that the provisions of this Title are in conflict with any other provisions of this Code, this Title shall prevail. It is not intended, however, that this Title shall operate to repeal any other provisions of this Code or to relieve any responsibility or liability imposed by or incurred under any other provision of this Code.

**B. AIRPORT DISCHARGE REGULATIONS.** The provisions of this Title that control Discharges into the Community Sewer or POTW of the City shall not apply to Discharges of Wastes and Wastewater into a wastewater treatment system for those areas of the City that are provided sewer service by the Goleta Sanitary District (primarily the City Airport). Rules, regulations and standards governing the quality and quantity of discharged Wastes, the degree of required pretreatment, the issuance of Wastewater Discharge Permits, the assessment of fees and charges for discharge into the Goleta Sanitary District treatment or wastewater system, and the enforcement of applicable ordinances, rules and regulations for the Goleta Sanitary District shall be determined by the Goleta Sanitary District and as described in Ordinances of the Goleta Sanitary District as presently enacted or hereinafter amended.

**16.02.030. Policy.**

**A. PROTECTION OF HEALTH, WELFARE AND SAFETY.** The City of Santa Barbara protects the health, welfare and safety of its residents by constructing, operating and maintaining a system of local Sewers, pump stations, trunk sewers and interceptors, and liquid waste treatment and disposal facilities that serve homes,

industries, commercial establishments, and institutional facilities throughout the City and surrounding area and in accordance with the requirements of State and Federal law.

The following policies apply to all Sewage and liquid and industrial Waste discharged directly or indirectly into the POTW:

1. Sewage and liquid and industrial Waste will be accepted into the City sewer system, provided their acceptance will not: (a) threaten or endanger public health, (b) result in Pass Through, (c) create nuisances such as odors, insects, etc., (d) damage structures, (e) impose excessive or unnecessary collection, treatment or disposal costs on the City, (f) significantly interfere with Wastewater collection or treatment processes, (g) interfere with Wastewater and biosolids reclamation processes, (h) exceed quality limits and quantity requirements set forth in this Title or other Applicable Regulations, or (i) cause the City to violate its NPDES Permit.

2. The highest and best use of the sewerage system is the collection, treatment and reclamation or disposal of Commercial, Domestic and Industrial Wastewater.

3. Industrial Users are encouraged to meet the limitations on discharges of industrial Waste and Wastewater through the development and use of recovery and reuse procedures rather than procedures designed solely to meet Discharge limitations.

4. The City is committed to a policy of Wastewater renovation and reuse designed to provide an additional source of water supply and to reduce overall costs of Wastewater treatment and disposal.

5. Optimum use of City facilities may require scheduling discharge of

Wastewater during periods of low flow in the sewerage system as established by the Public Works Director.

6. Provisions are made in this Title to regulate industrial and other waste Discharges, to comply with applicable State and Federal government requirements and policies regarding industrial Discharges of Wastes and Wastewaters to Sewers and POTW, and to meet increasingly higher standards for treatment plant effluent quality and related environmental considerations. This Title establishes quantity and quality limitations on Sewage, liquid waste and industrial waste Discharges where such Discharges may adversely affect the sewerage system or the effluent quality. Methods of cost recovery are also established where industrial waste Discharges impose on the City additional, unnecessary or unreasonable collection, treatment, monitoring or disposal costs. Fees and charges for issuance of permits and fines for violations of the provisions of this Title shall be established by resolution of the City Council.

**16.02.040. Definitions.**

Unless otherwise defined herein, terms shall be as adopted in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Waste constituents and characteristics shall be measured in accordance with the procedures established by the Administrator under Section 304(h) of the Federal Act, and as set forth in detail in methods promulgated or approved pursuant to 40 CFR Part 136, Test Procedures for the Analysis of Pollutants.

Methods for sampling and analysis of wastewater may deviate from these regulations only when 40 CFR Part 136 fails to address sampling or analytical techniques for a particular Pollutant or when alternative methods of analysis have been approved by the Administrator as equivalent procedures. Unless the context requires a different meaning, the following words shall have the meaning indicated:

**A. ADMINISTRATOR.** The EPA Administrator or his or her designee.

**B. APPLICABLE REGULATION(S).** All City, State, and Federal regulations, rules, laws, ordinances, and codes as they apply to Discharges by Users to, on, or in the POTW and/or any Community Sewer.

**C. AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER.**

1. If the User is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has

been assigned or delegated to the manager in accordance with corporate procedures.

2. If the User is a partnership or sole proprietorship:

a. A general partner or proprietor, respectively.

3. If the User is a Federal, State, or local government facility:

a. A director or highest official appointed or designated to

oversee the operation and performance of the activities of the government facility, or their designee.

4. The individuals described in subdivisions 1 through 3 above, may designate a duly authorized representative, if the authorization is in writing. The authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the facility. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the City prior to or together with any document being submitted.

**D. BATCH DUMP or BATCH DISCHARGE.** The Discharge of concentrated, Non-Compatible Pollutants of a quality or in a manner or method which does not comply with this Title or other applicable State or Federal laws and regulations.

**E. BEST MANAGEMENT PRACTICES or BMPs.** The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**F. BUILDING SEWER.** A Sewer conveying Wastewater from the Premises of a User to a Community Sewer.

**G. BENEFICIAL USES.** Any and all use of the Waters of the State that are protected against quality degradation, including but not limited to domestic, municipal, and agricultural use, use for industrial supply, power generation, recreation, aesthetic enjoyment, or navigation, use for the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other beneficial uses, tangible and intangible, as specified by Federal or State law or other Applicable Regulations.

**H. BIOCHEMICAL OXYGEN DEMAND or BOD.** The quantity of oxygen required for the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/L).

**I. BYPASS.** The intentional diversion of waste streams from any portion of a User's treatment facility.

**J. CALIFORNIA CODE OF REGULATIONS or CCR.** The publication of the State of California government containing finalized State regulations.

**K. CATEGORICAL INDUSTRIAL USER.** Any User subject to a Categorical Pretreatment Standard or Categorical Standard.

**L. CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARDS.** Any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Federal Act (33 U.S.C. 1317) that apply to specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**M. CODE OF FEDERAL REGULATIONS or CFR.** The publication of the United States government that contains finalized Federal regulations.

**N. CITY.** City of Santa Barbara.

**O. COMMERCIAL USER.** Any source of Wastewater Discharge originating from a commercial business.

**P. COMMERCIAL WASTEWATER.** Liquid wastes originating from a commercial business, excluding Domestic Wastewater and Industrial Wastewater.

**Q. COMMUNITY SEWER or SEWER.** A sewer owned and operated by the City or other public agency and tributary to the POTW operated by the City.

**R. COMPATIBLE POLLUTANT.** Pollutants that include Biochemical Oxygen Demand, suspended solids, pH and fecal coliform bacteria. Compatible Pollutants are non-compatible when discharged in quantities that have an adverse effect on the City's collection system, treatment plant or NPDES Permit.

**S. CONTAMINATION.** An impairment of the quality of the Waters of the State by Waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease, aquatic life, or beneficial uses. Contamination shall include any equivalent effect resulting from the disposal of Wastewater, whether or not Waters of the State are affected.

**T. DISCHARGE (including Discharged, Discharging, Discharges).** Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping, disposing or releasing of any Waste or Wastewater to, on or in the POTW or any Community Sewer.

**U. DOMESTIC WASTEWATER.** Liquid Wastes (a) from the non-commercial

preparation, cooking, and handling of food; or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions and as are distinct from Industrial Wastewater.

**V. ENVIRONMENTAL PROTECTION AGENCY or EPA.** The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

**W. EXISTING SOURCE.** Any source of Discharge that is not a “New Source”.

**X. FEDERAL ACT.** The Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, codified as amended at 33 USC Section 1251 et seq., and any amendments thereto; as well as any guidelines, limitations and standards promulgated by EPA pursuant to the Federal Act.

**Y. FOOD ESTABLISHMENT.** Any restaurant, kitchen or other similar facility, whether or not operated commercially or for profit, which is required by the County of Santa Barbara to have a permit for the preparation or provision of food for human consumption.

**Z. GRAB SAMPLE.** A sample that is taken from the wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

**AA. HOLDING TANK WASTE.** Any waste discharged from a holding tank, including but not limited to vessels, chemical toilets, recreational vehicles, septic tanks, and vacuum pump tank trucks.

**BB. INCOMPATIBLE POLLUTANT or NON-COMPATIBLE POLLUTANT.**

Any Pollutant which is not a Compatible Pollutant as defined in Section 16.02.040 of this Title. Incompatible Pollutants shall be regulated by applicable Pretreatment Standards, as set forth in this Title.

**CC. INDUSTRIAL USER.** Any source of Industrial Wastewater Discharge.

**DD. INDUSTRIAL WASTEWATER.** All water-carried Wastes, excluding Domestic Wastewater and Commercial Wastewater, resulting from the processing or manufacture of goods or products.

**EE. INTERFERENCE.** A Discharge that, alone or in conjunction with a Discharge or Discharges from other sources, inhibits or disrupts the POTW's treatment processes or operations or the processing, use or disposal of sludge by the POTW; or which causes a violation of the City's NPDES Permit or prevents lawful sludge disposal or use in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Federal Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**FF. LOCAL LIMIT.** Specific Discharge limits developed and enforced by the City upon a permitted User to implement general and specific Discharge prohibitions listed in 40 CFR Part 403.5(a)(1) and (b).

**GG. LOWER EXPLOSIVE LIMIT or LEL.** The minimum concentration of a

combustible gas or vapor (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present. These concentrations can be found in the National Institute of Occupational Safety and Health Pocket Guide to Chemical Hazards.

**HH. MASS EMISSION RATE.** The weight of material discharged to the Community Sewer during a given time interval. Unless otherwise specified, the Mass Emission Rate shall mean pounds per day of a particular constituent or combination of constituents.

**II. MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**JJ. NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD or STANDARD.** Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Federal Act, which applies to Industrial Users. This term includes prohibitive Discharge limits.

**KK. NEW SOURCE.**

1. Any building, structure, facility or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Federal Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, *provided that:*

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or

c. The production or Wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.

2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs 16.02.040(KK)(1)(b) or (c) of this Title, but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous onsite construction program:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contract under this paragraph.

**LL. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT.** The permit issued to control Discharges from the POTW to Waters of the United States.

**MM. NUISANCE.** Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of Persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

**NN. PASS THROUGH.** A Discharge which exits the POTW into waters of the United States in quantities or concentrations, which alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the City's NPDES Permit, including an increase in the magnitude or duration of a Discharge.

**OO. PATTERN OF NON-COMPLIANCE.**

1. Six or more Discharges during a twelve- (12-) month period, at least thirty-three percent (33%) of which contain the same Non-Compatible Pollutant in a concentration which exceeds the amount allowed by any applicable regulation; or

2. the failure of a User on three (3) or more occasions within a twelve-

(12-) month period to file timely any report or other document required to be filed by the User pursuant to any applicable regulation.

**PP. PERSON.** Any individual, partnership, co-partnership, firm, company, association, corporation, joint stock company, trust, estate, government entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local government entities.

**QQ. POLLUTANT.** Dredged spoil, solid waste, incinerator residue, filter backwash, sanitary sewage, garbage, sewage sludge, munitions, Medical Waste, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial waste, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**RR. POLLUTION.** An alteration of the quality of the Waters of the State by waste to a degree which unreasonably affects or impairs such waters for Beneficial Use or facilities which serve such Beneficial Uses. Pollution may include Contamination.

**SS. PREMISES.** Any land, including any improvements or structures thereon, which is owned, used, occupied, leased or operated by a User and from or on which Discharges occur or Wastewater is created.

**TT. PRETREATMENT.** The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of pollutant properties in Wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the

Pollutants unless allowed by an Applicable Pretreatment Standard.

**UU. PRETREATMENT FACILITY.** Any wastewater treatment system consisting of one or more treatment devices designed to remove sufficient Pollutants from waste streams to allow a User to comply with effluent limits.

**VV. PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a User.

**WW. PRETREATMENT STANDARD or STANDARDS.** Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

**XX. PROCESS WASTEWATER.** Any water, which during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product from any industrial, commercial, institutional, or agricultural source.

**YY. PROHIBITED DISCHARGE STANDARDS.** Absolute prohibitions against Discharge of certain substances, as specified in this Title.

**ZZ. PUBLICLY OWNED TREATMENT WORKS or POTW.** A treatment works, as defined by Section 212 of the Federal Act (33 USC Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastewater and any conveyances, which convey Wastewater to a treatment plant.

**AAA. PUBLIC WORKS DIRECTOR.** The Director of Public Works for the City of Santa Barbara or his or her designated representative.

**BBB. SEWAGE.** Human excrement and gray water (household showers,

dishwashing operations, etc.).

**CCC. STANDARD INDUSTRIAL CLASSIFICATION or SIC.** The system of classifying industries as identified in the SIC Manual, 1972, Office of Management and Budget and as may be amended.

**DDD. SIGNIFICANT INDUSTRIAL USER or SIU.**

1. Any User who has Waste Discharge subject to Categorical Pretreatment Standards under 40 CFR Part 403.6 and 40 CFR chapter I, subchapter N;  
or

2. Any User who:

a. Discharges an average of 10,000 gallons per day or more of Process Wastewater to the POTW, excluding sanitary, non-contact cooling, and boiler blowdown wastewater; or

b. Contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or

c. Is designated by the City on the basis that the User:

(1) Has a reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the POTW operation or the quality of effluent from the POTW; or

(2) May cause or threaten to cause the City to violate its NPDES Permit; or

(3) Has a reasonable potential to violate any Pretreatment Standard; or

(4) Has in its Waste Discharge, an Incompatible Pollutant.

3. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical Wastewater, excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard, and the following conditions are met:

a. The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. The Industrial User annually submits the certification statement required in this Title, together with any additional information necessary to support the certification statement; and

c. The Industrial User never discharges untreated concentrated Wastewater.

**EEE. SIGNIFICANT NONCOMPLIANCE or SNC.** Any action or conduct by a User which constitutes a violation of any applicable regulation and which consists of one or more of the following:

1. Chronic violations of Wastewater Discharge limits, defined here as

those in which 66 percent (66%) or more of all of the measurements taken for the same Pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR Part 403.3(l);

2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent (33%) or more of all of the measurements taken for the same Pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other Pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the City determines has caused, alone or in combination with other Discharges, Interference, or Pass Through (including endangering the health and safety of City personnel or the general public);

4. Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a Discharge;

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self

monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

8. Any other violation or group of violations, which may include a violation of BMPs, which the City determines will adversely affect the operation or implementation of its Pretreatment Program.

**FFF. SLUG LOAD or SLUG DISCHARGE.** Any Discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge Standards in Chapter 16.04 of this Title. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary Batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the City's regulations, Local Limits or Wastewater Discharge Permit conditions.

**GGG. STATE.** The State of California, including any department or agency thereof.

**HHH. STORM WATER.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**III. TOTAL TOXIC ORGANICS.** The sum of all quantifiable values greater than 0.01 mg/L for the toxic organics listed below:

<u>Acenaphthene</u>	<u>4-Chlorophenyl ether</u>	<u>Benzo(ghi) perylene</u>
<u>Acrolein</u>	<u>4-Bromophenyl ether</u>	<u>Fluorene</u>
<u>Acrylonitrile</u>	<u>Bis(2-chloroisopropyl) ether</u>	<u>Phenanthrene</u>
<u>Benzene</u>	<u>Bis(2-chloroethoxy) ether</u>	<u>Dibenzo(a,h) anthracene</u>
<u>Benzidine</u>	<u>Methylene chloride</u>	<u>Indeno(1,2,3-cd) pyrene</u>
<u>Carbon tetrachloride</u>	<u>Methyl chloride</u>	<u>Pyrene</u>
<u>Chlorobenzene</u>	<u>Methyl bromide</u>	<u>Tetrachloroethylene</u>
<u>1,2,4-Trichlorobenzene</u>	<u>Bromoform</u>	<u>Toluene</u>

<u>Hexachlorobenzene</u>	<u>Dichlorobromomethane</u>	<u>Trichloroethylene</u>
<u>1,2-Dichloroethane</u>	<u>Chlorodibromomethane</u>	<u>Vinyl chloride</u>
<u>1,1,1-Trichloroethane</u>	<u>Hexachlorobutadiene</u>	<u>Aldrin</u>
<u>Hexachloroethane</u>	<u>Hexachlorocyclopentadiene</u>	<u>Dieldrin</u>
<u>1,1-Dichloroethane</u>	<u>Isophorone</u>	<u>4,4'-DDT</u>
<u>1,1,2-Trichloroethane</u>	<u>Naphthalene</u>	<u>4,4'-DDE</u>
<u>1,1,2,2-</u>	<u>Nitrobenzene</u>	<u>4,4'-DDD</u>
<u>Tetrachloroethane</u>		
<u>Chloroethane</u>	<u>2-Nitrophenol</u>	<u>alpha-Endosulfan</u>
<u>Bis(2-chloroethyl) ether</u>	<u>4-Nitrophenol</u>	<u>beta-Endosulfan</u>
<u>2-Chloroethyl vinyl ether</u>	<u>2,4-Dinitrophenol</u>	<u>Endosulfan sulfate</u>
<u>2-Chloronaphthalene</u>	<u>4,6-Dinitro-o-cresol</u>	<u>Endrin</u>
<u>p-Chloro-m-cresol</u>	<u>N-nitrosodimethylamine</u>	<u>Endrin aldehyde</u>
<u>Chloroform</u>	<u>N-nitrosodiphenylamine</u>	<u>Heptachlor</u>
<u>2-Chlorophenol</u>	<u>N-nitrosodi-n-propylamine</u>	<u>Heptachlor epoxide</u>
<u>1,2-Dichlorobenzene</u>	<u>Pentachlorophenol</u>	<u>alpha-BHC</u>
<u>1,3-Dichlorobenzene</u>	<u>Phenol</u>	<u>beta-BHC</u>
<u>1,4-Dichlorobenzene</u>	<u>Bis(2-ethylhexyl) phthalate</u>	<u>gamma-BHC</u>
<u>3,3'-Dichlorobenzidine</u>	<u>Butyl benzyl phthalate</u>	<u>delta-BHC</u>
<u>1,1-Dichloroethylene</u>	<u>Di-n-butyl phthalate</u>	<u>Arochlor 1242</u>
<u>1,2-trans-</u>	<u>Di-n-octyl phthalate</u>	<u>Arochlor 1254</u>
<u>Dichloroethylene</u>		
<u>2,4-Dichlorophenol</u>	<u>Diethyl phthalate</u>	<u>Arochlor 1221</u>
<u>1,2-Dichloropropane</u>	<u>Dimethyl phthalate</u>	<u>Arochlor 1232</u>
<u>1,3-Dichloropropylene</u>	<u>Benzo(a)anthracene</u>	<u>Arochlor 1248</u>
<u>2,4-Dimethylphenol</u>	<u>Benzo(a)pyrene</u>	<u>Arochlor 1260</u>
<u>2,4-Dinitrotoluene</u>	<u>Benzo(b)fluoranthene</u>	<u>Arochlor 1016</u>
<u>2,6-Dinitrotoluene</u>	<u>Benzo(k)fluoranthene</u>	<u>Toxaphene</u>
<u>1,2-Diphenylhydrazine</u>	<u>Chrysene</u>	<u>Fluoranthene</u>
<u>Ethylbenzene</u>	<u>Acenaphthylene</u>	<u>Anthracene</u>
<u>Chlordane (tech and metabolites)</u>		

**JJJ. TOTAL SUSPENDED SOLIDS or SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquid, and that is removable by laboratory filtering.

**KKK. UNPOLLUTED WATER.** Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the City having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

**LLL. USER.** Any Person who discharges from any Premises used, in whole or in part, and whether intermittently or continuously, for any commercial, industrial, manufacturing, or institutional purpose.

**MMM. WASTE.** Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such Waste placed within containers of whatever nature prior to, and for purposes of, disposal.

**NNN. WASTEWATER.** Liquid and water-carried industrial Wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which contribute to the POTW.

**OOO. WASTEWATER CONSTITUENTS AND CHARACTERISTICS.** The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters, that serve to define, classify or measure the contents, quality, quantity and strength of Wastewater.

**PPP. WASTEWATER DISCHARGE PERMIT.** A permit issued to a User that allows it to discharge Wastewater to the Community Sewer and POTW.

**QQQ. WATERS OF THE STATE.** Any water, surface or underground, including saline waters within the boundaries of the State as defined in 40 CFR Part 230.3(s).

## **Chapter 16.04 Regulations.**

### **16.04.010. General Prohibitions on Discharges.**

No Person shall introduce or cause to be introduced into a Community Sewer or

the POTW any Waste or Wastewater which causes Pass Through or Interference.  
Additionally, no User shall introduce or cause to be introduced into the POTW the  
following Pollutants, substances, or Wastewater:

A. That create a fire or explosive hazard in the POTW, including, but not  
limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees  
Fahrenheit (60 degrees centigrade) using the test methods specified in 40 CFR Part  
261.21. Closed-cup flashpoint values may be found in the National Institute of  
Occupational Safety and Health (NIOSH) *Pocket Guide to Chemical Hazards*;

B. That have a pH lower than 6.0 or greater than 10.0, or otherwise causing  
corrosive structural damage to the POTW or equipment;

C. That contain solids or viscous substances in amounts which will cause  
obstruction of flow in the POTW resulting in Interference or damage;

D. That include oxygen-demanding substances (BOD, etc.) which are  
released at a flow rate and/or pollutant concentration which, either singly or by  
interaction with other pollutants, will cause Interference with the POTW;

E. That cause the temperature at the POTW to be greater than 104 degrees  
Fahrenheit (40 degrees centigrade), impairment or inhibition of biological treatment  
processes or temperatures of greater than 140 degrees Fahrenheit (60 degrees  
centigrade) at the point of Discharge;

F. That include petroleum oil, non-biodegradable cutting oil, or products of  
mineral oil origin, in amounts that will cause Interference or Pass Through;

G. That result in the presence of toxic gases, vapors, or fumes within the  
POTW in a quantity that may cause acute worker health and safety problems;

H. From any trucked or hauled Pollutants, except at Discharge points designated by the City;

I. That are noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Community Sewer for maintenance and repair;

J. That causes the City's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;

K. That causes a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the City;

L. That create conditions at or near the City's POTW which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body, or which cause the City to violate its NPDES Permit;

M. Quantities or rates of flow which overload the City's collection or treatment facilities, cause excessive City collection or treatment costs, or use a disproportionate share of the City facilities;

N. That causes an LEL reading of greater than ten percent (10%) as hexane at any point within the POTW. LEL values may be found in the NIOSH *Pocket Guide to Chemical Hazards*;

O. That causes obstruction or increased treatment costs due to the presence of any sand, grit, straw, metal, glass, rags, feathers, tar, plastic, wood, manure, dead

animals, offal or any other solid viscous substance which in any way interferes with the proper operation of the POTW; or

P. That causes toxicity at the treatment plant or in the collection system due to the presence of toxic or poisonous substances in sufficient quantities to constitute a hazard to humans or animals or to create a hazard at the treatment plant or to injure or interfere with any sewage treatment processes.

Q. Medical Wastes, except as specifically authorized by Public Works Director in a Wastewater Discharge Permit.

R. Hazardous Waste, which meets the definition under CCR Title 22, Article 11, except as specifically authorized by the Public Works Director in a Wastewater Discharge Permit.

S. Radioactive waste

T. Containing gasoline, naphtha, petroleum oils or any volatile, flammable or explosive gas, liquid or solid in sufficient quantities or combinations to constitute a hazard to humans or animals, to create a hazard in the POTW or to injure or interfere with any sewage treatment process.

Pollutants, substances, or Wastewater prohibited by this Section shall not be processed or stored in such a manner that it could be discharged to the POTW.

**16.04.040. Prohibition on Unpolluted Water.**

**A. PROHIBITED DISCHARGE INTO COMMUNITY SEWER.** No Person shall discharge or cause to be discharged any Storm Water, surface water, ground water, subsurface drainage, or any uncontaminated, unseptic, or non-septic cooling

water, boiler exhaust, blow-off water, non-septic wash-rack drainage, or uncontaminated and non-septic industrial process water, directly or indirectly, to, on or into a Community Sewer unless a permit has previously been issued thereof by the City. The City may approve the Discharge of such water only when no reasonable alternative method of disposal is available.

\_\_\_\_\_ If a permit is granted for the Discharge of such water into a Community Sewer, the Person shall pay the applicable user charges and fees and meet such other conditions as required by the City.

**16.04.050. Slug Discharges.**

\_\_\_\_\_ No User shall discharge or cause to be discharged any Slug Load of materials, chemicals, products, or Waste into the POTW.

**16.04.070. Limitations on the Use of Commercial Garbage Grinders.**

\_\_\_\_\_ Waste from commercial garbage grinders shall not be discharged into a Community Sewer.

**16.04.080. Requirement for Interceptors.**

\_\_\_\_\_ A. Sand and Oil Interceptors.

Sand and oil, interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the removal of sand or oil. All interceptors units shall be of a type and capacity approved by the Public Works Director shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be installed,

utilized and properly maintained in continuous and efficient operation at all times and at the expense of the User.

B. Food Establishments.

Grease and oil interceptors shall be provided at all Food Establishments, or when the Health Officer of the County or the Public Works Director determines that they are necessary for the proper handling of liquid waste containing excessive amounts of grease or oil. No such interceptor shall be required for private dwellings. Grease and oil interceptors shall be installed, utilized and properly maintained in continuous and efficient operation at all times and at the expense of the User. All interceptors shall be of a type, capacity and construction approved in writing by the Public Works Director. Interceptors shall be located so as to be readily and easily accessible for cleaning and inspection and shall be accessible at all times to personnel from the City and the Health Officer of the County for inspection and sampling. Food Establishments which do not have a dishwashing machine or garbage grinder and which show that the Discharge does not contribute grease or oil in excess of the limitations of this Title may apply for a variance from the requirement to install an interceptor.

**16.04.090. Requirement for Installation of Sampling Box.**

When directed by the Public Works Director, Food Establishments shall install a sampling box of a size and type to be specified by the Public Works Director.

**16.04.100. Limitations on Point of Discharge.**

No Person shall discharge any substances directly into a manhole or other

opening in a Community Sewer other than through a City-approved Building Sewer.  
The User must submit a written application and payment of the applicable User charges  
and fees to the City.

**16.04.110. Holding Tank Waste.**

A User proposing to discharge Holding Tank Waste into a Community Sewer  
must obtain a City permit. Unless allowed by the City under the terms and conditions of  
the permit, a separate permit must be obtained for each separate Discharge. This  
permit will state the specific location of Discharge, the time of day the Discharge is to  
occur, the volume of the Discharge and the Wastewater Constituents and  
Characteristics. If a permit is granted for Discharge of such waste into a Community  
Sewer, the User shall pay the applicable User charges and fees and shall meet such  
other conditions as required by the City.

**16.04.120. Local Limitations on Wastewater Strength.**

**A. LIMITS ON WASTEWATER STRENGTH.** No Person shall discharge

Wastewater containing an excess of (as a daily maximum):

0.27 milligrams per liter (mg/L) arsenic  
0.09 mg/L cadmium  
1.1 mg/L copper  
0.97 mg/L cyanide  
2.0 mg/L lead  
0.032 mg/L mercury  
1.86 mg/L nickel  
0.59 mg/L silver  
2.64 mg/L total chromium  
7.11 mg/L zinc  
9.37 mg/L selenium  
0.189 mg/L chlorinated phenolics

42.47 mg/L phenolics  
100 mg/L oil or grease of animal or vegetable origin  
100 mg/L oil or grease of mineral or petroleum origin  
1.3 micrograms per liter (µg/L) endosulfan  
0.6 µg/L endrin  
0.7 µg/L HCH, or  
0.222 mg/L PCBs.

The above limits apply at the point where the Wastewater is discharged to the Community Sewer. All concentrations for metallic substances are for total metal, unless indicated otherwise. The City may impose mass limitation in addition to the concentration-based limitations above.

**B. DILUTION PROHIBITED.**

No User shall ever increase the use of process waste, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in cases when the imposition of mass limitation is appropriate.

**C. NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

Users must comply with the categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**D. BMPS.** The Public Works Director may develop BMPs, by ordinance or in Wastewater Discharge Permits to implement Local Limits and the requirements of Chapter 16.04.

**16.04.140. Fire Precautions.**

Smoking, open fires, the striking of matches, open flame lamps or lanterns, and electrical equipment and appliances that will generate or produce sparks or fire shall not be permitted in any tunnel, storm drain, Sewer or portion thereof where there is or may be an accumulation of flammable gas in explosive quantities.

**16.04.150. Right to Revision.**

The City reserves the right to establish, by ordinance or in Wastewater Discharge Permits, more stringent Standards or Requirements on Discharges to the POTW consistent with the purpose of this Title.

**Chapter 16.08 Administration.**

**16.08.010. Baseline Monitoring Report.**

**A. REQUIRED REPORTING.** Within 180 days after the effective date of a Categorical Pretreatment Standard or 180 days after the final administrative decision made upon a category determination submission under 40 CFR Part 403.6(a)(4), whichever is later, Existing Sources subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the City a report which contains the information listed in Sections 16.08.010 (B)(1)-(8) of this Title. At least ninety (90) days prior to commencement of Discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the City a report which contains the information listed in Sections 16.08.010(B)(1)-(5) of this

Title. New Sources shall report the method of pretreatment they intend to use to meet applicable Categorical Standards. New Sources shall give estimates of the information requested in Sections 16.08.010(B)(4) and (5) of this Title:

**B. REQUIRED REPORTING INFORMATION.** Users, including Existing Users and New Sources, shall submit to the City within the time limits set forth above, the information provided below:

1. Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;

2. Permits. The User shall submit a list of any environmental control permits held by or for the facility;

3. Description of operation. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

4. Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the City from each of the following:

a. Regulated process streams; and

b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR Part 403.6(e). (See paragraph (B)(5)(f) of this section.)

5. Measurement of Pollutants.

a. The User shall identify the Categorical Pretreatment

Standards applicable to each regulated process and any new categorically-regulated processes for Existing Sources;

b. The User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the City) of regulated Pollutants in the Discharge from each regulated process.

c. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported.

d. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard;

e. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

f. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated Wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR Part 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Part 403.6(e) this adjusted limit along with supporting data shall be submitted to the City;

g. Sampling and analysis shall be performed in accordance

with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the Administrator determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures approved by the Administrator, including procedures suggested by the City or other parties;

h. The City may allow the submission of a baseline report which utilizes only historical data as long as the data provides information sufficient to determine the need for industrial Pretreatment measures;

i. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the POTW.

6. Compliance Certification. A statement, reviewed by an Authorized Representative of the User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet the Pretreatment Standards and Requirements;

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

8. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 16.08.060 of this Title and signed by an Authorized Representative of the User.

**16.08.020. Compliance Schedule Progress Report.**

The following conditions shall apply to the schedule required by Section 16.08.010(B)(7) of this Title:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

B. No increment referred to the above shall exceed nine (9) months;

C. The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for delay, and if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the City.

**16.08.030. Reports on Compliance with Categorical Pretreatment Standard**

**Deadline.**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the City a report containing the information described in Section 16.08.010(B)(4) and (5) of this Title. For Users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR Part 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 16.08.060 of this Title.

**16.08.040. Compliance Reports.**

**A. INDUSTRIAL USER REPORTS.** All Significant Industrial Users (Tier I Users in Section 16.08.120(B)(1)) shall submit reports to the City in accordance with 40 CFR Part 403.12(e) and (h). These reports shall be submitted twice each year for the periods July 1 through December 31; and January 1 through June 30; and shall be due on January 30 and July 30 of each year, respectively. If a User monitors any regulated Pollutant at the appropriate sampling location more frequently than required, using the

procedures specified in Section 16.08.130 of this Title, the results of this monitoring shall be included in these reports.

**B. PERMITTED USER REPORTS.** All other permitted Users (Tier II and Tier III as defined in Section 16.08.120(B)(2) and (3)) shall submit reports to the City in accordance with its Wastewater Discharge Permit requirements.

**C. REQUIRED CERTIFICATION OF REPORTS.** All periodic compliance reports must be signed and certified in accordance with Section 16.08.060 of this Title.

**16.08.050. Hauled Waste Reporting/Requirements.**

Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and address of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

**16.08.060. Certification Requirement.**

A. Certification of Permit Applications and User Reports. All reports shall include the following certification: "I certify under penalty of perjury that this document and all attachments to it were prepared under my direction or supervision and in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the Person or Persons who manage the system or those Persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true,

accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations." Reports shall be signed by a responsible corporate officer, general partner, or a duly authorized individual as defined in 40 CFR Part 403.12(l).

B. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the City pursuant to Sections 16.02.040.DDD and 16.08.120.D.9 of this Title must annually submit the following certification statement signed in accordance with the signatory requirements in Section 16.02.040 C. This certification must accompany an alternative report required by the City:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_ to \_\_\_\_\_ [month, days, year):

(1) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 16.02.040 DDD of this Title;

(2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information."

**16.08.070. Notification of Changed Discharge.**

All Users shall promptly notify the City in advance of any substantial change in the volume or character of Pollutants in their Discharge, or of any planned significant changes to the User's operations or system which might alter the nature, quality or volume of the Discharge. The City may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Sections 16.08.120 of this Title, if necessary.

**16.08.090. Notification of Violation.**

If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. Resampling by the User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if City has performed the sampling and analysis in lieu of the User.

If the City performed the sampling and analysis in lieu of the User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

**16.08.100. Notification of Potential Problems.**

**A. REQUIRED NOTICE OF DISCHARGE.** In case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a noncustomary Batch Discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Public Works Director of the incident. This notification shall include the location of the Discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the User.

**B. REPORT ON DISCHARGE.** Within five (5) days following such Discharge, the User shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the Discharge and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability that might be incurred as the result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant of this Title.

**C. NOTIFICATION PROTOCOL.** A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a Discharge described in Section 16.08.100(A). Employers shall ensure that all employees, who cause such a Discharge to occur, are advised of the emergency notification procedure.

**D. NOTICE OF SLUG DISCHARGE.** Users are required to notify the

Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

**16.08.120. Wastewater Discharge Permits.**

**A. PERMIT ADMINISTRATION.** All permits under this Title shall be administered by Public Works Director or designee.

**B. MANDATORY PERMITS.** Users proposing to connect or to discharge into a Community Sewer must obtain a Wastewater Discharge Permit prior to discharge:

1. Tier I Significant Industrial User - Any User who meets any of the following conditions:

a. Has a Waste Discharge subject to Categorical Pretreatment Standards;

b. Has an average Discharge flow of 10,000 gallons per day or more of Process Wastewater to the POTW, excluding sanitary, non-contact cooling water, and boiler blowdown wastewater;

c. Contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or

d. Is designated by the City on the basis that the User:  
(1) Has a reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the POTW operation or upon the quality of effluent from the POTW;

(2) May cause or threaten to cause the City to violate its

NPDES permit;

(3) Has reasonable potential to violate any Pretreatment

Standard; or

(4) Has in its Waste Discharge, a toxic Pollutant.

2. Tier II Non-Significant Industrial User - Any User who meets any of the following criteria:

a. Is not required to obtain a Tier I Permit;

b. Is a Non-Significant Categorical Industrial User;

c. Has Discharge characteristics greater than typical Domestic

Wastewater;

d. Discharges industrial or commercial wastewater which may have potential effects on the City's POTW; or

e. Has a reasonable potential to violate any Local Limit, Pretreatment Standard, or Pretreatment Requirement.

3. Tier III Groundwater Dischargers - Any User who discharges groundwater to the POTW.

**C. OPTIONAL PERMITS.** The Public Works Director may issue a Wastewater Discharge Permit, upon application and in accordance with the terms of this Title, for any of the following kinds of Users:

1. A User who has elected that user charges and fees be based on an estimation of Wastewater flow;

2. A User who has installed or been required to install equipment

designed or intended to reduce Wastewater strength; or

3. A User for whom the Public Works Director has determined that monitoring is required to ensure that Discharges comply with all Applicable Regulations.

**D. PERMIT APPLICATION.** Prospective or existing Users seeking a Wastewater Discharge Permit shall complete and file with the City an application in the form prescribed by the Public Works Director, accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

1. Identifying Information.

a. The name and address of the facility, including the name of the operator and owner.

b. Contact information, description of activities, facilities, and plant production processes on the Premises.

2. Environmental Permits.

A list of any environmental control permits held by or for the facility.

3. Description of Operations, including all of the information listed below.

a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and SIC number(s) of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates the points of Discharge to the POTW from regulated processes.

b. Types of wastes generated, and a list of all raw materials

and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

c. Number and type of employees, hours of operation, and proposed or actual hours of operation.

d. Type and amount of raw materials processed (average and maximum per day).

e. Site plans, floor plans, mechanical and plumbing plans, and details to show all Sewers, floor drains, and appurtenances by size, location, and elevation, and all points of Discharge.

4. Time and duration of Discharges.

5. The location of monitoring all Wastes covered by the Wastewater Discharge Permit.

6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula (40 CFR Part 403.6(e)). Flow rates should also include the 30-minute peak wastewater flow rate and monthly and seasonal variations if they exist.

7. Measurement of Pollutants.

a. The User shall identify the Categorical Pretreatment Standards applicable to each regulated process and any new categorically-regulated processes for Existing Sources.

b. The User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the City) of

regulated Pollutants in the Discharge from each regulated process.

c. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported.

d. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.

8. Any other information deemed by the Public Works Director to be necessary to evaluate the permit application.

9. Application Signatories and Certifications. All Wastewater Discharge Permit applications must be certified in accordance with Section 16.08.060 of this Title and signed by an Authorized Representative of the User.

A facility determined to be a Non-Significant Categorical Industrial User by the Public Works Director pursuant to 16.02.040.DDD must annually submit the signed certification statement in Section 16.08.060.B.

**E. PUBLIC WORKS DIRECTOR PERMIT REVIEW AND DETERMINATION.**

The Public Works Director will evaluate the data furnished by the User. After evaluation and acceptance of the data furnished, the Public Works Director may issue a Wastewater Discharge Permit subject to terms and conditions provided herein. The Public Works Director may deny issuance of a permit where the Discharge alone, or in combination with other Discharges, has the potential to cause:

1. Interference;
2. Pass Through;

3. Insufficient capacity; or
4. Risk to health and safety.

**F. PERMIT CONDITIONS.**

Wastewater Discharge Permits shall be subject to all Applicable Regulations, User charges and fees established by the City. The conditions of Wastewater Discharge Permits shall be enforced by the Public Works Director in accordance with all Applicable Regulations.

Wastewater Discharge Permits must contain the following:

1. A statement that indicates the Wastewater Discharge Permit issuance date, expiration date, and effective date.
2. A statement that the Wastewater Discharge Permit is nontransferable.
3. Effluent limits, including BMPs, based on applicable Pretreatment Standards.
4. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of Pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
5. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
6. Requirements to control Slug Discharge, if determined by the

Public Works Director to be necessary.

7. Compliance with the Wastewater Discharge Permit does not relieve the User of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit.

8. Wastewater Discharge Permits may include any of the following:

a. Limits on rate and time of discharge and/or requirements for flow regulations and equalization;

b. Requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;

c. Requirements for the development and implementation of spill control plans or other special conditions including BMPs necessary to adequately prevent accidental, unanticipated, or non-routine Discharges;

d. Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;

e. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

f. Statements of applicable administrative, civil, and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that requirement by applicable Federal, State, or local law; and

g. Other conditions as deemed appropriate by the Public Works

Director to ensure compliance with this Title, and State and Federal laws, rules, and regulations.

**G. DURATION OF PERMITS.** Permits shall be issued for a specified time period, not to exceed five (5) consecutive years from the effective date of the permit. If the User wants to continue discharge after the expiration of the Wastewater Discharge Permit, a Wastewater Discharge Permit application must be submitted a minimum of forty-five (45) days prior to the expiration date of the Wastewater Discharge Permit. If the User submits a completed Wastewater Discharge Permit application and through no fault of the User, a new Wastewater Discharge Permit is not issued prior to the expiration of the existing Wastewater Discharge Permit, the existing Wastewater Discharge Permit will remain in effect until the City reissues, or denies, as the case may be, a new Wastewater Discharge Permit.

All Wastewater Discharge Permits issued to a User are void upon issuance of a new Wastewater Discharge Permit to that User.

**H. PERMIT FEES.** Wastewater Discharge Permit fees shall be set by a resolution of the City Council and shall reflect all costs associated with administering the permit.

**I. PERMIT MODIFICATIONS.** The terms and conditions of the Wastewater Discharge Permit are subject to modification and change by the Public Works Director prior to the expiration of the permit. The Public Works Director shall attempt to inform the User of modifications to a Wastewater Discharge Permit at least thirty (30) days prior to the modification effective date. Unless the circumstances require otherwise as determined by the Public Works Director, modifications or new conditions to a

Wastewater Discharge Permit shall be issued in writing and shall include a reasonable time schedule for compliance. A Wastewater Discharge Permit may be modified for any of the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.

2. To address significant alterations or additions to the User's operations, processes, or wastewater volume or character since the time of permit issuance.

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of an authorized Discharge.

4. Information indicating that the permitted User poses a threat to the City's POTW, personnel, or receiving waters.

5. Violation of any terms or conditions of the permit.

6. Misrepresentation or failure to fully disclose all relevant facts in the permit application or in any required reporting.

7. Revision of, or a grant of variance from, any Categorical Pretreatment Standard.

8. To correct typographical or other errors in the permit.

**J. NO PERMIT TRANSFER.** Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new or different owner, User, or Premises, or to a new or changed operation at or on any permitted or previously permitted Premises. Wastewater Discharge Permits shall be void upon cessation of operations or transfer to

a different User.

**K. PERMIT REVOCATION.** Any User who violates any of the following conditions of the Wastewater Discharge Permit or of this Title, or applicable State and Federal regulations, is subject to having its permit revoked:

1. Failure to provide prior notification to the Public Works Director of changed conditions pursuant of Section 16.08.070 of this Title;

2. Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;

3. Falsifying self-monitoring reports and certification statements;

4. Tampering with monitoring equipment;

5. Refusing to allow the Public Works Director timely access to the facility Premises and/or records;

6. Failure to meet effluent limitations;

7. Failure to pay fines;

8. Failure to pay sewer charges;

9. Failure to meet compliance schedules;

10. Information indicating that the permitted User poses a threat to the City's POTW, personnel, or receiving waters; or

11. Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Title.

**16.08.130. Monitoring Facilities and Sampling Procedures.**

**A. INSTALLATION OF MONITORING FACILITIES.** The Public Works

Director shall require the User to construct, at its own expense, monitoring facilities adequate to allow inspection and sampling of the Sewer or internal drainage systems at, upon, or in the User's Premises. The Public Works Director may also require the construction of flow measurement facilities and sampling or metering equipment, and may specify which facilities and equipment shall be provided, installed, and operated at the User's expense. The monitoring facility should normally be situated on the User's Premises, but the Public Works Director may, when such a location would be impractical or would cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles; provided, however, that the User shall be required to comply with all applicable encroachment and other land use requirements.

**B. ACCESS TO MONITORING FACILITIES.** If the monitoring facility is inside or on the User's Premises, User shall allow ready access for City personnel. Any change to the accessibility of the User's Premises, such as a new lock or combination, must be provided to the Public Works Director within twenty-four (24) hours following the change.

**C. OBSTRUCTION TO ACCESS.** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be paid by the User. All costs of removing temporary or permanent obstructions shall be paid by the User.

**D. CONSTRUCTION OF MONITORING FACILITIES.** Whether constructed on public or private property, the sampling and monitoring facilities shall be

provided in accordance with the City's requirements and all applicable construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City; unless a time extension is otherwise granted by the City.

**E. SAMPLING PROCEDURES.**

1. Except as provided in Subsection 16.08.130(E)(2) and (3) of this Chapter, the User must collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Works Director. Where time-proportional composite sampling or grab sampling is authorized by the Public Works Director, the samples must be representative of the Discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, Grab Samples may be required to show compliance with instantaneous limits.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. Actual sample type requirements shall be included in the Wastewater Discharge Permit.

3. For sampling required in support of the reports required in Sections 16.08.010 and 16.08.030 of this Chapter, a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Works Director may authorize a fewer grab samples.

4. For reports required by Section 16.08.040 of this Title, the User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

**16.08.140. Recordkeeping.**

Users subject to the reporting requirements of this Title shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Title, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with BMPs established under Section 16.04.120(E) of this Title. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Public Works Director.

**16.08.150. Inspection and Sampling.**

The Public Works Director shall have the right to enter the Premises of any User to determine whether the User is complying with all requirements of this Title and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the Public Works Director access to all parts of the Premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

**A. USER SECURITY.** Where a User has security measures in force which require proper identification and clearance before entry into its Premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Works Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.

**B. INSPECTION INSTALLATIONS.** The Public Works Director shall have the right to install devices on the User's property, or require installation of devices, as are necessary to conduct sampling and/or metering of the User's operation.

**C. DELAY IN ACCESS.** Unreasonable delays in allowing the Public Works Director access to the User's Premises shall be a violation of this Title.

**D. PUBLIC WORKS DIRECTOR SEARCH WARRANT.** If the Public Works Director has been refused access to a building, structure, or property, or any part thereof, and holds a reasonable suspicion that there may be a violation of this Title, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Title or any permit

or order issued hereunder, or to protect overall public health, safety, and welfare of the City, the Public Works Director may seek issuance of a search warrant from the City Attorney.

**16.08.160. Pretreatment.**

Users shall meet limitations established herein before Discharging to any Community Sewer. Any facilities required to pretreat Wastewater shall be provided, and maintained and continuously operated at the User's expense. Prior to construction of any facility subject to regulation under the provisions of this Title, detailed plans showing pretreatment facilities and operating procedures shall be submitted to the Public Works Director for review, and shall be approved by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the User of responsibility for modifying the facility as necessary to produce a wastewater that meets the provisions of this Title. Any subsequent changes in the pretreatment facilities or operation thereof shall be reported to and approved by the Public Works Director prior to implementation.

**16.08.170. Protection from Accidental Discharge.**

**A. ACCIDENTIAL DISCHARGE.** Each User shall provide facilities to prevent the accidental Discharge of prohibited materials or other Wastes regulated by this Title. Such facilities shall be provided and maintained at the User's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before

construction of the facility.

**B. USER RESPONSIBILITY.** The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying the facility as needed to provide the protection necessary to meet the requirements of this Title.

**16.08.180. Confidential Information.**

Information and data regarding a User obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits, monitoring programs, and from the Public Works Director's inspection and sampling activities, shall be made available to the public without restriction unless the User specifically requests in writing, and is able to demonstrate to the satisfaction of the Public Works Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be made at the time of submission of the information or data. When sufficiently demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the person furnishing the report. Notwithstanding the above, Wastewater Constituents and Characteristics and other effluent data as defined in 40 CFR Part 2.302 shall not be recognized as confidential information and shall be made available to the public without

restriction.

**16.08.190. Users Outside City.**

The provisions of the Title shall apply to all Users who discharge Wastewater to, on or into any Community Sewer or the POTW from Premises located inside or outside the City limits.

**16.08.200. Special Agreements.**

Special agreements and arrangements between the City and any Person may be established when, in the opinion of the Public Works Director, unusual or extraordinary circumstances compel special terms and conditions. However, in no instance, shall special agreements relieve a Person from compliance with Categorical Pretreatment Limits or the National Pretreatment Regulations found in 40 CFR Part 403.

**Chapter 16.10 DETERMINATIONS AND CHARGES**

**16.10.010. Determination of Components.**

In order to ensure compliance with the local limitations on Wastewater strength in Section 16.04.120 of this Title, a determination of components contained in Sewage, liquid waste, and industrial waste Discharges will be conducted by the Public Works Director. Monitoring will be performed by means of a sampling device approved by the Public Works Director. Sampling, resampling, and laboratory work performed by the City for monitoring will be performed at the expense of the User.

**16.10.020. Tests, Etc., of Sewage Waste Characteristics.**

All analyses shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(h) of the Federal Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See 40 CFR Parts 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the Pollutants in question, or where the Administrator determines that the 40 CFR Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling procedures approved by the Administrator, including procedures suggested by the City or other parties.

**Chapter 16.12 Enforcement.**

**16.12.010. Enforcement Response Plan.**

The Public Works Director shall investigate instances of noncompliance with any provision of this Title, or with any Pretreatment Standards and Requirements, as indicated in the reports and notices required under 40 CFR Part 403.12, or indicated by analysis, inspection, and surveillance activities performed by the Public Works Director. The City shall conduct enforcement proceedings in accordance with its Enforcement Response Plan. The Enforcement Response Plan, adopted by resolution by the City Council, is incorporated herein by reference and may be amended from time to time to ensure consistent application of the provisions of this Title and Federal and State

regulations.

**16.12.020. Non-Complying Discharges.**

**A. NOTIFICATION OF DISCHARGE.** Any User who causes or permits a Discharge which violates any applicable law, regulation, or the Wastewater Discharge Permit, shall immediately notify the Public Works Director. Notification by the User as required in this Section, shall not, however, relieve the User of liability for any expense, loss or damage to any Community Sewer or the POTW which occurs, directly or indirectly, as a result of the Discharge. Nor shall notification by the User relieve the User of liability for any expense, fee or fine incurred by the City as a result of the Discharge. No later than fourteen (14) days after the Discharge, the User shall deliver to the Public Works Director a detailed written statement describing the cause(s) of the Discharge and the measures taken and/or to be taken to prevent similar Discharges.

**B. NOTICES TO EMPLOYEES.** Each User shall make available to its employees, if any, current copies of this Title and all other information or notices sent to the User by the City that describe or discuss effective water pollution control.

**C. PREVENTIVE MEASURES.** Each User shall eliminate any direct or indirect connection or entry point in the plumbing and/or drainage system on the User's Premises if the connection or entry point can or does allow any Incompatible Pollutant to enter a Community Sewer. Where it would be impracticable or unreasonable to eliminate this kind of connection or entry point, the User shall label these connections and entry points in a manner designed to prevent Persons from causing Incompatible Pollutants to enter the Community Sewer.

**16.12.030. Notice of Violation.**

When the Public Works Director finds that any User has violated, or continues to violate, a provision of this Title, a Wastewater Discharge Permit, an order issued hereunder, a Pretreatment Standard or Requirement or any applicable local, State or Federal law, the Public Works Director may serve upon such User a written Notice of Violation. Within fourteen (14) calendar days of the date of the Notice of Violation, User shall submit to the City a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions to be taken. Submission of this plan in no way relieves the User of liability for any violations occurring before or after the date of the notice of violation. Nothing in this Section limits the authority of the City to take emergency action, or any other enforcement action, without issuing a Notice of Violation.

**16.12.040. Cease and Desist Orders.**

When the Public Works Director finds that a User has violated, or continues to violate, any provision of this Title, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standards or Requirement, or that the User's past violations are likely to reoccur, the City may issue an order to the User directing it to cease and desist all violations and directing the User to immediately comply with all requirements of this Title and applicable local, State and Federal law. Nothing in this Section limits the authority of the City to take emergency action, or any other enforcement action, without issuing a Cease and Desist Order.

**16.12.050. Submission of Time Schedule.**

When the Public Works Director finds that a Discharge of Wastewater has been taking place, in violation of prohibitions or limitations prescribed in this Title, Wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit, the City may require the User to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the User shall take in order to prevent or correct a violation of any of these requirements.

If the Public Works Director determines that a Discharge has occurred or is occurring and that the Discharge violates any applicable regulation or Wastewater Discharge Permit, the Public Works Director may require the Person who caused or permitted the Discharge to submit to the City a detailed time schedule of specific actions which the Person shall take in order to prevent or correct any violation of any applicable regulation or Wastewater Discharge Permit.

**16.12.060. Appeals.**

**A. REQUEST FOR RECONSIDERATION.** Any User, permit applicant, permit holder, or Person affected by any decision, action or determination, including the assessment of fines and civil penalties, Cease and Desist Orders, revocation of a permit, and other administrative remedies, made by the Public Works Director, interpreting or implementing the provisions of this Title or in any permit issued herein, may file with the Public Works Director a written request for reconsideration within

fifteen (15) calendar days of such decision, action, or determination, setting forth in detail the facts supporting the User's or Person's request for reconsideration.

**B. PUBLIC WORKS DIRECTOR DECISION REMAINS IN EFFECT PENDING APPEAL.** The decision, action or determination of the Public Works Director shall remain in effect during such period of reconsideration and during the period of any appeal or judicial review under the provisions of this Code.

**C. APPEAL TO CITY COUNCIL.** A decision, action or determination of the Public Works Director, after reconsideration is granted or denied, may be appealed to the City Council under the provisions of Chapter 1.30 of this Code, except that, as to decisions to assess a administrative penalties in accordance with Sections 16.12 herein, the time limit for judicial review that is to be found in California Code of Regulations Section 54740.6, as may be amended from time to time, shall control, to the extent allowed by law.

**16.12.070. Affirmative Defenses to Discharge Violations.**

**A. UPSET.**

1. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action

brought for noncompliance with applicable Pretreatment Standards if the requirements of Section 16.12.070(A)(3) of this Title are met.

3. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the User can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

c. The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(1) A description of the indirect Discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users may seek a judicial determination of a claim of upset only in

an enforcement action brought for noncompliance with applicable Pretreatment Standards.

6. Users shall control production of all Discharges to the extent necessary to maintain compliance with applicable Pretreatment Standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**B. PROHIBITED DISCHARGE STANDARDS.**

1. A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Chapter 16.04 of this Title if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference and that either:

a. A Local Limit exists for each Pollutant discharged and the User was in compliance with each limit directly prior to, and during the Pass Through or Interference; or

b. No Local Limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

**C. BYPASS.**

1. A User may allow a Bypass to occur which does not cause

Pretreatment Standards or Requirements to be violated, but only if it also is essential for maintenance to assure efficient operation. A Bypass meeting this limitation is not subject to the provisions of Sections 16.12.070(C)(2) or (3) of this Title.

2. Bypass Notifications

a. If a User knows in advance of the need for a Bypass, it shall submit prior notice to the Public Works Director, at least ten (10) days before the date of the Bypass, if possible.

b. A User shall submit oral notice to the Public Works Director of an unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) calendar days of the time that the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

3. Prohibited Bypass

a. Bypass is prohibited and the Public Works Director may take an enforcement action against a User for a Bypass unless all of the following are met:

(1) Bypass is unavoidable to prevent loss of life, personal injury or Severe Property Damage which means substantial physical damage to property, damage to the treatment facilities which causes them to be inoperable, or

substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production;

(2) There was no feasible alternative to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(3) The User submitted notices as required by Section 16.12.070(C)(2) of this Title.

b. The Public Works Director may approve an anticipated Bypass after considering its adverse effects, if the Public Works Director determines that the Bypass will meet the three conditions listed in Section 16.12.070(C)(3)(a) of this Title.

## **Chapter 16.14 Abatement.**

### **16.14.010. Public Nuisance.**

Discharges of Wastewater which in any way violate this Title or any permit or order issued by the Public Works Director pursuant to this Title are a public nuisance and shall be corrected or abated as directed by the Public Works Director.

**16.14.020. Injunction.**

When the Public Works Director finds that a User has violated, or continues to violate, any provision of this Title, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Public Works Director may petition the Superior Court through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this order on activities of the User. The Public Works Director may also seek such other action as appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

**16.14.030. Damage to Facilities.**

When a User causes a Discharge of Waste which obstructs, damages or impairs the POTW or a Community Sewer, the City may assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's sewer service charges.

**16.14.040. Published Notices of Significant Violators.**

The City will publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the City, a list of the Users which, at any time during the previous twelve (12) months, were in Significant

Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance, as defined in Section 16.02.040(EEE) of this Title, shall be applicable to all Tier I Users. This term also shall apply to any other Users that violate Sections 16.02.040(EEE)(3) and (4), or (8) of this Title and those Users will also be included in this list.

**16.14.050. Administrative Civil Penalties.**

Any provision of this Title may be enforced by the Public Works Director acting through use of administrative procedures and imposing administrative civil penalties for violations, as follows:

A. The Public Works Director may determine violations of this Title by administrative hearing and, based upon the results of that hearing, order administrative civil penalty(ies) to be assessed against the party responsible for the violation, in accord with the provisions of this Title and California Code of Regulations Section 54740.5, as may be amended from time to time.

B. In addition to general enforcement through administrative civil penalties as authorized herein, the Public Works Director is designated to be the hearing officer for administrative enforcement authorized pursuant to the California Code of Regulations Sections 54740.5 and 54740.6.

C. Hearing, waiver of hearing, orders, reconsideration, appeal to the City Council, judicial review, delinquencies, lien, and confirmation regarding administrative remedies shall be as provided in accordance with California Code of Regulations Sections 54740.5 and 54740.6, as may be amended from time to time, and as provided

in this Title.

D. In determining the amount of civil liability, the hearing officer or board may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, any economic benefit gained through the User's violation, the length of time over which the violation occurs and corrective actions taken by the User.

E. Civil penalties may be imposed by the City as follows:

1. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.

2. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the City.

3. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for Discharges in violation of any waste Discharge limitation, permit condition, or requirement issued, reissued, or adopted by the local agency.

4. In an amount which does not exceed ten dollars (\$10) per gallon for Discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by a City.

5. The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the Discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and

effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of law.

6. All moneys collected under this section shall be deposited in a special account of the City and shall be made available for the monitoring, treatment, and control of Discharges into the City's Community Sewer or POTW or for other mitigation measures.

7. Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

8. The City may, at its option, elect to petition the Superior Court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of law.

F. Except as provided in this Section, remedies under this Section are in addition to, and do not supersede or limit the use of, any and all other remedies, civil or criminal, available under this Title and under the statutes and regulations of the State of California and the United States of America. No penalties shall be recoverable under this Section 16.14.050 for any violation for which civil liability is recovered under Section 16.14.060 or California Code of Regulations Section 54740.

G. Administrative remedies, fines and other civil penalties imposed pursuant to the provisions of this Title may, at the sole discretion of the Public Works Director, be

added to and collected with the applicable User's sewer service charges.

H. Except as provided in this Section, issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.

**16.14.060. Judicial Civil Penalties.**

**A. CIVIL PENALTIES.** Any User who violated, or continues to violate, any provision of this Title, a Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$25,000 a day for each violation. In the case of an exceedance of a monthly or other long-term average Discharge limit, penalties shall accrue for each day during the period of the violation. The City Attorney, upon order of the City Council, shall petition the Superior Court to impose, assess and recover such sums.

**B. ATTORNEY'S FEES.** The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

**C. FACTORS RELEVANT TO LIABILITY.** In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions taken by the User, the compliance history of the User, and any other factor as justice requires.

**D. REMEDIES NOT EXCLUSIVE.** Filing a suit for civil penalties shall not be

a bar against, or a prerequisite for, taking any other action against a User; provided, however, no liability shall be recoverable under this Section for any violation for which liability is recovered under Section 16.14.050, herein, or California Code of Regulations Section 54740.

**16.14.070. Criminal Penalties.**

Any Person who intentionally or negligently violates any provision of this Title, a Wastewater Discharge Permit or an order issued hereunder, or any other Pretreatment Standard or Requirement, upon conviction, shall be liable for a sum not less than \$1,000 per violation per day, or for imprisonment for not more than six (6) months in the County jail, or both.

**16.14.080. Falsifying of Information.**

It is unlawful for any Person to make or file, or cause to be made or filed, any statement, representation, record, report, plan or other document which is false and which is required to be made or filed pursuant to any applicable regulation or Wastewater Discharge Permit, or to falsify, tamper with, or knowingly render inaccurate any monitoring device, sampling or method required under this Title and shall be subject to any and all enforcement provisions provided in this Title.

**16.14.090. Emergency Suspension.**

The Public Works Director may immediately suspend a User's Discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or

threatened Discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Works Director may also immediately suspend a User's Discharge after notice and opportunity to respond that threatens to interfere with the operation of the Community Sewer or POTW, or which presents, or may present, an endangerment to the environment. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Title.

**A. NOTIFICATION OF SUSPENSION.** Any User notified of a suspension of its Discharge shall immediately stop or eliminate its Discharge. In the event of a User's failure to immediately voluntarily comply with the suspension order, the Public Works Director may take such steps as deemed necessary, including immediate severance of the Sewer connection, or turning off water supply, to prevent or minimize damage to the Community Sewer or POTW, its receiving stream, danger to any individuals or to prevent continued violation of this Title or Wastewater Discharge Permit. The Public Works Director may allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the Public Works Director that the violation has passed, unless termination proceedings in accordance with Section 16.14.100 of this Title are initiated against the User.

**B. USER RESPONSIBILITY.** A User responsible, in whole or in part, for any Discharge presenting imminent danger shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any termination hearing under Section 16.14.100 of this Title.

C. COST TO SUSPEND OR MITIGATE. The User is responsible for any costs incurred to suspend or mitigate the impact of the Discharge. Such costs may be added to the User's sewer service charges.

**16.14.100. Termination of Discharge.**

Any User who violates any of the following conditions is subject to Discharge termination:

- A. Violation of Wastewater Discharge Permit conditions.
- B. Failure to accurately report Wastewater Constituents and Characteristics of its Discharge.
- C. Failure to report significant changes in operations or Wastewater Constituents, and Characteristics prior to discharge.
- D. Refusal of reasonable access to the User's Premises for the purpose of inspection, monitoring, or sampling.
- E. Violation of the Pretreatment Standards in Chapter 16.04 of this Title.

Such User shall be notified of the proposed termination of its Discharge and be offered an opportunity to show why the proposed action should not be taken. Termination of the User's Discharge by the Public Works Director shall not be a bar, or a prerequisite for, taking any other action against the User.

**Chapter 16.15 Urban Pollution Controls Non-PointSource Discharge Restrictions.**

**16.15.010. Water Pollution Prohibited.**

No Person, who does not possess a current and valid permit or agreement for the discharge, shall throw, discharge or otherwise deposit or place or cause or permit to be placed into the Waters of the State or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other Waters of the State, any Waste, Medical Waste, Contamination or Pollution or other substance which impairs the quality of the drainage, including without limitation:

A. Any Pollution or Contamination or any substance, matter, or thing, liquid, solid or gas, which materially impairs the aesthetics or usefulness of such water, except as may be provided for in this Chapter;

B. Any commercial or industrial waste, including, without limitation, any fuel, solvent, detergent, plastic pieces or other pellets, hazardous substances, fertilizers, pesticides, slag, ash, or sludge;

C. Any measurable quantity of heavy metals including without limitation, any cadmium, lead, zinc, copper, silver, nickel, mercury or chromium, or the elements of phosphorous, arsenic, or nitrogen;

D. Any animal feces, any animal waste or animal discharge from confinement facilities for animals, kennel, coup, pen, stable, or recreational or show facilities;

E. Any human feces, diseased matter or matter containing significant concentrations of fecal coliform, fecal streptococcus, or enterococcus;

F. Any substance having a pH of less than 6 or greater than 9;

G. Any quantity of petroleum hydrocarbons, including without limitation, any crude oil or any fraction thereof, hydrocarbon fuel, solvent, lubricants, surfactants, waste

oil, coolant, or grease;

H. Any water or other solvent or substance used for commercial or industrial processing; for commercial washing of automobiles or parts of automobiles; for cleaning industrial or commercial operations or Premises; for cleaning debris, Waste or residue collectors; for cleaning carpets, pads, flooring or walkways; or for cleaning construction, pavement, concrete, paint or plaster;

I. Any residue or collection from portable toilets or water softeners;

J. Any water or other solvent or substance collected after the use of the substance to clean, cleanse, flush, rinse or otherwise treat any commercial or industrial premises, process or equipment, or food production;

K. Any water for swimming pools, spas or Jacuzzis; or

L. Any economic poison, toxic or hazardous material.

Any permit for such discharge must be approved by the Public Works Director, or a California State official or U.S. Government Official having jurisdiction over such discharge.

**16.15.020. Discharges Exempt from Prohibition.**

The following discharges are exempt from the prohibitions of Section 16.15.010 of this Title:

A. Uncontaminated discharges from landscape irrigation;

B. Uncontaminated discharges from water line flushing;

C. Uncontaminated discharges from potable water sources;

D. Uncontaminated discharges from foundation drains;

E. Uncontaminated discharges from footing drains;

F. Uncontaminated discharges from air conditioning condensate;

G. Uncontaminated discharges from irrigation water;

H. Uncontaminated discharges from lawn watering;

I. Uncontaminated discharges from crawl space pumps;

J. Uncontaminated discharges from individual residential automobile washing; and

K. Uncontaminated discharges from street washing, including sidewalk washing.

**16.15.030. Discharge of Hazardous Substances Prohibited.**

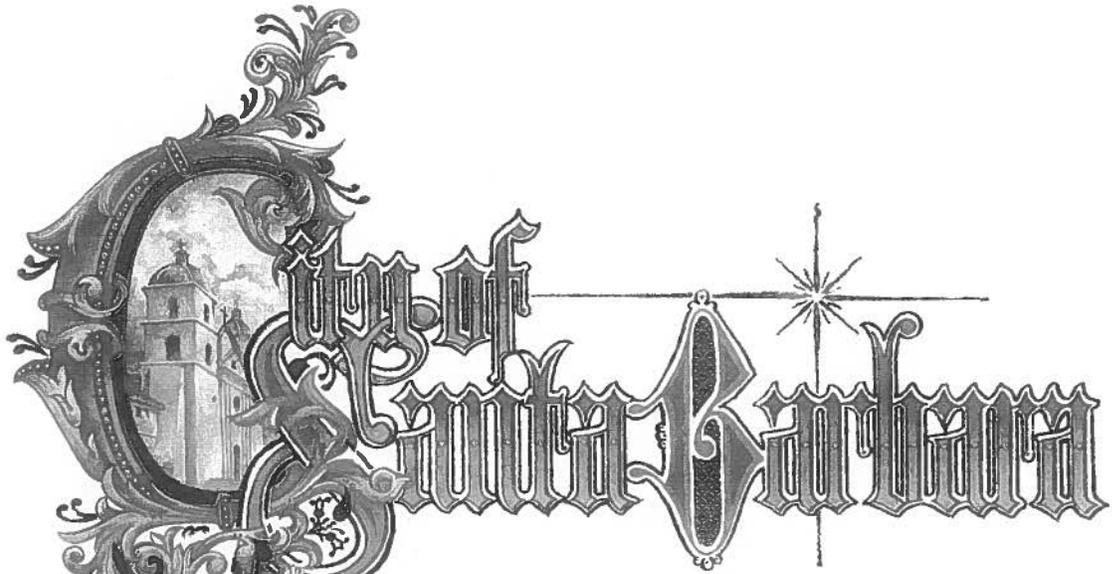
No Person shall throw, discharge or otherwise deposit or cause or permit to be placed into the Waters of the State or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other Waters of the State, any quantity of hazardous substance as included or defined in CCR Section 25316, without a permit or agreement approved by the Public Works Director, a California State official or U.S. Government Official having jurisdiction over the Discharge.

**Chapter 16.16 SEVERABILITY.**

**16.16.010. Severability.**

If any provision of this Title is invalidated by any court of competent jurisdiction, the remaining provisions of this Title shall not be affected and shall continue in full force

and effect.



**SOROPTIMIST INTERNATIONAL  
OF SANTA BARBARA  
"WORKPLACE CAMPAIGN  
TO  
END DOMESTIC VIOLENCE"**

**NOVEMBER 2014**

*WHEREAS, November is End Domestic Violence Month; and*

*WHEREAS, the Soroptimist "Workplace Campaign to End Domestic Violence" is an ongoing Soroptimist effort to promote awareness, advocacy and action; and*

*WHEREAS, Domestic Violence (DV) is a serious and violent social problem that exists in all economic segment of society, in all cultures, and in all countries of the world; and knowing that every nine seconds a woman is beaten in the United States, totaling more than 1.3 million each year; and*

*WHEREAS, Soroptimist are in a position worldwide to educate everyone, especially women, that they have the right to feel safe and to live free from violence at home and in the work place; and*

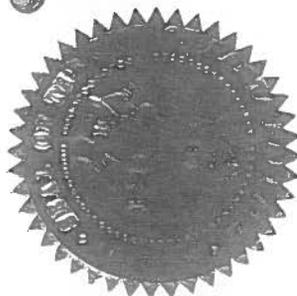
*WHEREAS, the Soroptimist Workplace Campaign to End Domestic Violence are ongoing Soroptimist efforts to promote awareness, advocacy and action; and*

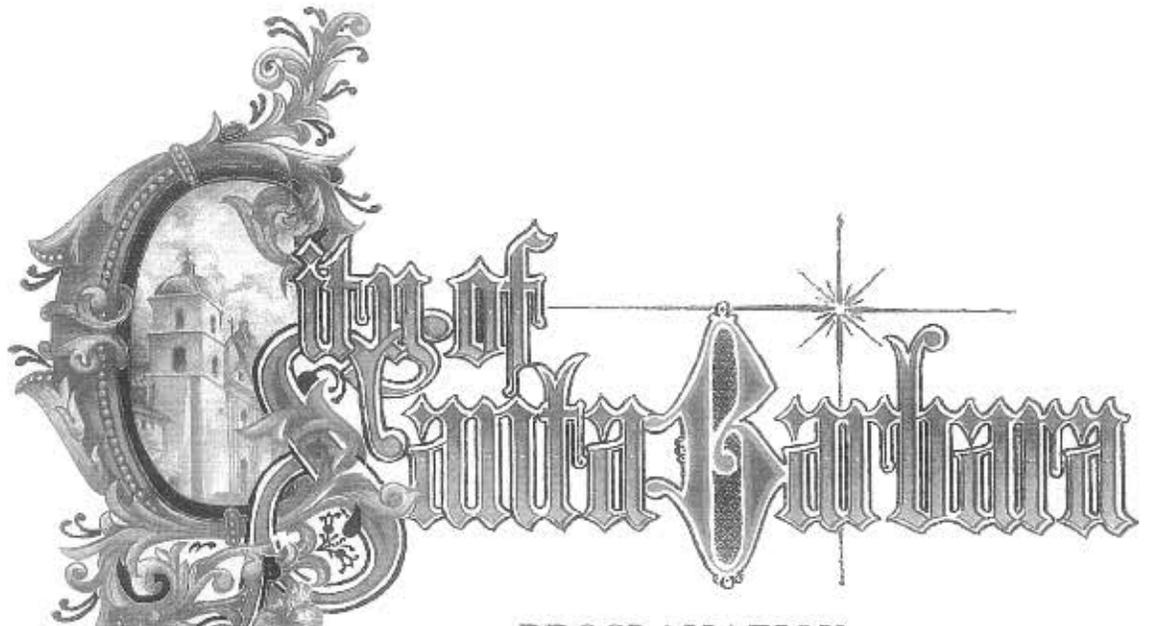
*WHEREAS, Soroptimist is an international volunteer organization for women who work to improve the lives of women and girls, in local communities and throughout the world has launched a region-wide awareness campaign designating "Color me PURPLE" for domestic violence.*

**NOW, THEREFORE, I HELENE SCHNEIDER**, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California do hereby congratulate Soroptimist International of Santa Barbara on their contribution for advocating and educating communities with their "Workplace Campaign to End Domestic Violence".

*IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 11<sup>th</sup> day of November 2014.*

  
**HELENE SCHNEIDER  
MAYOR**





**PROCLAMATION  
NATIONAL RUNAWAY PREVENTION MONTH  
November 2014**

*WHEREAS, Youth and Family Services YMCA, believes the future well-being of our nation is dependent on the value we place on our young people; and*

*WHEREAS, nearly 2 million youth from every life circumstance are in a runaway and homeless situation each year. Their home environments are unsafe and unhealthy, resulting in limited access to the essential opportunities to acquire the knowledge, skills, and abilities necessary to develop into healthy productive adults; and*

*WHEREAS, the first step in preventing youth from making the decision to run away is gaining an understanding of the facts about runaway youth and dispelling the myths; and*

*WHEREAS, we must challenge adults to act as mentors and role models for youth, guiding them towards resources and safe, healthy and productive choices.*

*NOW, THEREFORE, I, HELENE SCHNEIDER, as Mayor of the City of Santa Barbara, California, do hereby proclaim **November 2014 as NATIONAL RUNAWAY PREVENTION MONTH** in support of increasing public awareness, and to provide positive and safe alternatives to runaway and homeless youth and their families.*

*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 11<sup>th</sup> day of November 2014.*

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**HELENE SCHNEIDER**  
Mayor



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING October 28, 2014 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance and Ordinance Committees met at 12:30 p.m.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

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

Councilmembers absent: None.

Staff present: Acting City Administrator Paul Casey, City Attorney Ariel Pierre Calonne, Deputy City Clerk Susan Tschech.

### CEREMONIAL ITEMS

- Subject: Proclamation Declaring October 25-31, 2014, As Santa Barbara Fighting Back Red Ribbon Week (120.04)**

Action: Proclamation presented to Luis Gomez, Teresita Flores, and Evelyn Ahumada, representing Friday Night Live, and to Ed Stonefelt, Executive Director of the Council on Alcoholism and Drug Abuse.

### COUNCIL AND STAFF COMMUNICATIONS

Jill Zachary, the City's Assistant Parks and Recreation Director, commented on and answered Councilmembers' questions regarding the need to remove four of the Anapamu Street Stone Pine trees and the effort to save the rest of these trees.

## **PUBLIC COMMENT**

Speakers: Peter Marin, Committee for Social Justice; Edmond Finucane; Kenneth Loch; Wayne Scoles; Mickey Flacks; Jose Arturo Gallegos; Wayne Mellinger; Bob Hansen.

## **CONSENT CALENDAR (Item Nos. 2 – 9)**

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

Motion:

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

Vote:

Unanimous roll call vote.

### **2. Subject: Minutes**

Recommendation: That Council waive further reading and approve the minutes of the regular meeting of October 14, 2014.

Action: Approved the recommendation.

### **3. Subject: Adoption Of Ordinance For 2014-2017 Treatment And Patrol Memorandum Of Understanding (440.02)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2014-2017 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units).

Action: Approved the recommendation; Ordinance No. 5672; Agreement No. 25,009.

### **4. Subject: Introduction Of Ordinance Approving Grant Agreements For Storm Water Infiltration Projects And The Clean Water State Revolving Fund Financing Agreements (540.10)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Ratifying the Grant Agreements and the Clean Water State Revolving Fund Financing Agreements Between the City of Santa Barbara and the State Water Resources Control Board That Were Authorized by City Council Resolution Nos. 07-033, 07-043, 12-088, 14-056, 14-057, 09-013, and 09-090 (as Amended by Resolution No. 10-089.)

(Cont'd)

**4. (Cont'd)**

Action: Approved the recommendation (October 28, 2014, report from the Parks and Recreation and Public Works Directors; proposed ordinance).

**5. Subject: September 30, 2014, Investment Report And September 30, 2014, Fiscal Agent Report (260.02)**

Recommendation: That Council:

- A. Accept the September 30, 2014, Investment Report; and
- B. Accept the September 30, 2014, Fiscal Agent Report.

Action: Approved the recommendations (October 28, 2014, report from the Finance Director).

**6. Subject: Agreement For Fats, Oils, And Grease Inspection Services For Food Services Establishments (540.13)**

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services Agreement with the Wallace Group in the amount of \$111,563 for fats, oils, and grease inspection services for the City's food service establishments, and authorize the Public Works Director to approve expenditures of up to \$11,156 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Agreement No. 25,010 (October 28, 2014, report from the Public Works Director).

**7. Subject: Contract For Asset Management Support Services For The El Estero Wastewater Treatment Plant (540.13)**

Recommendation: That Council authorize the Public Works Director to execute a contract with Carollo Engineers, Inc., in the amount of \$238,986 to provide asset management support services for the El Estero Wastewater Treatment Plant, and authorize the Public Works Director to approve expenditures of up to \$23,899 for extra services of Carollo Engineers, Inc., that may result from necessary changes in the scope of work, for a total not-to-exceed amount of \$262,885.

Action: Approved the recommendation; Contract No. 25,011 (October 28, 2014, report from the Public Works Director).

**8. Subject: Capital Improvement Projects: First Quarter Report For Fiscal Year 2015 (230.01)**

Recommendation: That Council receive the City's Capital Improvement Projects First Quarter Report for Fiscal Year 2015.

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly.

Action: Approved the recommendation (October 28, 2014, report from the Public Works Director).

**NOTICES**

9. The City Clerk has on Thursday, October 23, 2014, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Dale Francisco reported that the Committee met to consider Staff recommendations related to contracts for banking and armored car services; these contracts will be submitted to the full Council in the near future. The Committee also reviewed the September 30, 2014, Investment and Fiscal Agent Reports, which were approved by the full Council as part of this agenda's Consent Calendar (Item No. 5).

**REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Randy Rowse reported that the Committee continued its review of proposed Municipal Code amendments and new ordinances related to behavior on City sidewalks and panhandling. The Committee approved the ordinances, which will be forwarded to the full Council for its consideration by the end of the calendar year.

## **PUBLIC HEARINGS**

Councilmember White stated he would not participate in the following item due to a conflict of interest related to his ownership of a rental property that would be included within the proposed district. He left the meeting at 2:36 p.m.

### **10. Subject: Renewal Of The Santa Barbara South Coast Tourism Business Improvement District (290.00)**

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the City Council of the City of Santa Barbara Declaring Results of Majority Protest Proceedings and Renewing the Santa Barbara South Coast Tourism Business Improvement District;
- B. Adopt the 2015-2020 Santa Barbara South Coast Tourism Business Improvement District Management District Plan;
- C. Approve a contract with Visit Santa Barbara for the provision of duties, responsibilities and objectives as specified in the 2015-2020 Santa Barbara South Coast Tourism Business Improvement District Management District Plan; and
- D. Adopt, by reading of title only, A Resolution of Intention of the City Council of the City of Santa Barbara Declaring its Intention to Modify the 2011-2015 Management District Plan of the Santa Barbara South Coast Tourism Business Improvement District and Fixing the Time and Place of a Public Meeting and a Public Hearing Thereon and Giving Notice Thereof.

Documents:

- October 28, 2014, report from the Acting Assistant City Administrator.
- Proposed resolutions.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Public Comment Opened:  
2:36 p.m.

Speakers:

- Staff: Treasury Manager Genie Wilson, City Attorney Ariel Calonne.
- Visit Santa Barbara: Cheryl Cuming (Civitas), Executive Director Kathy Janega-Dykes.
- Members of the Public: Jeanette Webber, Santa Barbara Hotel Group; Gwen Stauffer, Visit Santa Barbara; Matthew La Vine; Kathy Janega-Dykes, Visit Santa Barbara; Tyler Tomblin; Ken Oplinger, Santa Barbara Region Chamber of Commerce; Michael Cohen; Scott Perry; Debbie Neer; Kay Morter; Andrew Firestone; James Fenkner; Rich Untermann; Richard Nahas, Visit Santa Barbara; Richard Yates.

(Cont'd)

**10. (Cont'd)**

Public Comment Closed:  
3:25 p.m.

Motion:

Councilmembers Murillo/Hart to approve the recommendations;  
Resolution Nos. 14-072 and 14-073; Contract No. 25,012.

Vote:

Unanimous roll call vote (Absent: Councilmember White).

Councilmember White returned to the meeting at 3:36 p.m.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

POLICE DEPARTMENT

**11. Subject: Enhanced Safety Presence Options For The Downtown Corridor (520.04)**

Recommendation: That Council provide direction to staff as to what Safety Presence option should be implemented in the downtown corridor.

Documents:

- October 28, 2014, report from the Chief of Police.
- PowerPoint presentation prepared and made by Staff.
- Position Statement by Downtown Organization of Santa Barbara, Inc.

Speakers:

- Staff: Police Chief Camerino Sanchez, Deputy Police Chief Frank Mannix, Acting City Administrator Paul Casey, City Attorney Ariel Calonne.
- Members of the Public: Nancy McCradie; Kathy Janega-Dykes, Visit Santa Barbara; Maggie Campbell, Downtown Santa Barbara; Mike McGrew, Santa Barbara Police Officers' Association; Bob Stout; Warren Butler; Ken Oplinger, Santa Barbara Region Chamber of Commerce; Dave Lombardi, Downtown Santa Barbara; Cath Webb; Jim Westby; Mark Whitehurst, Downtown Santa Barbara; Sharon Byrne, Milpas Community Association; Mike Jordan.

Motion:

Councilmembers Francisco/Hotchkiss to direct Staff to pursue the Community Service Officer option for enhancing the safety presence in the downtown corridor.

Vote:

Unanimous voice vote.

(Cont'd)

**11. (Cont'd)**

Motion:

Councilmembers Hart/Hotchkiss to direct Staff to place an item on a future Council agenda regarding the possible addition of one police officer position to the Police Department.

Vote:

Majority voice vote (Ayes: Councilmembers Hart, Hotchkiss, Murillo, Rowse; Noes: Councilmembers Francisco, White, Mayor Schneider).

**RECESS**

5:06 p.m. – 5:12 p.m.

**MAYOR AND COUNCIL REPORTS**

**13. Subject: Interviews For City Advisory Groups (140.05)**

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to November 11, 2014.  
(Estimated Time: 4:00 p.m.; Continued from October 21, 2104, Item No. 13)

Speakers:

The following applicants were interviewed:

Access Advisory Committee:

Martha Degasis

Airport Commission:

Dolores Johnson

Bruce Miller

Paul Bowen

Arts Advisory Committee:

Margie Yahyavi

Civil Service Commission:

Gabe Dominocielo

Community Development and Human Services Committee:

Cruzito Herrera Cruz

Community Events and Festivals Committee:

Roger Perry

Creeks Advisory Committee:

Natasha Lohmus

Penny Owens

LeeAnne French

(Cont'd)

**13. (Cont'd)**

Speakers (Cont'd):

- Fire and Police Pension Commission:  
Gabe Dominocielo
- Historic Landmarks Commission:  
Judith Orias
- Parks and Recreation Commission:  
LeeAnne French
- Rental Housing Mediation Task Force:  
Bruce Wollenberg
- Sister Cities Board:  
Takako Wakita
- Transportation and Circulation Committee:  
Kathleen Rodriguez  
Hillary Blackerby

The Mayor stated that interviews will be held again on November 11, 2014.

CITY ATTORNEY

**12. Subject: District Elections Ballot Measure (110.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Directing the City Clerk and City Attorney to Prepare All Necessary Actions and Documents to Enable the City Council to Place Before the Voters at the Next Regular Council Election in November 2015 the Question of Whether to Establish District Elections.

Documents:

- October 28, 2014, report from the City Attorney.
- Proposed resolution.
- October 26 and October 28, 2014, e-mails from A. Barry Cappello.
- October 28, 2014, e-mail from Cruzito Herrera Cruz.
- October 28, 2014, letter from the League of Women Voters of Santa Barbara.

The title of the resolution was read.

Speakers:

- Staff: City Attorney Ariel Calonne.
- Members of the Public: Susan Shank, League of Women Voters; Mickey Flacks; Barry Cappello, District Elections Committee; Cruzito Herrera Cruz.

(Cont'd)

**12. (Cont'd)**

Motion:

Councilmembers Francisco/Rowse to approve the recommendation;  
Resolution No. 14-074.

Vote:

Unanimous roll call vote.

**COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

Information:

Councilmember Murillo reported that the Santa Barbara Youth Council will sponsor an event to be held on Thursday, October 30, 2014, as part of the Campaign to Prevent Bullying.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 6:17 p.m. in memory of Santa Barbara Police Officer David William Anduri, Jr.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

**FROM:** Administrative Services, Police Department

**SUBJECT:** Appropriation Of Federal Shared Asset Forfeiture Reserve Funds

### **RECOMMENDATION:**

That Council appropriate \$25,866 of the Federal Shared Asset Forfeiture Reserve to the Police Department's Federal Shared Asset Forfeiture Fund for the purchase and installation of a metal detector in the Police Department lobby, and reimbursement for the new monitors and stands for the new Communications Center.

### **DISCUSSION:**

The Police Department participates in the Department of Justice's Asset Forfeiture Program which shares federally forfeited property and funds with participating and eligible law enforcement agencies. Through this program, the Department receives funds when participating in joint investigations with federal agencies. The funds received from this program are restricted and expenditures must meet the qualifications of the program.

The Police Department proposes to use the funds allocated to cover the purchase and installation of a metal detector in the lobby of the Police Department facility and to cover the purchase of the new monitor stands and monitors for the new Communications Center.

The project to install a metal detector is an approved project that enhances security at the Police building. The Police Department plans to install a walk-through metal detector in the lobby. The detector would be placed at the entrance to the "non-public area" of the building and *only* persons entering the "non-public area" would be subject to screening for dangerous weapons. The cost to purchase and install the metal detector is \$7,000.

In July 2014, the Department of Justice Asset Forfeiture Program policies were updated to include the purchase of 9-1-1 call center equipment. The Department received approval for the purchase of the monitor stands and monitors and will be reimbursed for the expense of \$18,886.

**BUDGET/FINANCIAL INFORMATION:**

Funding for these projects will come from the Federal Shared Asset Forfeiture Fund reserve balance.

**ESTIMATED TOTAL PROJECT COSTS**

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

Metal Detector Purchase and Installation	\$4,500
Construction related to Metal Detectors	\$2,500
9-1-1 Monitor stands and monitors	\$18,886
<b>TOTAL PROJECT COST</b>	<b>\$25,886</b>

**PREPARED BY:** Gil Torres, Captain/LSP

**SUBMITTED BY:** Camerino Sanchez, Chief of Police

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



Agenda Item No. \_\_\_\_\_

File Code No. \_\_\_\_\_

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Approval Of Parcel Map And Execution Of Agreements For 836 Bath Street

### RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,808 and standard agreements relating to the approved subdivision at 836 Bath Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed, and that the previously recorded Land Development Agreement may be removed from the title document.

### DISCUSSION:

A Tentative Map for the subdivision located at 836 Bath Street (Attachment 1), was conditionally approved on June 26, 2013, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 037-13 (Attachment 2). The project consists of a one-lot subdivision to create two (2) residential condominium units on a 7,336 square-foot lot. The proposed construction consists of structural upgrades and improvements to the existing one-story, three-bedroom house, a new attached two-story, three-bedroom dwelling unit, and two attached two-car garages. Staff has reviewed the Parcel Map (Map) and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the SHO approval, the Owner(s) (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2014-00780. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

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

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

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

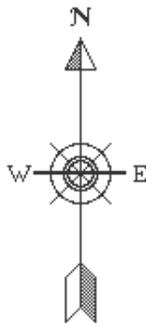
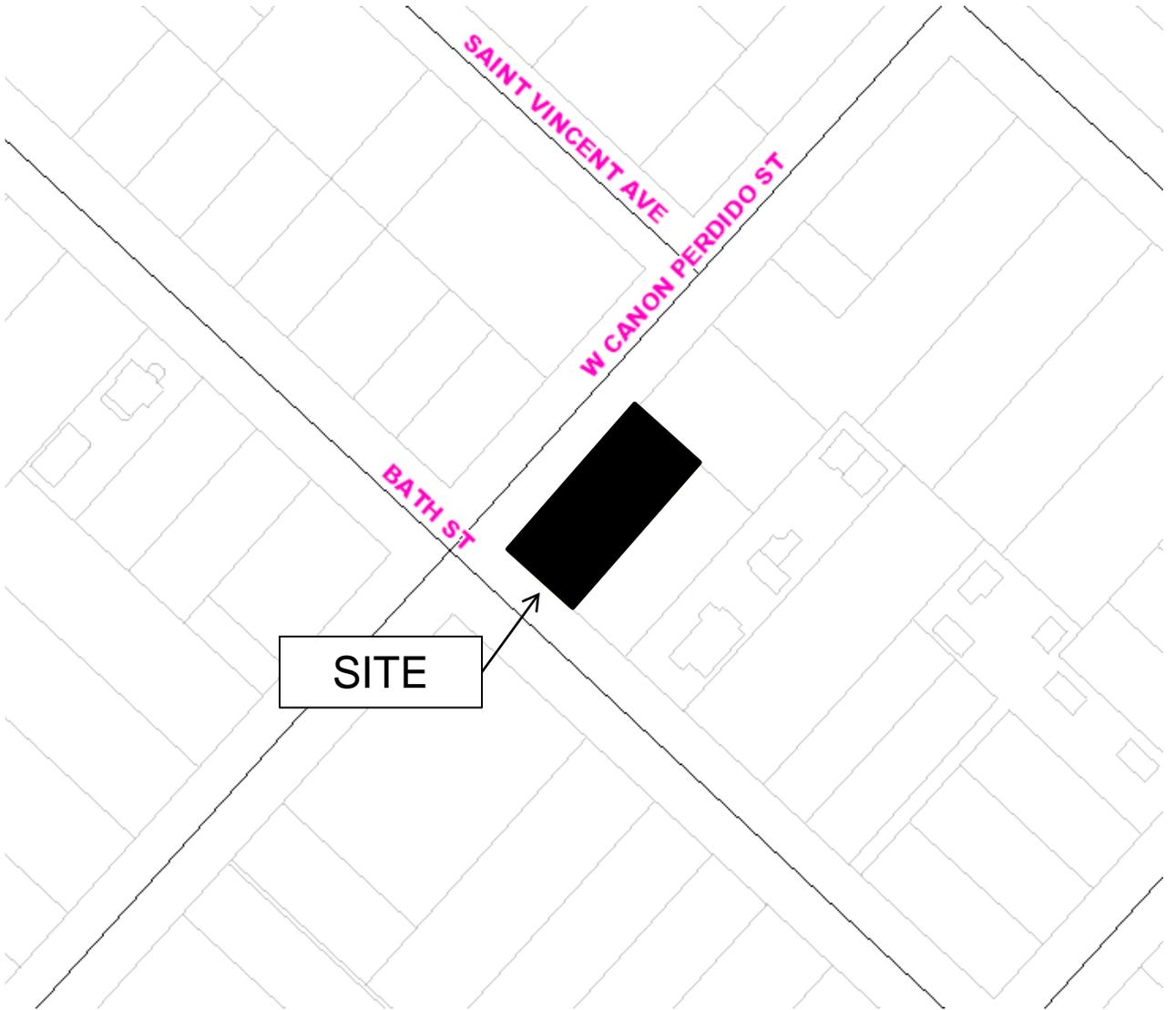
- ATTACHMENT(S):**
1. Vicinity Map
  2. Conditions required to be recorded concurrent with Parcel Map Number 20,808 by the Staff Hearing Officer Conditions of Approval Resolution Number 037-13
  3. List of Owners/Trustees

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/DAS/kts

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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

Vicinity Map  
836 Bath Street



Not to Scale

### CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH FINAL MAP NUMBER 20,808 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 037-13

#### 836 Bath Street.

Said approval is subject to the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 26, 2013, is limited to a one-lot subdivision to create two (2) residential condominium units. The proposed construction consists of structural upgrades and improvements to the existing three-bedroom, one-story house (*as per the Historic Structures Report prepared by Post/Hazeltine, dated October 22, 2012*), construction of a new attached two-story, three-bedroom dwelling unit and two attached two-car garages, demolition of an attached 102 square foot service porch, two detached single care garages, a 383 square foot, one-bedroom cottage, and two detached storage sheds. Also proposed is associated new landscaping, paving and photo documentation of the property prior to start of construction and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara
2. **Future Development.** The development approved on the Real Property by the Staff Hearing Officer on June 26, 2013, shall be subject to the following conditions:
  - a. All future construction shall comply with the applicable conditions of approval contained in Section E "Requirements Prior to Permit Issuance," F. "Construction Implementation Requirements," and G. "Prior to Certificate of Occupancy" of Staff Hearing Officer Resolution 037-13.
3. **The Owner(s)** of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc., as may be deemed appropriate.
4. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the real property.
5. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The Landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or

treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs of restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

- 7. Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:
- a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
  - b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which garages were designed and permitted.
  - c. **Parking Space Assignment.** Parking spaces within the project shall be allocated.
  - d. **Landscape Maintenance.** A covenant that provides the landscaping shown the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If the landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement
  - e. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled offsite by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled offsite.
  - f. **Public Improvement Districts.** A covenant that includes a waiver to protest information of public improvement districts.
  - g. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

# **ATTACHMENT 3**

**836 Bath Street**

**BATH-PTL, LLC, A California Limited Liability Company**

## **LIST OF OWNERS**

Arthur Louie, Owner



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Approval Of Parcel Map And Execution Of Agreements For 128 Anacapa Street

### RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map Number 20,806 and standard agreements relating to the approved subdivision at 128 Anacapa Street, and authorize the City Engineer to record, upon completion of any required public improvements, a recital document stating that the public improvements have been completed and that the previously recorded Land Development Agreement may be removed from the title document.

### DISCUSSION:

A Tentative Map for the subdivision located at 128 Anacapa Street (Attachment 1), was conditionally approved on January 22, 2014, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution Number 005-14 (Attachment 2). The project involves a one-lot subdivision to create two residential condominium units, and the construction of two detached residential units, each with a two-car garage. The subject lot is 5,085 square feet in size, and is currently vacant. The net sizes of the two units, including garages, are 3,202 square feet (Unit A) and 2,668 square feet (Unit B). Each unit would be three stories high with a roof-top deck, and have access to a common open yard space at the ground level. Staff has reviewed the Parcel Map (Map) and has found it to be in substantial compliance with the previously approved Tentative Map, the Conditions of Approval, the State Subdivision Map Act, and the City's Subdivision Ordinance.

In accordance with the SHO approval, the Owners (Attachment 3) have signed and submitted the Map and the required Agreements to the City, tracked under Public Works Permit Number PBW2014-00371. Council approval is required if Council agrees with the staff determination that the Map conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060, City Council Action).

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

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

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

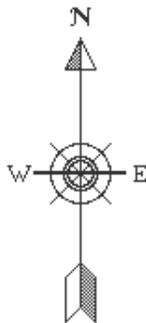
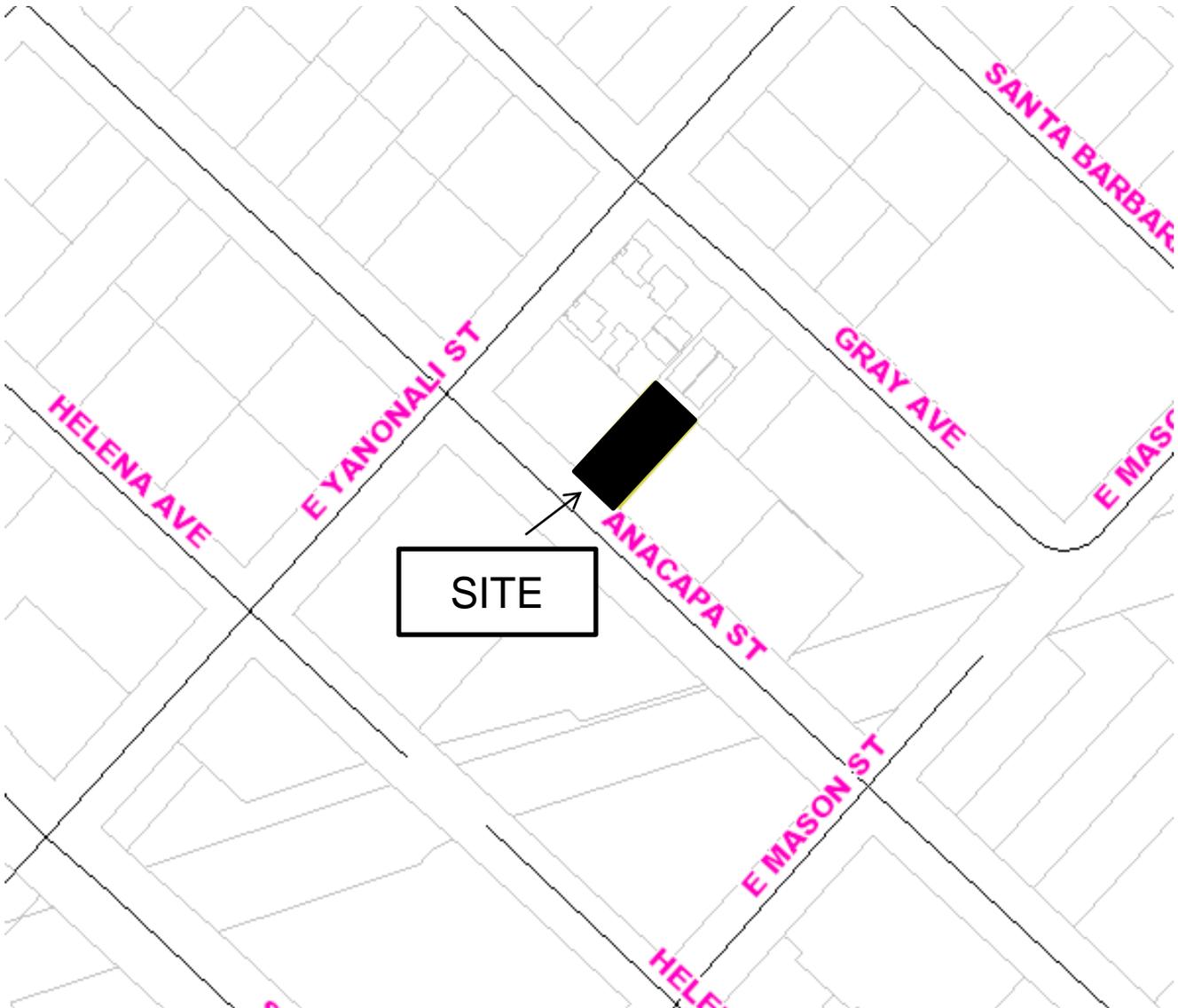
- ATTACHMENT(S):**
1. Vicinity Map
  2. Conditions required to be recorded concurrent with Parcel Map Number 20,806 by the Staff Hearing Officer Conditions of Approval Resolution Number 005-14
  3. List of Owners/Trustees

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/MJC/kts

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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

Vicinity Map  
128 Anacapa Street



Not to Scale

### CONDITIONS REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,806 BY STAFF HEARING OFFICER CONDITIONS OF APPROVAL, RESOLUTION NO. 005-14

#### 128 Anacapa Street

Said approval is subject to the following conditions:

1. **Approved Development.** The project consists of a one lot subdivision to create two residential condominium units and the construction of the two detached residential units, each with a two-car garage. The net sizes of the two units, including garages, are 3,202 square feet (Unit A) and 2,668 square feet (Unit B). Each unit would be three stories with a roof-top deck, and have access to all common open yard space at the ground level. Grading for the project would comprise 140 cubic yards of excavation and 90 cubic yards of import. Access to the site is directly from Anacapa Street.
2. **Use Limitations.** Due to potential traffic and parking impacts, uses other than residential are not permitted without further environmental and/or Staff Hearing Officer review and approval. Prior to initiating a change of use, the Owner shall submit a letter to the Community Development Director detailing the proposal, and the Director shall determine the appropriate review procedure and notify the Owner.
3. **Uninterrupted Water Flow.** The Owner(s) of each newly created parcel shall allow for the continuation of any historic flow of water onto their newly created parcels, including water from adjacent sources such as, but not limited to, public or private property drainage swales, natural watercourses, conduits, runoff from public or private roads, etc, as may be deemed appropriate.
4. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Architectural Board of Review (ABR).
5. **General Plan and Zoning Designation Advisory.** The current General Plan and Zoning designation of the project site and surrounding parcels, as of the date of approval of this project by the Staff Hearing Officer, is Ocean Related Commercial /Medium High Residential and OC (Ocean-Oriented Commercial)/SD-3 (Coastal), respectively. Most of the allowed uses in the OC Zone district may be developed up to the parcel boundaries. Future owners of the condominiums are advised to review the regulations in effect at the time of sale of the units to determine the development potential of the adjacent lots, as well as, the required setbacks (if any). Adjacent development could require physical changes to the condominiums, such as, removing the fixed windows and/or affect private views.
6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water control devices in a functioning state. Should any of the project's surface

or subsurface drainage structures fail to capture storm water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

**7. Required Private Covenants, Conditions and Restrictions (CC&Rs).** The Owners shall record in the official records of Santa Barbara County either private covenants, conditions and restrictions, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for the following:

a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

b. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.

c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan. Such plan shall not be modified unless prior written approval is obtained from the appropriate design review board. If said landscaping is removed for any reason without approval by the appropriate design review board, the owner is responsible for its immediate replacement.

d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.

e. **Public Improvement Districts.** A covenant that includes a waiver to protest formation of public improvement districts.

f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

# **ATTACHMENT 3**

**128 Anacapa Street**

**128 Anacapa Street, LLC, a California Limited Liability Company**

## **LIST OF OWNERS**

Leo Blickley, III, Manager

James B. McDonald, Manager



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Sole Source Vendor For The MyRide Bus Pass Program

**RECOMMENDATION:** That Council:

- A. Authorize the City's General Services Manager to issue a purchase order to the Metropolitan Transit District in the amount of \$55,000 according to the Sole Source provisions of Santa Barbara Municipal Code Section 4.52.070 (K) in order to fund the cost of rides taken under the City's Employee Bus Pass Program for Fiscal Year 2015; and
- B. Authorize the City's General Services Manager to renew the Purchase Order with Santa Barbara Metropolitan Transit District annually through Fiscal Year 2019, subject to Council approval of the annual Downtown Parking Fund budget.

### **DISCUSSION:**

On October 27, 2009, Council authorized the General Services Manager to issue five annual Purchase Orders to the Santa Barbara Metropolitan Transit District (MTD) to pay for the costs of bus rides under the City's Employee Bus Pass Program (MyRide). Although MTD is the only transit provider in the South County and is therefore the "sole source" of bus transit, the Municipal Code requires that this authorization be renewed in order to continue issuing purchase orders to MTD through November 1, 2019.

For Fiscal Year 2015, Council adopted a budget that continues to fund the MyRide bus passes for City employees participating in the City's Work Trip Reduction Incentive Program (Work TRIP). In Fiscal Year 2014, City employees swiped the MyRide pass for a total of 22,000 trips, costing the Downtown Parking Fund approximately \$40,000.

### **BUDGET/FINANCIAL INFORMATION:**

Funding for the MyRide Program is included in the Downtown Parking Fund Operating Budget for Fiscal Year 2015. Subject to Council approval of the annual Downtown Parking budget, subsequent purchase orders may be issued for the MyRide Program annually through 2019.

**SUSTAINABILITY IMPACT:**

City employees using the MyRide bus pass contribute to the City's overall effort to reduce the number of single occupant vehicle trips to and from the City.

**PREPARED BY:** Browning Allen, Transportation Manager/VG/kts

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Agreement For Surface Water And Groundwater Monitoring

**RECOMMENDATION:** That Council:

- A. Authorize the Public Works Director to execute a joint funding agreement with United States Geological Survey for water resources investigations related to surface water and groundwater measurements for the period of November 1, 2014 through October 31, 2015, with a City cost share not to exceed \$146,900; and
- B. Authorize the Public Works Director to approve expenditures up to \$20,000 for extra monitoring services.

**DISCUSSION:**

The City and United States Geological Survey (USGS) have worked cooperatively on water resources monitoring and investigations for over 25 years. This includes an annual program of measuring surface water flows and monitoring groundwater levels and water quality. As in the past, the proposed Fiscal Year 2015 program has two elements (per the attached letter from USGS, dated September 18, 2014):

- **Surface Water Gauging Stations:** USGS will continue to operate, maintain, and publish stream flow records for four gauging and data collection stations on the Santa Ynez River, and one on Mission Creek. These stations provide real-time data and daily averages. The information is used to implement the Upper Santa Ynez River Operations Agreement, as well as for general documentation and monitoring of operations at Gibraltar Reservoir, and for tracking recharge releases into Mission Creek.
- **Groundwater Monitoring:** USGS personnel will take monthly water level measurements from 67 monitoring well locations. USGS will maintain the database of water level data and continue a program of collecting and maintaining data on groundwater quality. The water level and water quality information is used for computer-modeling the City's groundwater supplies and the potential impact from seawater intrusion into the downtown groundwater basin.

The data that is collected and maintained is an important part of managing the City's water supply.

**BUDGET/FINANCIAL INFORMATION:**

The overall program cost is \$195,400, to be shared by the City (\$146,900) and USGS (\$48,500). Authorization for extra services up to of \$20,000 is requested for additional USGS scope such as increased monitoring, in the event of seawater intrusion. Funds for this program are appropriated in the Fiscal Year 2015 Water Fund.

**SUSTAINABILITY IMPACT:**

Monitoring of groundwater levels and quality is essential management of the City's groundwater basins as a long-term sustainable water resource.

**ATTACHMENT(S):** Letter from US Geological Survey, dated September 18, 2014

**PREPARED BY:** Joshua Haggmark, Acting Water Resources Manager/KD/mh

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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



# United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
 California Water Science Center  
 6000 J Street, Placer Hall  
 California State University  
 Sacramento, California 95819-6129  
 Phone: (916) 278-3000 Fax: (916) 278-3070  
<http://water.wr.usgs.gov>

September 18, 2014

Ms. Rebecca Bjork, Public Works Director  
 Public Works Department  
 City of Santa Barbara  
 630 Garden Street  
 Santa Barbara, California 93102

Attention: Joshua Haggmark, Interim Water Resources Manager

Dear Ms. Bjork:

This letter confirms discussions between our respective staffs, concerning the continuation of the cooperative water resources program between the Public Works Department City of Santa Barbara (City) and the U.S. Geological Survey (USGS) for the period November 1, 2014 to October 31, 2015.

The proposed program and associated costs are as follows:

## 1. Surface Water Gaging Stations

The U.S. Geological Survey (USGS) will continue to operate, maintain, and publish streamflow records for the following stations:

<u>Station number and name</u>	<u>City Funds</u>	<u>USGS Funds</u>	<u>Total Funds</u>
11119745 Mission Creek near Rocky Nook Park	\$13,700	\$ 6,900	\$20,600
11122000 Santa Ynez above Gibraltar Dam	13,700	6,900	20,600
11123000 Santa Ynez below Gibraltar Dam	13,700	6,900	20,600
11121900 Gibraltar Dam Diversion Weir at Gibraltar	8,000	-0-	8,000
11122010 Gibraltar Release Dam Weir at Gibraltar Dam	<u>8,000</u>	<u>-0-</u>	<u>8,000</u>
<b>Subtotal</b>	<b>\$57,100</b>	<b>\$20,700</b>	<b>\$77,800</b>

## 2. Groundwater Monitoring

### Water-level monitoring:

USGS personnel will make monthly water-level measurements at 66 wells as listed in Table 1.  
 USGS personnel will also make monthly water-level measurements at 4N/27W-8M6 and

**Ms. Rebecca Bjork, Public Works Director- City of Santa Barbara**

**Water-quality monitoring:**

The USGS will continue to operate a groundwater quality monitoring network per the plan started in 1989. Quarterly sampling will be completed at four wells during the months of March, June, September, and December as listed in Table 1. Samples will consist of pH (Lab Code 68), specific electrical conductance (Lab Code 69), dissolved solids (Lab Code 27) and dissolved chloride concentration (Lab Code 1571) as outlined in List B. June samples for these four wells however, will consist of chemical constituents outlined in List A. A total of twelve yearly samples will be collected at the following four monitoring wells:

- a. 4N/27W-23E5
- b. 4N/27W-23F2
- c. 4N/27W-23F3
- d. 4N/27W-23F4

If a 25% increase in chloride concentration is evident at 4N/27W-23E5, two additional wells located further inland (north) will be added to the quarterly sampling program, and sampling will increase to monthly intervals at a total of six monitoring wells. The two additional wells are 4N/27W-22A4 and 4N/27W-22G2.<sup>1</sup>

If USGS water quality samples for 4N/27W-23E5 result in a 25% increase in chloride concentrations, City project coordinator will be notified immediately via email and sampling will be increased to monthly intervals. If water supply conditions result in increasing pumping of more than 750 AF over a 12 month period from Storage Unit 1, City project coordinator will contact the USGS project coordinator immediately via email.<sup>2</sup>

Annual sampling for major dissolved ions, trace metal, stable isotopes, nutrients, and dissolved solids (List A) will occur in June at 18 wells as listed in Table 1, with 4 of these also sampled quarterly for specific electrical conductance, pH, dissolved solids, and dissolved chloride concentration (List B). Triennial sampling in June for major dissolved ions, trace metal, stable isotopes, nutrients, and dissolved solids will continue at 20 additional triennial wells (List T), with 7 wells scheduled for 2015. A total of 25 wells will be sampled in June.

Alternate wells will be sampled in the event it is impossible to sample the primary wells. Alternate wells should be located within the same vicinity of the primary well and within the same storage unit.

See Table 1 for water level and water quality monitoring schedules.

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<sup>1</sup> If additional sampling is needed, an additional cost of \$1,902 per well for each measurement of List B constituents, will be charged to the WY2016 agreement. Additional Federal Matching Funds (FMF) may not be available for this work.

<sup>2</sup> City Project Coordinator: Kelley Dyer, Water Resources Supervisor [kdyer@SantaBarbaraCA.gov](mailto:kdyer@SantaBarbaraCA.gov)  
USGS Project Coordinators: Matthew Melchiorsen, Hydrologic Technician, [mattm@usgs.gov](mailto:mattm@usgs.gov); Matthew Scrudato, Groundwater Specialist, [scrudato@usgs.gov](mailto:scrudato@usgs.gov); Stuart Hill, Field Office Chief, [sahill@usgs.gov](mailto:sahill@usgs.gov).

**Ms. Rebecca Bjork, Public Works Director- City of Santa Barbara**

The summary of the proposed program for this period and associated costs is as follows:

<u>Program components</u>	<u>City Funds</u>	<u>USGS Funds</u>	<u>Total Funds</u>
1. Surface-Water Gaging Stations	\$ 57,100	\$20,700	\$ 77,800
2. Groundwater Monitoring Water-levels	41,600	3,000	44,600
Continuous Recorder (4N/27W-8M5)	4,800	2,450	7,250
Water Quality (Seawater Encroachment Monitoring)	16,150	8,600	24,750
Water Quality (June Samples Table 1)	<u>27,250</u>	<u>13,750</u>	<u>41,000</u>
<b>TOTAL</b>	<b>\$146,900</b>	<b>\$48,500</b>	<b>\$195,400</b>

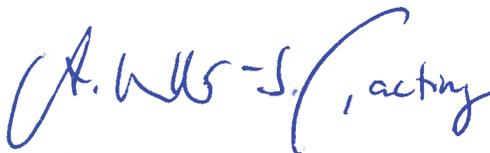
Total cost of the proposed program is \$195,400. Cost to the City will be \$146,900, and subject to the availability of Federal matching funds, the USGS will provide \$48,500.

Enclosed are three originals of Joint Funding Agreement (JFA) 15WSCA03700, signed by our agency, for your approval. If you are in agreement with this proposed program, please return one fully executed JFA to our office. Work performed with funds from this agreement will be conducted on a fixed-price basis. Billing for this agreement will be rendered quarterly.

The USGS is required to have an agreement in place prior to any work being performed on a project. We request that a fully executed JFA be returned prior to November 1, 2014. If it is not received by November 1, we will be required to suspend operations until an agreement is received.

If you have questions regarding this program, please contact Stuart Hill, in our Santa Maria Field Office, at (805) 928-9539. If you have any administrative questions, please contact Tammy Seubert, in our Sacramento Office, at (916) 278-3040.

Sincerely,



Eric G. Reichard  
Director, USGS California Water Science Center

Enclosures

cc: Stuart Hill, USGS CAWSC

**Ms. Rebecca Bjork, Public Works Director- City of Santa Barbara**

**Table 1 - Water Level and Water Quality monitoring schedule**  
 (M, monthly; A, annual; R, recording; Q, quarterly (March, June, Sept. Dec.)  
 (XX), sample year; T, triennial); \*, alternate  
*updated per M.C. Scudato, City, 06-09-14*

	<b>WATER LEVEL</b>	<b>WATER QUALITY</b>		<b>WATER LEVEL</b>	<b>WATER QUALITY</b>
<b>STORAGE UNIT I</b>					
4N/27W-8R2	M	(16)T	4N/27W-19A1	M	-
4N/27W-9M1	M	-	4N/27W-19A2	M	-
4N/27W-9Q1	M	(15)T	4N/27W-19A3	M	A
4N/27W-13R1	M	-	4N/27W-21E1	M	(16)T
4N/27W-14K2	M	(17)T	4N/27W-21E2	M	(15)T
4N/27W-14P1	M	-	4N/27W-21E3	M	(15)T
4N/27W-15E1	M	-	4N/27W-21F1	M	-
4N/27W-15E2	M	-	4N/27W-21F2	M	-
4N/27W-15G1	M	-	4N/27W-21G1	M	.*
4N/27W-15J2	M	-	4N/27W-21G2	M	.*
4N/27W-15K1	M	(16)T	4N/27W-22M1	M	.*
4N/27W-16C1	M	(17)T	4N/27W-22M2	M	.*
4N/27W-16C2	M	(16)T	4N/27W-22Q1	M	-
4N/27W-16R1	M	-	<b>FOOTHILL</b>		
4N/27W-17J1	M	(16)T	4N/27W-5P1	M	-
4N/27W-21B1	M	(15)T	4N/27W-7D1	M	(16)T
4N/27W-22A2	M	A	4N/27W-7R3	M	-
4N/27W-22A3	M	(17)T	4N/27W-8E1	M	-
4N/27W-22A4	M	A	San Roque Park #1		
4N/27W-22B6	M	-	4N/27W-8E4	M	-
4N/27W-22B8	M	A	4N/27W-8M5	R	A
4N/27W-22B9	M	A	4N/27W-8M6	M	A
4N/27W-22B10	M	A	4N/27W-18B5	M	(17)T
4N/27W-22B11	M	A	4N/28W-12C2	M	-
4N/27W-22C1	M	-	4N/28W-12H4	M	-
4N/27W-22E1	M	A	4N/28W-12R3	M	-
4N/27W-22E2	M	A	<b>HOPE RANCH</b>		
4N/27W-22G2	M	A	4N/27W-18C2	M	(15)T
4N/27W-22G3	M	(17)T	4N/27W-18C3	M	(15)T
4N/27W-22G4	M	-	<b>DISCONTINUED MONITORING WELLS</b>		
4N-27W-23E5	M	A,Q	4N/27W-8L3 – (FY14, M)		
4N/27W-23F2	M	A,Q	4N/27W-15Q10 – (FY13, M)		
4N/27W-23F3	M	A,Q	4N/27W-16R1 – (FY13, T)		
4N/27W-23F4	M	A,Q	4N/27W-23E6 – (FY12, M)		
4N/27W-23F8	M	A	4N/27W-23H1 – (FY14, M)		
4N/27W-23F9	M	A	4N/27W-23H4 – (FY14, M, A)		
<b>STORAGE UNIT III</b>					
4N/27W-17L2	M	(17)T			
4N/27W-17L3	M	(15)T			
4N/27W-17L4	M	(16)T			
4N/27W-17L5	M	-			
4N/27W-18Q1	M	-			
4N/27W-18Q4	M	-			

**Ms. Rebecca Bjork, Public Works Director- City of Santa Barbara**

**List A**

Chemical Constituents  
(mg/L or as indicated)

Dissolved aluminum ( $\mu\text{g/L}$ )	Dissolved sodium
Dissolved arsenic ( $\mu\text{g/L}$ )	Dissolved strontium ( $\mu\text{g/L}$ )
Dissolved barium ( $\mu\text{g/L}$ )	Dissolved sulfate
Dissolved boron ( $\mu\text{g/L}$ )	Dissolved solids (sum)
Dissolved bromide	Sodium adsorption ratio
Dissolved calcium	Percent sodium
Dissolved chloride	Total alkalinity ( $\text{CaCO}_3$ )
Dissolved fluoride	Total hardness ( $\text{CaCO}_3$ )
Dissolved iodide	Temperature $^{\circ}\text{C}$
Dissolved iron ( $\mu\text{g/L}$ )	pH
Dissolved lithium ( $\mu\text{g/L}$ )	Specific Conductance ( $\mu\text{S/cm}$ )
Dissolved manganese ( $\mu\text{g/L}$ )	Stable isotopes
Dissolved magnesium	
Dissolved nitrogen (nitrate + nitrite)	
Dissolved orthophosphate ( $\text{PO}_4$ )	
Dissolved orthophosphorus (P)	
Dissolved potassium	
Dissolved silica	

Schedules used: 101 (nutrients), 1261 (major ions and trace), 1142 (stable isotopes)

**Ms. Rebecca Bjork, Public Works Director- City of Santa Barbara**

**List B**

Chemical Constituents  
(mg/L or as indicated)

pH

Specific Conductance (microsiemens)

Dissolved Chloride

Dissolved solids (sum)

Lab Codes used: 68, 69, 1571, 27

**Ms. Rebecca Bjork, Public Works Director- City of Santa Barbara**

**List T**

Triennial Sampling Wells

(updated list 06/09/2014 by M. Scrudato, USGS)

Site Name	Site Identification Number	2014	2015	2016	2017
<b>STORAGE UNIT I</b>					
4N/27W-8R2	342618119432501			■	
4N/27W-9Q1	342618119423701		■		
4N/27W-14K2	342534119404301	■			■
4N/27W-15K1	342538119413401			■	
4N/27W-16C1	342603119430401	■			■
4N/27W-16C2	342603119430402			■	
4N/27W-17J1	342541119433501			■	
4N/27W-21B1	342506119423801		■		
4N/27W-22A3	342506119412202	■			■
4N/27W-22G3	342455119412402	■			■
<b>STORAGE UNIT III</b>					
4N/27W-17L2	342533119435501	■			■
4N/27W-17L3	342533119435502		■		
4N/27W-17L4	342533119435503			■	
4N/27W-21E1	342502119431401			■	
4N/27W-21E2	342502119431402		■		
4N/27W-21E3	342502119431403		■		
<b>FOOTHILL</b>					
4N/27W-7D1	342647119451701			■	
4N/27W-18B5	342606119445201	■			■
<b>HOPE RANCH</b>					
4N/27W-18C2	342600119445201		■		
4N/27W-18C3	342600119445202		■		

**DISCONTINUED**

- 4N/27W-16R1 (FY13)
- 4N/27W-23H4 (FY14)
- 4N/27W-19A1 (FY14)
- 4N/27W-19A2 (FY14)



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Professional Service Contract For The Bikestation Module For City Parking Lot 3 And Contract For Construction

**RECOMMENDATION:** That Council:

- A. Authorize the Public Works Director to award a professional service agreement with Mobis Transportation Alternatives in the amount of \$119,143 for provision of the Bikestation Module, and approve expenditures up to \$17,870 for extra services that may result from necessary change in the scope of work; and
- B. Award a contract with Draper Construction, waiving minor bid irregularities, in their low bid amount of \$98,690 for construction of site improvements for the Bikestation Module For City Parking Lot 3, Bid No. 3680; and authorize the Public Works Director to execute the contract and approve expenditures up to \$14,804 to cover any cost increases that may result from contract change orders for extra work.

**EXECUTIVE SUMMARY:**

In response to transit user complaints about theft and vandalism of their bicycles parked at City Parking Lot 3, adjacent to the MTD Transit Center (Transit Center), the City applied for and was awarded a Measure A Grant from the Santa Barbara County Association of Governments for the Bicycle Module (Module). The objective of the Module is to provide secured bicycle parking 24 hours a day, and promote multimodal transportation throughout the region. Since the grant was awarded, the Module at City Parking Lot 3 (Project) has been designed. In connection with this Project, the Engineering Division has also designed landscaping enhancements and site improvements at this lot to bring it up to current Americans with Disabilities Act (ADA) standards. The Project is now ready for module fabrication via a contract with Mobis Transportation Alternatives (Bikestation), and the site improvements are ready to be awarded to Draper Construction, the lowest responsive bidder.

**BACKGROUND:**

In the summer of 2012, the City was awarded a grant from Measure A funds in the amount of \$120,000 for the design, fabrication and installation of the Module. The City has contributed \$40,000 in matching funds towards the Project for a total of \$160,000.

On February 13, 2013, the City entered into a sole source contract with Bikestation, the current operator of the Santa Barbara Bikestation at City Parking Lot 6, located at the Granada Garage. The contract provided services for preliminary design and final construction plans for fabrication and installation of the Module, located at 11 West Figueroa Street, in an existing concrete median/sidewalk behind the Transit Center.

The Module will be approximately 10 feet wide, 20 feet long and 10 feet high and hold approximately 30 bicycles. The new Module will replace the three existing wooden bicycle lockers that have fallen into disuse and disrepair. In addition to the Module's design, the Engineering Division has designed drainage improvements and pedestrian access ramps in the island where the Module will be located in order to bring the existing accessible parking spaces and access to the parking spaces at Lot 3 up to current ADA standards. Irrigation for future drought tolerant landscaping adjacent to the module was also designed. The Project received approval from the Historic Landmarks Commission on January 15, 2014, and received Building and Safety Division approval in August 2014.

**DISCUSSION:**

Bikestation is the only company in the U.S. focused on building and managing bike-transit centers. The Transportation Division is recommending that Council continue the Project and award a professional services agreement to Bikestation to fabricate, deliver and install the Module. Bikestation and the City will then coordinate the Module's installation with Draper Construction, who will construct the site improvements for Lot 3. Draper Construction was selected by the Engineering Division through a competitive bid process and is recommended to be awarded the construction contract for the site improvements.

**CONTRACT BIDS FOR SITE IMPROVEMENTS**

The Project's site improvements went through a competitive bid process. A total of seven bids were received for the site improvements to Lot 3, ranging as follows:

	<b>BIDDER</b>	<b>BID AMOUNT</b>
1.	DPM Construction Camarillo, CA	\$89,325.00
2.	Draper Construction Somis, CA	\$98,690.00*

3.	Vernon Construction Santa Barbara, CA	\$114,105.00*
4.	Aguilera Brothers Construction Santa Paula, CA	\$115,059.00
5.	Shaw Contracting Inc Carpinteria, CA	\$140,707.00*
6.	Berry General Engineering Contractors, Inc. Ventura, CA	\$158,105.00
7.	John Madonna Construction Co San Luis Obispo, CA	\$168,137.50

\*Corrected bid total

The low bid of \$98,690, submitted by Draper Construction, is an acceptable bid that is responsive to and meets the requirements of the bid specifications. The apparent lowest bid from DPM Construction was rejected due to a bid irregularity of not listing Bikestation as one of their subcontractors. As stated in the Project specifications and at the mandatory pre-bid meeting, Bikestation needed to be a subcontractor for project coordination purposes.

The change order funding recommendation of \$14,804, or 15 percent, is typical for this type of work and size of project.

#### COMMUNITY OUTREACH

Project construction is anticipated to start in early February 2015, following the Santa Barbara International Film Festival. In January 2015, the Transportation Division will notify neighboring businesses and MTD about the upcoming construction. Lot 3 will remain in operation during construction. A portion of the lot will be closed for construction and used as a staging area. Traffic control will be implemented to allow pedestrian, bicycle, and vehicular circulation to, from, and around Lot 3 and the Transit Center.

#### FUNDING

The Project is funded by three sources: 1) Measure A Grant (\$120,000); 2) Streets Capital Program (\$40,000); and 3) the Downtown Parking Capital Program for the site improvements (\$180,704). There are sufficient funds from these three sources to cover the cost of this Project.

Of the \$160,000 from the Measure A Grant and the Streets Capital Fund, \$20,774 has been spent to date for module design. The City has received a quote of \$119,143 from Bikestation for fabrication, delivery, and installation of the Module. The purchase order will include a 15 percent change order allowance for unforeseen modifications during fabrication.

**SOLE SOURCE PURCHASE ORDER FUNDING SUMMARY**

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Bikestation	\$119,143	\$17,870	\$137,013
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$137,013</b>

The following summarizes the expenditures for the site improvements:

**CONSTRUCTION CONTRACT FOR SITE IMPROVEMENTS FUNDING SUMMARY**

	<b>Basic Contract</b>	<b>Change Funds</b>	<b>Total</b>
Draper Construction	\$98,690	\$14,804	\$113,494
<b>TOTAL RECOMMENDED AUTHORIZATION</b>			<b>\$113,494</b>

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

**ESTIMATED TOTAL PROJECT COST**

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

<b>Contract Item</b>	<b>Cost</b>	<b>Fund</b>
Design (Bikestation)	\$20,774	Measure A Grant and Street Capital Fund
City Engineering Survey and Design for Site Improvements and Project Coordination	\$35,000	Downtown Parking Enterprise Fund
Landscaping Design (Arcadia)	\$9,510	Downtown Parking Enterprise Fund
<b>Subtotal</b>	<b>\$65,284</b>	
Module Purchase Order (Bikestation)	\$119,143	Measure A Grant and Street Capital Fund
Construction Change Order Allowance	\$17,870	Measure A Grant and Street Capital Fund
<b>Subtotal</b>	<b>\$137,013</b>	
Site Improvements (Draper Construction)	\$98,690	Downtown Parking Enterprise Fund
Construction Change Order Allowance	\$14,804	Downtown Parking Enterprise Fund
City Engineering Construction Inspection	\$22,700	Downtown Parking Enterprise Fund
<b>Subtotal</b>	<b>\$136,194</b>	
<b>TOTAL PROJECT COST</b>	<b>\$338,491</b>	

**SUSTAINABILITY IMPACT**

Resources invested in supporting non-motorized transportation projects, such as this one, are an economical way to increase mobility by reducing traffic congestion and creating a needed integration between the bicycle and transit network. The bicycle has proven a valuable “last mile” connector between transit stations and final destinations, and secure parking is a critical trip component. The Project addresses many of the goals, objectives, policy statements and strategies in the Circulation Element in the City’s General Plan.

**PREPARED BY:** Browning Allen, Transportation Manager/JWG/kts

**SUBMITTED BY:** Rebecca J. Bjork, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

**FROM:** Facilities Division, Public Works

**SUBJECT:** On-Bill Financing Agreements For Los Banos Pool Lights And Granada Garage Carbon Monoxide Sensors

**RECOMMENDATION:** That Council:

- A. Authorize the Public Works Director to enter into two On-Bill Financing Agreements with Southern California Edison for a combined amount of \$24,402.87 that will be used to reimburse the City for costs associated with a pool light upgrade at the Los Banos Del Mar Pool and a sensor upgrade at the Granada Garage; and
- B. Increase estimated revenues by \$10,015.47 in the Intra-City Services Fund and increase estimated revenues by \$14,387.40 in the Downtown Parking Fund.

### **DISCUSSION:**

In 2013, the Facilities Energy Management Section identified a significant cost and energy savings opportunity by replacing the existing incandescent pool lights at the Los Banos del Mar Pool with efficient LED lighting. Staff also identified the replacement of the out-of-date carbon monoxide sensors at the Granada Garage as a priority energy conservation project. The existing sensor failures were forcing the garage ventilation system to run at maximum output, thereby wasting energy.

In order to assist in the financing of this project, staff explored the option of using On-Bill Financing (OBF) through Southern California Edison (SCE). After performing an analysis of energy savings, SCE deemed that the City qualified for \$10,015.47 in OBF funding for the Los Banos lights and \$14,387.40 in OBF funding for the Granada Garage sensors. The projects have recently been completed and the funds from the OBF program will reimburse the City for its costs.

On-Bill Financing is a 0-percent loan with a term of up to ten years, used to cost-effectively finance energy efficiency projects. The City would repay the loan through realized savings on the monthly bills. The ability to take advantage of this financing mechanism will allow staff to fund this project and be reimbursed for a significant amount, if not all, of the capital costs, leaving more funds available for investment in other energy efficiency and conservation projects.

**BUDGET/FINANCIAL INFORMATION:**

The total project cost for the Los Banos Light Project was \$11,705.83. SCE has studied the energy savings potential of the project and has determined that the City qualifies to receive \$10,015.47 through OBF. This will result in a monthly payment of \$193.14 over the 4.3-year agreement period. SCE is also awarding the City an incentive of \$1,609.36 for the project, essentially reimbursing the City for all up-front capital.

The total project cost for the Granada Garage Sensor Project was \$34,622.00. SCE has studied the energy savings potential of the project and has determined that the City qualifies to receive \$14,387.40 through OBF. This will result in a monthly payment of \$239.79 over the 5-year agreement period. SCE is also awarding the City an incentive of \$3,447.38 for the project. The OBF funding did not cover the entire cost of this project due to scope changes during implementation.

If the agreements are approved, SCE will write the City a check for the allotted amount. SCE also projects that the City will save \$5,195.25 annually in electricity costs after the OBF funding is paid off.

**SUSTAINABILITY IMPACT:**

The new lighting in the pool at Los Banos and the upgraded sensors at the Granada Garage will result in an estimated 34,841 kWh savings annually. This will be a significant annual reduction in the amount of energy used at both locations.

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

**SUBMITTED BY:** Rebecca Bjork, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014  
**TO:** Mayor and City Council  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Mills Act Historic Property Contract For 612 East Valerio Street

### **RECOMMENDATION:**

That Council grant an exception to the Mills Act contract limits outlined in Santa Barbara Municipal Code Section 22.22.160.C.4(m) for a designated Structure of Merit property at 612 East Valerio Street and authorize the Community Development Director to execute a historic property contract.

### **DISCUSSION:**

Property owners, Jake and Joanne Cryan, are seeking the approval of a Mills Act contract which allows a tax reduction incentive program for historically significant properties. The City established its Mills Act program in 2009.

The Mills Act is a state law enacted in 1972, which allows owners of designated historic properties to enter into a contractual recorded agreement with the municipality within which the historic property is located to preserve, maintain, and rehabilitate the structure. The Mills Act contracts approved with the City require the property owner to propose and itemize a ten-year rehabilitation plan to improve, maintain and repair their properties. In exchange, property owners receive a significant reduction in local property taxes.

The Mills Act incentive program established set limits on the maximum number of contracts allowed per year (8), set a maximum threshold on assessed property valuation in order to qualify, and placed a limit on the overall expected revenue loss. The Ordinance, however, included provisions to allow City Council the ability to approve exceptions to exceed these limits. In order to approve the requested contract, Council must grant an exception to exceed the property assessed valuation cap of \$1.5 million.

Staff believes that the City will experience little financial impact from the execution of this historic property contract. Both staff and the Historic Landmarks Commission recommend approval of an exception to exceed the property valuation cap limit for this property and request Council authorize execution of the historic property contract (see Attachment 1).

## **Background:**

The structure at 612 East Valerio Street was built circa 1908, in the Queen Anne Free Classic architectural style. The house was designated as a Structure of Merit as it is an exceptional example of the Queen Anne Free Classic style that is illustrative of the growth and development of Santa Barbara's middle class residential neighborhoods during the late nineteenth and early twentieth century. In Santa Barbara, the style became popular at the turn of the century, when much of the city was being developed. Examples of the Queen Anne Free Classic style can be found in the City's older residential neighborhoods including the Upper and Lower Eastside neighborhoods and the Westside neighborhoods. This architectural style characterizes Santa Barbara's late nineteenth and early twentieth century residential expansion that was largely driven by the growth in the City's resort industry and improvements to the transportation system. The house embodies elements that demonstrate an outstanding attention to design, detail, materials and craftsmanship as it features wood, diamond-shaped, divided light windows that are also in the top panes of the wood, front door. The house has simple brackets under the eaves, and elegant, simple, classical style columns on the rounded front porch.

### Eligibility and Program Guidelines for Mills Act Contract Applications

Council approved by Resolution Administrative Rules and Guidelines for all Mills Act contract applications. To enter into a Mills Act contract, a property owner's structure must already be designated a City Landmark, Structure of Merit or listed as a contributing resource to a Historic District. An individual property may also not exceed \$1.5 million in total tax assessed value to qualify for the tax abatement program. The assessed valuation cap limit was intended to maximize benefits to as many properties as possible given the proposed cap in total program revenue loss. If no caps were in place, larger higher-assessed properties could significantly impact the overall program cap limits. The Community Development Director is authorized to execute the contracts if all standards are met, and also executes contracts once the exception is approved by Council.

Ordinance amendments to Municipal Code Chapter 22.22 (Historic Structures Ordinance) were adopted to authorize and implement the Mills Act program including a provision that allows Council to grant exceptions.

*SBMC Section 22.22.135 C-4m reads as follows:*

*"Historic Property Contracts that exceed the limits identified in this Section shall only be approved and executed after and upon the express approval of the City Council."*

In 2009, Council agreed that the proposed Mills Act program had been crafted with sufficient mechanisms in place to limit total city tax revenue loss and that limits on the number of contracts or a cap on the amount of total tax revenue loss. The Council agreed with staff that all reference to caps should not be included in the municipal code itself, but

rather in the administrative guidelines approved by Council Resolution in order to allow the Council to more readily modify the program caps in the future, if deemed necessary.

**BUDGET/FINANCIAL INFORMATION:**

Staff originally estimated the initial years of the total annual city tax revenue loss to be in the \$6,000 to \$15,000 range. Staff believes this estimate is still accurate given the amount of contracts executed to date. The revenue loss is variable and is expected to incrementally grow since it is based on the number of actual contracts executed, the amount of assessed property values, and the percentage of actual tax revenue the City actually receives from the Tax Assessor's Office from each property.

Four contracts have been executed since adoption of the program. City staff received six applications for 2014. With a total of ten contracts, staff believes that little financial impact will result with the execution of this contract. Both staff and the Historic Landmarks Commission recommend approval (see Attachment 2) of an exception for this property and request Council authorize execution of the historic property contract. The assessed property value of 612 East Valerio Street is \$2.1 million.

The planned rehabilitation project at 612 East Valerio Street is an excellent candidate project for a Mills Act contract. When the current owners purchased the house it had been divided into a duplex, the current owners have already returned the home to a single family residence and have prepared a plan to continue repairing and preserving their property. The owners' plan includes repairing termite damage, deteriorated doors, windows, roof and the front sandstone wall as well as replacing deteriorated plumbing and repainting the exterior of the house. The plan will ensure that the designated Structure of Merit will continue to have important architectural influence on the heritage of the City.

**ATTACHMENTS:** 1. Proposed Mills Act Contract Draft  
2. Historic Landmarks Commission Minutes dated July 16, 2014

**PREPARED BY:** Nicole Hernandez, Urban Historian

**SUBMITTED BY:** George Buell, Community Development Director

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

RECORDING REQUESTED BY, )  
AND WHEN RECORDED MAIL TO: )  
City of Santa Barbara )  
Community Development Department )  
630 Garden Street )  
P.O. Drawer 1990 )  
Santa Barbara, CA 93102  
Attn: Community Development Director

SEND ANOTHER COPY TO:

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(Space Above for Recorder’s Office)

**HISTORIC PROPERTY PRESERVATION AGREEMENT**  
**(“MILLS ACT CONTRACT”)**

**between**

**THE CITY OF SANTA BARBARA**  
**a municipal corporation**

**and**

**Jake and Joanne Cryan**  
**612 East Valerio Street, Santa Barbara, CA 93103**

**Owner of the property located at**

**612 East Valerio Street**

**APN: 027-270-002**

## HISTORIC PROPERTY PRESERVATION AGREEMENT

### ("MILLS ACT CONTRACT")

**THIS AGREEMENT** is made this \_\_\_\_\_ 2014, by and between the City of Santa Barbara, a municipal corporation ("City") and Jake and Joanne Cryan (hereinafter collectively referred to as "Owner").

#### RECITALS

1. California Government Code section 50280, et. seq. allow cities the discretion to enter into contracts with the owners of qualified historic properties, as that term is defined in Government Code section 50280.1, for the purpose of providing for the use, maintenance, protection, and rehabilitation of such historic property so as to retain its characteristics as property of historic significance.

2. Owner holds fee title in and to that certain real property, together with associated structures and improvements thereon, generally located at the street address 612 East Valerio Street Santa Barbara, California ("Historic Property"). A legal description of the Historic Property is attached hereto as Exhibit "A," and incorporated herein by this reference.

3. On November 11, 2014, the City Council designated the Historic Property as an historic resource pursuant to the terms and provisions of Title 22 of the Santa Barbara Municipal Code.

4. City and Owner desire to enter into this Agreement for the purpose of protecting and preserving the characteristics of historical significance of the Historic Property that help preserve and maintain the community's unique civic identity and character.

5. Owner, in consideration for abiding by the terms of this Agreement, shall be entitled to qualify for a reassessment of valuation of the Historic Property, pursuant to the provisions of Chapter 3, Part 2, of Division 1 of the California Revenue and Taxation Code, and any corresponding adjustment in property taxes resulting therefrom.

## TERMS

NOW, THEREFORE, the City and Owner in consideration of mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Preservation of Historical Property. During the term of this Agreement, the Historic Property shall be subject to the following conditions, requirements, and restrictions:

A. The Rehabilitation Plan. Owner has proposed a specific list of projects, acceptable to City, that are to be undertaken and completed for the rehabilitation, repair, maintenance, or rehabilitation of the Historic Property during the term of this agreement (hereinafter the “Rehabilitation Plan.”) The proposed Rehabilitation Plan is listed in Exhibit “B,” which exhibit is incorporated herein by this reference. Owner shall conduct at least one of the projects listed in the Rehabilitation Plan during each year of this agreement. All such projects shall be undertaken and completed in accordance with the Secretary of Interior Standards for Rehabilitation and the City of Santa Barbara design guidelines.

The projects in the Rehabilitation Plan are listed in chronological order by the contract year(s) in which the projects are expected to commence. In addition, the project list provides an estimated cost of completion for each project. The project commencement dates and cost estimates are provided for purposes of illustration. A project does not have to be completed within a single contract year, nor do all of the listed projects have to be completed during the term of the agreement. However, during each year of this contract, Owner is required to spend an amount at least equal to the annual property tax savings realized by Owner on one or more of the projects listed in the Rehabilitation Plan. Without altering Owner’s obligation to invest the annual tax savings in the rehabilitation, repair, maintenance, or rehabilitation of the Historic Property, the Rehabilitation Plan may be amended or altered from time

to time by written agreement executed by the City Community Development Director or the Director's designee and Owner.

B. Maintenance Plan. In addition to the Rehabilitation Plan described in Subsection 1(A) above, Owner shall preserve and maintain the characteristics of the cultural and historical significance of the Historic Property. Attached hereto as Exhibit "C," and incorporated herein by this reference, is a listing of character defining features and the minimum standards and conditions for maintenance, use, protection, and preservation of the Historic Property, which shall apply to the Historic Property and with which Owner shall comply throughout the term of this Agreement. In addition, Owner shall comply with the terms of the City's Historic Structures Ordinance (Chapter 22.22) of the Santa Barbara Municipal Code), and shall obtain any applicable permits necessary to protect, preserve, restore, and rehabilitate the Historic Property so as to maintain its historical and cultural significance. At a minimum, during the term of this agreement Owner shall maintain the exterior of the Historic Property in a condition that is at least equal to the condition documented in Exhibit "D." The condition of the exterior of the Historic Property on the effective date of this Agreement is documented in photographs attached as Exhibit "D" and incorporated herein by this reference.

C. Public View of the Historic Property. Owner shall not construct, install, allow, or maintain any wall, fence, or landscaping along the right of way frontages of the Historic Property so as to prevent the viewing of the Historic Property from the public right-of-way.

2. Periodic Examinations. Upon reasonable advance notice, Owner shall allow reasonable periodic examinations of the interior and exterior of the Historic Property by representatives of the County Assessor, the State Department of Parks and Recreation, the State Board of Equalization and City, as may be necessary to determine Owner's compliance with the terms and provisions of this

Agreement.

3. Provision of Information of Compliance. Owner hereby agrees to furnish City with any and all information requested by City, which City deems necessary or advisable to determine eligibility of the Historic Property and compliance with the terms and provisions of this Agreement. Owner shall provide the City with photographs and receipts documenting the progress and expenditures on the required Rehabilitation Plan project(s) during each year of the agreement.

4. Effective Date and Term of Agreement. This Agreement shall be effective and commence on 2014, (“Effective Date”) and shall remain in effect for a term of ten (10) years thereafter.

5. Yearly Renewal. Each year upon the anniversary of the Effective Date (“Renewal Date”), an additional one (1) year shall automatically be added to the remaining term of the Agreement unless a notice of nonrenewal is delivered as provided in Section 3 of this Agreement.

6. Nonrenewal. If either the Owner or City desires in any year not to renew this Agreement, Owner or City shall serve a written notice of nonrenewal upon the party in advance of the Renewal Date (“Notice of Nonrenewal”). The Notice of Nonrenewal shall be effective only if served by Owner upon City at least ninety (90) days prior to the Renewal Date, or if served by City upon Owner, the Notice of Nonrenewal shall be effective only if served upon Owner at least sixty (60) days prior to the Renewal Date. If either City or Owner serves a Notice of Nonrenewal in any year, this Agreement shall remain in effect for the balance of the term then remaining.

7. Owner Protest of City Nonrenewal. Within fifteen (15) days of Owner’s receipt of the Notice of Nonrenewal from City, Owner may file with City a written protest of the Notice of Nonrenewal. Upon receipt of the written protest, the City Council shall set a hearing prior to the expiration of the Renewal Date of this Agreement. Owner may furnish the City Council with any

information which Owner deems relevant and shall furnish the City Council with any information it may require. The City Council may, at any time prior to the annual Renewal Date, withdraw its Notice of Nonrenewal.

8. Breach of Agreement; Remedies.

A. Notice of Breach; Opportunity to Cure. If Owner breaches any provision of this Agreement, City may give written notice to Owner by registered or certified mail detailing Owner's violations. If such violation is not corrected to the reasonable satisfaction of City within thirty (30) days after the date of notice of violation, or within such a reasonable time as may be required to cure the violation (provided the acts to cure the violation are commenced within thirty (30) days and thereafter diligently pursued to completion), the City may, without further notice, declare Owner to be in breach of this Agreement. Upon City's declaration of Owner's breach, City may pursue any remedy available under local, state, or federal law, including those specifically provided for in this section.

B. Remedy - Cancellation. City may cancel this Agreement if City determines, following a duly noticed public hearing in accordance with Government Code section 50285, that Owner breached any of the conditions of the Agreement, Owner allowed the Historic Property to deteriorate to the point that it no longer meets the standards for a qualified historic property, or Owner failed to maintain and preserve the Historic Property in accordance with the terms of this Agreement. If this Agreement is cancelled, under this paragraph, Owner shall pay a cancellation fee to the Office of the Auditor for the County of Santa Barbara as required by Government Code section 50286.

C. Alternative Remedies. As an alternative to cancellation of this Agreement for Owner's breach of any condition, City may bring an action in court necessary to enforce this Agreement including, but not limited to, an action to enforce this Agreement by specific performance, injunction,

or receivership.

9. Destruction of Property; Eminent Domain; Cancellation. If the Historic Property is destroyed by earthquake, fire, flood, or other natural disaster such that in the opinion of the City Building Official more than seventy-five percent (75%) of its market value immediately prior to the damage is lost, this Agreement shall be cancelled because the historic value of the structure will have been destroyed. If the Historic Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, this Agreement shall be cancelled. No cancellation fee pursuant to Government Code section 50286 shall be imposed if the Agreement is cancelled pursuant to this Section.

10. Waiver. City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to the City to pursue in the event that there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.

11. Binding Effect of Agreement. Owner hereby subjects the Historic Property to the covenants, conditions, and restrictions set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, conditions, and restrictions set forth herein shall be deemed covenants running with the land and shall inure to and be binding upon Owner's successors and assigns in title or interest to the Historic Property. Each and every contract, deed or other instrument herein after executed, covering or conveying the Historic Property, or any portion thereof, shall conclusively be

held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

12. Covenants Run with the Land. City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historical characteristics and significance of the Historic Property for the benefit of the public and the Owner.

13. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto:

City: City of Santa Barbara  
Planning Division  
630 Garden Street  
Santa Barbara, CA 93101

Owner: Jake and Joanne Cryan  
612 East Valerio Street  
Santa Barbara, CA 93103

14. Effect of Agreement. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause the parties to be considered joint venturers or members of any joint enterprise.

15. Indemnity of City. Owner shall defend, indemnify, and hold harmless City and its elected officials, officers, agents and employees from any actual or alleged claims, demands, causes of action,

liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any federal, state or local governmental agency, arising out of or incident to (i) the direct or indirect use operation, or maintenance of the Historic Property by Owner or any contractor, subcontractor, employee, agent, lessee, licensee, invitee, or any other person; (ii) Owner's activities in connection with the Historic Property; and (iii) any restrictions on the use or development of the Historic Property, from application or enforcement of Title 22 of the City's Municipal Code, or from the enforcement of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. Owner's obligation to indemnify shall survive the termination, cancellation, or expiration of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents.

16. Binding Upon Successors. All of the agreements, rights, covenants, reservations and restrictions contained in this Agreement shall be binding upon and shall inure to the benefit of the parties herein, their heirs, successors, legal representatives, assigns and all persons acquiring any part or portion of the Historic Property, whether by operation of law or in any manner whatsoever.

17. Legal Costs. In the event legal proceedings are brought by any party or parties to enforce or restrain a violation of any of the covenants, conditions or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover all reasonable attorneys' fees to be fixed by the court, in addition to court costs and other relief ordered by the court.

18. Severability. In the event that any of the provisions of this Agreement are held to be

unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be effected thereby.

19. Recordation. No later than twenty (20) days after the Effective Date, City shall cause this Agreement to be recorded in the office of the County Recorder of the County of Santa Barbara. Owner shall provide written notice of the contract to the State Office of Historic Preservation within six (6) months of entering into the contract.

20. Amendments. This Agreement may be amended, in whole or in part, only by written recorded instrument executed by the parties hereto.

21. Governing Law and Venue. This Agreement shall be construed and governed in accordance with the laws of the State of California. Any action at law or in equity brought by either of the parties hereto for the purpose of enforcing a right or rights provided for by this Agreement shall be tried in a court of competent jurisdiction in the County of Santa Barbara, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county.

IN WITNESS WHEREOF, the parties have executed this Mills Act Contract for 612 East Valerio Street as of the date and year first written above.

CITY OF SANTA BARBARA  
a Municipal Corporation

OWNER

\_\_\_\_\_  
Paul Casey  
City Administrator

\_\_\_\_\_  
(Jake Cryan)

ATTEST:

\_\_\_\_\_  
(Joanne Cryan)

\_\_\_\_\_  
City Clerk Services Manager

APPROVED AS TO CONTENT:

\_\_\_\_\_  
George Buell  
Community Development Director

APPROVED AS TO FORM:  
Ariel Pierre Calonne  
City Attorney

By \_\_\_\_\_  
Assistant City Attorney

## ACKNOWLEDGMENT

State of California  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

Exhibit "A"  
Legal Description

*The legal description from the grant deed, is attached as Exhibit "A"*

Escrow No. 310035-JWH  
Title Order No. 00310035

**EXHIBIT ONE**

Those portions of Lots 1 and 2 of Valerio Place, in the City of Santa Barbara, County of Santa Barbara, State of California, according to the map thereof recorded in Book 4, Page 51 of Maps and Surveys, records of said County, described as follows:

Beginning at a point on the Southeasterly line of said Lot 2, being the Southeasterly line of Valerio Place, distant thereon Northeasterly 52.50 feet from the Southerly corner of said Lot 1; thence Northwesterly along a line parallel with the Southwesterly line of said Lot 1, above mentioned, to its intersection with the Southeasterly line of Valerio Street; thence Northeasterly along said street line to the most Northerly corner of said Lot 2; thence Southeasterly along the Northeasterly line of Lot 2 to the Easterly corner of said Lot 2; thence Southwesterly along the Southeasterly line of Lot 2 to the point of beginning.



This is a true certified copy of the original document on file of record in my office. It bears the seal and signature of the County Clerk-Recorder and Assessor.

*[Handwritten Signature]*

COUNTY CLERK-RECORDER, SANTA BARBARA COUNTY CALIFORNIA  
DATE: \_\_\_\_\_ BY DEPUTY \_\_\_\_\_

Exhibit “B”

Projects may be interior or exterior, but must utilize all of your tax savings. All projects that affect the exterior of the residence are subject to Historic Landmarks Commission/staff review and approval before work begins as required by Title 22. Work must meet all City requirements and the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*.

Retain copies of receipts and permits for submittal with the required annual reports.

The City of Santa Barbara does not make any of the Mills Act calculations and assumes no liability for the Mills Act calculations submitted by the applicant as part of the application or the Mills Act calculations of the Santa Barbara County Assessor’s Office.

**MILLS ACT PROGRAM TEN-YEAR RESTORATION PLAN**

612 E. Valerio Street  
City of Santa Barbara

Year	Proposed Project	Estimated Cost
Year 1	Termite treatment and repair termite damage, install new wood fence along side property line, repair and repaint exterior stairs, repaint one room and replace outdoor lighting	\$8,294
Year 2	Repair original broken door knobs on original doors, trim trees that are damaging historic house, repaint peeling exterior paint as needed, replace broken window coverings, repair wood front porch	\$6,200
Year 3	Replace deteriorated plumbing, repair and repaint window casings, refurbish original bath tubs, install attic fan, install low flow toilets	\$8,100
Year 4	Repair exterior roof, trim trees that are damaging house, repair/replace garden fence	\$4,660
Year 5	Repaint interior , repair cracks and sagging ceiling, repair exterior door from garage	\$8,350

Year 6	Replace dirt and gravel drive to match existing, repair original sandstone wall in front and back of property.	\$9,200
Year 7	Install new tile in the kitchen, replace bathroom fixtures, trim trees	\$6,830
Year 8	Repair/replace wood floor sections. Repair cracks in front wall	\$9,300
Year 9	Repaint entire exterior of wood house	\$10,000
Year 10	Replace roof to match existing	\$30,000

To be attached to the Historic Property Preservation Agreement (Mills Act Contract) as Exhibit B.

Projects may be interior or exterior, but must utilize all of your tax savings. All projects that affect the exterior of the residence are subject to Historic Landmarks Commission/Staff review and approval before work begins. Work must meet all City requirements and the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Restoration Plan may be amended or altered by mutual agreement. Retain copies of all receipts and permits for submittal with the required annual reports.

## Exhibit "C"

### Property Maintenance Minimum Standards

During the term of this Agreement, Owners shall maintain the Historic Property in compliance with all regulations of the state Health and Safety Code including compliance with the adopted Uniform Housing Code as referenced in Chapter 22.04 of the Santa Barbara Municipal Code. In addition, during the term of this Agreement, Owner shall:

1. Comply with Santa Barbara Municipal Code Section 22.22.070, Duty to Repair and Maintain Structures of Merit consistent with maintenance plan for preservation of character defining features.
2. Not store non-operational vehicles on the Historic Property in locations that are visible from the public right of way;
3. Not maintain stagnant or standing water on the Historic Property;
4. Not suffer or maintain overgrown or decaying landscaping on the Historic Property. All landscape features should be maintained including, but not limited to grass, trees, and any planting.

Exhibit "D"

*Photos of the exterior are used as Exhibit "D"*



*Front, East, elevation of 612 East Valerio Street. (2014)*



*Streetscape view facing south 612 East Valerio Street. (2014)*



*Intricate front entrance of 612 East Valerio Street. (2014)*



*View of east and south elevations of  
612 East Valerio Street. (2014)*



*Detail of window in need of repair at  
612 East Valerio Street. (2014)*



*Detail of sandstone wall in need of  
repair at 612 East Valerio Street.  
(2014)*

**HISTORIC LANDMARKS COMMISSION MINUTES**

**July 16, 2014**

**MISCELLANEOUS ACTION ITEM**

4. **612 E VALERIO ST**

R-2 Zone

(2:02) Assessor's Parcel Number: 027-270-002  
Application Number: MST2014-00242  
Owner: Jake Cryan

(Application for Mills Act Contract. The structure located at 612 East Valerio Street was built circa 1908 in the Queen Anne Free Classic architectural style, retains almost all its original features and is an exemplary example of its architectural style. The property owner is planning major maintenance and rehabilitation projects necessary to lengthen the life of the building.)

**(Review of a proposed Mills Act Program Ten-Year Restoration Plan and recommendation to the City Community Development Director for approval of the proposed Mills Act Contract.)**

Actual time: 1:51 p.m.

Present: Joanne Cryan, Owner

Staff comments: Nicole Hernández, Urban Historian, stated that the property owner has applied for the Mills Act Historic Property Tax Incentive Program. Staff reviewed the ten year restoration plan carefully and found it meets the Secretary of the Interior's Standards and will restore the house to extend its life for many years.

**Motion:** To recommend that the Community Development Director authorize the execution of a Mills Act contract for the structure located at 612 E. Valerio Street.

Action: Orías/Winick, 6/0/0. (Murray/Shallanberger/Sharpe absent.) Motion carried.

Staff notes: The City Council approved the Mills Act Historical Property Contract (reduced property tax incentive) Program and placed maximum limits to 8 contracts per year. This provision was initiated in 2009.



**CITY OF SANTA BARBARA  
JOINT CITY COUNCIL/SUCCESSOR AGENCY  
TO THE REDEVELOPMENT AGENCY OF THE  
CITY OF SANTA BARBARA  
AGENDA REPORT**

**AGENDA DATE:** November 11, 2014

**TO:** Successor Agency Members

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

**SUBJECT:** Geotechnical Contract Services For Cabrillo Pavilion And Bathhouse Renovation Project

**RECOMMENDATION:** That the Successor Agency:

- A. Authorize the Executive Director to execute a contract between the Successor Agency and Fugro Consultants, Incorporated, in the amount of \$55,271 to prepare a Geotechnical Study for the Cabrillo Pavilion and Bathhouse Renovation Project, and
- B. Authorize the Executive Director to approve extra work, as necessary, in an amount not to exceed \$5,527, or 10 percent.

**DISCUSSION:**

Project Description

The primary objectives of the Cabrillo Pavilion and Bathhouse Renovation Project (Project) are to achieve a viable community recreation center and return the building to its original status as the "crown jewel of East Cabrillo Boulevard." Constructed and given to the City by David Gray, the Cabrillo Pavilion and Bathhouse has provided community cultural and recreational opportunities since 1926. Today, the building's outdated interiors, structural deficiencies, failing mechanical, electrical and plumbing systems, as well as poor site accessibility, significantly limit its potential to serve Santa Barbara residents and visitors. A City designated Structure of Merit and one of its most significant public assets, renovation of the building will ensure its role as a prime recreational facility well into the future.

The Project includes complete renovation of the facility's mechanical, electrical, plumbing and communication systems, and associated structural and seismic, fire protection, and accessibility upgrades. Proposed exterior building improvements include restoration of the original beach level promenade, renovation of exterior building modifications, repairs of the building façade, site grading to achieve accessibility standards and improve facility access, design modifications to the parking lots to

address accessibility, and renovation of site landscaping, outdoor showers, and covered walkway (stoa) adjacent to the playground. The Project also proposes installation of a boardwalk to connect the promenade to the recreational beach in front of the facility.

Proposed interior improvements for the Bathhouse floor include restoration of the lobby, renovation of men's and women's shower and locker facilities, new multi-purpose rooms for gym/fitness, recreation programs, meetings and special events, a new small tenant space, and renovation of the area for a private restaurant concession. Improvements for the Pavilion floor include redesign of the lobby to create one large room, renovation of the main special event room and restrooms, installation of a modern prep kitchen for special events and functions, and renovation of the enclosed terrace with new windows and doors. An interior elevator will connect the two floors.

Council and the Successor Agency received a status report on the project design and schedule on November 4, 2014.

#### Geotechnical and Geological Services

The Department recommends that the Successor Agency authorize the Executive Director to execute a contract between the Successor Agency and Fugro consultants for geotechnical investigation services. Fugro was selected through a competitive request for proposal process. The City received four proposals and Fugro was selected as the most qualified firm due to the firm's approach and extensive local experience providing soil investigation for City projects like the Waterfront Administration Building Remodeling and Retrofit, Fire Station No. 1 Structural Renovation, and Carrillo Recreation Center Rehabilitation. Fugro's scope of work includes preparation of a Geotechnical Study that will use a phased approach to the subsurface exploration; focusing engineering efforts on site characterization, seismic hazards, liquefaction potential, and related consequences; and providing engineering information for the renovation. In addition, storm water percolation and infiltration testing will be performed on site.

#### **BUDGET/FINANCIAL INFORMATION:**

On December 17, 2013, the Successor Agency approved funding of \$9,117,026 for design and construction of the Project from the 2001 and 2003 Redevelopment Agency Bond Funds.

To date, Council and the Successor Agency has approved the following contract services for the project:

Date	Contractor	Service	Amount
02-04-14	KBZ	Architectural and Engineering	\$921,500
02-04-14	Parks and Recreation	Project Management Services	\$51,288
02-04-14	City of Santa Barbara	Land Development Permits	\$34,425
04-15-14	Moffat & Nichol	Coastal Hazards Analysis	\$59,554
04-15-14	Cardenas and Assoc.	Additional Land Survey Information	\$3,310
11-04-14	Dudek	Archeological Resources Report	\$2,395
11-04-14	Leidos	Biological Resources Report	\$14,591
	TOTAL		\$1,087,063

The contract with Fugro Consultants in the amount of \$60,798 will support additional services needed for engineering and project permitting.

**SUSTAINABILITY IMPACT:**

The Project will further the City's Sustainability Program goals through incorporating environmentally responsible design and construction techniques. The Project goal is to attain a LEED Silver certification rating.

**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:** November 11, 2014

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Proposed Eastside Business Improvement District

### **RECOMMENDATION:**

That Council receive a status report from the Milpas Community Association on proposed plans to create an Eastside Business Improvement District.

### **DISCUSSION:**

Sharon Byrne, Executive Director of the Milpas Community Association, will provide an update on a proposal to create an Eastside Business Improvement District that would assess businesses along the Milpas Street corridor and Eastside commercial/industrial area for marketing and promotional services, events, security, graffiti removal, and government relations.

In Spring 2013, the Association contacted the City to express an interest in the possibility of creating a business improvement district that would formalize the identity of the Milpas/Eastside area. Since that time, staff has provided guidance to the Association on different types of districts allowed under state law and prepared estimates of total business license fees collected within the proposed boundaries. In 2014, the Association contracted with Civitas, a consulting group that specializes in the formation of property and business improvement districts, to develop an assessment method and prepare a required management district plan.

Under the California Streets and Highway Code, the Property and Business Improvement District Law of 1994 allows the creation of improvement districts for the purpose of providing improvements and activities through the levy of an assessment on the businesses or real property who receive a specific benefit. The law authorizes cities to collect the assessment on behalf of a nonprofit entity that is under contract by the city to implement activities outlined by the management district plan. Specifically, state law allows the district to provide the following activities:

- Promotion of public events which benefit businesses or real property in the district,
- Furnishing of music in any public place within the district,
- Promotion of tourism within the district,
- Marketing and economic development, including retail retention and recruitment,
- Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality, and
- Activities which benefit businesses and real property located in the district.

The Milpas Community Association is proposing an improvement district that would assess businesses for a flat rate determined by business type. The assessment rates would range from \$215 to \$745 with the full rate schedule available in the Proposed Management District Plan. The district would extend through the Milpas commercial corridor from Cabrillo Blvd. to the County Bowl and cover Eastside businesses to the western boundary of Salsipuedes St. (see Attachment 1). The district plans to focus on the following activities: 1) Beautification, Cleanliness and Safety, 2) Government Relations, 3) Promotion, and 4) Special Events (see Attachment 2). The proposed district is estimating an annual collection and budget of \$150,000 - \$200,000 with the assessment expiring in 5 years, beginning on April 1, 2015 and ending March 31, 2020. Each year, the Milpas Community Association would provide an annual report to the City Council. At the anniversary of the district formation, a 30-day period would begin for business owners representing more than 50% of the assessment value to protest and initiate a Council hearing on district termination.

In accordance with state law, the first step for the Milpas Community Association to form a new district is the development of a Management District Plan and petitioning affected businesses. When the Milpas Community Association submits petitions from businesses that exceed 50% of the assessment value, the City's process to review and evaluate the proposal will officially begin. The City Council retains considerable discretion and control over the amount of the assessment and the types of improvements and activities to be funded. Upon petition submittal, staff will verify that sufficient petitions were received and will prepare for Council consideration a Resolution of Intention to initiate proceedings to levy an assessment with official public noticing and protest procedures. In thirty days following the adoption of the Resolution of Intention, the City Council would conduct a public hearing and determine whether there is a lack of a majority protest (receiving protest letters representing 50% or more of the assessment value). If the public hearing is considered successful due to a lack of majority protest, the City Council would consider adopting a Resolution of Formation and a Resolution Establishing the District.

The specific responsibilities of the City and the Milpas Community Association would need to be established under a contract, consistent with the proposed activities outlined in the Management District Plan. The Proposed Management District Plan is anticipated to be available to the public on the Milpas Community Association website this month.

**ATTACHMENT:** 1. Map of Proposed Eastside Business Improvement District Boundaries  
2. Proposed Services for the Eastside Business Improvement District

**PREPARED BY:** Nina Johnson, Assistant to the City Administrator

**SUBMITTED BY:** Paul Casey, Acting City Administrator

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



## Beautification, Cleanliness, & Safety



- ✓Community Patrols & Homeless Outreach
- ✓Children's Art Trash Can Project
- ✓Litter Pick-Up and Graffiti Abatement
- ✓Holiday Lights and Tree

## Government Relations



- ✓Strong Voice with City and County officials
- ✓Ensure resources dedicated to area
- ✓Voting Member of SB Region Chamber of Commerce Government Relations Council



## Promotion



- ✓Bi-weekly column in *Santa Barbara View* & *Sentinel*
- ✓Social Media Marketing
- ✓“Eat Street” promotion to hotels, cruise ships
- ✓Eastside MTD Shuttle
- ✓Design District Creation & Promotion
- ✓“Shop Small Business” Promotion

## Special Events



### Draw patrons to the district:

- ✓Taste of Milpas™ – “Eat Street”
- ✓Halloween Trick or Treat
- ✓Holiday Lighting Contest
- ✓Holiday Tree Lighting Celebration
- ✓Holiday Parade
- ✓“Eat Street” Classic Car Show
- ✓Bowl Concert nights – Shuttle and Parking

**All for less than an ad in the paper!**



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

**FROM:** Chief's Staff, Police Department

**SUBJECT:** Police Department Update And Additional Police Officer Position

**RECOMMENDATION:** That Council:

- A. Receive an oral presentation from the Police Chief regarding the Santa Barbara Police Department; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution No. 14-046, the Position and Salary Control Resolution for Fiscal Year 2015, Affecting the Police Department Effective November 11, 2014.

### **DISCUSSION:**

As requested by the Mayor and City Council, Police Chief Cam Sanchez provides regular briefings on the status of the Police Department and its operations. This presentation is part of a series of updates and occurs on a periodic basis. The following topics will be covered:

- Part 1 Crime: Comparisons with other Cities
- Downtown Corridor: Crime Stats/Trends/Strategies
- Detective Bureau Update: Recent and Cold Cases
- Staffing & Hiring Update
- Gang Resistance Education and Training (GREAT) Program Update
- Police Activities League (PAL) Update
- Santa Barbara City College Neighborhood Issues

At its meeting of October 28, 2014, as part of its discussion about enhanced safety presence options for the downtown corridor, Council asked staff to return to discuss adding an additional police officer position to the Patrol Division. The proposed resolution will amend the official Position and Salary Control Resolution to include the new position.

**BUDGET/FINANCIAL INFORMATION:**

The total cost for a new officer position in the first year is \$145,807, with an annual ongoing cost of \$132,725. The estimated cost of a new position in Fiscal Year 2015 will be \$83,257 or approximately half of the initial cost if the department is able to fill the position by midyear. The position may go unfilled due to anticipated retirements in the coming six months but the department will make every attempt to fill the position. The position cost will be covered through salary savings in Fiscal Year 2015. However, if any further adjustment is necessary, it will be included at the midyear or third quarter adjustments.

**PREPARED BY:** Cam Sanchez, Chief of Police

**SUBMITTED BY:** Cam Sanchez, Chief of Police

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 14-046, THE POSITION AND SALARY CONTROL RESOLUTION FOR FISCAL YEAR 2015, AFFECTING THE POLICE DEPARTMENT EFFECTIVE NOVEMBER 11, 2014.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT Resolution No. 14-046, the Position and Salary Control Resolution for Fiscal Year 2015, is hereby amended as follows:

	Full-Time Positions <u>Authorized</u>	Part-Time Positions <u>Authorized</u>
<u>POLICE DEPARTMENT</u>		
<u>PATROL DIVISION</u>		
Police Officer	<del>83</del> <b>84</b>	
Division Total	<del>115</del> <b>116</b>	
Department Total	<del>211</del> <b>212</b>	
City Wide Total	<del>994</del> <b>995</b>	21.70



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

**FROM:** City Attorney's Office

**SUBJECT:** Conference With City Attorney - Anticipated Litigation - Initiation of Litigation on One Matter

### RECOMMENDATION:

That Council hold a closed session to consider initiating litigation pursuant to subsection (d)(4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).

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

**REPORT:** None anticipated

**SUBMITTED BY:** Ariel Calonne, City Attorney

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** November 11, 2014

**TO:** Mayor and Councilmembers

**FROM:** City Clerk's Office, Administrative Services Department

**SUBJECT:** Interviews For City Advisory Groups

**RECOMMENDATION:** That Council:

Hold interviews of applicants to various City Advisory Groups.

**DISCUSSION:**

For the current 65 vacancies, 70 individuals submitted 81 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation, in response to a set of questions specific to the group for which they are applying. Applicants applying to more than one advisory group may have up to 5 minutes for their presentation.

Appointments are scheduled to take place on December 9, 2014.

**ATTACHMENT:** List of Applicants

**PREPARED BY:** Deborah L. Applegate, Deputy City Clerk

**SUBMITTED BY:** Kristy Schmidt, Administrative Services Director

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

**ACCESS ADVISORY COMMITTEE**

- Three vacancies.
- Term Expirations:
  - Three terms: December 31, 2017
- Qualifications/Category: Resident of the City or a full-time employee of an entity doing business within the City who demonstrates an interest, experience, and commitment to issues pertaining to disability and access.
  - One representative from the Architectural/Engineering/Building Community.
  - Two representatives from the Disability Community.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Architectural/ Engineering/Building Community (1)</i></b>	Martha Degasis	Appointed 12/11/2012 (2 years)		
<b><i>Disability Community (2)</i></b>	Ken McLellan	Appointed 12/15/2009, 12/13/2011 (5 years)		

## AIRPORT COMMISSION

- Three vacancies.
- Term Expirations:
  - Three terms: December 31, 2018
- Qualifications/Category:
  - Two members must be qualified electors of the City.
  - One member may be from the City or County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (2 or 3)</i></b>	Dolores Johnson			
	Claudia Lapin		1) Community Events & Festivals 2) Airport Commission 3) Historic Landmarks Commission	
	Kirk Martin	Appointed 7/11/2006 (8 years, 6 months)		
	Jason Middleton			
	Bruce Miller	Appointed 7/11/2006 (8 years, 6 months)		
<b><i>Resident of the County of SB (0 or 1)</i></b>	Paul Bowen			

## ARCHITECTURAL BOARD OF REVIEW

- One vacancy.
- Term Expiration:
  - December 31, 2018
- Qualifications/Category:
  - Qualified elector of the City.

(At this time ABR has met the minimum licensing requirements and may appoint non-licensed architects.)
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (1)</i></b>	Joseph Alcasar Terrell		1) Arts Advisory Committee 2) Historic Landmarks Committee 3) Architectural Board of Review	
	Amy Fitzgerald Tripp			

## ARTS ADVISORY COMMITTEE

- One vacancy.
- Term Expiration:
  - December 31, 2015
- Qualifications/Category:
  - Member should be a qualified elector with the City with acknowledged accomplishments in the arts and demonstrates an interest in and commitment to cultural and arts activities.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (1)</i></b>	Joseph Alcasar Terrell		1) Arts Advisory Committee 2) Historic Landmark's Committee 3) Architectural Board of Review	
	Margie Yahyavi			

## CIVIL SERVICE COMMISSION

- One vacancy.
- Term Expirations:
  - December 31, 2018
- Qualifications/Categories:
  - Must be a qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government, and for one year after ceasing to be a member, shall not be eligible for any salaried office or employment with the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (1)</i></b>	Gabe Dominocielo	Appointed 12/07/2010 (4 years)	1) Civil Service Commission 2) Fire & Police Pension Commission	

## COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Five vacancies.
- Term Expirations:
  - One term expires December 31, 2016 (Downtown Neighborhood)
  - One term expires December 31, 2017 (African American Community)
  - Three terms expire December 31, 2018 (Latino Community, Human Services Agencies, and Westside Neighborhood)
- Must be residents or employees of the designated organizations, but need not be qualified electors of the City, and must represent one of the specified categories or organizations. One representative from each:
 

➤ Downtown Neighborhood	➤ Westside Neighborhood	➤ African American Community
	➤ Latino Community	➤ Human Services Agencies
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Downtown Neighborhood (1)</i></b>	Cruzito Herrera Cruz*			
	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
<b><i>Westside Neighborhood (1)</i></b>	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
<b><i>African American Community (1)</i></b>	None			
<b><i>Human Services Agencies (1)</i></b>	Patricia "Max" Rorty	Appointed 12/11/2012 (2 years)		
<b><i>Latino Community (1)</i></b>	Yesenia Curiel	Appointed 6/30/2009, (4 years, 6 months)		
	Cruzito Herrera Cruz*			

\*Eligible for more than one category.

## COMMUNITY EVENTS & FESTIVALS COMMITTEE

- Four vacancies.
- Term Expirations:
  - One term expires December 31, 2015 (Business/Lodging/Retail Industry)
  - One term expires December 31, 2018 (Cultural Arts)
  - Two terms expire December 31, 2018 (Public at Large)
- Qualifications/Category:
  - Two representatives from the Public at Large.
  - One representative of the Business/Lodging/Retail Industry.
  - One representative of Cultural Arts.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Public at Large (2)</b>	Dacia Harwood*			
	Claudia Lapin		1) Community Events & Festivals 2) Airport Commission 3) Historic Landmarks Commission	
	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
	Roger Perry*	Appointed 7/11/2006 (8 years)		
	Kate Schwab	Appointed 12/13/2011 (3 years)		
<b>Business/Lodging/ Retail Industry (1)</b>	Julia Mayer*		1) Planning Commission 2) Community Events & Festivals 3) Community Development & HS	
<b>Cultural Arts (1)</b>	Dacia Harwood*			
	Roger Perry*	Appointed 7/11/2006 (8 years)		

\*Eligible for more than one category.

## CREEKS ADVISORY COMMITTEE

- Three vacancies.
- Term Expirations:
  - December 31, 2018
- Qualifications/Category:
  - Member must be a resident of the City or County of Santa Barbara and shall have some experience in ocean use, business, environmental issues and provide community-at-large representation.
  - One member must have experience in Environmental/Land Use Issues.
  - Total of three (3) positions open
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Resident of the City or County of Santa Barbara (0-3)</i></b>	Danielle DeSmeth*	Appointed 12/07/2010 (4 years)		
	LeeAnne French*	Appointed 12/07/2010 (4 years)	1) Creeks Advisory Committee 2) Parks & Recreation Commission	
	Natasha Lohmus*	Appointed 6/30/2009, 6/28/2011 (5 years, 6 months)		
	Penny Owens			
	Allan Stewart-Oaten		1) Transportation & Circulation 2) Creeks Advisory Committee	
<b><i>Resident of City or County of Santa Barbara with experience in Environmental/Land Use Issues. (1-3)</i></b>	Danielle DeSmeth*	Appointed 12/07/2010 (4 years)		
	LeeAnne French*	Appointed 12/07/2010 (4 years)	1) Creeks Advisory Committee 2) Parks & Recreation Commission	
	Natasha Lohmus*	Appointed 6/30/2009, 6/28/2011 (5 years, 6 months)		

\*Eligible for more than one category.

## DOWNTOWN PARKING COMMITTEE

- One vacancy.
- Term Expiration:
  - December 31, 2015
- Qualifications/Category:
  - Appointee shall demonstrate an interest and knowledge of downtown parking issues and must be a resident of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Resident of the City ( 1)</i>	Ethan Shenkman		1) Planning Commission 2) Downtown Parking	

## FIRE AND POLICE COMMISSION

- One vacancy.
- Term Expiration:
  - December 31, 2018
- Qualifications/Category:
  - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors of the City (1)</i></b>	Bernard Melekian	Appointed 12/17/2013 (1 year)		

## FIRE AND POLICE PENSION COMMISSION

- Four vacancies.
- Term Expirations:
  - One term expires December 31, 2016 (Qualified Elector)
  - One term expires December 31, 2017 (Active/Retired Police Officer)
  - Two terms expire December 31, 2018 (Qualified Electors)
- Qualifications/Categories:
  - Three qualified electors of the City who are not an active fire fighters or police officers.
  - One active or retired police officer who is a member of the Fire and Police Pension System who need not be a resident or elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Electors (3)</i></b>	Gabe Dominocielo		1) Civil Service Commission 2) Fire & Police Pension Commission	
<b><i>Active or Retired Police Officer Who is a Member of the Fire and Police Pension System (1)</i></b>	None			

## HARBOR COMMISSION

- One vacancy.
- Term Expiration:
  - December 31, 2018
- Qualifications/Categories:
  - One qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (1)</i></b>	Betsy R. Cramer	Appointed 12/07/2010 3/06/2007, (7 years, 9 months)		
	Mark Rincon-Ibarra		1) Harbor Commission 2) Parks & Recreation Commission	

## HISTORIC LANDMARKS COMMISSION

- Three vacancies.
- Term Expiration:
  - Three terms: December 31, 2018
- Qualifications/Categories: One member shall be a qualified elector of the City and two members may be non-residents who are licensed architects.
  - Three members may be a qualified electors of the City and two members may be non-residents (Public at Large)
  - (At this time HLC has met the minimum architect licensing requirements and may appoint non-licensed architects.)
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Public at Large (1-3)</b>	Neil Graffy			(City)
	Anthony Grumbine			(Non-resident)
	Claudia Lapin		1) Community Events & Festivals 2) Airport Commission 3) Historic Landmarks Commission	(City)
	William "Bill" La Voie*	Appointed 12/07/2010 (4 years -prior service)		(Non-resident)
	Judith Orias	Appointed 12/07/2010 (4 years)		(City)
	James Edward Sved			(City)
	Ekaterina Svensson			(City)
	Joseph Alcasar Terrell		1) Arts Advisory Committee 2) Historic Landmarks Commission 3) Architectural Board of Review	(City)
	Julio Juan Veyna*			(Licensed Landscape Architect, City)
<b>Licensed Architect (0-2)</b>	William "Bill" La Voie*	Appointed 12/07/2010 (4 years -prior service)		(Non-resident)
	Julio Juan Veyna*			(Licensed Landscape Architect, City)

\*Eligible for more than one category.

## LIBRARY BOARD

- One vacancy.
- Term Expiration:
  - December 31, 2018
- Qualifications/Categories:
  - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Elector (1)</i>	John Shortalford			

## LIVING WAGE ADVISORY COMMITTEE

- Three vacancies.
- Term Expirations:
  - June 30, 2018 (Qualified Elector)
  - June 30, 2016 (Employee of Local Santa Barbara Area Non-Profit Entity)
  - June 30, 2015 (Owner/Manager of a Service Contractor Subject to the City's Living Wage Ordinance)
- Qualifications/Categories:
  - One member from the public at large who shall be a qualified elector of the City.
  - One member of the Committee shall be employed by a local Santa Barbara area non-profit entity.
  - One member shall be a owner/manager of a service contractor subject to the City's Living Wage Ordinance.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Member of the Public at Large – Qualified Elector of the City (1)</i>	None			
<i>Employed by a Local Santa Barbara Area Non-Profit Entity (1)</i>	None			
<i>Owner/Manager of a Service Contractor Subject to the City's Living Wage Ordinance (1)</i>	None			

## MEASURE P COMMITTEE

- Four vacancies.
- Term Expirations:
  - One term expires December 31, 2016 (Criminal Defense Attorney)
  - One term expires December 31, 2017 (Medical Professional)
  - One term expires December 31, 2018 (Resident of the City)
  - One term expires December 31, 2018 (Drug Abuse, Treatment & Prevention Counselor)
- Qualifications/Categories:
 

➤ Criminal Defense Attorney	➤ Resident of the City
➤ Medical Professional	➤ Drug Abuse, Treatment & Prevention Counselor
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Criminal Defense Attorney (1)</i>	None			
<i>Medical Professional (1)</i>	None			
<i>Resident of the City (1)</i>	None			
<i>Drug Abuse, Treatment &amp; Prevention Counselor (1)</i>	None			

**MOSQUITO AND VECTOR MANAGEMENT DISTRICT BOARD**

- One vacancy.
- Term Expirations:
  - January 2, 2017
- Qualifications/Categories:
  - Registered voter of the City of Santa Barbara or a member of the City Council.
- Appointees may not hold any full-time paid office or employment in City government.

<b>CATEGORY (Number of Vacancies)</b>	<b>APPLICANT</b>	<b>Incumbent Appt. Dates (Years Served)</b>	<b>Applicant's Preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>)</b>	<b>Notes</b>
<b><i>Registered Voter of the City of Santa Barbara (1)</i></b>	Larry L. Fausett	Appointed 6/24/2014 (6 months)		

## NEIGHBORHOOD ADVISORY COUNCIL

- Four vacancies.
- Term Expirations:
  - Four terms expire December 31, 2018
- Qualifications/Categories: Resident of the City and three must be from the following six neighborhoods:
 

➤ West Downtown (up to 1)	➤ Eastside (up to 1)	➤ Lower Eastside (up to 2)
➤ Laguna (up to 3)	➤ Westside (up to 3)	➤ Lower Westside (up to 2)
- Appointees may not hold any full-time paid office or employment in City government.

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

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Neighborhood Representatives</i></b>  <b>(3 or 4)</b>	Chelsea Lancaster			(West Downtown)
	Javier Limon	Appointed 3/02/2011 (3 years, 9 months)		(Lower Westside)
	Beebe Longstreet		1) Neighborhood Advisory Council 2) Parks & Recreation Commission	(Lower Westside)
<b><i>Public at Large (0 or 1)</i></b>	J. Bud Stuart			((East Beach))

## PARKS AND RECREATION COMMISSION

- Two vacancies.
- Term Expirations:
  - One term expires December 31, 2015
  - One term expires December 31, 2018
- Qualifications/Categories:
  - Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b>Qualified Electors of the City (2)</b>	John Abrami			
	LeeAnne French		1) Creeks Advisory Committee 2) Parks & Recreation Commission	
	Linus Huffman			
	Mark Rincon-Ibarra		1) Harbor Commission 2) Parks & Recreation Commission	
	Rocky Jacobson			
	Todd Kelly			
	Beebe Longstreet	Appointed 2/14/1995  (8 years, 10 months)	1) Neighborhood Advisory Council 2) Parks & Recreation Commission	

## PLANNING COMMISSION

- One vacancy.
- Term Expiration:
  - December 31, 2018.
- Qualifications/Categories:
  - Qualified elector of the City
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Qualified Elector of the City (1)</i></b>	Robert D. Hart			
	Jay Higgins			
	Paige Kaye			
	Charles Lester			
	Julia Mayer		1) Planning Commission 2) Community Events & Festivals 3) Community Development & Human Services	
	Ethan Shenkman		1) Planning Commission 2) Downtown Parking Committee	

## RENTAL HOUSING MEDIATION TASK FORCE

- Six vacancies.
- Term Expirations:
  - One term: December 16, 2016 (Tenant)
  - Two terms: December 31, 2018 (Landlord)
  - One term: December 31, 2018 (Homeowner)
  - Two terms: December 31, 2018 (Tenant)
- Qualifications/Categories: Non-City members must be affiliated with a landlord tenant organization within City limits.
  - Three Tenants (City or County)
  - Two Landlords (City or County)
  - One Homeowner (City or County)
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Tenants - City or County (3)</i></b>	Robert Burke	Appointed 12/07/2010 (4 years)		(City)
	Melika Garrett			(City)
	Rene Gomez			(City)
<b><i>Landlords – City or County (2)</i></b>	Chris Casebeer	Appointed 6/28/2011 (2 years, 6 months)		(City)
	Scott Wexler	Appointed 7/01/2008 (5 years, 6 months)		(City)
<b><i>Homeowner – City or County (1)</i></b>	Bruce Wollenberg	Appointed 12/19/2006 12/07/2010 (8 years)		(City)

## SANTA BARBARA YOUTH COUNCIL

- Three vacancies.
- Term Expirations:
  - Two terms expire June 30, 2016 (Local Alternative, Community, or Continuation HS)
  - One term expires June 30, 2015 (Santa Barbara High School)
- Qualifications/Categories: Members must be between the ages of 13-19 years.
  - Two members from local alternative, community, or continuation high school (City or County).
  - One member from Santa Barbara High School (City or County).

\*Applicants must appear for an interview before the Santa Barbara Youth Council and City Council.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Members From Local Alternative, Community, or Continuation High School (2)</i>	None			
<i>Santa Barbara High School (1)</i>	None			

## SIGN COMMITTEE

- Two vacancies.
- Term Expirations:
  - Two terms expire December 31, 2018.
- Qualifications/Categories:
  - Residents of the City who represent the Public at Large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Public at Large (2)</i></b>	Natalie Cope	Appointed 12/07/2004 12/19/2006, 12/07/2010 (10 years)		
	Bob Cunningham	Appointed 12/19/2006, 12/07/2010 (8 years)		

## SISTER CITIES BOARD

- Two vacancies.
- Term Expirations:
  - December 31, 2016 (City)
  - December 31, 2018 (Public at Large)
- Qualifications/Categories:
  - One representative must be a resident of the City.
  - One representative may be a resident of the City or the adjoining areas of Santa Barbara County.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i><b>Representative of the City (1 or 2)</b></i>	None			
<i><b>Public at Large -City or County (0 or 1)</b></i>	Takako Wakita	Appointed 2/14/1995 3/02/1999, 12/17/2002, 12/19/2006, 12/07/2010 (15 years)		

## TRANSPORTATION AND CIRCULATION COMMITTEE

- Four vacancies.
- Term Expirations:
  - Four terms expire December 31, 2018
- Qualifications/Categories:
  - Three members must be qualified electors of the City.
  - One member may be a resident of the City or County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<b><i>Residents of the City or Qualified Elector (3 or 4)</i></b>	Hillary Blackerby	Appointed 6/30/2009, 12/07/2010 (4 years, 6 months)		
	Susan Horne	Appointed 12/07/2010 (4 years)		
	Kathleen Rodriguez	Appointed 6/26/2012 (1 year, 6 months)		
<b><i>Resident of the County of SB (0 or 1)</i></b>	Allan Stewart-Oaten		1) Transportation and Circulation 2) Creeks Advisory	

## WATER COMMISSION

- One vacancy.
- Term Expiration:
  - December 31, 2018
- Qualifications/Categories:
  - Qualified elector of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	Notes
<i>Qualified Elector (1)</i>	Jai Ranganathan			