

**CITY OF SANTA BARBARA
CITY COUNCIL
REDEVELOPMENT AGENCY**

Marty Blum
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Mayor Pro Tempore/Vice Chair
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Ordinance Committee Chair
Roger L. Horton
Finance Committee Chair
Iya G. Falcone
Grant House
Helene Schneider



James L. Armstrong
*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

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

**MARCH 24, 2009
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council and Redevelopment Agency meetings begin 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 Council/Redevelopment Agency 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 Council/Redevelopment Agency meeting, and at the beginning of each special Council/Redevelopment Agency meeting, any member of the public may address them concerning any item not on the Council/Redevelopment Agency 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 Council/Redevelopment Agency. Should Council/Redevelopment Agency business continue into the evening session of a regular Council/Redevelopment Agency meeting at 6:00 p.m., the Council/Redevelopment Agency 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 Council/Redevelopment Agency, 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 Council/Redevelopment Agency 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 Council/Redevelopment Agency.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the Council/ Redevelopment Agency. A Consent Calendar item is open for discussion by the Council/Redevelopment Agency upon request of a Council/Agency Member, 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/Redevelopment Agency considers the Consent Calendar.

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

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

ORDER OF BUSINESS

- 12:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 12:00 p.m. - Special Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting Begins
- 2:00 p.m. - Redevelopment Agency Meeting
- 5:00 p.m. - Recess
- 6:00 p.m. - City Council Meeting Reconvenes

SPECIAL FINANCE COMMITTEE MEETING - 12:00 P.M. IN DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: February 2009 Investment Report

Recommendation: That the Finance Committee recommend that Council accept the February 2009 Investment Report.

(See Council Agenda Item No. 3)

SPECIAL ORDINANCE COMMITTEE MEETING - 12:00 P.M. IN THE COUNCIL CHAMBER (120.03)

Subject: Proposed Amendments To The 2007 Fire Code - RE: Fire Sprinkler Requirements

Recommendation: That the Ordinance Committee consider proposed changes to Chapter 8.04 of the Municipal Code specifying new fire sprinkler requirements for both commercial and residential property, and forward the ordinance amendments to the City Council for introduction and adoption.

**REGULAR CITY COUNCIL MEETING – 2:00 P.M.
SPECIAL REDEVELOPMENT AGENCY MEETING – 2:00 P.M.**

AFTERNOON SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of March 3 and March 10, 2009.

2. Subject: Records Destruction For Administrative Services Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Administrative Services Department in the City Clerk's Office.

3. Subject: February 2009 Investment Report (260.02)

Recommendation: That Council accept the February 2009 Investment Report.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

4. Subject: Adoption Of Ordinances For Memoranda Of Understanding And Salary Plans For TAP Unit, Hourly Unit, Supervisors Unit, And Unrepresented Managers (Fiscal Year 2009 - Fiscal Year 2011) (440.02)

Recommendation: That Council adopt, by reading of title only:

- A. An Ordinance of the Council of the City of Santa Barbara Adopting the Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units);
- B. An Ordinance of the Council of the City of Santa Barbara Adopting a Memorandum of Understanding Between the City of Santa Barbara and the Hourly Employees' Bargaining Unit;
- C. An Ordinance of the Council of the City of Santa Barbara Adopting the Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit (Supervisors' Unit); and
- D. An Ordinance of the Council of the City of Santa Barbara Setting Forth and Approving a Salary Plan for Unrepresented Managers and Professional Attorneys for the Period of July 1, 2008, Through December 31, 2010, and a Salary Plan for Sworn Fire Managers and Unrepresented Sworn Police Managers for the Period of July 1, 2008, Through June 30, 2010.

5. Subject: Adoption Of Ordinance For Lease Agreement With MAG Aviation Fuel for a Self Service Fueling Operation (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving, Contingent on Approval of a Zoning Change, a Five-Year Lease Agreement, With One Five-Year Option, With MAG Aviation Fuel, a Partnership, for Operation of a Self-Service Fueling Operation at 1600 Cook Place, at the Santa Barbara Airport, Commencing Upon Construction of the Facility.

6. Subject: Grant Agreement Between The County Of Santa Barbara And The City of Santa Barbara To Support Law Enforcement Regional Data Sharing System (520.04)

Recommendation: That Council authorize the City Administrator to sign the Grant Agreement between the County of Santa Barbara and the City of Santa Barbara to support the Law Enforcement Regional Data Sharing System.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

7. Subject: Contract For Design Of The Airfield Safety Projects - Tidal Basin Circulation (560.04)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a contract with URS Corporation in the amount of \$325,870 for design services for the Airfield Safety Projects - Tidal Basin Circulation, and authorize the Public Works Director to approve expenditures of up to \$32,587 for extra services of URS that may result from necessary changes in the scope of work; and
- B. Authorize the Public Works Director to execute a contract with Tartaglia Engineering (Tartaglia) in the amount of \$136,535 for design services for the Airfield Safety Project - Tidal Basin Circulation, and authorize the Public Works Director to approve expenditures of up to \$13,700 for extra services of Tartaglia that may result from necessary changes in the scope of work.

8. Subject: Approval Of Map And Execution Of Agreements For 833 East Anapamu Street And 820 Lowena Drive (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,754 for a subdivision at 833 East Anapamu Street and 820 Lowena Drive (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision.

9. Subject: Contributions From The Parks And Recreation Community Foundation, California Community Foundation And Santa Barbara Beautiful (570.08)

Recommendation: That Council:

- A. Accept grant funds in the amount of \$100,000 from the Parks and Recreation Community (PARC) Foundation on behalf of the California Community Foundation for exterior improvements to the Ortega Welcome House;
- B. Accept a contribution from the PARC Foundation in the amount of \$26,187 on behalf of various organizations and individuals to support various Recreation Programs;

(Cont'd)

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

9. (Cont'd)

- C. Accept a contribution from Santa Barbara Beautiful in the amount of \$8,186.30 for the Summer Youth Employment Program and the Franklin Center Re-landscaping Project; and
- D. Increase appropriations and estimated revenues in the Fiscal Year 2009 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$126,187 and in the Fiscal Year 2009 Parks and Recreation Department General Fund in the amount of \$8,186.30.

REDEVELOPMENT AGENCY

10. Subject: Minutes

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the regular meeting of February 10, 2009, and the special meeting of February 24, 2009.

11. Subject: Santa Barbara Railroad Station Historic Railcar

Recommendation: That the Redevelopment Agency Board authorize the Deputy Director to approve additional change order expenditures of up to \$24,000 for Redevelopment Agency Agreement No. 491 with Fillmore and Western Railway Company for additional changes in the scope of work associated with restoration and installation of the rail car Santa Barbara.

NOTICES

- 12. The City Clerk has on Thursday, March 19, 2009, 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.
- 13. Cancellation of the regular City Council meeting of March 31, 2009, due to lack of a quorum.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

14. Subject: Contract For Construction Of Santa Barbara Airport Temporary Facilities And Site Preparation Project (560.04)

Recommendation: That Council:

- A. Find that no bid protest has been made to the apparent low bidder and award and authorize the Public Works Director to execute a contract with Lash Construction (Lash) in their low bid amount of \$3,475,850 for construction of the Santa Barbara Airport Temporary Facilities and Site Preparation Project, Bid No. 3,555, and authorize the Public Works Director to approve expenditures up to \$350,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- B. Authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff, Inc. (HNTB), in the amount of \$648,361 for construction support services, and approve expenditures of up to \$32,500 for extra services of HNTB that may result from necessary changes in the scope of work.

(Continued from March 10, 2009)

15. Subject: Contract For Construction Of Santa Barbara Airport Airline Terminal Improvement Project (560.04)

Recommendation: That Council:

- A. Hold a hearing to consider any possible bid protest with respect to award of the Santa Barbara Airport Airline Terminal Improvement Project contract to the apparent lowest responsible bidder;
- B. Reject all bid protests submitted by bidders to the award of the Airline Terminal Improvement Project contract to the apparent lowest responsible bidder;
- C. Award and authorize the Public Works Director to execute a contract with EMMA Corporation (EMMA) in its low bid amount of \$32,858,000 for the base bid, plus bid alternates 1 and 2, for construction of the Santa Barbara Airport Airline Terminal Improvement Project (Project), Bid No. 3,556, and authorize the Public Works Director to approve expenditures up to \$3,440,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;

(Cont'd)

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT (CONT'D)

15. (Cont'd)

- D. Authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff California Architects, P. C. (HNTB), in the amount of \$4,181,135 for construction support services, and approve expenditures of up to \$209,055 for extra services of HNTB that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to approve a contract with Padre Associates (Padre) in the amount of \$48,200, and approve expenditures of up to \$4,800 for extra services of Padre that may result from necessary changes in the scope of work.

(Continued from March 10, 2009)

COMMUNITY DEVELOPMENT DEPARTMENT

16. Subject: Alternative Building Heights Charter Amendment (110.01)

Recommendation: That Council:

- A. Review the draft language for the alternative building heights charter amendment and companion implementation ordinance; and
- B. Declare the proposed charter amendment and implementation ordinance a project for purposes of environmental review.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *James Ryden, et al., v. City of Santa Barbara, et al., USDC Case Number: CV 09-1578 SVW (SSx)*.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

RECESS

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

18. Subject: Community Development And Human Services Committee Funding Recommendations For Fiscal Year 2010 And Housing And Urban Development Consolidated Action Plan (610.05)

Recommendation: That Council:

- A. Approve the funding recommendations of the Community Development and Human Services Committee for Fiscal Year 2010 Community Development Block Grant (CDBG) and Human Services funds;
- B. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney; and
- C. Authorize the City Administrator to sign all necessary documents to submit the City's Action Plan to the Department of Housing and Urban Development (HUD).

ADJOURNMENT

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: March 24, 2009

TIME: 12:00 p.m.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Roger L. Horton, Chair

Helene Schneider

Iya Falcone

James L. Armstrong
City Administrator

Robert D. Peirson
Finance Director

ITEM TO BE CONSIDERED:

Subject: February 2009 Investment Report

Recommendation: That the Finance Committee recommend that Council accept the February 2009 Investment Report.

(See Council Agenda Item No. 3)

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE

SPECIAL MEETING AGENDA

DATE: March 24, 2009
TIME: Noon
PLACE: Council Chambers

Das Williams, Chair
Dale Francisco
Grant House

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEM FOR CONSIDERATION

Subject: Proposed Amendments to the 2007 Fire Code – RE: Fire Sprinkler Requirements

Recommendation: That the Ordinance Committee consider proposed changes to Chapter 8.04 of the Municipal Code specifying new fire sprinkler requirements for both commercial and residential property, and forward the ordinance amendments to the City Council for introduction and adoption.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Ordinance Committee Members

FROM: Fire Prevention Bureau, Fire Department

SUBJECT: Proposed Amendments To The 2007 Fire Code – RE: Fire Sprinkler Requirements

RECOMMENDATION:

That the Ordinance Committee consider proposed changes to Chapter 8.04 of the Municipal Code specifying new fire sprinkler requirements for both commercial and residential property, and forward the ordinance amendments to the City Council for introduction and adoption.

BACKGROUND:

On December 4, 2007, the City Council adopted Ordinance 5439, which adopted and amended the 2007 California Fire Code. The adoption process included local amendments with findings based on local needs. The California Fire Code and the adopting ordinance both went into effect on January 1, 2008.

At the time of the code adoption, staff at the Fire Prevention Bureau prepared sections amending the Fire Code that would require fire sprinklers in all new residential and commercial construction. The drafted requirements also called for fire sprinklers when certain square footage thresholds were reached in remodels and additions. The new proposed sprinkler sections were removed from the 2007 Fire Code adoption process due to time constraints and the desire to provide a greater opportunity for input from stakeholders. Examples of stakeholders include members of the development community, property owners, architects, general contractors and home builder associations, homeowners and sprinkler contractors.

DISCUSSION:

In November 2008, the proposed fire sprinkler amendments were published in the Land Development Team Bulletin. Staff began to receive comments by phone and email and incorporated some of the suggestions into the first public meeting discussion. The meeting was conducted at the David Gebhard Room on December 4, 2008. During and following that meeting fire prevention staff continued to receive input from stakeholders

that resulted in making adjustments in the proposed code sections. A second Land Development Team bulletin was published in January and a second public meeting was then conducted on January 22, 2009. Additional suggestions were received and the proposal was refined accordingly. On February 26, 2009, staff presented the proposed fire code sections to the Fire and Police Commission at their regularly scheduled meeting. The current proposal requires that automatic fire sprinklers be installed:

1. In all new buildings, residential and commercial, regardless of square footage. This includes all new single family homes. There is an exception for small utility buildings.
2. In any commercial building undergoing an addition.
3. In all commercial structures undergoing a remodel, if the remodel involves 50% or more of the building.
4. In any residential structure where an addition or a remodel exceeds 1000 square feet or 50% of the floor area.
5. In any building undergoing a change of use to a more hazardous use.

Fire sprinklers save lives and property. Residential fire sprinklers are strongly supported by the United States Fire Administration (USFA), a Division of the United States Department of Homeland Security. In a position paper dated March 28, 2008, the USFA called for both smoke detectors and fire sprinklers in residential units. They cited research by the Center for Fire Research at the National Institute of Standards and Technology, indicating that the time available to escape a burning home has decreased dramatically over the past decade. One of the reasons is the increasing volatility of home furnishings, which are often manufactured from synthetic materials. Their research indicates that when a smoke detector is installed in a residence, a reduced fatality rate of 63% is expected. When smoke detectors are used in combination with automatic sprinklers, the risk of dying in a structure fire is reduced by 82%. We have experienced the effectiveness of residential sprinklers in Santa Barbara, with several activations in 2008, one of which saved the life of an unconscious fire victim. On September 22, 2008, the International Code Council adopted the residential sprinkler standard for inclusion into the 2011 Residential Code.

Cost. The National Fire Protection Association conducted a national study and found that the cost of installing sprinklers in single family residences to average \$1.61 per square foot. At the request of stakeholders we attempted to determine local costs, due to the higher overall construction costs in this area. Although it was not possible to determine an exact square footage cost, we contacted local sprinkler contractors and learned that the approximate cost for this area is approximately \$2.50 to \$3.00 per square foot. Residential insurance premium offsets vary, typically between a 5% to 20% reduction in the fire insurance portion of the policy depending on the carrier.

Ordinance Committee Agenda Report
Proposed Amendments To The 2007 Fire Code – RE: Fire Sprinkler Requirements
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Page 3

Staff recommends that the Committee consider the ordinance and forward it to the full Council for introduction and adoption. If the Council adopts the ordinance, the new sections would be incorporated into the Fire Code and would be effective as of July 1, 2009.

ATTACHMENT: Summary of Proposed Amendments, 2007 Fire Code

PREPARED BY: Joseph Poiré, Fire Marshal

SUBMITTED BY: Ronald Prince, Fire Chief

APPROVED BY: City Administrator's Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 3/24/09
SHOWING CHANGES FROM EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SUBSECTION E OF SECTION 8.04.020 AND SUBSECTIONS C AND D OF SECTION 22.04.020 OF THE SANTA BARBARA MUNICIPAL CODE CONCERNING LOCAL REQUIREMENTS FOR THE INSTALLATION OF AUTOMATIC FIRE SPRINKLERS

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

SECTION 1. Findings

1. Climatic Conditions

- A. The City of Santa Barbara is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry winds, (“Sundowners”) which may reach speeds of 60 m.p.h. or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. In addition, the high winds generated often cause road obstructions such as fallen trees. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires. In addition to directly damaging or destroying buildings, these fires also disrupt utility services throughout the area. The City of Santa Barbara and adjacent front country have a history of such fires, including the 1990 Painted Cave Fire and the 1977 Sycamore Canyon Fire. In 2007, the city was impacted by the Zaca and Gap Fires (240,000 acres and 10,000 acres respectively) and in 2008 the Tea Fire destroyed over 150 homes within the city.
- B. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Fire Department’s ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the City.
- C. The city’s core area continues to become more concentrated, with new multi-storied mixed-use structures whose occupants, along with the structures themselves, could be vulnerable to uncontrolled fires due to

lack of available water. This necessitates the need for additional and on-site fire protection features.

- D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by extinguishing fires at an early stage.

2. Topographical conditions:

- A. Natural slopes of 15 percent or greater generally occur throughout the foothills of Santa Barbara, especially in the High Fire Hazard areas such as the Foothill and Extreme Foothill zones. With much of the populated lower elevation areas already built upon, future residential growth is and will continue to occur on steeper slopes and in areas with greater constraints in terrain such as the Foothill and Extreme Foothill zones. Geographic and land-use constraints throughout the city have resulted in greater density along with a large number of mixed use projects, combining residential with commercial occupancies.
- B. Traffic and circulation congestion is an ongoing problem throughout the region. Traffic flow in and through Santa Barbara is limited by the transverse Santa Ynez Mountains, which provide limited passage to the north, and the Pacific Ocean to the south. The narrow corridor that Highway 101 occupies is subject to traffic delays under normal conditions and emergency events can render the highway impassable. This has the double effect of preventing traffic from leaving the city and potentially preventing emergency workers, who often live out of town, from entering. This condition existed for several days during the La Conchita slide in 2005 and it disrupted the return of city workers who live in the Ventura area. At various times in the city's history, Highway 101 has also been closed north of the city due to mudslides, fires and flooding, most recently near Gaviota Pass, where a fire also temporarily closed the Rail access.

In addition, roads in the foothills are narrow, often steep and vulnerable to emergency conditions. Some of the older roadways are below current access standards and pose challenges to responding emergency vehicles, especially fire engines. These challenges are exacerbated in the event of an evacuation, particularly in the Foothill and Extreme Foothill zones.

- C. These topographical conditions combine to create a situation which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

3. Geological conditions:

The City of Santa Barbara region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Known faults in the city include the Lavigia, North Channel Slope, Mesa and Mission Ridge-More Ranch faults. Additional faults near the city would also be capable of disruption of services, including fire protection. The Southern California Earthquake Center predicts that there is an 80-90% probability of a magnitude 7.0 earthquake somewhere in Southern California before the year 2024. Regional planning for reoccurrence of earthquakes is recommended by the State of California, Department of Conservation.

- A. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Loma Prieta earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. In addition to gas mains, individual gas and electric service connections to residences may provide both fuel and ignition sources during a seismic event. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants.
- B. Road circulation features located throughout Santa Barbara also make amendments reasonably necessary. There are major roadways, highways and flood control channels that create barriers and slow response times. Hills, particularly in the Foothill and Extreme Foothill zones, slopes, street and storm drain design accompanied by occasional heavy rainfall, cause roadway flooding and landslides and at times may make an emergency access route impassable. Much of Sycamore Canyon lies in an area subject to geologic activity, as witnessed by the recent closure of the road due to the slide potential.

The climatic, topographical, and geological conditions described above make it prudent to rely upon automatic fire sprinkler systems to mitigate extended fire department response times. The automatic sprinkler requirements specified in this ordinance are intended to lessen life safety hazards and keep fires manageable with potentially reduced fire flow (water) requirements for a given structure.

SECTION 2. Subsection E of Section 8.04.020 of the Santa Barbara Municipal Code is deleted in its entirety and readopted to read as follows:

E. **Chapter 9** of the International Fire Code is amended as follows:

1. **Section 903.2 “Where required.”** of Section 903 of the International Fire Code is amended to add Section 903.2.18 to read as follows:

903.2.18 City of Santa Barbara Local Requirements. Approved sprinkler systems shall be provided throughout a building in connection with the projects or changes of occupancy listed in this Section 903.2.18 or as specified elsewhere in this Section 903.2, whichever is more protective.

903.2.18.1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.18.2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City’s designated High Fire Hazard Area.

Exception: A new building containing a Group U occupancy that is constructed in the City’s designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.18.3 Additions to Buildings Other than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.18.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 25% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that

occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 25% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.18.5 Additions to or Remodels of Single Family Residences. The addition of floor area to, or the modification or alteration of the interior of, an existing building that contains a Group R, Division 3 occupancy, where the floor area of the portion of the building that is added, modified, or altered exceeds 1,000 square feet or 50% of the existing floor area of the building. For purposes of this section, all additions, modifications, or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 1,000 square foot threshold or the 50% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.18.6 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification.

903.2.18.7 Computation of Square Footage. For the purposes of this Section 903.2.18, the floor area of buildings shall be computed in accordance with the definition of "Floor area, Gross" provided in Section 1002.1 of the California Building Code.

903.2.18.8 Existing use. Except as provided in this Section 903.2, any building in existence at the time of the effective date of the ordinance adopting this section may continue with such use if such use was legal at the time.

2. **Section 907 "Fire Alarm and Detection Systems"** of the International Fire Code is amended to add Section 907.1.5 to read as follows:

907.1.5 Mixed Use Occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas. In addition, a notification system shall be installed in a manner and location approved by the fire code official that indicates the presence of residential dwelling units in accordance with Municipal Code Section 8.04.030 B.

SECTION 3. Subsections C and D of Section 22.04.020 of the Santa Barbara Municipal Code are deleted in their entirety and readopted to read as follows:

C. Section 903.2 "Where Required." of Section 903 is amended to add Section 903.2.18 to read as follows:

903.2.18 City of Santa Barbara Local Requirements. Approved sprinkler systems shall be provided throughout a building in connection with the projects or changes

of occupancy listed in this Section 903.2.18 or as specified elsewhere in this Section 903.2, whichever is more protective.

903.2.18.1 New Buildings, Generally. The construction of a new building containing any of the following occupancies: A, B, E, F, H, I, L, M, R, S or U.

Exceptions: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area. A new building containing a U occupancy that is constructed outside the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 5000 square feet of floor area.

903.2.18.2 New Buildings in the High Fire Hazard Area. The construction of any new building within the City's designated High Fire Hazard Area.

Exception: A new building containing a Group U occupancy that is constructed in the City's designated High Fire Hazard Area is not required to provide a sprinkler system as long as the building does not exceed 500 square feet of floor area.

903.2.18.3 Additions to Buildings Other than Single Family Residences. The addition of floor area to an existing building that contains any occupancy other than Group R, Division 3.

903.2.18.4 Remodels of Buildings Other than Single Family Residences. The remodel or alteration of the interior of an existing building that contains any occupancy other than Group R, Division 3, where the floor area of the portion of the building that is modified or altered exceeds 25% of the existing floor area of the building. For purposes of this section, all modifications or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 25% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.18.5 Additions to or Remodels of Single Family Residences. The addition of floor area to, or the modification or alteration of the interior of, an existing building that contains a Group R, Division 3 occupancy, where the floor area of the portion of the building that is added, modified, or altered exceeds 1,000 square feet or 50% of the existing floor area of the building. For purposes of this section, all additions, modifications, or alterations to an existing building that occur after the effective date of the ordinance adopting this section shall be counted in the aggregate toward the 1,000 square foot threshold or the 50% threshold measured against the floor area of the building as it existed on the effective date of the ordinance adopting this section.

903.2.18.6 Change of Occupancy to a Higher Hazard Classification. Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification.

903.2.18.7 Computation of Square Footage. For the purposes of this Section 903.2.18, the floor area of buildings shall be computed in accordance with the definition of “Floor area, Gross” provided in Section 1002.1 of the California Building Code.

903.2.18.8 Existing use. Except as provided in this Section 903.2, any building in existence at the time of the effective date of the ordinance adopting this section may continue with such use if such use was legal at the time.

D. [Reserved.]



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 3, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:07 p.m. (The Finance Committee met at 12:00 p.m. and the Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Grant House.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 7, 2009, As Arbor Day (120.04)

Action: Proclamation presented to Kerry Mether, President, Santa Barbara Beautiful (March 3, 2009, PowerPoint presentation prepared and made by Kerry Mether, President, Santa Barbara Beautiful).

Councilmember House entered the meeting at 2:15 p.m.

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through March 31, 2009.

(Cont'd)

2. (Cont'd)

Documents:

March 3, 2009, report from the Administrative Services Director.

Speakers:

Staff: Award recipient Pauline Reyes, City Administrator James Armstrong.

By consensus, the Council recognized the following employees:

5-Year Pin

Sarah Knecht, Assistant City Attorney, City Attorney
Allison De Busk, Project Planner, Community Development
Brady Beck, Firefighter, Fire
Eric Fairbank, Firefighter, Fire
William Kavanaugh, Firefighter, Fire
George Martinez, Fire Engineer, Fire
Brian Ricci, Firefighter, Fire
Dennis Diaz, Senior Network/Application Analyst, Police
Christopher Payne, Police Officer, Police

10-Year Pin

Maryanne Knight, Computer Training Coordinator, Administrative Services
Geoffrey Lancaster, Senior Building Inspector, Community Development
Adam Ziets, Engineering Technician, Public Works
Frank Cruz, Senior Streets Maintenance Worker, Public Works

20-Year Pin

Martha Shute, Accounting Assistant, Finance
Susan Reardon, Senior Planner, Community Development
Gina Sunseri, Fire Inspector, Fire
Scott Naganuma, Police Officer, Police
Erik Engebretson, Harbor Patrol Officer, Waterfront

30-Year Pin

Pauline Reyes, Accounting Assistant, Public Works

PUBLIC COMMENT

Speakers: Jack Wilson; Liz Anderson; Lazarus; Wayne Scoles; David D. Diaz; Kate Smith; Mr. McCollum, SOS Advocacy Group.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met for two hours to discuss the Fiscal Year 2009 Mid-Year Review and began a discussion on the Infrastructure Financing Task Force Report, which is very important to the City and capital planning for the future. The Committee will hold a number of meetings to conclude reviewing the report prior to returning to Council.

CONSENT CALENDAR (Item Nos. 3 - 5)

Motion:

Councilmembers Schneider/Falcone to approve the Consent Calendar as recommended.

Vote:

Unanimous voice vote.

3. Subject: Parma Trust Funds In The Amount Of \$85,000 For Maintenance And Restoration Of Parma Park (570.05)

Recommendation: That Council increase appropriations and estimated revenues by \$85,000 in the Fiscal Year 2009 Parks and Recreation Department Miscellaneous Grants Fund for maintenance work at Parma Park.

Action: Approved the recommendation (March 3, 2009, report from the Parks and Recreation Director).

4. Subject: Caltrans Reimbursement Agreement For State Route 192 Utility Relocations (540.06)

Recommendation: That Council:

- A. Authorize the Public Works Director to execute Utility Agreement No. 05-UT-1015.703 with the California Department of Transportation (Caltrans), District 5, for the relocation of City water line facilities; and
- B. Authorize the General Services Manager to issue a purchase order to Caltrans in the amount of \$80,950 for reimbursement of the cost of relocating City water line facilities on Highway 192.

Action: Approved the recommendations; Agreement No. 23,002 (March 3, 2009, report from the Public Works Director).

NOTICES

5. The City Clerk has on Thursday, February 26, 2009, 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 ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to review the alternative building heights charter amendment and discussed the idea of a supplemental rather than an alternative charter amendment. The Committee is recommending an alternative building heights charter amendment to Council, but feels there are parts of the implementing ordinance that need more detail. The Committee will be holding an additional meeting prior to submitting its recommendation to the Council on March 24, 2009.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

6. Subject: Fiscal Year 2009 Mid-Year Review (230.04)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of December 31, 2008;
- B. Accept the Fiscal Year 2009 Interim Financial Statements for the Six Months Ended December 31, 2008; and
- C. Approve the adjustments to appropriations and estimated revenues as shown in the Schedule of Recommended Mid-Year Budget Adjustments.

Documents:

March 3, 2009, report from the Finance Director.

Councilmember Falcone left the meeting at 2:40 p.m.

Speakers:

Staff: Assistant Finance Director Bob Samario.

Motion:

Councilmembers Horton/Schneider to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone).

Councilmember Williams left the meeting at 3:14 p.m.; Councilmember Falcone returned to the meeting at 3:15 p.m.

7. Subject: Proposed New Business Sector Trash And Recycling Rate Structure Effective July 1, 2009 (630.01)

Recommendation: That Council approve the proposed business trash and recycling structure and direct staff to finalize the rates and initiate outreach and noticing requirements.

Documents:

- March 3, 2009, report from the Finance Director.
- March 3, 2009, PowerPoint presentation prepared and made by staff.

Councilmember Williams returned to the meeting at 3:23 p.m.

Speakers:

- Staff: Assistant Finance Director Bob Samario, Environmental Services Supervisor Stephen MacIntosh.
- Members of the Public: Thor Schmidt, General Manager, Allied Waste/Republic Industries; Derek Carlson, Business Manager, Marborg Industries.

Motion:

Councilmembers Falcone/Williams to conceptually approve the proposed business trash and recycling structure and direct staff to finalize the rates and initiate outreach and noticing requirements.

Vote:

Unanimous voice vote.

RECESS

4:20 p.m. - 4:31 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS DEPARTMENT

8. Subject: Capital Improvement Projects Second Quarter Report For Fiscal Year 2009 (230.01)

Recommendation: That Council receive, for information only, the Capital Improvement Projects (CIP) Second Quarter Report for Fiscal Year 2009.

(Cont'd)

8. (Cont'd)

Documents:

- March 3, 2009, report from the Public Works Director.
- March 3, 2009, PowerPoint presentation prepared and made by staff.

Speakers:

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

By consensus, the Council received the report.

RECESS

Mayor Blum recessed the meeting at 4:58 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 9, and she stated that no reportable action is anticipated.

CLOSED SESSIONS

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Javier Bravo, et al., v. City of Santa Maria, et al., USDC Case Number CV 06-6851 FMC (SHx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

March 3, 2009, report from the City Attorney.

Time:

5:00 p.m. - 5:25 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:26 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

MARTY BLUM
MAYOR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 10, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:02 p.m. (The Ordinance Committee met at 12:00 p.m. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Iya G. Falcone.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 14-15, 2009, As Lions White Cane Days (120.04)

Proclamation presented to Bill Redding, Lions International President, and George Primbs, Chairman of the Board of SEE International.

PUBLIC COMMENT

Speakers: Hans Kistner; Dinah Wellsand; Lazarus; Steve Cushman, Santa Barbara Region Chamber of Commerce; Wayne Scoles; Richard Robinson; Chuck Rose; Ruth Wilson.

CONSENT CALENDAR (Item Nos. 2 – 6)

The title of the resolution related to Item No. 3 was read.

Motion:

Councilmembers Horton/Schneider to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Falcone).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of February 10, 2009, the special meeting of February 12, 2009, and the regular meeting of February 17, 2009 (cancelled due to lack of a quorum).

Action: Approved the recommendation.

3. Subject: Records Destruction For The Community Development Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records held by the Community Development Department in the Records Section of the Building and Safety Division.

Action: Approved the recommendation; Resolution No. 09-012 (March 10, 2009, report from the Community Development Director; proposed resolution).

4. Subject: Contract For Design For The Santa Barbara Airport Water Distribution System Upgrade To Improve System Redundancy In Southern Area (560.04)

Recommendation: That Council authorize the Public Works Director to execute a contract with Penfield & Smith Engineers, Incorporated (Penfield & Smith), in the amount of \$30,440 for design services for the Santa Barbara Airport Water Distribution System Upgrade project, and authorize the Public Works Director to approve expenditures of up to \$3,040 for extra services of Penfield & Smith that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,003 (March 10, 2009, report from the Public Works Director).

NOTICES

5. The City Clerk has on Thursday, March 5, 2009, 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.
6. Received letters of resignation from Community Development & Human Services Committee Member Michael Getto and Creeks Advisory Committee Member Michael O'Brien; the vacancies will be part of the next City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to continue its discussion of draft language to amend the City Charter's 60-foot building height allowance for certain commercial zones. The Committee approved proposed language for a Charter amendment as well as an implementing ordinance, both of which will be submitted for the Council's consideration on March 24, 2009.

RECESS

2:29 p.m. - 2:36 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

Note: Agenda Item Nos. 8, 9 and 10 were considered concurrently.

FINANCE DEPARTMENT

8. Subject: Airport Terminal Project Financing Update (560.04)

Recommendation: That Council:

- A. Receive an update on the Airport Terminal Project financing; and
- B. Authorize staff to proceed with the sale of project bonds.

Documents:

- March 10, 2009, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Airport Director Karen Ramsdell, Finance Director Robert Peirson.

PUBLIC WORKS DEPARTMENT

9. Subject: Contract For Construction Of Santa Barbara Airport Temporary Facilities And Site Preparation Project (560.04)

Recommendation: That Council:

- A. Hold a hearing to consider any possible bid protest with respect to award of the Santa Barbara Airport Temporary Facilities and Site Preparation Project contract to the apparent lowest responsible bidder;
- B. Reject all bid protests submitted by bidders to the award of the Santa Barbara Airport Temporary Facilities and Site Preparation Project contract to the apparent lowest responsible bidder;
- C. Award and authorize the Public Works Director to execute a contract with Lash Construction (Lash) in their low bid amount of \$3,475,850 for construction of the Santa Barbara Airport Temporary Facilities and Site Preparation Project, Bid No. 3,555, and authorize the Public Works Director to approve expenditures up to \$350,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- D. Authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff, Inc. (HNTB), in the amount of \$648,361 for construction support services, and approve expenditures of up to \$32,500 for extra services of HNTB that may result from necessary changes in the scope of work.\

Councilmember Falcone entered the meeting at 2:55 p.m.

Documents:

March 10, 2009, report from the Public Works Director.

Public Comment Opened:

2:52 p.m.

Speakers:

Staff: Principal Engineer Owen Thomas.

10. Subject: Contract For Construction Of Santa Barbara Airport Airline Terminal Improvement Project (560.04)

Recommendation: That Council:

- A. Hold a hearing to consider any possible bid protest with respect to award of the Santa Barbara Airport Airline Terminal Improvement Project contract to the apparent lowest responsible bidder;

(Cont'd)

10. (Cont'd)

- B. Reject all bid protests submitted by bidders to the award of the Airline Terminal Improvement Project contract to the apparent lowest responsible bidder;
- C. Award and authorize the Public Works Director to execute a contract with EMMA Corporation (EMMA) in its low bid amount of \$32,858,000 for the base bid, plus bid alternates 1 and 2, for construction of the Santa Barbara Airport Airline Terminal Improvement Project (Project), Bid No. 3,556, and authorize the Public Works Director to approve expenditures up to \$3,440,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- D. Authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff California Architects, P. C. (HNTB), in the amount of \$4,181,135 for construction support services, and approve expenditures of up to \$209,055 for extra services of HNTB that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to approve a contract with Padre Associates (Padre) in the amount of \$48,200, and approve expenditures of up to \$4,800 for extra services of Padre that may result from necessary changes in the scope of work.

Documents:

- March 10, 2009, report from the Public Works Director.
- December 24, 2008, letter from Swinerton Builders.
- January 7, 2009, letter from EMMA Corporation.
- February 19, 2009, letter from Swinerton Builders.
- February 25, 2009, letter from EMMA Corporation.
- February 27, 2009, letter from Barbara Gadbois, Attorney representing Swinerton Builders.
- March 6 and February 24, 2009, letters from Johnson Controls.

Speakers:

- Staff: Principal Engineer Owen Thomas, City Attorney Stephen Wiley, Public Works Director Christine Andersen.
- Members of the Public: Daryl Crusier, Swinerton Builders; Robert Jeppesen, Taft Electric Co.; Emanuel Yashari, EMMA Corporation; Michael Gilmartin, Gilmartin Electric Corporation; Scott Lane, EMMA Corporation; David Scripture, Tech Controls, Inc.; William King, Johnson Controls.

Recess: 3:49 p.m. - 4:14 p.m.

(Cont'd)

Item Nos. 8, 9 and 10 (Cont'd)

Discussion:

Pursuant to Staff discussion during the recess, City Attorney Stephen Wiley recommended that the bid award deadline for the projects referenced in Agenda Item Nos. 9 and 10 be extended for 30 days. Representatives of both EMMA Corporation (Emanuel Yashari) and Swinerton Builders (Daryl Crusier) stated their agreement to this extension.

Motion:

Councilmembers Falcone/House to continue Item Nos. 9 and 10 to March 24, 2009.

Vote:

Unanimous voice vote.

Motion:

Councilmembers House/Horton to approve recommendation B of Item No. 8.

Vote:

Unanimous voice vote.

ADMINISTRATIVE SERVICES DEPARTMENT

7. Subject: Recommendation To Conduct Vote By Mail General Municipal Elections (110.03)

Recommendation: That Council authorize the City Clerk to conduct the November 2009 General Municipal Election as a Vote By Mail Election.

Documents:

- March 10, 2009, report from the Administrative Services Director.
- PowerPoint presentation prepared and made by Staff.
- March 10, 2009, e-mail from PUEBLO.
- Undated letter from the Democratic Party of Santa Barbara County.

Speakers:

- Staff: Administrative Services Director Marcelo López, City Clerk Services Manager Cynthia Rodriguez.
- Members of the Public: Olivia Uribe, Santa Barbara County Action Network; David Pritchett.

(Cont'd)

7. (Cont'd)

Motion:

Councilmembers Horton/Mayor Blum to approve the recommendation with further direction to: 1) increase the number of designated polling centers from five to seven; and 2) increase the number of hours that the polling centers will be open on the Saturday preceding election day from four to eight.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Williams;
Abstentions: Councilmember Falcone).

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:58 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



Agenda Item No. _____

File Code No. 160.06

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009
TO: Mayor and Councilmembers
FROM: City Clerk's Office, Administrative Services Department
SUBJECT: Records Destruction For Administrative Services Department

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Administrative Services Department in the City Clerk's Office.

DISCUSSION:

The City Council adopted Resolution No. 07-066 on July 24, 2007, approving the City of Santa Barbara Records Management Policies and Procedures Manual. The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

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

The Administrative Services Director requests the City Council to approve the destruction of the Administrative Services Department records in the City Clerk's Office listed on Exhibit A of the resolution without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's Sustainable Santa Barbara Program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records Management Program outlines that records approved for destruction be recycled, reducing paper waste.

Council Agenda Report
Records Destruction For Administrative Services Department
March 24, 2009
Page 2

PREPARED BY: Cynthia M. Rodriguez, City Clerk Services Manager

SUBMITTED BY: Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RELATING TO THE DESTRUCTION OF RECORDS HELD BY THE ADMINISTRATIVE SERVICES DEPARTMENT IN THE CITY CLERK'S OFFICE

WHEREAS, the City Council adopted Resolution No. 07-066 on July 24, 2007, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

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

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

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

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

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

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

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

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

ADMINISTRATIVE SERVICES DEPARTMENT – CITY CLERK'S OFFICE

<u>Records Series</u>	<u>Date(s)</u>
Advisory Group Member Information	1970 – 2006
Contracts and Agreements	1956 – 1959
Election Ballots, Formation of State Street Sidewalk Assessment District, Phase IV	May 2005



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009
TO: Mayor and Councilmembers
FROM: Treasury Division, Finance Department
SUBJECT: February 2009 Investment Report

RECOMMENDATION:

That Council accept the February 2009 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of February 28, 2009.

ATTACHMENT: February 2009 Investment Report
SUBMITTED BY: Robert D. Peirson, Finance Director
APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
February 28, 2009

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

02/18	LAIF Deposit/City	\$ 3,700,000
02/18	LAIF Deposit/RDA (on behalf of City)	5,300,000
02/23	LAIF Deposit/RDA (on behalf of City)	1,200,000
02/24	LAIF Deposit/RDA (on behalf of City)	1,000,000
02/26	Federal Home Loan Bank (FHLB)	2,000,000
02/27	Federal National Mortgage Assn. (FNMA)	2,000,000
	Total	\$ 15,200,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

02/11	LAIF Withdrawal/City	\$ (1,500,000)
02/13	Federal Home Loan Bank (FHLB) Call	(2,000,000)
02/15	U.S. Treasury Note (USTN) Maturity	(2,000,000)
02/17	Federal Home Loan Bank (FHLB) Call	(2,000,000)
02/18	Federal Farm Credit Bank (FFCB) Maturity	(2,000,000)
02/19	LAIF Withdrawal/RDA (on behalf of City)	(1,000,000)
02/24	Federal National Mortgage Assn. (FNMA) Maturity	(2,000,000)
02/26	LAIF Withdrawal/RDA (on behalf of City)	(5,100,000)
02/27	LAIF Withdrawal/RDA	(6,100,000)
02/27	LAIF Withdrawal/RDA (on behalf of City)	(1,400,000)
	Total	\$ (25,100,000)

ACTIVITY TOTAL

\$ (9,900,000)

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 459,211
Amortization	21,898
SBB&T Sweep Account Interest	390
SBB&T Trust Account M/M Interest	205
Total	\$ 481,705

RDA INVESTMENTS

Interest Earned on Investments (LAIF)	\$ 34,072
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TOTAL INTEREST EARNED

\$ 515,777

CITY OF SANTA BARBARA
Summary of Cash and Investments
February 28, 2009

ENDING BALANCE AS OF JANUARY 31, 2009

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 62,000,000	2.046%	35.50%	1
Certificates of Deposit	2,000,000	2.500%	1.15%	290
Treasury Securities - Coupon	3,998,287	4.750%	2.29%	59
Federal Agency Issues - Coupon	83,603,816	4.600%	47.87%	708
Corporate/Medium Term Notes	15,232,009	4.909%	8.72%	426
SB Airport Promissory Note	7,800,000	6.500%	4.47%	149
Totals and Averages	\$ 174,634,112	3.784%	100.00%	388
SBB&T Money Market Account	2,055,244			
Total Cash and Investments	\$ 176,689,357			

NET CASH AND INVESTMENT ACTIVITY FOR FEBRUARY 2009 **\$ (8,741,216)**

ENDING BALANCE AS OF FEBRUARY 28, 2009

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 58,100,000	1.869%	35.26%	1 (1)
Certificates of Deposit	2,000,000	2.500%	1.21%	262
Treasury Securities - Coupon	1,999,528	5.000%	1.21%	75
Federal Agency Issues - Coupon	79,618,774	4.484%	48.33%	734
Corporate/Medium Term Notes	15,236,709	4.910%	9.25%	398
SB Airport Promissory Note	7,800,000	6.500%	4.73%	121
Totals and Averages	\$ 164,755,011	3.679%	100.00%	401
SBB&T Money Market Account	3,193,130			
Total Cash and Investments	\$ 167,948,141			

Note:

(1) The average life of the LAIF portfolio as of February 28, 2009 is 205 days .

CITY OF SANTA BARBARA
Investment Portfolio
February 28, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	1.869	1.869	40,000,000.00	40,000,000.00	40,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	1.869	1.869	18,100,000.00	18,100,000.00	18,100,000.00	0.00	
Subtotal, LAIF							58,100,000.00	58,100,000.00	58,100,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/08	11/18/09	-	-	2.500	2.500	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
TREASURY SECURITIES - COUPON											
U S TREASURY NOTE	05/19/06	05/15/09	Aaa	AAA	4.875	5.000	2,000,000.00	1,999,527.83	2,019,060.00	19,532.17	
Subtotal, Treasury Securities							2,000,000.00	1,999,527.83	2,019,060.00	19,532.17	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/07/06	04/15/09	Aaa	AAA	4.125	5.000	2,000,000.00	1,998,037.71	2,008,440.00	10,402.29	
FEDERAL FARM CREDIT BANK	08/17/06	08/17/09	Aaa	AAA	5.125	5.150	2,000,000.00	1,999,787.89	2,040,310.00	40,522.11	
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,025,081.71	2,153,440.00	128,358.29	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,990,291.66	2,093,750.00	103,458.34	
FEDERAL FARM CREDIT BANK	02/01/08	02/01/13	Aaa	AAA	3.790	3.790	2,000,000.00	2,000,000.00	2,027,190.00	27,190.00	Callable 2/01/10, then cont.
FEDERAL HOME LOAN BANK	10/25/06	02/12/10	Aaa	AAA	3.875	5.117	1,000,000.00	989,284.50	1,025,785.00	36,500.50	
FEDERAL HOME LOAN BANK	12/18/06	11/03/09	Aaa	AAA	3.500	4.834	2,000,000.00	1,983,422.42	2,033,440.00	50,017.58	
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,009,942.59	2,159,690.00	149,747.41	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,953,935.80	2,089,690.00	135,754.20	
FEDERAL HOME LOAN BANK	07/09/07	03/12/10	Aaa	AAA	5.000	5.268	1,000,000.00	997,407.24	1,038,750.00	41,342.76	
FEDERAL HOME LOAN BANK	02/26/09	02/24/14	Aaa	AAA	3.250	3.261	2,000,000.00	1,999,013.97	1,993,440.00	(5,573.97)	Callable 2/24/10, then qtrly
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,733.91	1,053,280.00	52,546.09	
FEDERAL HOME LOAN BANK	05/21/07	06/12/09	Aaa	AAA	5.250	5.000	2,000,000.00	2,001,305.78	2,025,620.00	24,314.22	
FEDERAL HOME LOAN BANK	04/21/08	10/21/11	Aaa	AAA	3.125	3.125	2,000,000.00	2,000,000.00	2,016,260.00	16,260.00	Callable 7/21/09, once
FEDERAL HOME LOAN BANK	04/22/08	04/22/13	Aaa	AAA	4.000	4.112	2,000,000.00	1,998,583.33	2,006,260.00	7,676.67	Callable 4/22/09, then qtrly
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,983,022.73	2,053,130.00	70,107.27	
FEDERAL HOME LOAN BANK	09/25/08	08/18/09	Aaa	AAA	3.750	3.231	2,000,000.00	2,004,684.27	2,027,810.00	23,125.73	
FEDERAL HOME LOAN BANK	10/01/08	03/30/09	Aaa	AAA	3.580	3.520	2,000,000.00	2,000,095.59	2,004,690.00	4,594.41	
FEDERAL HOME LOAN BANK	10/18/06	09/11/09	Aaa	AAA	5.250	5.060	1,000,000.00	1,000,894.44	1,022,655.00	21,760.56	
FEDERAL HOME LOAN BANK	11/07/06	10/26/09	Aaa	AAA	5.000	5.000	2,345,000.00	2,344,989.69	2,406,919.73	61,930.04	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,681.40	2,097,820.00	98,138.60	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,992,256.82	2,080,000.00	87,743.18	
FEDERAL HOME LOAN BANK	05/21/07	05/15/09	Aaa	AAA	4.250	5.005	1,450,000.00	1,447,881.05	1,460,875.00	12,993.95	
FEDERAL HOME LOAN BANK	06/18/07	03/12/10	Aaa	AAA	4.875	5.382	2,000,000.00	1,990,347.97	2,075,000.00	84,652.03	
FEDERAL HOME LOAN BANK	05/22/08	05/22/13	Aaa	AAA	4.350	4.350	2,000,000.00	2,000,000.00	2,015,000.00	15,000.00	Callable 5/22/09, then qtrly
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,981,473.29	2,055,320.00	73,846.71	

CITY OF SANTA BARBARA
Investment Portfolio
February 28, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	QUALITY RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN BANK	09/25/08	09/25/09	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,027,190.00	27,190.00	
FEDERAL HOME LOAN BANK	10/15/08	07/15/11	Aaa	AAA	4.000	4.002	2,000,000.00	2,000,000.00	2,016,570.00	16,570.00	Callable 7/15/09, once
FEDERAL HOME LOAN MTG CORP	03/26/08	03/26/13	Aaa	AAA	4.200	4.200	2,000,000.00	2,000,000.00	2,003,060.00	3,060.00	Callable 3/26/09, then qtrly
FEDERAL HOME LOAN MTG CORP	09/14/06	09/01/09	Aaa	AAA	4.125	5.070	1,000,000.00	995,659.42	1,015,380.00	19,720.58	
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,985,905.91	2,078,200.00	92,294.09	
FEDERAL HOME LOAN MTG CORP	10/15/07	10/15/12	Aaa	AAA	5.050	5.050	2,000,000.00	2,000,000.00	2,051,020.00	51,020.00	Callable 10/15/09, once
FEDERAL HOME LOAN MTG CORP	04/02/08	04/02/12	Aaa	AAA	3.375	3.375	2,000,000.00	2,000,000.00	2,004,000.00	4,000.00	Callable 4/02/09, once
FEDERAL HOME LOAN MTG CORP	06/04/08	06/04/13	Aaa	AAA	4.550	4.550	5,000,000.00	5,000,000.00	5,001,050.00	1,050.00	Callable quarterly
FEDERAL HOME LOAN MTG CORP	01/29/07	01/25/10	Aaa	AAA	4.375	5.122	2,000,000.00	1,987,678.36	2,056,220.00	68,541.64	
FEDERAL HOME LOAN MTG CORP	04/20/07	04/20/12	Aaa	AAA	5.250	5.250	2,000,000.00	2,000,000.00	2,011,460.00	11,460.00	Callable 4/20/09, once
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,968,017.21	2,069,020.00	101,002.79	
FEDERAL NATL MORTGAGE ASSN	04/27/06	04/20/10	Aaa	AAA	4.750	5.270	2,000,000.00	1,989,456.76	2,074,380.00	84,923.24	
FEDERAL NATL MORTGAGE ASSN	04/17/07	03/06/09	Aaa	AAA	4.625	5.001	2,000,000.00	1,999,900.88	2,000,620.00	719.12	
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,002,820.00	2,820.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	03/05/08	03/05/13	Aaa	AAA	4.100	4.100	2,000,000.00	2,000,000.00	2,049,070.00	49,070.00	Callable 3/05/10, once
Subtotal, Federal Agencies							79,795,000.00	79,618,774.30	81,524,624.73	1,905,850.43	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	01/15/08	01/15/10	Aaa	AAA	4.125	3.630	2,250,000.00	2,259,282.62	2,290,117.50	30,834.88	
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aaa	AAA	6.125	5.100	2,000,000.00	2,036,039.35	2,047,140.00	11,100.65	
GENERAL ELECTRIC CAPITAL CORP	08/15/06	09/15/09	Aaa	AAA	4.625	5.300	2,000,000.00	1,993,355.06	2,009,200.00	15,844.94	
GENERAL ELECTRIC CAPITAL CORP	02/10/06	06/15/09	Aaa	AAA	4.000	5.000	1,000,000.00	997,365.48	1,000,640.00	3,274.52	
GENERAL ELECTRIC CAPITAL CORP	04/17/07	06/15/09	Aaa	AAA	3.250	5.060	2,000,000.00	1,990,198.87	1,997,980.00	7,781.13	
TOYOTA MOTOR CREDIT	10/19/06	03/15/10	Aa1	AA+	4.250	5.140	2,000,000.00	1,983,203.56	2,009,680.00	26,476.44	
WELLS FARGO & CO.	05/30/07	01/12/11	Aa3	AA	4.875	5.260	2,000,000.00	1,987,023.21	2,012,060.00	25,036.79	
WELLS FARGO & CO.	10/10/06	08/09/10	Aa3	AA	4.625	5.000	2,000,000.00	1,990,240.55	1,991,080.00	839.45	
Subtotal, Corporate Securities							15,250,000.00	15,236,708.70	15,357,897.50	121,188.80	
SB AIRPORT PROMISSORY NOTE											
SANTA BARBARA AIRPORT	07/01/08	06/30/09	-	-	6.500	6.500	7,800,000.00	7,800,000.00	7,800,000.00	0.00	
Subtotal, SBA Note							7,800,000.00	7,800,000.00	7,800,000.00	0.00	
TOTALS							164,945,000.00	164,755,010.83	166,801,582.23	2,046,571.40	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.

CITY OF SANTA BARBARA

Activity and Interest Report

February 28, 2009

INVESTMENT ACTIVITY	INTEREST REVENUE	
PURCHASES OR DEPOSITS	POOLED INVESTMENTS	
02/18 LAIF Deposit/City \$ 3,700,000	Interest Earned on Investments	\$ 459,211
02/18 LAIF Deposit/RDA (on behalf of City)	5,300,000	Amortization 21,898
02/23 LAIF Deposit/RDA (on behalf of City)	1,200,000	SBB&T Sweep Account Interest 390
02/24 LAIF Deposit/RDA (on behalf of City)	1,000,000	SBB&T Trust Account M/M Interest 205
02/26 Federal Home Loan Bank (FHLB)	2,000,000	Total 481,705
02/27 Federal National Mortgage Assn. (FNMA)	2,000,000	
Total	\$ 15,200,000	
SALES, MATURITIES, CALLS OR WITHDRAWALS	RDA INVESTMENTS	
02/11 LAIF Withdrawal/City \$ (1,500,000)	Interest Earned on Investments (LAIF)	\$ 34,072
02/13 Federal Home Loan Bank (FHLB) Call	(2,000,000)	
02/15 U.S. Treasury Note (USTN) Maturity	(2,000,000)	
02/17 Federal Home Loan Bank (FHLB) Call	(2,000,000)	
02/18 Federal Farm Credit Bank (FFCB) Maturity	(2,000,000)	
02/19 LAIF Withdrawal/RDA (on behalf of City)	(1,000,000)	
02/24 Federal National Mortgage Assn. (FNMA) Maturity	(2,000,000)	
02/26 LAIF Withdrawal/RDA (on behalf of City)	(5,100,000)	
02/27 LAIF Withdrawal/RDA	(6,100,000)	
02/27 LAIF Withdrawal/RDA (on behalf of City)	(1,400,000)	
Total	(25,100,000)	
ACTIVITY TOTAL	\$ (9,900,000)	TOTAL INTEREST EARNED \$ 515,777

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CITY OF SANTA BARBARA
 Summary of Cash and Investments
 February 28, 2009
 ENDING BALANCE AS OF JANUARY 31, 2009

Description	Value	Yield to	Maturity	(365 days)	Percent
of	Portfolio	Average	Days to	Maturity	
State of California LAIF	\$ 62,000,000	2.046%	35.50%	1	
Certificates of Deposit 2,000,000	2.500%	1.15%	290		
Treasury Securities - Coupon	3,998,287	4.750%	2.29%	59	
Federal Agency Issues - Coupon	83,603,816	4.600%	47.87%	708	
Corporate/Medium Term Notes	15,232,009	4.909%	8.72%	426	
SB Airport Promissory Note	7,800,000	6.500%	4.47%	149	
Totals and Averages	\$ 174,634,112	3.784%	100.00%	388	
SBB&T Money Market Account	2,055,244				
Total Cash and Investments	\$ 176,689,357				
NET CASH AND INVESTMENT ACTIVITY FOR FEBRUARY 2009					\$ (8,741,216)
ENDING BALANCE AS OF FEBRUARY 28, 2009					

Description	Value	Yield to	Maturity	(365 days)	Percent
of	Portfolio	Average	Days to	Maturity	
State of California LAIF	\$ 58,100,000	1.869%	35.26%	1	
Certificates of Deposit 2,000,000	2.500%	1.21%	262		
Treasury Securities - Coupon	1,999,528	5.000%	1.21%	75	
Federal Agency Issues - Coupon	79,618,774	4.484%	48.33%	734	
Corporate/Medium Term Notes	15,236,709	4.910%	9.25%	398	
SB Airport Promissory Note	7,800,000	6.500%	4.73%	121	
Totals and Averages	\$ 164,755,011	3.679%	100.00%	401	
SBB&T Money Market Account	3,193,130				
Total Cash and Investments	\$ 167,948,141				

Note:
 (1)

The average life of the LAIF portfolio as of February 28, 2009 is 205 days.

(1)

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CITY OF SANTA BARBARA

Investment Portfolio

February 28, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY	RATING	STATED YIELD	AT FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS										
LOCAL AGENCY INVESTMENT FUND										

-										
-										
-										
-										
1.869										
1.869										
40,000,000.00										
40,000,000.00										
40,000,000.00										
0.00										
LOCAL AGENCY INV FUND/RDA	-	-	-	-	1.869	1.869	18,100,000.00	18,100,000.00	18,100,000.00	0.00
Subtotal, LAIF					58,100,000.00	58,100,000.00	58,100,000.00	58,100,000.00	0.00	

CERTIFICATES OF DEPOSIT

MONTECITO BANK & TRUST

11/18/08

11/18/09

2.500

2.500

2,000,000.00

2,000,000.00

2,000,000.00

0.00

Subtotal, Certificates of deposit					2,000,000.00	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
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TREASURY SECURITIES - COUPON

U S TREASURY NOTE

05/19/06

05/15/09

Aaa

AAA

4.875

5.000

2,000,000.00

1,999,527.83

2,019,060.00

19,532.17

Subtotal, Treasury Securities					2,000,000.00	1,999,527.83	2,019,060.00	2,019,060.00	19,532.17	
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FEDERAL AGENCY ISSUES - COUPON

FEDERAL FARM CREDIT BANK

03/07/06

04/15/09

Aaa

AAA

4.125

5.000

2,000,000.00

1,998,037.71

2,008,440.00

10,402.29

FEDERAL FARM CREDIT BANK	08/17/06	08/17/09	Aaa	AAA	5.125	5.150	2,000,000.00	1,999,787.89	2,040,310.00	40,522.11	
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,025,081.71	2,153,440.00	128,358.29	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,990,291.66	2,093,750.00	103,458.34	
FEDERAL FARM CREDIT BANK	02/01/08	02/01/13	Aaa	AAA	3.790	3.790	2,000,000.00	2,000,000.00	2,027,190.00	27,190.00	Callable 2/01/10, then cont.
FEDERAL HOME LOAN BANK	10/25/06	02/12/10	Aaa	AAA	3.875	5.117	1,000,000.00	989,284.50	1,025,785.00	36,500.50	
FEDERAL HOME LOAN BANK	12/18/06	11/03/09	Aaa	AAA	3.500	4.834	2,000,000.00	1,983,422.42	2,033,440.00	50,017.58	
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,009,942.59	2,159,690.00	149,747.41	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,953,935.80	2,089,690.00	135,754.20	
FEDERAL HOME LOAN BANK	07/09/07	03/12/10	Aaa	AAA	5.000	5.268	1,000,000.00	997,407.24	1,038,750.00	41,342.76	
FEDERAL HOME LOAN BANK	02/26/09	02/24/14	Aaa	AAA	3.250	3.261	2,000,000.00	1,999,013.97	1,993,440.00	(5,573.97)	Callable 2/24/10, then qtlly
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,733.91	1,053,280.00	52,546.09	
FEDERAL HOME LOAN BANK	05/21/07	06/12/09	Aaa	AAA	5.250	5.000	2,000,000.00	2,001,305.78	2,025,620.00	24,314.22	
FEDERAL HOME LOAN BANK	04/21/08	10/21/11	Aaa	AAA	3.125	3.125	2,000,000.00	2,000,000.00	2,016,260.00	16,260.00	Callable 7/21/09, once
FEDERAL HOME LOAN BANK	04/22/08	04/22/13	Aaa	AAA	4.000	4.112	2,000,000.00	1,998,583.33	2,006,260.00	7,676.67	Callable 4/22/09, then qtlly
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,983,022.73	2,053,130.00	70,107.27	
FEDERAL HOME LOAN BANK	09/25/08	08/18/09	Aaa	AAA	3.750	3.231	2,000,000.00	2,004,684.27	2,027,810.00	23,125.73	
FEDERAL HOME LOAN BANK	10/01/08	03/30/09	Aaa	AAA	3.580	3.520	2,000,000.00	2,000,095.59	2,004,690.00	4,594.41	
FEDERAL HOME LOAN BANK	10/18/06	09/11/09	Aaa	AAA	5.250	5.060	1,000,000.00	1,000,894.44	1,022,655.00	21,760.56	
FEDERAL HOME LOAN BANK	11/07/06	10/26/09	Aaa	AAA	5.000	5.000	2,345,000.00	2,344,989.69	2,406,919.73	61,930.04	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,681.40	2,097,820.00	98,138.60	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,992,256.82	2,080,000.00	87,743.18	
FEDERAL HOME LOAN BANK	05/21/07	05/15/09	Aaa	AAA	4.250	5.005	1,450,000.00	1,447,881.05	1,460,875.00	12,993.95	
FEDERAL HOME LOAN BANK	06/18/07	03/12/10	Aaa	AAA	4.875	5.382	2,000,000.00	1,990,347.97	2,075,000.00	84,652.03	
FEDERAL HOME LOAN BANK	05/22/08	05/22/13	Aaa	AAA	4.350	4.350	2,000,000.00	2,000,000.00	2,015,000.00	15,000.00	Callable 5/22/09, then qtlly
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,981,473.29	2,055,320.00	73,846.71	

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CITY OF SANTA BARBARA

Investment Portfolio

February 28, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY	RATING	STATED RATE	YIELD 365	AT FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	BOOK COMMENTS
FEDERAL HOME LOAN BANK	09/25/08	09/25/09	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,027,190.00	27,190.00	
FEDERAL HOME LOAN BANK	10/15/08	07/15/11	Aaa	AAA	4.000	4.002	2,000,000.00	2,000,000.00	2,016,570.00	16,570.00	Callable 7/15/09, once
FEDERAL HOME LOAN MTG CORP	03/26/08	03/26/13	Aaa	AAA	4.200	4.200	2,000,000.00	2,000,000.00	2,003,060.00	3,060.00	Callable 3/26/09, then qtlly
FEDERAL HOME LOAN MTG CORP	09/14/06	09/01/09	Aaa	AAA	4.125	5.070	1,000,000.00	995,659.42	1,015,380.00	19,720.58	
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,985,905.91	2,078,200.00	92,294.09	
FEDERAL HOME LOAN MTG CORP	10/15/07	10/15/12	Aaa	AAA	5.050	5.050	2,000,000.00	2,000,000.00	2,051,020.00	51,020.00	Callable 10/15/09, once
FEDERAL HOME LOAN MTG CORP	04/02/08	04/02/12	Aaa	AAA	3.375	3.375	2,000,000.00	2,000,000.00	2,004,000.00	4,000.00	Callable 4/02/09, once
FEDERAL HOME LOAN MTG CORP	06/04/08	06/04/13	Aaa	AAA	4.550	4.550	5,000,000.00	5,000,000.00	5,001,050.00	1,050.00	Callable quarterly
FEDERAL HOME LOAN MTG CORP	01/29/07	01/25/10	Aaa	AAA	4.375	5.122	2,000,000.00	1,987,678.36	2,056,220.00	68,541.64	
FEDERAL HOME LOAN MTG CORP	04/20/07	04/20/12	Aaa	AAA	5.250	5.250	2,000,000.00	2,000,000.00	2,011,460.00	11,460.00	Callable 4/20/09, once
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,968,017.21	2,069,020.00	101,002.79	
FEDERAL NATL MORTGAGE ASSN	04/27/06	04/20/10	Aaa	AAA	4.750	5.270	2,000,000.00	1,989,456.76	2,074,380.00	84,923.24	
FEDERAL NATL MORTGAGE ASSN	04/17/07	03/06/09	Aaa	AAA	4.625	5.001	2,000,000.00	1,999,900.88	2,000,620.00	719.12	
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,002,820.00	2,820.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	03/05/08	03/05/13	Aaa	AAA	4.100	4.100	2,000,000.00	2,000,000.00	2,049,070.00	49,070.00	Callable 3/05/10, once
Subtotal, Federal Agencies					79,795,000.00	79,618,774.30	81,524,624.73	1,905,850.43			
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN											
01/15/08											
01/15/10											
Aaa											
AAA											
4.125											
3.630											
2,250,000.00											
2,259,282.62											
2,290,117.50											
30,834.88											
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aaa	AAA	6.125	5.100	2,000,000.00	2,036,039.35	2,047,140.00	11,100.65	
GENERAL ELECTRIC CAPITAL CORP	08/15/06	09/15/09	Aaa	AAA	4.625	5.300	2,000,000.00	1,993,355.06	2,009,200.00	15,844.94	
GENERAL ELECTRIC CAPITAL CORP	02/10/06	06/15/09	Aaa	AAA	4.000	5.000	1,000,000.00	997,365.48	1,000,640.00	3,274.52	
GENERAL ELECTRIC CAPITAL CORP	04/17/07	06/15/09	Aaa	AAA	3.250	5.060	2,000,000.00	1,990,198.87	1,997,980.00	7,781.13	
TOYOTA MOTOR CREDIT	10/19/06	03/15/10	Aa1	AA+	4.250	5.140	2,000,000.00	1,983,203.56	2,009,680.00	26,476.44	
WELLS FARGO & CO.	05/30/07	01/12/11	Aa3	AA	4.875	5.260	2,000,000.00	1,987,023.21	2,012,060.00	25,036.79	
WELLS FARGO & CO.	10/10/06	08/09/10	Aa3	AA	4.625	5.000	2,000,000.00	1,990,240.55	1,991,080.00	839.45	
Subtotal, Corporate Securities					15,250,000.00	15,236,708.70	15,357,897.50	121,188.80			
SB AIRPORT PROMISSORY NOTE											
SANTA BARBARA AIRPORT											
07/01/08											
06/30/09											
6.500											
6.500											
7,800,000.00											

7,800,000.00

7,800,000.00

0.00

Subtotal, SBA Note 7,800,000.00 7,800,000.00 7,800,000.00 0.00

TOTALS 164,945,000.00 164,755,010.83 166,801,582.23 2,046,571.40

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE PATROL OFFICERS' AND TREATMENT PLANTS' BARGAINING UNITS (TAP UNITS)

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, effective as of October 1, 2008, and attached hereto and incorporated herein by reference as Exhibit "A" (hereinafter the "M.O.U.") is hereby adopted.

SECTION 2. During the term of the M.O.U., the City Administrator is hereby authorized to implement the terms of the M.O.U. without further action by the City Council, unless such further Council action is required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADOPTING A MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF SANTA
BARBARA AND THE HOURLY EMPLOYEES'
BARGAINING UNIT

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Service Employees' International Union, Local 620, Hourly Employees' Bargaining Unit, entered into as of November 1, 2008, and attached hereto and incorporated herein by reference as Exhibit "A", is hereby adopted.

SECTION 2. The City Administrator is authorized to extend the same salary and benefit provisions contained in Exhibit "A" to hourly employees who otherwise meet the qualifications for the bargaining unit, but are excluded from bargaining unit membership under Sections 1(a), 1(b), or 1(c) of Appendix A ("Defining Eligibility in the Bargaining Unit") to Exhibit "A".

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY SUPERVISORY EMPLOYEES' BARGAINING UNIT (SUPERVISORS' UNIT)

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

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit, effective as of January 10, 2009, and attached hereto and incorporated herein by reference as Exhibit "A" (hereinafter the "M.O.U."), is hereby adopted.

SECTION 2. During the term of the M.O.U., the City Administrator is authorized to provide the same salary and fringe benefit increases generally extended to employees under the M.O.U. to the City's confidential supervisors.

SECTION 3. During the term of the M.O.U., the City Administrator is hereby authorized to implement the terms of the M.O.U. without further action by the City Council, unless such further Council action is required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the annual budget.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA SETTING FORTH AND APPROVING A SALARY PLAN FOR UNREPRESENTED MANAGERS AND PROFESSIONAL ATTORNEYS FOR THE PERIOD OF JULY 1, 2008, THROUGH DECEMBER 31, 2010, AND A SALARY PLAN FOR SWORN FIRE MANAGERS AND UNREPRESENTED SWORN POLICE MANAGERS FOR THE PERIOD OF JULY 1, 2008 ,THROUGH JUNE 30, 2010

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

SECTION 1. The Salary Plan for July 1, 2008, through December 31, 2010, applicable to Unrepresented Managers and Professional Attorneys, attached hereto and incorporated herein by reference as Exhibit "A" and dated March 17, 2009 (hereinafter the "Management Salary Plan 1"), is hereby approved.

SECTION 2. The Salary Plan for July 1, 2008, through June 30, 2010, applicable to Sworn Fire Managers and Unrepresented Sworn Police Managers, attached hereto and incorporated herein by reference as Exhibit "B" and dated March 17, 2009 (hereinafter the "Management Salary Plan 2"), is hereby approved.

SECTION 3. The City Administrator is hereby authorized to implement the terms of Management Salary Plan 1 and Management Salary Plan 2 without further action by the City Council, unless such Council action is required by state or federal law. This authorization shall include, but not be limited to, the authority to implement employee salary increases and changes to the salary schedule(s) that were adopted with the City's annual operating budget(s) in Fiscal Years 2008-2009 and 2009-2010.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING, CONTINGENT ON APPROVAL OF A ZONING CHANGE, A FIVE-YEAR LEASE AGREEMENT, WITH ONE FIVE-YEAR OPTION, WITH MAG AVIATION FUEL, A PARTNERSHIP, FOR OPERATION OF A SELF-SERVICE FUELING OPERATION AT 1600 COOK PLACE, AT THE SANTA BARBARA AIRPORT, COMMENCING UPON CONSTRUCTION OF THE FACILITY

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain five-year Lease Agreement, with one five-year option, between the City of Santa Barbara and MAG Aviation Fuel, a Partnership, for operation of a self-service fueling operation at 1600 Cook Place, at the Santa Barbara Airport, commencing upon construction of the facility, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Administrative Services Division, Police Department

SUBJECT: Grant Agreement Between The County Of Santa Barbara And The City of Santa Barbara To Support Law Enforcement Regional Data Sharing System

RECOMMENDATION:

That Council authorize the City Administrator to sign the Grant Agreement between the County of Santa Barbara and the City of Santa Barbara to support the Law Enforcement Regional Data Sharing System.

DISCUSSION:

In 1987, Santa Barbara County law enforcement agencies entered into a Joint Powers Agreement (JPA) to formalize a network infrastructure to support the California Law Enforcement Telecommunications System (CLETS) between member agencies and the Department of Justice (DOJ). Since its inception, the network has grown to also support many other systems including Livescan, CalPhoto CalGang, and electronic filing of State mandated reports.

In 2007, working under the auspices of the County Law Enforcement Chiefs (CLEC) organization, a committee was formed to research systems that would enable the JPA member agencies to share data regionally. Agencies who will contribute data have been identified as Santa Barbara Police, Santa Barbara Sheriff, Santa Maria Police, Lompoc Police, UCSB Police, Santa Barbara District Attorney, and Santa Barbara Probation. The Department of Homeland Security awarded Santa Barbara County funding to purchase the data sharing system for the CLEC project. CLEC established that the JPA network, administrated by the Santa Barbara Police Information Technology staff, will purchase the hardware necessary to support the data sharing software and house the system on the JPA infrastructure at the Santa Barbara Police Department. The grant agreement sets forth the City and the County's responsibilities with respect to the grant monies and the parties' responsibilities for purchasing the necessary hardware. The County of Santa Barbara has approved and signed the Agreement.

BUDGET/FINANCIAL INFORMATION:

The Grant Agreement establishes reimbursement to the City of Santa Barbara for the hardware purchase.

PREPARED BY: Christine Nail, Information Technology Manager

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Design Of The Airfield Safety Projects – Tidal Basin Circulation

RECOMMENDATION: That Council

- A. Authorize the Public Works Director to execute a contract with URS Corporation in the amount of \$325,870 for design services for the Airfield Safety Projects – Tidal Basin Circulation, and authorize the Public Works Director to approve expenditures of up to \$32,587 for extra services of URS that may result from necessary changes in the scope of work; and
- B. Authorize the Public Works Director to execute a contract with Tartaglia Engineering (Tartaglia) in the amount of \$136,535 for design services for the Airfield Safety Project – Tidal Basin Circulation, and authorize the Public Works Director to approve expenditures of up to \$13,700 for extra services of Tartaglia that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

The Airfield Safety Projects included a variety of work at the Airport to enhance safety. Project construction was completed in 2008. The work included construction of new 1000' long by 500' wide safety areas at each end of the primary runway, by relocating Carneros Creek and shifting the entire runway about 700' to the west. Thirteen acres of wetland habitat were impacted by the Safety Projects and a full mitigation program was established as part of the project's approvals and permitting.

To date, most of the 53 acre mitigation program has been completed; however, the Airport still needs to provide an additional 6.5 acres of wetland habitat to fully mitigate project impacts. Restoring tidal circulation to the Goleta Slough has been a long time goal of the environmental community, and it is a good opportunity to provide relevant mitigation for the Safety Projects. However, the possibility of increasing the risk of bird strikes was a serious concern for the Federal Aviation Administration (FAA) and the

Airport. To assess the risk, a demonstration project was constructed followed by three years of bird monitoring. The objective of the monitoring study was to obtain site-specific data that would adequately address the aviation bird strike issues associated with restoring tidal circulation to portions of the Slough to the satisfaction of the FAA and the Airport. The monitoring study results have been favorable and the Airport now needs to finalize construction of the tidal basin to complete the mitigation program.

PROJECT DESCRIPTION

The work consists of opening an area within the Goleta Slough to tidal influence. The area, known as Basin L/M (see attached), will be excavated, graded, and connected to Tecolotito Creek so that a tidal habitat is established. Basin E/F (see attached), which was opened to tidal circulation several years ago as part of the demonstration project, will be enlarged, and in combination with Basin L/M, will provide a total of 6.5 acres of new wetland habitat. This will complete the Airport’s obligation for Safety Area Projects’ mitigation.

DESIGN PHASE CONSULTANT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with URS in the amount of \$325,870 for design and permitting assistance. Staff also recommends that Council authorize the Public Works Director to execute a contract with Tartaglia in the amount of \$136,535 for engineering design and permitting assistance. URS and Tartaglia were selected under a competitive selection process to provide these types of services for the Airfield Safety Project.

FUNDING

The following summarizes all estimated mitigation project costs:

ESTIMATED TOTAL MITIGATION PROJECT COST

Design (by Contract)	\$462,405
City staff	\$20,000
Subtotal	\$482,405
Estimated Construction Contract w/Change Order Allowance	\$4,100,000
Estimated Construction Management/Inspection	\$200,000
Subtotal	\$4,300,000
TOTAL PROJECT COST	\$4,782,405

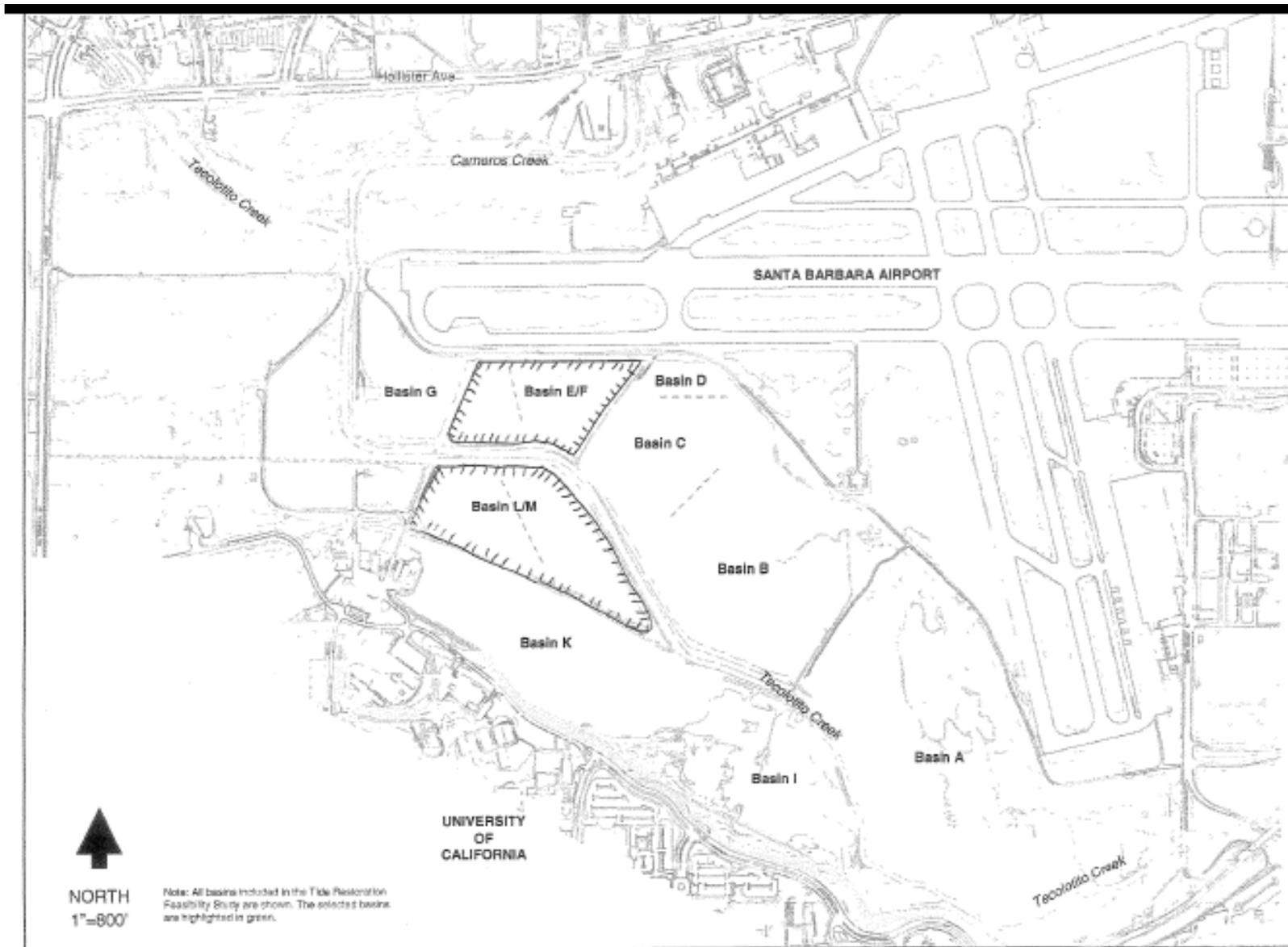
There are sufficient funds in the Airport Grant Fund to cover these costs.

ATTACHMENT: Basins E/F and L/M Vicinity Map

PREPARED BY: Owen Thomas, Principal Engineer/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Basins E/F and L/M Vicinity Map

ATTACHMENT

Basins E/F and L/M Vicinity Map



Agenda Item No. _____

File Code No. 640.08

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 833 East Anapamu Street And 820 Lowena Drive

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,754 for a subdivision at 833 East Anapamu Street and 820 Lowena Drive (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision.

DISCUSSION:

A Tentative Map for a condominium conversion subdivision located at 833 East Anapamu Street and 820 Lowena Drive (Attachment 1) was conditionally approved on June 20, 2007, by adoption of the Staff Hearing Officer (SHO) Conditions of Approval, Resolution No. 051-07 (Attachment 2). The project involves the conversion of an existing duplex into two condominium units. The physical improvements required to meet condominium standards have been approved by the Building and Safety Department under BLD2007-02928, under PBW2008-01294 for public improvements, and the map is now ready to be recorded.

In accordance with the SHO approval, the Owners (Attachment 3) have signed and submitted the Parcel Map and the subject Agreements to the City, tracked under Public Works Permit No. PBW2007-01135. It is necessary that Council approve the Parcel Map since it 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).

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

The *Agreement Assigning Water Extraction Rights* will be processed concurrently with the map and subdivision agreement, and has been signed by the Public Works Director in accordance with City Council Resolution No. 02-131.

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

- ATTACHMENT(S):**
1. Vicinity Map
 2. Conditions that are required to be recorded concurrent with Parcel Map No. 20,754 by Staff Hearing Officer Conditions of Approval, Resolution No. 051-07
 3. List of Owners

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map
833 East Anapamu Street
820 Lowena Drive



Not to Scale

Vicinity Map

833 East Anapamu Street

820 Lowena Drive

N

ATTACHMENT 1

Not to Scale

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH
PARCEL MAP NO. 20,754 BY STAFF HEARING OFFICER CONDITIONS OF
APPROVAL, RESOLUTION NO. 051-07

833 East Anapamu Street and 820 Lowena Drive

Said approval is subject to the following conditions:

- A. **Recorded Agreement.** The following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be memorialized in an "*Agreement Relating to Subdivision Map Conditions Imposed on Real Property*" reviewed and approved as to form and content by the City Attorney, Community Development Director and Public Works Director that shall be executed by the Owners concurrent with the Parcel Map, and recorded by the City prior to issuance of a Certificate of Occupancy for the condominium conversion permit. Said agreement(s) shall be recorded in the Office of the County Recorder:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any project related drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
 4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant 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.

5. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on June 20, 2007 is limited to the conversion of two (2) residential units to two (2) condominium units on one lot, including improvements as shown on the Tentative Subdivision Map and architectural plans signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
6. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of 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 carports be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the carports 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.
 - 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. **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

LIST OF OWNERS

833 East Anapamu Street and 820 Lowena Drive

Eric L. Peterson

Katherine G. Heitzman-Peterson



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Parks and Recreation Department

SUBJECT: Contributions From The Parks And Recreation Community Foundation, California Community Foundation And Santa Barbara Beautiful

RECOMMENDATION: That Council:

- A. Accept grant funds in the amount of \$100,000 from the Parks and Recreation Community (PARC) Foundation on behalf of the California Community Foundation for exterior improvements to the Ortega Welcome House;
- B. Accept a contribution from the PARC Foundation in the amount of \$26,187 on behalf of various organizations and individuals to support various Recreation Programs;
- C. Accept a contribution from Santa Barbara Beautiful in the amount of \$8,186.30 for the Summer Youth Employment Program and the Franklin Center Re-landscaping Project; and
- D. Increase appropriations and estimated revenues in the Fiscal Year 2009 Parks and Recreation Department Miscellaneous Grants Fund in the amount of \$126,187 and in the Fiscal Year 2009 Parks and Recreation Department General Fund in the amount of \$8,186.30.

DISCUSSION:

The Parks and Recreation Department is the recipient of grants and donations totaling \$126,187 from the PARC Foundation. Funded by different sources, these funds support the following projects and programs:

- Bohnett Pocket Park youth art project (\$487, Bohnett Family)
- Healthy Options for Teens Program (\$5,000, Santa Barbara Foundation)
- 90+ Birthday Party (\$5,000, various donations)

- Adapted Programs special events (\$26,187, Wood-Clayssens Foundation, Kiwanis, and Tri-Country Regional Center)
- Ortega Welcome House exterior renovations (\$100,000, California Community Foundation).

The Department appreciates the organizations and individuals that contributed, and the PARC Foundation for accepting and distributing funds to City programs. The funds will be used for salaries, program supplies, services, and facility improvements. The funds are held by the PARC Foundation until they are needed, and transferred to the appropriate program budgets.

The Parks and Recreation Department is also the recipient of \$8,186.30 from Santa Barbara Beautiful to fund the Fiscal Year 2009 Summer Youth Employment Program (\$5,962.36) and the Franklin Center Landscape Renovation Project (\$2,223.94). The Department greatly appreciates the ongoing support from Santa Barbara Beautiful.

BUDGET/FINANCIAL INFORMATION:

Contributions from the PARC Foundation in the amount of \$26,187 will support various Recreation Programs. The \$100,000 from the California Community Foundation Grant, through the PARC Foundation, will support exterior improvements to the Ortega Welcome House, including a new arbor, landscaping, and improved access. The \$8,186.30 from Santa Barbara Beautiful will support Parks Division sponsored youth apprentices and the renovation of the landscape at the Franklin Community Center.

SUSTAINABILITY IMPACT:

Santa Barbara's urban forest and its park system are invaluable elements of the community's quality of life. Trees and open space areas improve air quality, contribute to energy conservation, reduce storm water runoff, and provide wildlife habitat. Santa Barbara Beautiful plays a critical role in the City's ability to maintain and enhance its urban forest and park system.

PREPARED BY: Sarah Hanna, Recreation Programs Manager
Santos Escobar, Parks Manager

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

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
February 10, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:02 p.m.

ROLL CALL

Agency members present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Chair Blum.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Assistant Community Development Director/Housing and Redevelopment Manager David Gustafson, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 – 3)

Motion:

Agency/Council Members Schneider/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes (13)

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the regular meetings of December 16, 2008, and January 13, 2009.

Action: Approved the recommendation.

2. Subject: Notice To City Council And Redevelopment Agency Board Regarding Real Estate Interest In Redevelopment Project Area From Agency Boardmember (620.01/14)

Recommendation: That the Council and the Agency Board receive the notice of City Councilmember and Redevelopment Agency Boardmember Grant House of real estate interest in the Redevelopment Project Area in compliance with California Redevelopment Law Section 33130.

Action: Approved the recommendation (February 10, 2009, report from the Agency Deputy Director/Community Development Director; February 4, 2009, letter from Trey Pinner, Manager for Professional Investment Planning).

3. Subject: Educational Revenue Augmentation Fund Payment (150.02) (15)

Recommendation:

- A. That Council authorize the Finance Director to notify the Santa Barbara County Auditor that the Redevelopment Agency's Educational Revenue Augmentation Fund payment will be made by the Redevelopment Agency from Redevelopment Agency tax increment revenues; and
- B. That the Redevelopment Agency Board authorize the appropriation and expenditure of \$1,403,758 from the Redevelopment Agency's General Fund to pay the Agency's obligation to the state-imposed Educational Revenue Augmentation Fund.

Action: Approved the recommendations (February 10, 2009, report from the Agency Deputy Director/Community Development Director).

REDEVELOPMENT AGENCY REPORTS

4. Subject: West Beach Public Art Program Professional Services Contract (610.04/19)

Recommendation: That Council and the Agency Board:

- A. Authorize the General Services Manager to execute a purchase order not to exceed \$123,100 with Richard Irvine and Raphel Perea de la Cabada for design, fabrication and construction consulting of public art for three of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project; and authorize the General Services Manager to approve expenditures up to \$12,300 for extra services that may result from necessary changes to the scope of work;

(Cont'd)

4. (Cont'd)

- B. Authorize the General Services Manager to execute a purchase order not to exceed \$25,600 with Lori Ann David for design, fabrication and construction consulting of public art for one of the four plazas of the West Beach Public Art Program as part of the Redevelopment Agency-funded West Beach Pedestrian Improvement Project; and authorize the General Services Manager to approve expenditures up to \$2,500 for extra services that may result from necessary changes to the scope of work; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara and the City of Santa Barbara Redevelopment Agency Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements for the West Beach Public Art Program.

Documents:

- February 10, 2009, joint report from the Public Works Director and Agency Deputy Director/Community Development Director.
- Proposed Resolution.
- February 10, 2009, PowerPoint presentation prepared and made by staff.

The title of the resolution was read.

Speakers:

Staff: Redevelopment Supervisor Brian Bosse, Redevelopment Specialist Jeannette Candau.

Motion:

Agency/Council Members House/Falcone to approve the recommendations; Redevelopment Agency Resolution No. 1014; City Council Resolution No. 09-008.

Vote:

Unanimous roll call vote.

ADJOURNMENT

Chair Blum adjourned the meeting at 10:10 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Special Meeting
February 24, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House (2:01 p.m.), Helene Schneider, Das Williams (2:01 p.m.), Chair Blum.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR (Item Nos. 1 and 2)

Motion:

Agency/Council Members Schneider/Williams to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Redevelopment Agency Fiscal Year 2009 Interim Financial Statements For The Six Months Ended December 31, 2008 (13)

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2009 Interim Financial Statements for the Six Months Ended December 31, 2008.

Action: Approved the recommendation (February 24, 2009, report from the Fiscal Officer).

2. Subject: Increase Change Order Authority For Fire Station No. 1 Seismic Renovation Project (700.08/14)

Recommendation:

- A. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$303,595 from the RDA's Fire Station No. 1 Emergency Operation Center (EOC) Account to fund the construction of an EOC as part of the Fire Station No. 1 Seismic Renovation Project (Project), for a total Project cost of \$6,974,209; and
- B. That Council approve additional change order expenditure authority for the Fire Station No. 1 Seismic Renovation Project, Contract No. 22,798, in the amount of \$260,000 to cover the cost of the EOC construction, bringing the total construction cost to \$4,737,559.

Action: Approved the recommendations (February 24, 2009, joint report from the Deputy Director/Community Development Director, the Public Works Director and the Fire Chief).

RECESS

Chair/Mayor Blum recessed the meeting at 3:59 p.m. in order for the Board/Council to reconvene in closed session for Agenda Item Nos. 3 and 4, and stated that no reportable action is anticipated.

CLOSED SESSIONS

3. Subject: Conference With Real Property Negotiators (17)

Recommendation: That the Redevelopment Agency Board hold a closed session to consider instructions to negotiators regarding potential long-term lease of Redevelopment Agency-owned parcels, Assessor's Parcel Numbers 017-113-029, 017-113-030, 017-113-034, and 017-113-035 (125 Calle Cesar Chavez) to the Santa Barbara School Districts. Negotiations will be conducted by David Gustafson, Housing and Redevelopment Manager, Paul Casey, Agency Deputy Director, and Stephen Wiley, Agency Counsel, on behalf of the Redevelopment Agency, with J. Brian Sarvis, Superintendent, Santa Barbara School Districts. The closed session is authorized pursuant to the authority of Government Code Section 54956.8.

Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

Documents:

February 24, 2009, report from the Deputy Director.

Time:

4:05 p.m. - 4:35 p.m.

No report made.

4. Subject: Conference With Real Property Negotiators (330.03/18)

Recommendation: That Council and the Redevelopment Agency Board hold a joint closed session to consider instructions to its negotiators regarding real property negotiations for the possible lease of real property owned by the City of Santa Barbara and of real property owned by the Santa Barbara Metropolitan Transit District (MTD), to the Redevelopment Agency. Instructions to negotiators will direct staff regarding the price and terms of a possible lease of the MTD-owned property (1020 Chapala Street, Assessor's Parcel Number 039-281-040) and the City-owned property (9 West Figueroa Street, Assessor's Parcel Number 039-281-041) to the Redevelopment Agency. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. Staff negotiators will be David Gustafson, Housing and Redevelopment Manager, Paul Casey, Agency Deputy Director, and Stephen Wiley, City Attorney/Agency Counsel. The MTD negotiator will be Sherrie Fisher, General Manager of MTD.

Under Negotiation: Possible leasehold disposition.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

February 24, 2009, report from the Deputy Director/Community Development Director.

Time:

4:35 p.m. - 5:05 p.m.

No report made.

ADJOURNMENT

Chair Blum adjourned the meeting at 5:05 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Chair and Boardmembers

FROM: Housing and Redevelopment Division, Community Development Department

SUBJECT: Santa Barbara Railroad Station Historic Railcar

RECOMMENDATION:

That the Redevelopment Agency Board authorize the Deputy Director to approve additional change order expenditures of up to \$24,000 for Redevelopment Agency Agreement No. 491 with Fillmore and Western Railway Company for additional changes in the scope of work associated with restoration and installation of the rail car *Santa Barbara*.

BACKGROUND:

In 2007, the Agency Board authorized appropriations from the RDA's 2003A Bond Fund Historic Rail Car Account for the restoration, transport and sale of the circa 1929 Southern Pacific business car *Santa Barbara* by Fillmore and Western Railway Company (Fillmore & Western). Siting of a vintage railroad car for static display at the historic rail spur at the downtown Railroad Depot originated during the restoration process for the Railroad Depot facilities in the late 1990s. Major funding for the project was secured through a federal Transportation Enhancement Activities (TEA) grant administered by the California Department of Transportation (CALTRANS). City funds expended on the construction/installation are reimbursable at the rate of 88.53% up to a maximum reimbursement of \$350,000. Adequate funding exists in the project account to accommodate the requested increase in change order authority.

DISCUSSION:

In 2007, the Agency authorized execution of a contract with Fillmore and Western for \$295,000 to complete the rail car restoration and installation. The Agency also authorized the Deputy Director to approve expenditures of up to \$29,500 (10% of the contract) for expenditures resulting in change orders for extra work. During the restoration, it became evident that the project would benefit from an expanded scope that would include the following significant items:

- Security measures (with supporting utilities)
 - interior alarm system
 - tempered, exterior window panes
 - tamper-proof lighting under the rail car

- High-grade paint with an extended life and which also exhibits a higher resistance to graffiti strikes
- Ultraviolet-light (UV) resistant, interior window panes
- Revisions to the design of the historic rail spur extension

Due to the custom nature of the work involved, staff finds significant benefit in having the expanded scope of work coordinated by Fillmore & Western under the existing agreement.

BUDGET/FINANCIAL INFORMATION

This is a CALTRANS grant and Redevelopment Agency-funded project. There is no cost to the General Fund. Staff is requesting authorization for an additional \$24,000 in change order authority to accommodate changes in scope. Approval of the request would bring the not-to-exceed total contract amount with Fillmore & Western to \$348,500 and raise the change order authority from 10% to 18% of the total contract. The Historic Rail Car project account maintains adequate funding to cover the proposed change order increase and therefore, no new funds will need to be added to the project account.

The project is being chiefly funded through CALTRANS TEA program reimbursable grant funds at the rate of 88.53% of the total project *construction* cost up to a maximum reimbursement amount of \$350,000. State reimbursement of Agency expenditures has been occurring regularly. Total project cost, including preliminary planning, appraisal and project management is estimated to be \$399,981 with \$85,037 provided by the Agency and the balance funded through the CALTRANS grant.

Installation

Additional site preparation will proceed immediately, with installation expected in early to mid May. Because weather conditions will affect the painting schedule, a specific delivery date has not yet been determined.

PREPARED BY: Brian Bosse, Housing and Redevelopment Manager/MA

SUBMITTED BY: Paul Casey, Agency Deputy Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of Santa Barbara Airport Temporary Facilities And Site Preparation Project

RECOMMENDATION: That Council:

- A. Find that no bid protest has been made to the apparent low bidder and award and authorize the Public Works Director to execute a contract with Lash Construction (Lash) in their low bid amount of \$3,475,850 for construction of the Santa Barbara Airport Temporary Facilities and Site Preparation Project, Bid No. 3,555, and authorize the Public Works Director to approve expenditures up to \$350,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- B. Authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff, Inc. (HNTB), in the amount of \$648,361 for construction support services, and approve expenditures of up to \$32,500 for extra services of HNTB that may result from necessary changes in the scope of work.

DISCUSSION:

PROJECT DESCRIPTION

The Airline Terminal Improvement Program involves construction work under several contracts. The first contract is to make ready the air-side of the terminal by constructing a new aircraft parking apron and realigning and widening Taxiway B adjacent to the new terminal and parking apron. Construction of this work began in September 2008 and will be completed by April 30, 2009, weather permitting.

The subject contract, which will be the second construction contract for the terminal, is to prepare the site for construction of the new terminal building. This involves temporary site improvements so the existing terminal can continue to function normally, and making improvements to the soils underlying the new terminal building foundation.

Temporary site improvements include re-routing the terminal loop road and creating a new passenger pick-up and drop-off curb. The southerly baggage claim tent will also be

moved to the northeast side of the terminal, next to the other baggage claim tent. The temporary road will be rerouted through a portion of the existing short term parking lot and exit to Fowler Road as it does today. This will allow the new terminal building site to be completely fenced off so construction activities do not interfere with normal terminal operations.

The soil improvement component of the work is needed to strengthen underlying soils so that they will support the new building. The existing soils are loose, unconsolidated sands, which are highly susceptible to liquefaction during an earthquake. The contractor will strengthen the soils down to a depth of 40 feet with a process called compaction grouting. This high-tech process will compact site soils so they will support the loads from a conventional building foundation system. This eliminates the need for costly caissons or pilings, which are often used in these types of soil conditions.

CONTRACT BIDS

A total of five bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Lash Construction Santa Barbara	\$3,475,850
2.	Granite Construction Santa Barbara	\$3,557,000
3.	Raminha Construction Atascadero	\$3,796,200
4.	R. Burke Corporation San Luis Obispo	\$3,811,180
5.	Whitaker Contractors San Luis Obispo	\$3,889,094

Granite filed a bid protest against the apparent low bidder's bid. The protest asserts that the low bidder did not meet bid specifications because the electrical subcontractor did not meet the experience requirements of the contract specifications. As part of a thorough investigation, the apparent low bidder provided documentation indicating that the listed subcontractor would utilize a second tier subcontractor that met all bid specifications. On March 10, 2009, the City Council held a hearing to give any bid protestors an opportunity to present a bid protest. No one protested the apparent low bidder. Since no one made a protest at the hearing, the bid protest, if any, is deemed abandoned. Staff recommends that the City Council find that the low bid of \$3,475,850, submitted by Lash, is a responsible bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$350,000, or 10%, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with HNTB in the amount of \$648,361 for materials testing, construction management, and inspection services. HNTB was selected to provide construction management services for this Project under a competitive selection process.

FUNDING

A detailed discussion concerning the funding for this contract, as well as the Santa Barbara Airline Terminal contract, is provided in a separate Council Agenda Report prepared by the City Finance Director.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Lash Construction	\$3,475,850	\$350,000	\$3,825,850
HNTB	\$648,361	\$32,500	\$680,861
TOTAL RECOMMENDED AUTHORIZATION			\$4,506,711

SUSTAINABILITY IMPACT:

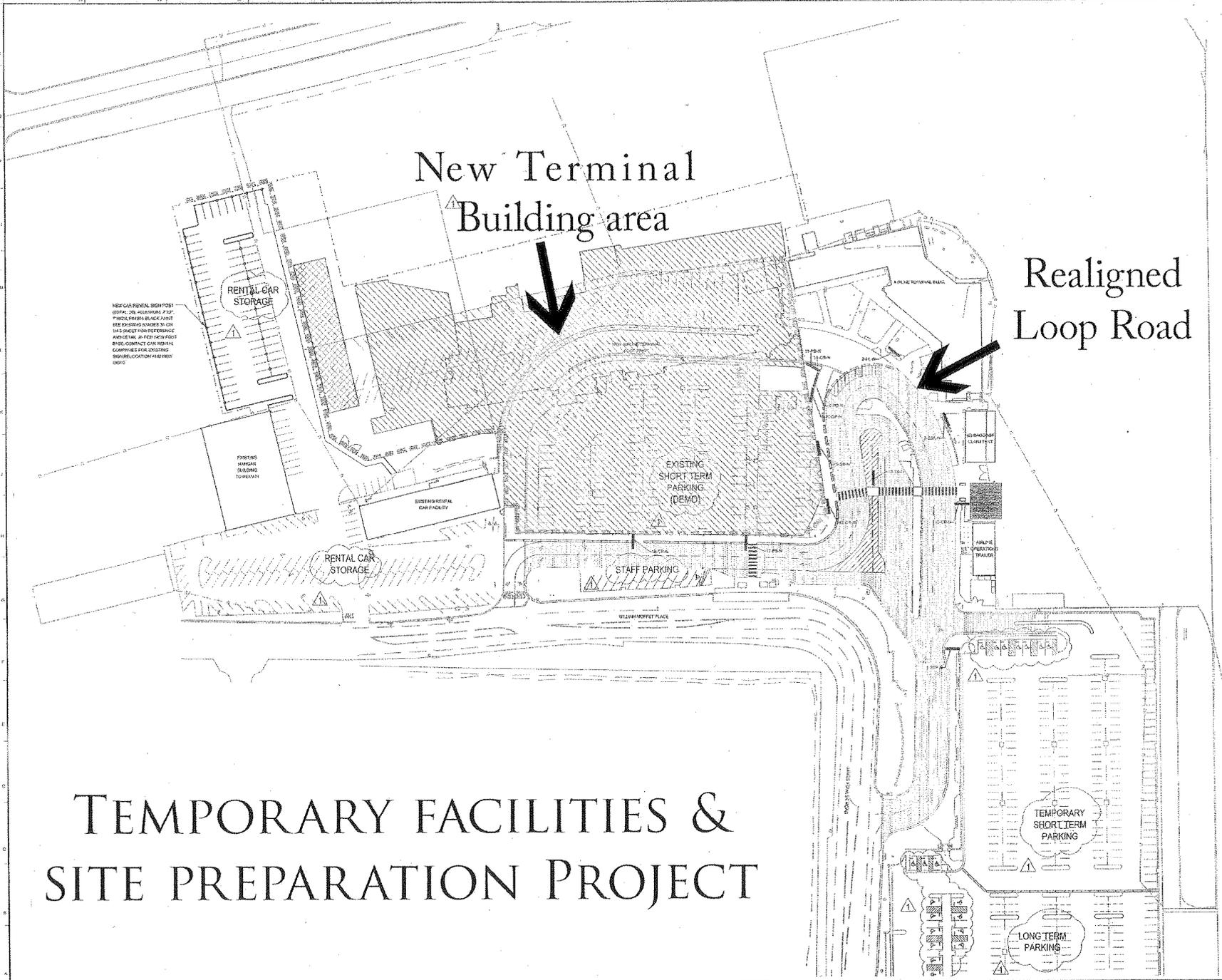
The Airline Terminal Improvement Program (including this work) has been registered with the United States Green Building Council with the goal of a Leadership in Energy and Environmental Design Silver rating. The work under this contract will contribute to the City's sustainability goals primarily through a Construction Best Management Plan and by recycling pavement materials that are being removed.

ATTACHMENT: Temporary Facilities and Site Preparation Project Map

PREPARED BY: Owen Thomas, Principal Engineer/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



TEMPORARY FACILITIES & SITE PREPARATION PROJECT

HNTB
HNTB Architecture
 The HNTB Companies
 14000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90045
 310.415.1000
 www.hntb.com

THE CALIFORNIA ARCHITECTS ASSOCIATION
 REGISTERED ARCHITECT
 STATE OF CALIFORNIA

AIRLINE TERMINAL IMPROVEMENT PROJECT
 SANTA BARBARA MUNICIPAL AIRPORT
 SANTA BARBARA, CALIFORNIA

CITY OF SANTA BARBARA
 PUBLIC WORKS DEPARTMENT - AIRPORTS DIVISION
 APPROVED: *[Signature]* DATE: *11/11/11*
 CITY ENGINEER
 AIRPORT DRAWING NO. C-5-1100A

TEMPORARY FACILITIES AND SITE PREPARATION

DATE:	JUNE 18, 2011
APPROVED:	CONTRACTOR:
PROJECT NO.:	001-1100A
DESIGNED BY:	SCALE:
CHECKED BY:	DATE:
DATE:	DATE:
DATE:	DATE:
DATE:	DATE:

SHEET TITLE & NUMBER
 SITE SIGNAGE PLAN
TF-A14.1
 Copyright HNTB 2008

EMPORARY FACILITIES &
SITE PREPARATION PROJECT
ATTACHMENT
TF- 1 4 .1



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Contract For Construction Of Santa Barbara Airport Airline Terminal Improvement Project

RECOMMENDATION: That Council:

- A. Hold a hearing to consider any possible bid protest with respect to award of the Santa Barbara Airport Airline Terminal Improvement Project contract to the apparent lowest responsible bidder;
- B. Reject all bid protests submitted by bidders to the award of the Airline Terminal Improvement Project contract to the apparent lowest responsible bidder;
- C. Award and authorize the Public Works Director to execute a contract with EMMA Corporation (EMMA) in its low bid amount of \$32,858,000 for the base bid, plus bid alternates 1 and 2, for construction of the Santa Barbara Airport Airline Terminal Improvement Project (Project), Bid No. 3,556, and authorize the Public Works Director to approve expenditures up to \$3,440,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment;
- D. Authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff California Architects, P. C. (HNTB) in the amount of \$4,181,135 for construction support services, and approve expenditures of up to \$209,055 for extra services of HNTB that may result from necessary changes in the scope of work; and
- E. Authorize the Public Works Director to approve a contract with Padre Associates (Padre) in the amount of \$48,200, and approve expenditures of up to \$4,800 for extra services of Padre that may result from necessary changes in the scope of work.

DISCUSSION:

EXECUTIVE SUMMARY

Staff recommends to the City Council award of a contract for construction of the Santa Barbara Airport Airline Terminal Improvement Project to EMMA Corporation of Santa Monica in the amount of their low bid of \$32,858,000. The work includes construction of a new 72,000 square foot terminal building, demolition of a portion of the existing terminal, and relocation and rehabilitation of the historic 1942 Airport terminal core. The work also includes construction of necessary site work, landscaping, parking lots, terminal ramp and vehicular access.

Staff further recommends to the City Council award of a contract for construction management services to the firm of Howard, Needles, Tammen & Bergendoff California Architects, P. C. in the amount of \$4,181,135 and award of a contract for environmental services support to the firm of Padre Associates in the amount of \$48,200.

PROJECT DESCRIPTION

The Airport Airline Terminal Improvement Program includes the construction of a new 72,000 square foot airline terminal building, rehabilitation of the 1942 portions of the existing terminal, reconfiguration of the short term parking lot, loop road and installation of associated landscaping. To allow the existing terminal to remain in operation during construction of the new facility, the project has been divided into three phased construction contracts and two professional services contracts:

Contract 1 consists of the Airside Improvements and is currently underway. This work includes the construction of a new aircraft parking apron and the realignment and widening Taxiway B located adjacent to the new terminal. Contract 1 was awarded to Granite Construction in the amount of \$3,560,267. Construction under the contract began in September 2008 and will be completed by April 30, 2009, weather permitting.

Contract 2 consists of the Temporary Facilities and Site Preparation necessary to prepare the airline terminal site for construction of the new terminal building. Staff has recommended to the City Council that it award a contract in the amount of \$3,475,850 to Lash Construction concurrently with the award of Contract 3 for the airline terminal building. The Lash contract (Contract 2) includes the work necessary to enhance the soils underlying the new terminal building foundation and to install and construct temporary site improvements necessary to allow the existing terminal to continue operations during construction of the new facility.

Contract 3, the subject of this Council Agenda Report, entails construction of the Santa Barbara Airport Airline Terminal complex. The work includes construction of the new terminal building, rehabilitation of portions of the existing historic 1942 Airport terminal and roadway and short term parking lot improvements. After careful examination and verification of all bids and bidders responding to the request for bids, staff recommends

that EMMA Corporation be determined by the City Council to be the lowest responsible bidder in accordance with Section 519 of the Santa Barbara City Charter and award to EMMA the construction contract in the amount of \$32,858,000. The contract includes the base bid amount of \$32,500,000, plus two bid alternates to provide photovoltaic panels on a portion of the terminal roof in the amount of \$349,000 and to provide polished concrete flooring in lieu of carpet in the amount of \$9,000.

Contracts 4 (the "HNTB" contract) and 5 (the Padre contract) are for professional services related to the construction work. Contract 4 is the recommended award of a contract for construction management services to HNTB in the amount of \$4,181,135. Contract 5 is the recommended award of a contract for environmental support services to Padre Associates in the amount of \$4,800.

CONTRACT BIDS

A total of nine bids were received for the Airport Airline Terminal Improvement Project work, ranging as follows:

BIDDER	BID AMOUNT*
	• Base bid plus Alternates 1 and 2
1. EMMA Corporation Santa Monica	\$32,858,000
2. Swinerton Builders Irvine	\$35,090,000
3. Prowest Contractors Wildomar	\$35,557,000
4. Sinanian Development, Inc. Tarzana	\$36,090,000
5. Howard Wright Constructors Irvine	\$36,640,000
6. Pinner Construction Anaheim	\$37,148,000
7. Viola Constructors Oxnard	\$38,023,000
8. Malicraft, Inc. Altadena	\$38,478,000
9. FTR International, Inc. Irvine	\$39,058,000

LOWEST RESPONSIBLE BIDDER

The lowest bid submitted in response to the request for bids on the Airline Terminal Improvement Project was EMMA Corporation from Santa Monica California. Staff's evaluation of EMMA as a responsible bidder included the following:

- Review and verification of the bid proposal forms for completeness and accuracy. The bid proposal forms consist of fifteen forms including: the Contractor's proposal, Proposed Equipment and Material Manufacturers, Experience Statement, Proposed Subcontractors, Proposal Guaranty Bond, Bidder's Statement Regarding Insurance Coverage, Bidder's Declaration of Non-collusion, Bidder's Statement on Previous Contracts Subject to EEO Clause, Certification of Segregated Facilities, Assurance of Disadvantaged Business Enterprise Participation, Certifications of Bidder regarding Affirmative Action Program, Certification Regarding Foreign Trade Restrictions, Buy American Certificate, Suspension and Debarment Requirements for all Contracts over \$25,000, 49 CFR 26.11 – Bidder's List.
- Staff's review of EMMA's experience determined that EMMA has been in the construction business in California for 27 years. It has a bonding capacity of approximately \$150,000,000. EMMA has a good reputation of successfully completing its construction work. No claims have been made by project owners seeking payment on any of EMMA's performance bonds. EMMA's construction work in the past has primarily been related to school buildings and campuses. As part of the bid package forms, EMMA listed eleven projects which were of similar complexity and scale as the Airline Terminal Improvement Project. These eleven similar projects range in value from \$8 million to \$28 million. Currently, EMMA is working on a \$28,000,000 contract for a new school facility for Los Angeles Unified School District. As part of its bid review, staff contacted project owners, building inspectors, and architects for recommendations on EMMA's work. The responses were favorable and indicated that EMMA's work was satisfactory and on time. The responders valued EMMA's integrity and said that EMMA maintained good communication on project progress. All responders positively recommended EMMA as a general contractor. Staff determined that EMMA's past work, even though primarily on school facilities, was similar in nature to the terminal project and demonstrated ample comparable public facility work. Because most of the Airline Terminal Project work is outside the Airport Operations Area, staff does not believe there is a need to require specialized airline terminal experience.

Based on a thorough review of EMMA's bid including its past experience and references, staff has concluded that EMMA is responsible and capable of performing this project in accordance with the Airport's bid specifications. EMMA's bid is therefore, in staff's opinion, the lowest responsible bid on the Airline Terminal Improvement Project.

BID PROTEST

Staff recommends that the City Council complete the hearing to consider any bid protests made by bidders to the City's award of the Airline Terminal contract to the apparent lowest responsible bidder, EMMA. Swinerton Builders submitted letters to the City dated December 24, 2008 and February 19, 2009, in which it raised several concerns with EMMA's bid. These concerns were clarified and elaborated upon by Swinerton in an additional letter submitted to the City on March 13, 2009 and two letters from Swinerton's legal counsel. Staff also had several follow-up meetings and conference calls with Swinerton representatives. Swinerton's correspondence is available for City Council member review in the Council reading file and available for public review in the City Clerk's Office.

A more detailed analysis of Swinerton's claims is provided to the Council in Attachment No. 2 with respect to the precise contract bid specifications Swinerton asserts EMMA failed to comply with. Essentially, Swinerton alleges that because EMMA's electrical subcontractor did not have a contract with Johnson Controls (provider of a City recommended Access Control System Software and Security Controllers) on bid day and did not list an equal or alternate to Johnson Controls on bid day, the bid was nonresponsive. [The Airport's existing security system is operated by Johnson Controls software and the Airport hopes to keep the system in place making only minor modifications to it to accommodate the work for the new terminal.]

EMMA responded to Swinerton's concerns in correspondence to the City dated January 7, 2009, and February 25, 2009. As EMMA stated in its response, contrary to Swinerton's claim, EMMA did not propose or intend to use an alternate or equal to the Johnson Controls system and the bid never indicated any intention to suggest or use an alternate. Therefore, except for the listing of subcontractors whose bid was in excess of one half of one percent of the prime contractor's bid and whom contract with the prime contractor (such as EMMA's electrical contractor, GEC), no other documentation was required. Nonetheless, in an effort to answer this claim, in its letter dated February 25, 2009, EMMA provided the names and bids of the second tier companies which would supply, manufacture, or install the security, telecommunications, and audio paging systems as recommended in the bid specifications including the recommended Johnson Control Security System. EMMA also provided additional details and considerable background information concerning its qualifications and experience as a general contractor on similar projects in its written materials to the City. EMMA's January 7, 2009 and February 25, 2009 letters are available for City Council member review in the Council reading file and available for public review in the City Clerk's Office.

City staff evaluated and responded to the assertions made by Swinerton in correspondence dated January 26, 2008 and March 2, 2009 (Attachment No. 3).

On March 10, 2009, the City Council held a hearing to consider Swinerton's bid protest. Swinerton reiterated its concerns and alleged that the fourth tier security subcontractor provided in EMMA's February 25, 2009 letter was not authorized by Johnson Controls to work in Santa Barbara County. To support its allegation, Swinerton alleged that a

letter from Electronic Control System (ECS) to EMMA's electrical subcontractor, Gilmartin Electrical Contracting (GEC), and thereafter submitted by EMMA to the City, certifying that ECS was an approved Johnson Controls installer, had been altered by deleting the reference in the letter limiting the ECS certification to the San Diego area. Because this allegation was first raised at the City Council meeting, of March 10th, it was not possible to confirm or deny the validity of this allegation. In order to investigate the claim, the City Council continued the hearing and its deliberations on the contract award to the March 24, 2009, agenda.

EMMA has now provided a letter from ECS confirming that it did, in fact, alter the Johnson Controls letter without Johnson Controls authorization innocently believing that this alteration was appropriate and warranted because it was bidding on a contract in Santa Barbara County. A copy of the ECS explanation letter is provided in Attachment No. 4. Furthermore, the president of EMMA and the president of GEC have provided sworn declarations that neither company had prior knowledge of the letter's alteration. The recent ECS letter supports this information. The declarations from EMMA and GEC now indicate that ECS will not work in any capacity on the Airport project. The declarations from Emanuel Yashair, EMMA, and Michael Gilmartin, GEC, are attached as Attachment No. 5.

As a result, EMMA and GEC have now negotiated a direct letter of intent with Johnson Controls for the necessary portion of work. GEC has provided a letter to the City dated March 16, 2009 indicating its intent to contract with Johnson Controls and Johnson Controls has provided a letter received March 17 indicating its acceptance of GEC's letter of intent. The two letters are attached as Attachment No. 6. City staff contacted William King of Johnson Controls (the Johnson Controls representative who spoke at the March 10th Council meeting) and has verified the validity of the contents of the letters and that Johnson Controls has entered into a letter of intent with GEC, EMMA's electrical subcontractor for the Airport Terminal.

Public Works and City Attorney staff recommend that the any protest made to the lowest responsible bidder be rejected and that the bid of \$32,858,000, be determined as the lowest bid and submitted by a contractor which is both responsible and which has been responsive. As a result, staff recommends that the Airline Terminal Improvement Project contract be awarded to EMMA.

The change order funding recommendation of \$3,440,000, or about 10%, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff also recommends that Council authorize the Public Works Director to execute a contract with HNTB in the amount of \$4,181,135 for materials testing, construction management, and inspection services. HNTB was selected to provide construction management services for this Project under a competitive selection process. Staff also recommends that the General Services Manager be authorized to approve a contract with Padre for \$48,200 for assistance with management of hazardous materials known to be on the site.

FUNDING

A detailed discussion concerning funding for this contract, as well as the contract for construction of the Santa Barbara Airport Temporary Facilities and Site Preparation Project, is provided in a separate Council Agenda Report prepared by the City Finance Director.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
EMMA Corporation	\$32,858,000	\$3,440,000	\$36,298,000
HNTB	\$4,181,135	\$209,055	\$4,390,190
Padre	\$48,200	\$4,800	\$53,000
TOTAL RECOMMENDED AUTHORIZATION			\$40,741,190

SUSTAINABILITY IMPACT:

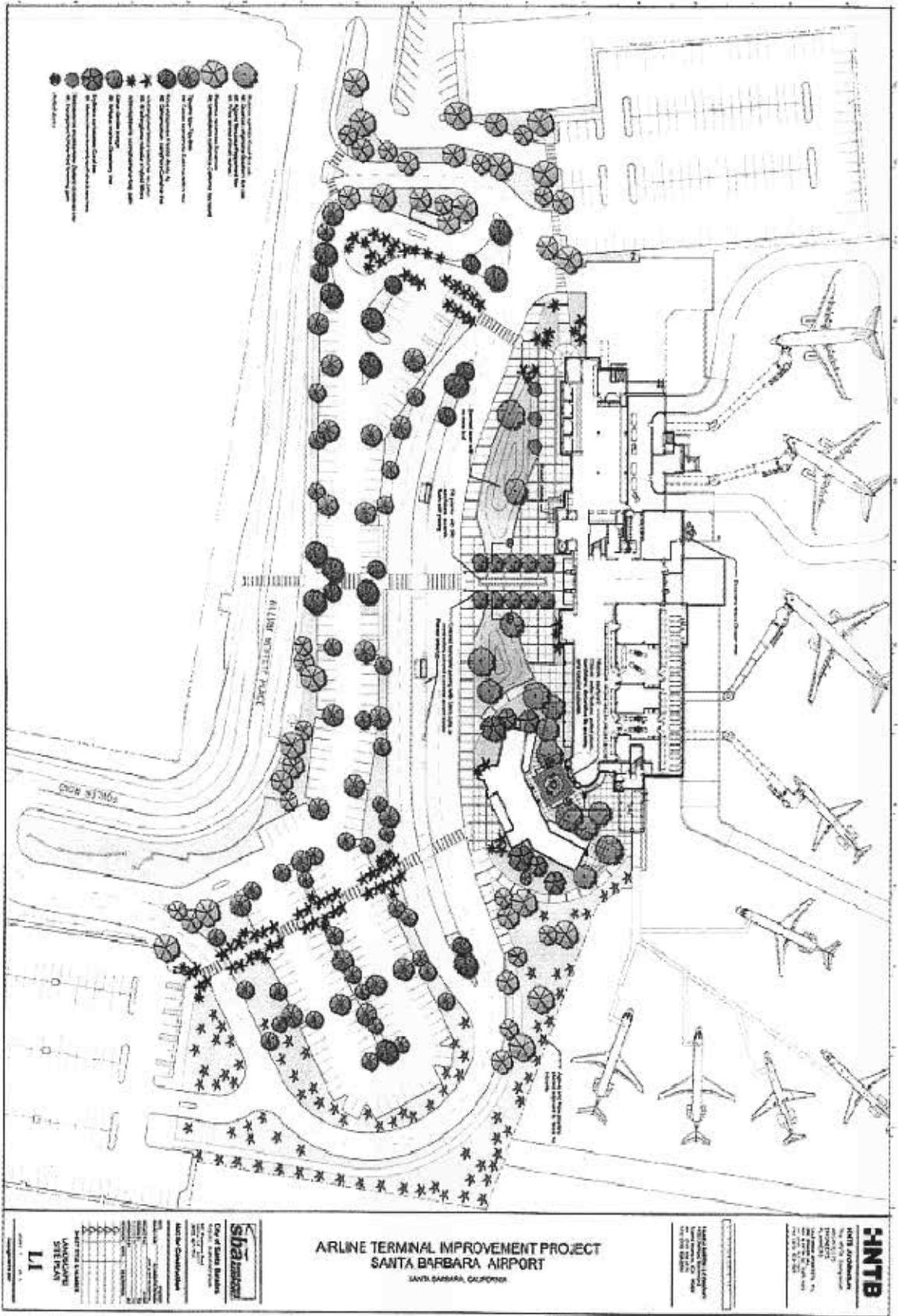
The Airline Terminal Improvement Program has been registered with the United States Green Building Council with the goal of a Leadership in Energy and Environmental Design Silver rating.

- ATTACHMENTS:**
1. Project Site Map
 2. City Staff and City Attorney Memo Analysis of Bid Protest dated March 20, 2009
 3. Staff letters to Swinerton dated January 26, 2008 and March 2, 2009.
 4. ECS letter dated March 11, 2009.
 5. Declarations from Emanuel Yusheri (EMMA) and Michael Gilmartin (GEC) dated March 16, 2009
 6. GEC March 16, 2009 letter
 7. Johnson Controls Letter date stamped March 17, 2009.

PREPARED BY: Owen Thomas, Principal Engineer/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Terminal site plan

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CITY OF SANTA BARBARA**INTEROFFICE MEMORANDUM**

TO: Mayor and City Council

FROM: Stephen P. Wiley, City Attorney
Karen Ramsdell, Airport Director
Christine Andersen, Public Works Director
Sarah Knecht, Assistant City Attorney
Owen Thomas, Project Engineer

DATE: Friday, March 20, 2009

SUBJECT: Staff Analysis of Swinerton Bid Protest -- Airport Terminal Contract

As you know, in recent correspondence and at the March 10th City Council meeting, Swinerton Buildings claimed that EMMA Corporation, the low bidder on the Airport Terminal contract, is not a responsible or responsive bidder. This memo is intended to summarize Swinerton's position in plain English within the context of the relevant City contract bid specifications which are in dispute and to provide the Council with City staff's analysis of Swinerton's assertions.

1. Swinerton's claim that Johnson Controls is a City recommended manufacture that was not listed by EMMA in its equipment list as required by the contract specifications and, as a result, EMMA was required to propose an alternate manufacturer. ("Assertion No. 1")

City Contract Bid Specification 13720 relevant to Assertion No. 1 provides as follows:

"Section 13720 2.3. RECOMMENDED MANUFACTURERS & COMPONENTS.

A. Integrated Access Control System Equipment:

1. Access Control System Software-Johnson Controls P2000 Security Management System, or approved Johnson Controls upgraded alternate.

2. Security Controllers-Johnson Controls, or approved, compatible alternate."

In addition, City Contract Bid Specification Addendum No. 1 provides, in part, as follows:

“Specifications:

3. SECTIONS A2, Page 10 and Section A3, page 11: Replace pages 10 and 11 with the attached pages 10 and 11. The list of Proposed Equipment and Materials Manufactures may be submitted up to 24 hours after bid opening.”

Further, the form provided by the City upon which bidders are instructed to list proposed Equipment and Material Manufactures (the “equipment and supplier sheet”) also indicates the following :

“The Bidder shall indicate the name of the manufacturer of the equipment, and supplier of the material, proposed to be furnished under the contract. Awarding of a contract based on this bid will not imply approval by the Owner of the manufacturer or suppliers, used by the Bidder. No substitution will be permitted after award of contract except upon written approval of the Owner (i.e., the City).”

The equipment and supplier sheet provided to the City by EMMA lists its Division 13720 response as a “Security Access Control and CCTV system” - i.e., simply a generic listing indicating that EMMA will provide the required Security System. EMMA also provided to the City its proposed Equipment and Material Manufactures list on December 17, 2008. EMMA’s Exhibit A of this list states that Div. 13720 Security Access Control and CCTV will be manufactured by “HID 1 class, GE Security, Securitron, Pelco, Action, Patlite.” The supplier listed by EMMA is “Excell Systems & Solutions.” Swinerton also asserts that its proposed electrical subcontractor, Taft Electric, had knowledge that, on bid day, EMMA did not have an electrical subcontractor who had secured a written bid from Johnson Controls. Thus, according to Swinerton, since EMMA showed no specific listing of a Johnson Controls P2000 Security Management System or a Johnson Controls Security Management System and since its electrical subcontractor had not received a bid from Johnson, EMMA must have been, by implication, proposing an alternate unidentified security system.

City Staff Analysis of Assertion No. 1.

As is typical and allowed, EMMA’s bid was a lump sum bid with Gilmartin Electrical Contracting listed as the electrical subcontractor as required since the electrical work exceeded the one half of one percent identification requirement. Critically, the Proposed Equipment and Materials Manufactures list is a proposed list that is not binding on either the bidder or the City and one for which substitutions may be approved by the City’s at the City’s discretion. The list specifically states that a mere listing on the list does not imply City approval of the manufactures or suppliers listed. The list form also expressly allows for substitutions prior to contract award. Typically, the list is used by the construction managers as construction progresses to assess the materials and suppliers being used by the prime contractor. City approval is always required for

any substitution or changes of a listed manufacture or supplier after contract award, but not before the award. Thus, EMMA was free (as was Swinerton or any other bidder for that matter) to substitute listed manufactures and suppliers listed on the Equipment list at any time and for any reason up to the point of contract award and afterwards at the discretion of the City.

Finally, nothing in the Security System information provided by EMMA or in the listing indicates that EMMA or its electrical subcontractor was planning on using an alternate to Johnson Control. In fact, EMMA has advised the City that it always intended to comply with this City recommended requirement.

2. Swinerton claims that, since EMMA was apparently proposing an alternate security system, it was required to show the “technical information and catalog cut sheets for the (alternate) product” being proposed and that EMMA failed to do so on bid day. Swinerton also argues that the City rejected an apparent low bid in January 2005 for this same reason. (“Assertion No. 2”)

The City Contract Bid Specification 13720 3.4 relevant to Assertion No. 2 states as follows:

“A. Bid Compliance Requirement:

1. The Security Contractor shall be responsible for complying with the contract performance specifications. If Security Contractors bids an alternative to any recommended system, the Security Contractors shall (with the bid) provide technical information and catalog cut sheets for the product being bid and a copy of the relevant section of this specification with each paragraph marked as comply or alternate.”

In making Assertion No. 2, Swinerton directs the City’s attention to a decision made by the City Council in January 2005 pertaining to the contract award for the Santa Barbara Airport Security System Upgrade. In that instance, the City Council rejected the apparent low bidder and awarded the contract to Taft Electric based on Taft’s bid protest. However, in that case, the apparent low bidder had, in fact, submitted a proposed alternative access control equipment and alternative CCTV systems. In addition, the low bidder in 2005 had also failed to provide to the City the technical information pertaining to the proposed alternate on bid day as clearly required by the bid specifications. The January 2005 bid was therefore deemed non-responsive by the City Council and appropriately rejected.

City Staff Analysis of Assertion No. 2.

As explained in response to Assertion No. 1, EMMA did not list an alternate or equal security system in its bid nor was EMMA proposing to use an alternate. Therefore, the Security Contractor was not required to provide technical information and catalog cut sheets for an alternate with the EMMA bid. In staff’s opinion, this contract and EMMA bid is not at all similar to the 2005 situation discussed above because no alternate or equal was proposed by EMMA

and when no alternate or equal is proposed, there is no need to provide the City with the technical information required to review an alternate system.

3. Swinerton claims that, ECS, the Security Contractor to be used by EMMA's electrical subcontractor (GEC) lacks the required experience to meet the City's bid specification of specification 13720 1.3A. ("Assertion No. 3")

According to Swinerton, ECS, [the GEC Security Contractor identified as of March 10th] does not meet the City's bid specification 13720 1.3 A for two reasons: 1. because ECS is not authorized by Johnson Controls to work in the Santa Barbara area and 2. because ECS does not have the experience on Airport security projects which the City's specifications require.

The City's "experience" bid specification for the Terminal Contract [in this regard] read as follows:

"1.3 PERFORMANCE REQUIREMENTS

A. Security Contractor shall have provided and completed installation services for at least three (3) facility sites similar to that which will be provided to this project and provide at least three (3) references of work to the Owner, or designated representative prior to being awarded a bid contract."

Specifically, Swinerton asserts that ECS does not have the required three (3) "similar site" experience. Another apparent basis for Swinerton's claim that ECS is not authorized by Johnson Control may be the response time to service a problem in Santa Barbara. According to Swinerton, due to this lack of experience and the lack of authorization to do Johnson Control certified work in Santa Barbara, ECS does not meet the experience requirement contained in section 13720 of the City's bid specifications.

City Staff Analysis of Assertion No. 3:

The experience and performance requirements such as 1.3 quoted above are intended to provide information to the bidder concerning the City's expectation of performance of the particular bid specification, in this case, the over contract specification No. 13720. There is no requirement that a bidder's security contractor demonstrate compliance with this experience/performance requirement (or provide the necessary "experience" information) at the time bids are submitted so long as that experience and performance information is eventually demonstrated to the City's satisfaction prior to the actual award of the contract. The performance requirement simply puts the bidder on notice that the City will expect the security contractor to be able to meet the experience requirement when the contract is to be awarded. The bidder is expected to factor this criterion into its costing of its bid as it deems necessary.

Bidders on public works contracts such as this always have business decisions to make when preparing their bids. In this case, A bidder could have chosen to secure a fixed written bid from security contractors in order to meet the City's experience and performance requirement prior to submitting its bid to the City and, thereby, avoid a substantial risk of having a higher than expected subcontractor cost. But, in the alternative, a bidder can, as EMMA apparently did here, estimate the cost of this work for bid purposes and then secure the appropriately qualified company, manufacturer, or distributor at a later time – as permitted by the City contract specifications. In this instance, either approach meets the City's bid specification, particularly in this instance when EMMA was not proposing an alternate to a Johnson Controls security system and where EMMA will provide the required information to the City at the required time.

4. Swinerton asserts that EMMA's Failure to "comply" with the Contract Specifications is not fair and will result in cost differential to EMMA's advantage – an advantage which will ultimately work to the City's disadvantage. (Assertion No. 4)

According to Swinerton, since EMMA and its subcontractor, GEC, had no Johnson Control authorized bidder committed in writing on the actual bid day, it merely rough estimated EMMA's cost to provide the required security system. Swinerton argues that it, by contrast, had written bids on bid day from Johnson by way of its proposed electrical subcontractor, Taft Electrical. According to Swinerton, this fact could have affected the bid price and, possibly, it gave EMMA an advantage in submitting the lowest bid. So, Swinerton argues that this is unfair and that it should not be penalized for having used a sharper pencil.

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Bidders (and their subcontractors) on Public Works Project often and typically take many different approaches to submitting bid packages and on estimating their costs. The extent to which a particular prime bidder contracts with its many sub-subcontractors and suppliers and distributors prior to and at bid time is simply a business decision which, at time, can translate directly into why one bidder (or one subcontractor) is the lowest and another is not. Regardless, the City reviews the bid package to ensure that the low bidder/prime contractor will meet all requirements of the bid specifications and that the public facility will ultimately be delivered to the public in full accordance with the required specifications at the agreed upon price. The bidder/prime contractor which is ultimately selected by the City will be contractually bound to specifically perform under the contract at the bid price which has formed the basis of the contract with the City. Whether or not that contractor has made a detailed and correct assessment of its financial risks on bid day is not the City's concern so long as the bidder fully intends to and will be obligated perform as required.

In this instance, the City staff and the City Attorney's office will take every step necessary to assure that EMMA will perform and will complete this Terminal contract in full compliance with the contract specifications at the price they offered and which will form the basis of our contract. There is nothing "unfair" or inappropriate in this with respect to any of the unsuccessful bidders.

Staff Analysis of Swinerton Bid Protest
Airport Terminal Contract
March 20, 2009
Page 6 of 6

Please feel free to contact any of us should have any additional questions regarding the Swinerton bid protest of the Airport Terminal Contract or if we can be of any further assistance in this matter.

cc: James L. Armstrong, City Administrator
Pat Kelly, City Engineer

Swiley/city council communications/Airport Terminal Bid Protest – Council Memo
March 19, 2009 10:55 am

ATTACHMENT 2

CITY OF SANTA BARBARA
INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: Stephen P. Wiley, City Attorney

Karen Ramsdell, Airport Director

Christine Andersen, Public Works Director

Sarah Knecht, Assistant City Attorney

Owen Thomas, Project Engineer

DATE: Friday, March 20, 2009

SUBJECT: Staff Analysis of Swinerton Bid Protest -- Airport Terminal Contract

As you know, in recent correspondence and at the March 10th City Council meeting, Swinerton Buildings claimed that EMMA Corporation, the low bidder on the Airport Terminal contract, is not a responsible or responsive bidder. This memo is intended to summarize Swinerton's position in plain English within the context of the relevant City contract bid specifications which are in dispute and to provide the Council with City staff's analysis of Swinerton's assertions.

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Staff Analysis of Swinerton Bid Protest

Airport Terminal Contract

March 20, 2009

Page 2 of 6

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Staff Analysis of Swinerton Bid Protest

Airport Terminal Contract

March 20, 2009

Page 3 of 6

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Staff Analysis of Swinerton Bid Protest

Airport Terminal Contract

March 20, 2009

Page 4 of 6

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Staff Analysis of Swinerton Bid Protest

Airport Terminal Contract

March 20, 2009

Page 5 of 6

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Staff Analysis of Swinerton Bid Protest

Airport Terminal Contract

March 20, 2009

Page 6 of 6

Please feel free to contact any of us should have any additional questions regarding the Swinerton bid protest of the Airport Terminal Contract or if we can be of any further assistance in this matter.

cc: James L. Armstrong, City Administrator

Pat Kelly, City Engineer

Swiley/city council communications/Airport Terminal Bid Protest - Council Memo

March 19, 2009 10:55 am



City of Santa Barbara

Public Works Department

www.SantaBarbaraCA.gov

January 26, 2009

Main Offices
630 Garden Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

Mr. Gust Soteropulos
Swinerton Builders
863 South Figueroa Street, Suite 3000
Los Angeles, CA 90017-3009

Administration
Tel: 805.564.5377
Fax: 805.897.2613

Subject: Santa Barbara Airport Terminal - Bid No. 3556

Engineering
Tel: 805.564.5363
Fax: 805.564.5467

Dear Mr. Soteropulos:

Facilities
Tel: 805.564.5415
Fax: 805.897.2577

The City of Santa Barbara has received your December 24, 2008 protest of EMMA Corporation's bid for the City's Airline Terminal project, Bid No 3556. We have reviewed the information presented in your letter and respond as follows to each allegation:

Street Maintenance
Tel: 805.564.5413
Fax: 805.897.1991

1. EMMA's bid is non-responsive because EMMA's electrical subcontractor and listed supplier are not qualified to perform the security telecommunications and audio paging work.

Transportation Operations
Transportation Planning
Tel: 805.564.5385
Fax: 805.564.5467

The City responds to this allegation is as follows:

EMMA will use Gilmartin/ExcelSystems for the security and telecommunications work and we are informed that they are fully qualified to work on Johnson Control Systems, as well as the Systimax telecommunication system. Note that the specifications allow for substitution of subcontractors, and proposed equipment and material suppliers with written approval of the City. EMMA has assured us that that only authorized suppliers and certified installers will be used on the project.

Water Resources
Tel: 805.564.5387
Fax: 805.897.2613

2. EMMA is not a responsible bidder for this Project because EMMA does not satisfy the qualification requirements of the Project Specifications.

Granada Offices
1221 Anacapa Street
Santa Barbara, CA 93101

The City responds to this allegation as follows:

We have carefully reviewed EMMA's experience in the construction of similar steel framed and other buildings. We have also interviewed several Owner's who EMMA has worked for and this leads us to the conclusion that EMMA has performed satisfactorily other contracts of like nature, magnitude and comparable difficulty and comparable rates of progress.

Environmental Services
(Recycling Programs)
Tel: 805.564.5587
Fax: 805.564.5688

Downtown Parking
1221 Anacapa Street
Santa Barbara, CA 93101
Tel: 805.564.5656
Fax: 805.564.5655

Additionally, because EMMA has not completed projects funded by the Federal Government does not render their proposal non-responsive. EMMA has significant

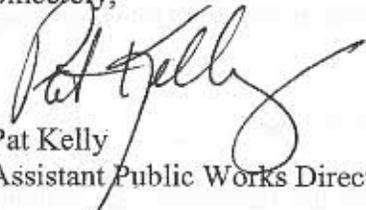
experience on projects with other similar government type funding and corresponding special contract requirements.

With regard to EMMA's experience working with relocation and rehabilitation of the historic Terminal, the value of this work is less than one half of one percent, therefore it was not required that a subcontractor be listed. The City will assure that only skilled workers meeting the requirements of the contract specification will perform the rehabilitation work.

Finally, a copy of your protest letter was sent to EMMA Corporation for their review and comment. Their response dated January 7, 2009 is attached to this letter. If you have any additional information to support the grounds for your protest, please submit that documentation or additional information as soon as possible to the undersigned. Once we have evaluated this additional information if any, we will make a recommendation on the bid award.

We appreciate your interest in the project. Please call Owen Thomas, Principal Engineer at 805 692-6018 if you have any other questions about this matter.

Sincerely,



Pat Kelly
Assistant Public Works Director/City Engineer

OT/sk

Encls: Emma Corporation letter (January 7, 2009)

c: Karen Ramsdell, Airport Director
Christine F. Andersen, Public Works Director



City of Santa Barbara

Public Works Department

www.SantaBarbaraCA.gov

March 2, 2009

Main Offices
630 Garden Street
P.O. Box 1990
Santa Barbara, CA
93102-1990

Administration
Tel: 805.564.5377
Fax: 805.897.2613

Engineering
Tel: 805.564.5363
Fax: 805.564.5467

Facilities
Tel: 805.564.5415
Fax: 805.897.2577

Street Maintenance
Tel: 805.564.5413
Fax: 805.897.1991

Transportation Operations
Transportation Planning
Tel: 805.564.5385
Fax: 805.564.5467

Water Resources
Tel: 805.564.5387
Fax: 805.897.2613

Granada Offices
1221 Anacapa Street
Santa Barbara, CA 93101

Environmental Services
(Recycling Programs)
Tel: 805.564.5587
Fax: 805.564.5688

Downtown Parking
1221 Anacapa Street
Santa Barbara, CA 93101
Tel: 805.564.5656
Fax: 805.564.5655

Via Overnight Delivery and Facsimile

Gust Soteropulos
Vice President Operations Manager
Swinerton Builders
865 South Figueroa Street
Suite 3000
Los Angeles, CA 90017-3009

Re: Bid No. 3556 Santa Barbara Airport Terminal
Swinerton Bid Protest

Dear Mr. Soteropulos,

Thank you for meeting with Owen Thomas, Leif Reynolds, Sarah Knecht and myself last week regarding the possible bid protest which may be made by Swinerton Builders ("Swinerton") on the bid submitted to the City of Santa Barbara by the apparent lowest responsible bidder, EMMA Corporation ("EMMA"). Enclosed with this letter, please find a letter dated February 25, 2009, from EMMA Corporation, with attachments, responding to the assertions made in your letter dated February 19, 2009.

The Santa Barbara City Council is scheduled to hold a public hearing to consider any possible bid protest with respect to the Airline Terminal contract on March 10, 2009, at 2:00 p.m., or as soon thereafter as the matter may be heard, in the City Council chambers located at 735 Anacapa Street, Santa Barbara. If Swinerton still wishes to pursue a protest to the possible award of this contract to the apparent lowest responsible bidder, the City encourages you to attend this hearing and present your information and assertions to the City Council. Following the hearing on any potential bid protest, the City Council may reject or accept the bid protest and may award the contract to the lowest responsible bidder.

As a supplement to the City's letter to you dated January 29, 2009, the City provides the following additional responses to the possible bid protest as expressed in the Swinerton letters to the City dated December 24, 2008, and February 19, 2009:

A. Swinerton Asserts: EMMA's bid is non-responsive because EMMA's listed electrical subcontractor and listed supplier are not qualified to perform the security, telecommunications and audio paging work. Specifically, EMMA's bid does not comply with the requirements for the security system.

Gust Soteropulos
Vice President Operations Manager
Swinerton Builders
March 2, 2009
Page 2 of 4

GEC is not qualified to perform the security system work in accordance with Specification Section 13720-1.3 (performance requirements). Furthermore, pursuant to Specification Section 13720 3.4A – Bid Compliance Requirement – Security Systems, since EMMA, or its subcontractor, GEC, must be proposing to use an alternate security system, EMMA must provide supporting technical specifications. Swinerton assumes in its February 19, 2009 letter that EMMA is proposing to change out the security system.

Response: California Public Contract Code section 4104 requires that the prime contractor list the name and location of the place of business of each subcontractor who will perform work to the prime contractor in or about the construction or the work in an amount in excess of one-half of 1 percent of the prime contractor's total bid. As required by the Public Contract Code, EMMA listed Gilmartin Electrical Contracting ("GEC") as its electrical subcontractor.

Contrary to Swinerton's suggestion, second tier contractors need not be listed at the time of bid. Furthermore, as provided in the bid specifications, proposed Equipment and Material Manufactures may be substituted before contract award and after award with written approval of the City.

EMMA's submitted Equipment and Material Manufactures sheet lists six different manufactories and one supplier. EMMA does not list Johnson Controls specifically and its second tier subcontractor, Excell Systems, is alleged by Swinerton to not be "authorized" to work on Johnson Controls systems. EMMA has confirmed to the City that its electrical subcontractor, GEC, will contract with Tech Controls, as a second tier contractor, to furnish and install Bid section 13720. Tech Controls installer, ECS, is authorized by Johnson Controls to work on the existing P2000 Security Management System. The material list submitted by EMMA, attached to its February 25, 2009 letter, specifies use of Johnson Controls door controllers, P2000 site software upgrade and iclass card.

Additionally, Johnson Controls, by letter dated February 24, 2009, has confirmed and now acknowledges that ECS is a Johnson Controls Authorized Building Control Specialist and Authorized Building Security Specialist distributor of such products and is currently in good standing with Johnson Controls.

Furthermore, as confirmed by EMMA in its letter of February 25, 2009, Johnson Controls systems will be utilized and therefore no substitutions were or are proposed by EMMA.

B. Swinerton Asserts: EMMA's bid does not comply with the requirements for the telecommunications system. EMMA's subcontractor, GEC, does not comply with the quality assurance specification listed in Section 17700 1.6B.2, 3, 5 and 6 of the bid specifications.

Gust Soteropulos
Vice President Operations Manager
Swinerton Builders
March 2, 2009
Page 3 of 4

Response: The bid specifications require documentation of experience after award of contract. However, in order to satisfy this inquiry, EMMA's subcontractor, GEC, has provided a letter from a second tier subcontractor, PCC Network, which indicates that PCC is an authorized "Systimax" cabling installer and has RCDD's on staff and BICSI certified installers.

C. Swinerton Asserts: EMMA's bid does not comply with the requirements of the audio paging system. The equipment and manufacturer listed for the audio paging system specified in Division 17790 lists Atlas Sound as the manufacture and Excel System as the supplier. Atlas does not manufacture a product that can comply with 17790. GEC cannot therefore comply with 17790 1.3A and 177901.5A.

Response: EMMA's subcontractor, GEC, has obtained and attached a quotation from a second tier subcontractor, AV Direct, for compliance with specification Section 17790 audio paging system that includes IED equipment. The requirement of section 17790 A.1 that experience and references be provided to the City prior to award of contract will be provided and satisfied by EMMA.

D. Swinerton Assets: EMMA is not a responsible bidder for the project because it does not satisfy the qualifications and experience requirements of the bid specifications.

Response: The bid specifications require the contractor to have performed five similar projects. EMMA has provided ten project references that are in excess of \$10,000,000. Of those ten, four were valued over \$20,000,000. EMMA has completed both infrastructure projects and building projects. EMMA has completed entirely new school campuses. EMMA does not have extensive experience working on Airports (one project listed). However, most of the City airline terminal project is outside the Airport Operations fence. The City considers the airline terminal project to be similar to a new school facility as it has similar infrastructure and a new building. EMMA is building a new school facility right now (LAUSD School 18 with a \$28,000,000 contract amount). Furthermore, the City has contacted many of the references listed by EMMA and is confident that EMMA has the required experience and qualification to perform the City's project.

Furthermore, in response to Swinerton's allegation in its letter of December 24, 2008 that EMMA does not satisfy the requirements of Specification Section 01350 1.6A Contractor's Qualification for Treatment of Historic Materials, the specifications require that the qualification requirements be met by the contractor after contract award but prior to undertaking the work.

Gust Soteropulos
Vice President Operations Manager
Swinerton Builders
March 2, 2009
Page 4 of 4

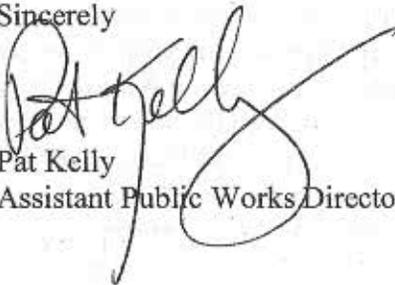
The specification section states, "All work shall be performed by skilled contractors having not less than five years satisfactory experience in comparable protection, salvage and removal operations including work on at least two projects similar in scope and size."

The Airline Terminal Project is an historical rehabilitation, not an historical renovation. A renovation involves a significant amount of salvage and reuse of original materials. As rehabilitation, much of the original building will be demolished, and reconstructed with new materials. There is very little salvage of original material for historical rehabilitation purposes.

In making its decision to award the construction contract to a particular bidder, the City Council has discretion to determine whether a low bidder is "responsible," meaning whether the bidder has the fitness, quality, and capacity to perform the proposed work satisfactorily. Additionally, the City Council must determine whether the bid is responsive to the call for bids, that is, whether the bid promises to do what the bidding instructions demand. In making this legislative decision, the law requires only that City Council may not abuse its discretion and that its action must not be arbitrary, capricious, or entirely lacking in evidentiary support. I can assure you that the City Council has every intention of exercising its appropriate legislative and executive discretion in the manner required by law. This determination is often appropriately dependent on information outside the bidding process and is clearly within the subjective determination of the elected officials of the City.

The City has thoroughly evaluated Swinerton's allegations and EMMA's response and is confident that EMMA is a responsible and responsive bidder. Thank you for your interest in this project.

Sincerely



Pat Kelly
Assistant Public Works Director/ City Engineer

Enclosure EMMA letter dated February 25, 2009 with attachments
cc: Karen Ramsdell, Airport Director
Sarah Knecht, Assistant City Attorney

Attachment 3

Main Offices

830 Garden Street

P.O. Box 1930

Santa Barbara, CA

9 31 02-1 990

Administration

Tel: 8115-564.5377

Fax: 805.897.2613

Engineering

Tel: 805.564.5363

Fax: 805.564.5467

Facilities

Tel: 805, 564.5415

Fax: 805.897, 2577

Street Maintenance

Tel: 505.56&.5413

Fax: B{ }5.t147.1991

City of Santa Barbara

Public Works Department

January 26, 2009

Transportation Operations

Transportation Planting

Tel: \$05-564,5385

Fax: 805.564.5467

Water Resources

To 805,564.5387

Fax: 805,8972613

Granada Offices

1221 Anacapa Street

Santa Barbara, CA 93101

Environmental Services

(Recycling Programs)

Tel: 805.H4.5587

Fax; 805.56A.5688

Downtown Parking

1221 Anacapa Street

Santa Barbara, CA 93101

Tel. 805.564 ,5656

Fax. 805.564.5655

Mr. Gust Soteropulos

Swinerton Builders

863 South Figueroa Street, Suite 3000

Los Angeles, CA 90017-3009

Subject: Santa Barbara Airport Terminal - Bid No. 3556

Dear Mr. Soteropulos:

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The City of Santa Barbara has received your December 24, 2008 protest of EIVIIv1A Corporation's bid for the City's Airline Terminal project. Bid No 3556, We have reviewed the information presented in your letter and respond. as !o]lows to each allegation-

1 . EMMA's bid is non-responsive because EMM 's electrical subcontractor and listed supplier are not qualified to perform the security telecommunications and audio paging work.

The City responds to this allegation is as follows:

EMMA will use GilmartiniExcelSystemns for the seem ty and telecommunications work and we are informed that they are fully qualified to work on.lohnsn Control Systems, as well as the Systimax telecommunication system. Note that the specifications allow for substitution of subcontractors, and proposed equipment and material suppliers with written approval of the City. EM14LA has assured us that that only authorized suppliers and certified installers will be used on the project.

2. EMMA is not a responsible bidder for this Project because Eh{IIVIA does not satisfy the qualification requirements of the Project Specifications.

The City responds to this a]legaticni as follows:

We have carefully reviewed EMMA's experience in the construction of similar steel framed and other buildings- We have also interviewed several Owner's who EMMA has worked for and this leads us to the conclusion that EMMA has performed satisfactorily other contracts of like nature, magnitude and comparable difficulty and comparable rates of progress.

Additional]y, because EMMA has not completed projects funded by the Federal Government does not render their proposal non-responsive. EMMA has significant

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Swinerton Builders

863 South Figueroa Street, Suite 3001)

Los Angeles, CA 90017-3009 -2- January 26, 2009

experience on projects with other similar government type Funding and corresponding special contract requirements.

With regard to EMMA's experience working with relocation and rehabilitation of the historic Terminal, the value of this work is less than one half of one percent, therefore it was not required that a subcontractor be listed, The City will assure that only skilled workers meeting the requirements of the contract specification will perform the rehabilitation work,

Finally, a copy of your protest letter was sent to EMMA Corporation for their review and comment. Their response dated January 7, 2009 is attached to this letter, If you have any additional information to support the grounds for your protest, please submit that documentation or additional information as soon as possible to the undersigned.

Once we have evaluated this additional information if any, we will make a recommendation on the bid award.

We appreciate your interest in the project. Please call Owen Thomas, Principal Engineer at 805 692-6018 if you have any other questions about this matter,

Pat Kelly

Assistant Chief of Police / Director/City Engineer

OT/sk

Encls: Emma Corporation letter (January 7, 2009)

C' Karen Ramsdell, Airport Director

Christine F. Andersen, Public Works Director

2

City of Santa Barbara
Public Works Department
Main Offices
630 Garden Street
P.Q. Box 1090
Santa Barbara, CA
93102-1980
Administration
Tel: 805.564.5377
Fax; 805.897.2613
Engineering
Tel: 805-564,5363
Fax: 805.564.5467
Facilities
Tel: 805.564.5415
Fax: 805,897-2577
Strout Maintenance
Tel: 805.564.5413
Fax; 805,897.1991
Transportation
Transportation Planning
Tel: 805,564.5385
Fax: 805.564.5467
Natural Resources
Tel: 805.564.5387
Fax; 805.697.2613
Granada Offices
1221 Anacapa Street
Santa Barbara, CA 93101
Ecosystem Services
(Recycling Programs)
Tel: 805.564-5587
Fax. 805.554.5688.
Downtown Parking
1221 Anacapa Street
Santa Barbara. CA 93101
Tel. 805.564.5656
Fax: 805.564.5655
March 2, 2009
Via Overnight Delivery and Facsimile
Gust Soteropoulos
Vice President Operations Manager
Swinerton Builders

865 South Figueroa Street

Suite 3000

Los Angeles, CA 90017-3009

Re; Bid No. 3556 Santa Barbara Airport Terminal

Swinerton laid Protest

Dear Mr. Soteropulos,

Thank you for meeting with Owen Thomas, Leif Reynolds, Sarah Knecht and myself last week regarding the possible bid protest which may be made by Swinerton Builders ("Swinerton") on the bid submitted to the City of Santa Barbara by the apparent lowest responsible bidder, EM NIA Corporation ("EMMA"). Enclosed with this letter, please find a letter dated February 25, 2009, from EMMA Corporation; with attachments, responding to the assertions made in your letter dated February 19, 2009.

The Santa Barbara City Council is scheduled to hold a public hearing to consider any possible bid protest with respect to the Airline Terminal contract on March 10, 2009, at 2:00 p.m., or as soon thereafter as the matter may be heard, in the City Council chambers located at 735 Anacapa Street, Santa Barbara. If Swinerton still wishes to pursue a protest to the possible award of this contract to the apparent lowest responsible bidder, the City encourages you to attend this hearing and present your information and assertions to the City Council. Following the hearing on any potential bid protest, the City Council may reject or accept the bid protest and may award the contract to the lowest responsible bidder.

As a supplement to the City's letter to you dated January 29, 2009, the City provides the following additional responses to the possible bid protest as expressed in the Swilerton letters to the City dated December 24, 2008, and February 19, 2009:

A. Swinerton Asserts: EMMA's bid is non-responsive because EMNLN's listed electrical subcontractor and listed supplier are not qualified to perform the security, telecommunications and audio paging work. Specifically, EMNLN's bid does not comply with the requirements for the security system.

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[lust ote3-opulos

Vice President Operations Manager

Swinerton Builders

March 2, 2009

Page 2 of 4

GEC is not qualified to perform the security system work in accordance with Specification Section 13720-1.3 (performance requirements)- Furthermore, pursuant to Specification Section 13720.3.4A-Bid Compliance Requirements- Security Systems, since EMMA, or its subcontractor, ECS, must be proposing to use an alternate security system, EN-1-MA must provide supporting technical specifications. Swinerton assumes in its February 19, 2009 letter that ENIMA is proposing to change out the security system.

Response: California Public Contract Code section 4104 requires that the prime contractor list the name and location of the place of business of each subcontractor who will perform work to the prime contractor in or about the construction or the work in an amount in excess of one-half of 1 percent of the prime contractor's total bid. As required by the Public Contract Code, EMMA listed Gilmartin Electrical Contracting ("GEC") as its electrical subcontractor. Contrary to Swinerton's suggestion, second tier contractors need not be listed at the time of bid. Furthermore, as provided in the bid specifications, proposed Equipment and Material Manufacturers may be substituted before contract award and after award with written approval of the City - EMMA's submitted Equipment and Material Manufacturers sheet lists six different manufacturers and one supplier. ENEMA does not list Johnson Controls specifically and its second OCT subcontractor, Excell Systems, is alleged by Swinerton to not be "authorized" to work on Johnson Controls systems. EMMA has confirmed to the City that its electrical subcontractor, GEC, will contract with Tech Controls, as a second tier contractor, to furnish and install Bid section 13720- Tech Controls installer, ECS. is authorized by Johnson Controls to work on the existing P2000 Security Management System. The material list submitted by EMMA, attached to its February 25, 2009 letter, specifies use of Johnson Controls door controllers, P2 site software upgrade and access card. Additionally, Johnson Controls, by letter dated February 24, 2009, has confirmed and now acknowledges that ECS is a Johnson Controls Authorized Building Control Specialist and Authorized Building Security Specialist distributor of such products and is currently in good standing with Johnson Controls.

Furthermore, as confirmed by EMMA in its letter of February 25, 2009, Johnson Controls systems will be utilized and therefore no substitutions were or are proposed by EMMA.

B. Swinerton Asserts: EMMA's bid does not comply with the requirements for the telecommunications system. EMMA's subcontractor, GEC, does not comply with the quality assurance specification listed in Section

17700 1,6B- 2, 3, .5 and 6 of the bid specificatiotrs-

4

Ctrl Soteropulos

\Tice President Operations Manager

Swinerton Builders

March 2, 2009

Page 3 of 4

Response: The bid specifications require documentation of experience after award of contract. However, in order to satisfy this inquiry, EMMA's subcontractor, GrFC, has provided a letter from a second tier subcontractor, PCC Network, which indicates that FCC is an authorized "Systimax" cabling installer and has 1 CTD1 's on staff and 13 ICSI certified installers,

C. Swinerton Assert - F., MMA.'s bid does not comply with the requirements of the audio paging system. The equipment and manufacturer listed for the audio paging system specified in Division 17790 lists Atlas Sound as the manufacturer and Excel System as the supplier. Atlas does not manufacture a product that can comply with 17790 1F,C channel therefore comply with 17790 1.3A and 17790 1.5A.

Response: EMMA's subcontractor, GEC, has obtained and attached a quotation from a second tier subcontractor, AV Direct, for compliance with specification Section 17790 audio paging system that includes [ED equipment. The requirement of section 17790 A,1 that experience and references be provided to the City prior to award of contract will be provided and satisfied by EMMA.

D. Swinerton Assets: EMMA is not a responsible bidder for the project because it does not satisfy the qualifications and experience requirements of the bid specifications.

Response: The bid specifications require the contractor to have performed five similar projects. EMMA has provided ten project references that are in excess of \$10,000,000. Of those ten, four were valued over \$20,000,000, EMMA has completed both structure projects and building projects. EMMA has completed entirely new school campuses. EMMA does not have extensive experience working on Airports (one project listed). However, most of the City airline terminal project is outside the Airport Operations fence. The City considers the airline terminal project to be similar to a new school type as it has similar infrastructure and a new building. EMMA is building a new school facility right now (LAUSD School 18 with a \$8,000,000 contract amount)- Furthermore, the City has contacted many of the references listed by BvDIA and is confident that PALMA has the required experience and qualification to perform the City's project.

Furthermore, in response to Swinerton's allegation in its letter of December 24, 2008 that EMMA does not satisfy the requirements of Specification Section 01350 1- 6A Contractor's qualification for Treatment of Historic Materials, the specifications require that the qualification requirements

be met by the contractor after contract award but prior to undertaking the work.

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Gust oteropulos

Vice President Operations Manager

Swinertoi Builders

March 2, 2009

Page 4 of 4

The specification section states, "All work shall be performed by skilled contractors having not less than five years satisfactory experience in comparable protection, salvage and removal operations including work on at least two projects similar in scope and size."

The Airline Terminal Project is an historical rehabilitation, not an historical renovation. A renovation involves a significant amount of salvages and release of original materials. As rehabilitation, much of the original building will be demolished, and reconstructed with new materials. There is very little salvage of original material for historical rehabilitation purposes.

In making its decision to award the construction contract to a particular bidder, the City Council has discretion to determine whether a low bidder is "responsible," meaning whether the bidder has the fitness, quality, and capacity to perform the proposed work satisfactorily. Additionally, the City Council must determine whether the bid is responsive to the call for bids, that is, whether the bid promises to do what the bidding instructions demand. In making this Legislative decision, the law requires only that City Council may not abuse its discretion and that its action must not be arbitrary, capricious, or entirely lacking in evidentiary support. I can assure you that the City Council has every intention of exercising its appropriate legislative and executive discretion in the manner required by law. This determination is often appropriately dependent on information outside the bidding process and is clearly within the discretionary determination of the elected officials of the City.

The City has thoroughly evaluated Swinerton's allegations and ENMNMA's response and is confident that ENMNMA is a responsible and responsive bidder.

Thank you for your interest in this project,

Pat Kelly

Assistant City Engineer

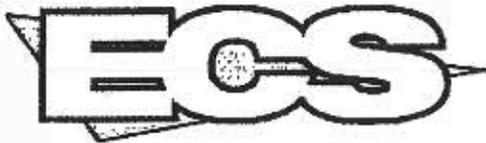
Enclosure ENMNMA letter dated February 25, 2009 with attachments

cc: Karen Ramsdell, Airport Director

Sarah Knecht, Assistant City Attorney

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Electronic Control Systems, Inc.
12575 Kirkham Court, Suite 1
Poway, California 92064
Phone (858) 513-1911
Fax (858) 513-1907
<http://www.ecscontrols.com>



March 11, 2009

Emanuel Yashari
EMMA Corporation
1640 5th Street Suite 100
Santa Monica CA 90401

Re: Project in Santa Barbara County

Dear Emanuel:

Thank you for providing ECS an opportunity to explain the misunderstanding. I apologize on behalf of my company for any problem that may have resulted from ECS submitting a bid for work in Santa Barbara County. You are absolutely correct that ECS, as a Johnson Controls Authorized Building Control Specialist ("ABCS"), is authorized to sell and install Johnson Controls products in San Diego County and that this authorization is limited to San Diego County.

Although not a justification for the events that occurred, the origin of this embarrassment began with an inquiry from TECH Controls seeking a quote from ECS. TECH Controls was referred to ECS by Johnson Controls. ECS reasonably (but incorrectly) assumed that it was authorized to bid this job even though the job was in Santa Barbara County, and therefore it submitted a bid regarding the project.

The form letter that ECS utilizes as a Johnson Controls ABCS contains language that ECS is authorized to perform installations in the County of San Diego ("Authorization Language"). Because of the unique circumstance that the job was in Santa Barbara County, ECS management thought the Authorization Language should be removed from its standard letter because such language would not be accurate if the project was located in Santa Barbara County.

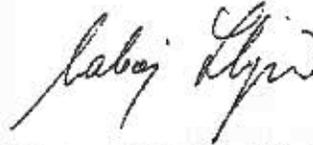
Therefore, I removed the language from the letter and TECH Controls had no knowledge of my actions.

TECH Controls would not be aware that Authorization Language is contained in ECS' standard letter, and therefore it would not have been aware that the Authorization Language was removed when it was submitted by ECS.

Had ECS known that it was not authorized to bid on this project, it would not have submitted a bid. ECS is committed to maintaining an excellent reputation in the industry. As you may know, ECS is a five time winner of the Johnson Controls ABCS Spotlight Award, and a seven time winner of the Premier ABCS Award. The ABCS Spotlight Award is given to the ABCS whose performance set the standard for the ABCS channel and is consistent with industry leadership. Spotlight award winners are among the top five Johnson Controls ABCS in all of North America. The Premier ABCS programs are special programs sponsored by Johnson Controls that are designed to encourage excellence and reward individual success. Over the years, ECS has earned a reputation for its service, leadership, and ethical conduct. This entire episode has been

embarrassment for the company, and I hope EMMA Corporation accepts this letter of apology from ECS for the misunderstanding that occurred.

Sincerely,

A handwritten signature in cursive script, appearing to read "Zbigniew Cabaj".

Zbigniew Cabaj, President

Cc: Johnson Controls

Attachment 4

Electronic Control Systems, Inc_
12675 Kirkham Coup W o 1
Poway, California 92DB4
Phone (858) 513-1911
Fax (868) 513-1907
h~:#www. ecacarrtrols.com

March 11; 2009

Emanuel Yashari

EMMA Corporation

1640 5th Street Suite 100

Santa Monica CA 90401

Re: Project in Sari Barbara unto

Dear Emanuel.

Thank you for providing ECS an opportunity to explain the misunderstanding. I apologize on behalf of my company for any problem that may have resulted from ECS submitting a bid for work in Santa Barbara County. You are absolutely correct that ECS, as a Johnson Controls Authorized Building Control Specialist ("ABCS"); is authorized to sell and install Johnson Controls products in San Diego County and that this authorization is limited to San Diego County.

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Therefore, I removed the language from the letter and TECH Controls had no knowledge of my actions.

TECH Controls would not be aware that Authorization Language is contained in ECS' standard letter, and therefore it would not have been aware that the Authorization Language was removed when it was submitted by ECS.

Had ECS known that it was not authorized to bid on this project, it would not have submitted a bid. ECS is committed to maintaining an excellent reputation in the industry. As you may know, ECS is a five time winner of the Johnson Controls ABCS Spotlight Award, and a seven time winner of the Premier ABCS Award. The ABCS Spotlight Award is given to the ABCS whose performance set the standard for the ABCS channel and is consistent with industry leadership. Spotlight award winners are among

the top five Johnson Controls ABCS in all of North America- The Premier ABCS programs are special programs sponsored by Johnson Controls that are designed to encourage excellence and reward in tividual success. Over the years, ECS has earned a reputation for its service. leadership, and ethical conduct. This entire episode has been

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Sincerely,

Zbixiv Cabs., President

Cc: Johnson Contmis

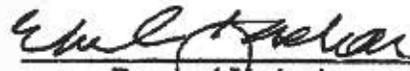
Declaration of Emanuel Yashari

I, Emanuel Yashari, declare and state:

1. I am the president of Emma Corp., the lowest responsive and responsible bidder on the City of Santa Barbara's Airline Terminal Improvement Project (Bid No. 3556). If called as a witness, I could and would competently testify hereto.
2. On March 10, 2009, I attended the meeting of the City Council of the City of Santa Barbara. During the meeting, a representative of Swinerton spoke to the council and alleged that ECS (an installer to Tech Controls, Inc. which is the supplier to Emma's listed electrical subcontractor Gilmartin Electrical Contracting) had altered the language of a letter that ECS received from Johnson Controls. The Swinerton representative stated that ECS had removed the geographical limitation contained within the Johnson Controls letter. When the Swinerton representative made that allegation at the Council meeting, it was the first time I had ever heard anybody say or otherwise communicate that ECS or anybody else had altered the language in the Johnson Controls letter. I had no advance knowledge whatsoever. If I had known, I would never have attached the letter to my February 25, 2009 letter to the City and I would have never considered doing business with ECS.
3. In telephone calls after the March 10, 2009 City Council meeting to representatives of ECS and Johnson Controls, I have learned that the allegation against ECS is true and that they did in fact remove the geographical limitation from the Johnson Controls letter before sending it to Tech Controls, Inc. ECS has also confirmed this in a letter. Accordingly, ECS will not work in any capacity on this project.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 16th day of March, 2009 at Santa Monica, California


Emanuel Yashari

Declaration of Michael Gilmartin

I, Michael Gilmartin, declare and state:

1. I am the president of Gilmartin Electrical Contracting, the bid listed electrical subcontractor to Emma Corp. on the City of Santa Barbara's Airline Terminal Improvement Project (Bid No. 3556). If called as a witness, I could and would competently testify hereto.
2. On March 10, 2009, I attended the meeting of the City Council of the City of Santa Barbara. During the meeting, a representative of Swinerton spoke to the council and alleged that ECS (an installer to Tech Controls, Inc. which was one of Gilmartin Electrical Contracting's equipment supplier) had altered the language of a letter that ECS received from Johnson Controls. The Swinerton representative stated that ECS had removed the geographical limitation contained within the Johnson Controls letter. When the Swinerton representative made that allegation at the Council meeting, it was the first time I had ever heard anybody say or otherwise communicate that ECS or anybody else had altered the language in the Johnson Controls letter. I had no advance knowledge whatsoever. If I had known, I would never have sent the letter on to the prime bidder, Emma Corp. and I would have never considered doing business with ECS.
3. In light of what has transpired, ECS will not work in any capacity on this project for Gilmartin Electrical Contracting or any of its suppliers or second-tier subcontractors.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 16th day of March, 2009 at Simi Valley, California.



Michael Gilmartin

Attachment 5

Declaration of Emanuel Yasbarl

I, Emanuel Yashari, declare and state:

1. I am the president of Emma Corp., the lowest responsive and responsible bidder on the City of Santa Barbara's Airline Terminal Improvement Project id No. 3556), If called as a witness, I could aid would competently testify hereto.

I. March 10, 2009, I attended the meeting of the City Council of the City of Santa Barbara. During the meeting, a representative of Swinerton spoke to the Council and alleged that ECS (an Inst ler to Tech Controls, Inc. which is the supplier to nnoa.'s listed electrical subcontractor Gilmartin Electrical Co cting) had altered the language of a letter that ECS received from Johnson Controls. The Swinerton representative stated that ECS had removed the geographical limitation contained within the Johnson Controls letter. Wtea the Sr inerton repo set ve made that allegation at the Council meeting, it was the f M time I had ever heard anybody say or otherwise commw3jcate that ECS or anybody else had altered the language in the Johnson Controls letter. I had no advance knowledge whatsoever. If I had known, I would never have attached the letter to my February 25, letter to the City and I would have never considered doing business with ECS.

3. In telephone calls after the Ivlaroh 10, 2009 City Council meeting to srepresentatives of ECS and Johnson Controls, I have learned that the allegation against ECS is true and that they did in fact remove the geographical limitation from the Johnson Controls letter before sending it to Tech Controls, Inc. ECS has also co u rned this in a letter. Accordingly, ECS will not work in any capacity on this project.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 16a` day of March, 2049 at S Monica, California

cl Yashari

Attachment 5

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ExecLI ci this 16'11 day of i 'stnreh, 009 to sin-,J Valle-. California.

ichaei Gilnartiu



March 16, 2009

Joseph Buckhout
Johnson Controls
4100 Guardian Street
Suite 200
Simi Valley, Ca 93063

Re: Santa Barbara Airport Terminal
Subject: Letter Of Intent

Dear: Josenh

Upon the Successful award to EMMA Corporation/Gilmartin Electrical Contracting of the Santa Barbara Airport New Terminal, "It is the intent of Gilmartin Electrical Contracting to provide a contract for \$555,288.00 to Johnson Controls Inc for the Santa Barbara Airport New Terminal Project per Johnson Controls Inc. March 13, 2009 proposal"

Sincerely,



Michael Gilmartin
Owner

Correspondence #: SBAT-0001

4505 Industrial St.
Unit 1C
Simi Valley, CA 93063

Attachment 6

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Joseph ud.kJ1oui

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41 (Xi (; utudinrn Street

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450 Inuu trl:fl St.

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Simi \a1Iev_ CA. 9300

Johnson Controls, Inc
5770 Warland Drive Suite A, Cypress, CA 90630
Tel 562-299-8266 Fax 562-799-3621



Gilmartin Electric
4505 Industrial St
Unit 1C
Simi Valley, Ca.
93063



Attention: Michael Gilmartin

Johnson Controls Inc. has received and accepts a letter of intent from your company to partner with you for the access control/ security/ and video management portion for the upcoming Santa Barbara Airport based on our March 13, 2009 proposal.

Johnson Controls Inc. is an authorized provider of Johnson Controls Inc. equipment which is the existing security management system at the Santa Barbara Airport.

If Gilmartin Electric does not receive a contract to complete the electrical portion for the new Santa Barbara terminal then Johnson Controls will cancel their letter of intent with no cost incurred to Gilmartin Electric.

Sincerely,

A handwritten signature in black ink, appearing to read "William King".

William King
Southern California Branch Manager
Fire and Security Products

Attachment 7

Johnson Controls, Inc
5770 Warland Drive Suite A. Cypress, CA 90630
Tel 562-2W8266 Fax 562-799-3621

Johnson 0)10

Controls

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Gilmartin Electric

4505 Industrial St

Unit 1 C

Simi Valley, Ca.

93063

Attention: Michael Gilmartin

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Johnson Controls Inc. has received and accepts a letter of intent from your company to partner with you for the access control! securityl and video management portion for the upcoming Santa Barbara Airport based on our March 13, 2009 proposal.

Johnson Controls Inc. is an authorized provider of Johnson Controls Inc. equipment which is the existing security management system at the Santa Barbara Airport.

If Gilmartin Electric does not receive a contract to complete the electrical portion for the new Santa Barbara terminal then Johnson Controls will cancel their letter of Intent with no cost incurred to Gilmartin Electric.

Sincerely,

William King

Southern California Branch Manager

Fire and Security Products



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Alternative Building Heights Charter Amendment

RECOMMENDATION: That Council:

- A. Review the draft language for the alternative building heights charter amendment and companion implementation ordinance; and
- B. Declare the proposed charter amendment and implementation ordinance a project for purposes of environmental review.

EXECUTIVE SUMMARY:

The decision of whether to proceed with a ballot measure as an alternative to the Save El Pueblo Viejo (SEPV) initiative measure should be confirmed by the full Council and a draft of the measure processed through environmental review pursuant to the requirements of the California Environmental Quality Act. Since last April, the Ordinance Committee, Council, Planning Commission and design boards have been discussing whether to have some form of alternative measure on the November 3, 2009 ballot. Discussion has included key provisions that would be included should an alternative go forward.

The SEPV ballot initiative proposes to limit the maximum building height to 40 feet in El Pueblo Viejo and to 45 feet in all commercial zones of the City. Throughout the discussion with decision makers, significant and thoughtful input has been provided by the citizens; both those who support the SEPV initiative measure and those who feel that an alternative with exceptions to height for community benefit land uses is necessary.

At this point, the proponents of the SEPV initiative do not support having an alternative on the ballot, and believe that voters can simply choose between the status quo (60 feet) and the SEPV measure. While others agree that perhaps a 60-foot elevation for all commercial buildings is not the way the City should continue to develop, there is also concern that 40 feet does not accommodate a three-story building, and that exceptions should be made for projects beneficial to the community.

After considering whether a supplemental or alternative charter amendment to the SEPV measure should be considered, the Ordinance Committee has recommended the following:

- An alternative charter amendment to SEPV should be placed on the November 2009 ballot. The alternative would lower the existing 60-foot height in commercial zones to a base height of 40 feet in El Pueblo Viejo, and 45 feet in the other zones. (See draft amendment language below and Attachment 1, Draft Implementing Ordinance.)
- Exceptions could be approved by Council to exceed the 40/45-foot height up to an additional 15 feet in height for:
 - Community Priority Projects as currently defined; or
 - Projects with residential ownership units that provide at least 30% of the units affordable to households earning up to but not exceeding middle-income; or
 - Projects with rental units.
- A “special use permit” process similar to the existing one for Community Priority Projects be carried forward for projects requesting an exception to the established Charter section 1506 new height; and
- The process would include findings regarding open space, exemplary architecture, and the variable front yard setback.

There is apparently strong support for a new variable front yard setback from design boards, Planning Commission and Council members, as well as the public, regardless of the outcome of the charter amendments. Staff will continue to process the zoning ordinance amendment necessary for the new setback independent of the charter amendment.

In addition, the Ordinance Committee expressed support for changing the definition of building height to recognize grade changes due to the topography of the downtown and flood control standards and to allow 3-story buildings with sloped roofs within 40 feet.

Staff requests Council direction on whether to proceed with an alternative charter height limitation amendment. If the decision is to proceed, staff requests that the Council provide any further direction on the key provisions and process for those projects which would qualify for an exception to building height.

DISCUSSION:

Background

On November 18, 2008, the Council, on a 4 to 3 vote, initiated a possible Charter amendment to City Charter Section 1506 and a companion implementing ordinance with

regard to the 60-foot building height allowance for certain commercial zones, for submission to the City electorate at the City regular general election of November 2009.

On December 16, 2008, the Ordinance Committee considered provisions that could be included in an alternative charter amendment. The Ordinance Committee requested input from the Architectural Board of Review (ABR), Historic Landmarks Commission (HLC) and Planning Commission (PC) prior to reviewing the item again. (See Attachment 2, Final Ordinance Committee Agendas, December 16, 2008, March 3, 2009 and March 10, 2009.)

In summary, the HLC majority (6 to 3) supports a 40-foot height maximum, with no exceptions, in El Pueblo Viejo. The ABR generally does not support either charter amendment and believes that site design and appropriate mass, bulk, and scale compatibility findings are much more important than a new lower mandated across-the-board height limitation. The Planning Commission was split on whether an alternative charter amendment should go forward or not. (See Attachment 3, Minutes of ABR, HLC, and PC.)

Zones Affected

Currently, the zones that would be affected by a Charter Amendment relative to building height include the C-2, C-M, M-1, and OM-1 Zones (see attachment 4, Existing Building Height Limits Map). There is a significant amount of C-2 zoning along Upper State Street; however, the building height is already limited to a maximum of 45 feet because of SBMC Chapter 28.45 S-D-2 Zone overlay. It is not intended that projects located in zones that currently have a 45 or lower height limit, could apply for exceptions to increase the height than that currently allowed in the zone. This limitation would be expressly established in the companion implementation authority.

Charter Section 1506

Below is the existing charter language on building heights, the language recommended by the SEPV citizen initiative, and amendment recommended by the Ordinance Committee.

Existing Building Heights Charter Section 1506

Charter of the City of Santa Barbara - Section 1506 – Building Heights. Limitations

It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. Building heights are limited to 30 feet in areas zoned for single-family and two-family residences; are limited to 45 feet in areas zoned for residences for three (3) or more families, for hotel, motel and office use; are limited to 60 feet in areas zoned for industrial, manufacturing and other commercial uses; and 30 feet for all other zones. The Council may, by ordinance, set limits of heights less than these maximums. The Council may, by ordinance, set up reasonable methods of

measuring the heights set forth in this section. (Approved by election held November 7, 1972)

Save El Pueblo Viejo Charter Amendment

Amend Section 1506 as follows: "It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. Therefore, building heights are limited to 30 feet in areas zoned for single-family and two-family residences; and building heights in areas zoned for residences for three (3) or more families and all other building heights shall be limited to 45 feet except in the El Pueblo Viejo Landmark District where building heights shall be limited to 40 feet. The Council may, by ordinance, set limits of heights less than these maximums. The Council may, by ordinance, set up reasonable methods of measuring the heights set forth in this section."

Ordinance Committee Proposed Alternative Amendment

It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. Building heights are limited to 30 feet in areas zoned for single-family and two-family residences; 40 feet in the area designated El Pueblo Viejo Landmark District by subsection (c) of City Charter Section 817 and limited to 45 feet in areas zoned for residences for three (3) or more families, for hotel, motel and office use; ~~are limited to 60 feet in and~~ areas zoned for industrial, manufacturing and other commercial uses; and 30 feet for all other zones. The Council may, by ordinance, set limits of heights less than these maximums. The Council may, by ordinance, set up reasonable methods of measuring the heights set forth in this section. Notwithstanding the above, a Community Priority project or an affordable housing project may be allowed an additional fifteen (15) feet in height within those areas of the City zoned for industrial, manufacturing, and other commercial uses. In order to establish the planning process necessary to grant the additional building height, the City Council shall establish, by ordinance, a special use permit requirement which allows the City Council to determine those projects which are appropriate either as a Community Priority (as that term is currently defined by "Measure E" - City Charter Section 1508) or appropriate as an affordable housing project where at least thirty percent (30%) of the residential units are permanently restricted for ownership or occupancy by families qualifying for affordable housing under the City's established Affordable Housing Policies and Procedures.

Community Priority Projects

The Ordinance Committee and staff support using the existing definition of Community Priority that has been used for close to twenty years under Measure E. The Ordinance Committee stated that the process has not been abused and that the types of projects that have historically been designated Community Priority Projects are truly community beneficial projects. With the public scrutiny and approval required by the City Council, it

would be an appropriate definition to use for any project that requests an exception to the established building height.

Existing Definition of Community Priority Projects (Charter Section 1508 and Municipal Code)

Community Priority Projects are those which are found by the City Council as necessary to meet present or projected needs directly related to public health, safety or general welfare. A “general welfare project” is also defined in the Municipal Code as a project which has a broad public benefit (for example museums, childcare facilities, or community centers) and which is not principally operated for private profit.

Additional Provisions for Community Priority Projects.

The Ordinance Committee also recommends that a Community Priority Project include the following uses to qualify for an exception to the determined building height:

- Ownership Housing Projects with at least 30% of the Units Affordable to income ranges of up to Middle or Upper Middle Income Households (TBD)

Dedicated Rental Units – 30% of the units affordable to low-income households. Members of the Ordinance Committee agreed that a goal of the City is to provide incentives for workforce housing, but also should be consistent with the Affordable Housing Policies and Procedures. The Ordinance Committee recommends that rental projects that provide 30% of the rental units as affordable to low income households and 70% at market be able to qualify for additional height.

Mix of Uses for Projects Requesting Exception to Height

The Ordinance Committee recommends that the appropriate mix of land uses for a project to qualify for an exception to building height be as follows:

1. A building that is 100% residential must include 30% of the units as affordable ownership or include dedicated rental units (affordability TBD).
2. A mixed use building, with market commercial (not community priority use) and residential units must comply with #1 above for the units.
3. A mixed use building that includes community priority non-residential square footage and units must also comply with #1 above for the residential unit component.

Recommended Implementation Ordinance Provisions for Projects Exceeding 40/45 Feet in Height

Council Resolution 99-036 establishes the administrative procedures for processing a Community Priority Project. The applicant must provide a Needs Assessment to make the finding that the proposed project meets a “present or projected need directly related to public health, safety or general welfare.” The City Council then makes a preliminary and non-binding identification of community priority status for the project which allows the project to continue through the planning process. Whether the project requires Planning Commission approval or not, the Planning Commission is the body required to make a recommendation to the Council for a Final Designation as a Community Priority Project. Staff expects that a similar Council Resolution specific to allowing projects to exceed the established building height will be required to implement this potential charter amendment.

In response to a draft ordinance prepared by the City Attorney, the Ordinance Committee recommended the following provisions to implement the charter amendment should it be approved by the voters:

1. The City Council would grant a Special Use Permit (SUP) for a building containing a “Community Priority,” Affordable Housing, and/ or rental housing.
2. “Community Priority” would be defined for purposes of Charter Section 1506.
3. Definitions for “Affordable Housing” would reference the existing City Affordable Housing Policies and Procedures.
4. A process similar to the existing Measure E “Community Priority” designation process, i.e., it would involve a preliminary and final designation by the City Council, would be utilized.
5. Designating rental projects or an “affordable” project which may exceed the 40 or 45-foot height limitation would require the Council to issue a determination that said project was affordable and that it qualified for an exemption to the Charter Section 1506 height limitation of 40 or 45 feet.
6. A concept design review on the design and site planning from either ABR or HLC (depending on the location) would be required prior to the preliminary designation by City Council.
7. That the following possible criteria be used by Council in deeming the project a Community Priority Project for purpose of exception to the building height (this would be in addition to the Council finding on the land use for purposes of exceed building height and in addition to any findings required of the project application):

- Quality Architecture and Design
 - Substantial Open Space
 - Variable Front Yard Setback
 - Significant amount of habitable square footage of project that includes housing is dedicated to rental or affordable housing consistent with City housing programs, goals, and policies.
8. An exemption to the Charter height limitation could not be obtained for specially zoned areas – Upper State Street zoned SD-2, and for the Coastal Zone, SD-3, where a 45-foot height limit is the current zoned maximum height.
9. A draft of the companion ordinance would accompany the voter materials and will have been introduced and possibly adopted by the Council prior to the election stating that it will not take effect until after the outcome of the election is determined. As an ordinance to amend the Zoning Ordinance (SBMC Title 28), the adoption of the Implementation Ordinance requires a super majority (five affirmative votes) of the City Council.

Building Heights Definition (SBMC Section 28.04.140)

Concerns have been expressed by staff and architects experienced at designing projects that a three story building with a sloping roof cannot be accommodated in a 40-foot height under the existing definition of building height (See Attachment 5, Building Sections). The Ordinance Committee recommends changing the definition to recognize grade changes due to the topography of the downtown and flood control standards and to allow 3-story buildings with sloped roofs within 40 feet.

The current definition of building heights is as follows:

The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included.

The definition includes all roof areas up to the ridge line, and there are exemptions for architectural elements such as towers. The ground level from which the height is measured is currently the lower of either the existing grade or new finished grade. This definition was discussed extensively in the Neighborhood Preservation Ordinance Update and it works very well for residential developments, both infill and in the hillside areas. However, it does not work well for commercial and mixed use properties in the commercial areas where there are sloping sights, and flood control standards as well as preference for sloped roofs. A new measuring point could reference the Base Flood Elevation (BFE) for projects located within a Flood Plain.

RECOMMENDATION:

Staff requests that Council give direction on whether to proceed with an alternative charter amendment and Implementation Ordinance. If the decision is to proceed, staff requests direction on the affordability requirement for ownership units.

Next Steps

1. Environmental Review - Staff would complete environmental review under CEQA and work with the City Attorney's office on the draft companion ordinance.
2. Planning Commission Review - The Planning Commission would have public comment on the environmental document and make a recommendation to Council on the key components of the charter amendment and draft companion ordinance.
3. Council Hearing - Adoption of Environmental Review (assuming the project is a Negative or Mitigated Negative Declaration), approval of final language for charter amendment, and introduction of companion ordinance.
4. Council – Adoption of ordinance that would implement charter amendment provisions should the charter amendment pass.
5. Final charter language due to City Clerk by June 16, 2009
6. Election, November 3, 2009

BUDGET/FINANCIAL INFORMATION:

It is anticipated that the continued processing of the proposed charter amendment could be provided with existing staff resources.

SUSTAINABILITY IMPACT:

The Council policy direction for *PlanSB* integrates a Sustainability Framework and Principles for Santa Barbara. The principles directly address the key policy issues (or "drivers") the community faces today and into the future. These include issue areas with local, regional and global significance that affect both the guiding principles and the goals and policies. The policy drivers include growth management, energy and climate change, community character, economy and fiscal health, and public health. Public comment on the issue of building height has generated varying opinion on the sustainability effects of lowering heights.

- ATTACHMENTS:**
1. Draft Implementation Ordinance
 2. Finished Ordinance Committee Agendas, 12/16/09, 3/3/2009, 3/10/09
 3. Minutes of ABR, HLC, and Planning Commission
 4. Map of Existing Building Height Limit
 5. Building Sections

PREPARED BY: Beatriz E. Gularte, Project Planner
Bettie Weiss, City Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

*Ordinance Committee Draft
March 24, 2009
All New Code provisions*

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE CITY'S ZONING ORDINANCE, TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE, IN ORDER TO ENACT A NEW SECTION WITHIN CHAPTER 28.87 OF THE MUNICIPAL CODE IN ORDER TO IMPLEMENT A VOTER APPROVED AMENDMENT TO CITY CHARTER SECTION 1506 WITH RESPECT TO BUILDING HEIGHTS.

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

SECTION ONE: Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code is amended to read enact a new section, Section 28.87.550 entitled "Charter Section 1506 Community Priority Projects," which reads as follows

Section 28.87. 510 Charter Section 1506 Community Priority Projects.

In implementing City charter section 1506, as amended, the following provisions shall apply to a Community Priority or Affordable Housing project approved by the City Council in accordance with Charter section 1506.

A. Definitions. The following definitions shall apply to this Section.

1. Affordable Housing Project. A project defined as "Affordable" under the City adopted Affordable Housing Policies and Procedures Manual (the "AHP&P") provided that the project does not propose to be eligible to Upper Middle Income households as defined by the AHP&P.

2. Building Height. As defined by Santa Barbara Municipal Code Section 28.04.140 as currently enacted or hereinafter amended.

3. Community Priority Project. As defined in City Charter Section 1508 as it was worded at the time of the introduction of the ordinance approving this section and as follows: a project which is found by the City Council to meet present or projected needs directly related to public health, safety or general welfare and which has a broad public benefit (for example: museums, child care facilities, or community centers) and which is not principally operated for private profit.

B. Special Use Permit Required for Project Approved Pursuant to Charter Section 1506. A project which proposes to construct a building which will exceed the forty (40) and forty-five (45) foot height limitations of Charter Section 1506 shall obtain a special use permit issued by City Council.

C. Process for Obtaining a Charter Section 1506 Special Use Permit Community Priority or Affordable Housing Designation.

1. Conceptual Design Review. In order to be granted a special use permit pursuant to this section, a Project applicant shall first have obtained conceptual design review for the Project from either the Architectural Board of Review or the Historic Landmarks Commission as required in accordance with the requirements of Title 22 hereof.

2. City Council Hearing Process – Preliminary Community Priority or Affordable Housing Designation. Upon obtaining the required conceptual design review, the Project shall be scheduled for a hearing before the City Council for consideration of the possible issuance of a preliminary Charter Section 1506 Community Priority Designation. The Council hearing on the preliminary designation shall be noticed to the public and Project neighbors in accordance with the requirements of state Government Code section 65091 provided that all such notice shall be both by mail and published in accordance with section 65091 as well as posted on the Project site in accordance with City posting regulations for proposed new development.

3. City Council Issuance of a Charter Section 1506 Preliminary Community Priority or Affordable Designation; Required Findings. As required by Charter 1506, the City Council may issue a preliminary Community Priority or Affordable Housing Designation allowing a Project to exceed the standard height limits established by Charter Section 1506 only upon the making all of the following findings:

a. Community Priority or Affordable Project. The Project will qualify as either a Community Priority project or will be a Project containing Affordable Housing [as limited by subsection (A)(1) above] where not less than thirty percent (30%) of the residential units of the Project will be permanently deed restricted for ownership or occupancy by families eligible to live in Affordable Housing units;

b. Exemplary Architecture Compatible with the Neighborhood. The Project, as designed, will be an example of exemplary architect for Santa Barbara and will be compatible with and complimentary to the neighboring properties and the area of the City within which it will be constructed and be a Project which is protective of and consistent with the historic character of the site and neighboring properties;

c. Appropriate Setbacks and Open Space. The Project will provide an appropriate front set back (which may be variable) as well as provide adequate common and private open space for all occupants and users of the Project;

d. Availability of Apartment Units. If the Project is proposed to contain apartment units, the apartment units will be permanently deed restricted such that they may not be converted to condominium units for the useful life of the building.

D. Final Community Priority or Affordable Designation by City Council. No Project which exceeds the forty (40) and forty-five (45) height limitations of Charter Section 1506 shall be issued the necessary building permits unless and until it obtains a final Community Priority or Affordable Housing designation from the City Council pursuant to this section.

The City Council shall issue a final Community Priority or Affordable Housing designation to a Project pursuant to this section when the Project has obtained all of its City required land use approvals and is designed and proposed for operation in a manner which substantially conforms to the Project for which a preliminary Community Priority or Affordable Housing designation was previously granted by the City Council. Notice of the City Council's consideration of a request for final designation shall be provided in accordance with the published notice requirements of state Government Code section 65091.

E. Existing Zoning Where Lower Height is Required. Nothing herein shall allow the City Council to approve a Project exceeding forty-five (45) feet in height in those areas of the City within which the zoning in effect at the time of the adoption of the ordinance codifying this chapter precludes buildings in excess of forty-five (45) feet.

F. Administrative Regulations. The Community Development Director is hereby directed to prepare administrative regulations in order to establish appropriate administrative procedures for the processing and consideration of applications made pursuant to this section. Such regulations shall be approved by resolution of the City Council within ninety (90) days of the effective date of the ordinance adopting this section.

SECTION TWO: Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code is hereby revised to amend Section 28.04.140 ["Building Height"] to read as follows:

28.04.140 Building Height.

The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers are not considered a part of the height of the building, but all portions of the roof are included. (*Existing definition - to be revised.*)

SECTION THREE: The ordinance shall not become effective unless and until the amendment to Charter Section 1506 submitted by the City Council to the voters of the City concurrently with the adoption of this ordinance is duly approved by the voters as amendment to the City Charter and in the manner otherwise required by the City Charter.

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE

Due to technical difficulties 25 minutes of this meeting are missing from the video.

SPECIAL MEETING
FINISHED AGENDA

x = Attendees

DATE: December 16, 2008
TIME: 12:00 p.m.
PLACE: Council Chambers

x Das Williams, Chair
x Dale Francisco
x Grant House

Office of the City
Administrator

Office of the City
Attorney

x Lori Pedersen,
Administrative Analyst

x Stephen P. Wiley
City Attorney

x Beatriz Gularte, Project Planner
x John Ledbetter, Principal Planner
x Bettie Weiss, City Planner

ITEM FOR CONSIDERATION

Subject: Alternative Building Heights Charter Amendment

Recommendation: That the Ordinance Committee discuss the amendment to City Charter Section 1506 and any necessary implementing ordinance with regard to changing the City Charter's 60-foot building height allowance for certain commercial zones and to require new front yard setback standards.

The Ordinance Committee heard staff presentation and public comment. It moved the following:

- a) Require a variable front yard setback for all buildings in the C-2 and C-M and for buildings that exceed the height limit in the M-1 zone;
- b) The exemption for the 5 foot variable setback along State Street should go all the way to Sola Street and include the first blocks East and West of State Street;
- c) The requirement to exceed the 45 foot height limit should be based on a percentage of square footage of the building being rental or affordable;
- d) Rental projects that exceed the height limit should be prohibited from converting to condominiums;
- e) Projects exceeding the height limit will be required to substantially increase the open space requirements, ABR and HLC to provide input;

- f) Additional height request for affordable and rental projects would go before Council for approval (similar to Community Priority process), PC to suggest criteria;
- g) In order to exceed the height limit, need a base number of 10 ownership units. 30% of the units (including employer provided housing) would be required to be middle income affordable for any projects to exceed the height limit, Planning Commission to provide guidance on minimum number of units and percentage required if upper middle income units;
- h) 100% of the commercial floor should be required for a Community Priority designation with the longest term possible and any change would required a conditional use permit or similar; The height limit requirement should be reduced to 45 feet; and
- i) Discuss with advisory boards, 52 feet as the maximum height measured to plate height or 55 feet or taller to ridge line.

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE
FINISHED AGENDA

DATE: March 3, 2009
TIME: 12:30 p.m.
PLACE: Council Chambers

x Das Williams, Chair
x Dale Francisco
x Grant House

Office of the City
Administrator

Office of the City
Attorney

x Nina Johnson
Assistant to the City Administrator

x Stephen P. Wiley
City Attorney

x Bettie Weiss
x Beatriz Gularte
x John Ledbetter
x Paul Casey

ITEM FOR CONSIDERATION

Subject: Alternative Building Heights Charter Amendment

Recommendation: That the Ordinance Committee review and make a recommendation to Council on draft charter language amending City Charter Section 1506 with regard to changing the City Charter's 60-foot building height allowance for certain commercial zones.

The Ordinance Committee received a staff presentation, heard public comment and discussed components of a possible supplemental charter amendment to the Save El Pueblo Viejo charter amendment.

The Committee provided input and recommended an alternative charter amendment and companion ordinance.

The Ordinance Committee recommended lowering the height to a base height of 40 feet in El Pueblo Viejo, and 45 feet in the other zones that currently allow 60 feet. For projects that request an exception to exceed the 40/45 foot height limit they recommended that:

- the existing definition of Community Priority be used
- all projects with ownership units provide 30% of the units affordable to middle-income households
- projects with rental units include 30% of the units affordable to middle income households
- findings be made regarding open space, exemplary architecture, and the variable front yard setback.

The agenda item was continued to the March 10th Committee agenda to review draft charter amendment language and a draft companion ordinance.

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE

FINISHED AGENDA

DATE: March 10, 2009
TIME: 12:30 p.m.
PLACE: Council Chambers

x Das Williams, Chair
x Dale Francisco
x Grant House

Office of the City
Administrator

Office of the City
Attorney

Lori Pedersen
Administrative Analyst

x Stephen P. Wiley
City Attorney

x Bettie Weiss
x Beatriz Gularte
x Steven Faulstich

ITEM FOR CONSIDERATION

Subject: Alternative Building Heights Charter Amendment

Recommendation: That the Ordinance Committee review and make a recommendation to Council on draft charter language amending City Charter Section 1506 with regard to changing the City Charter's 60-foot building height allowance for certain commercial zones.

The Ordinance Committee received a staff presentation and heard public comment on the draft amendment language and draft companion ordinance for the Alternative Charter Amendment.

The Committee forwarded the draft amendment language and draft companion ordinance to Council with the following changes:

- **Community Priority and residential projects that meet criteria for exception to building height would be allowed up to an additional 15 feet in height.**
- **That rental projects provide 30% of the rental units to low-income households, consistent with the City's Affordable Housing Policies and Procedures.**
- **That ownership residential projects provide 30% of the units as affordable up to Middle Income households to qualify for an exception to building height.**
- **That projects receive a concept review from design review on broad design issues before going to Council for a preliminary designation.**
- **Directed the City Attorney to revise charter amendment language to put emphasis on community priorities up front.**

ATTACHMENT 2
CITY OF SANTA BARBARA
ORDINANCE COMMITTEE
SPECIAL MEETING
FINISHED AGENDA

DATE: December 16, 2008

TIME: 12:00 p.m.

PLACE: Council Chambers

Office of the City

Administrator

x Lori Pedersen,

Administrative Analyst

x Beatriz Gularte, Project Planner

x John Ledbetter, Principal Planner

x Bettie Weiss, City Planner

Due to technical difficulties 25

minutes of this meeting are

missing from the video.

x = Attendees

x Das Williams, Chair

x Dale Francisco

x Grant House

Office of the City

Attorney

x Stephen P. Wiley

City Attorney

ITEM FOR CONSIDERATION

Subject: Alternative Building Heights Charter Amendment

Recommendation: That the Ordinance Committee discuss the amendment to City

Charter Section 1506 and any necessary implementing ordinance with regard to

changing the City Charter's 60-foot building height allowance for certain commercial

zones and to require new front yard setback standards.

The Ordinance Committee heard staff presentation and public comment. It

moved the following:

a) Require a variable front yard setback for all buildings in the C-2 and C-M
and for buildings that exceed the height limit in the M-1 zone;

b) The exemption for the 5 foot variable setback along State Street should
go all the way to Sola Street and include the first blocks East and West
of State Street;

c) The requirement to exceed the 45 foot height limit should be based on a
percentage of square footage of the building being rental or affordable;

d) Rental projects that exceed the height limit should be prohibited from

converting to condominiums;

e) Projects exceeding the height limit will be required to substantially increase the open space requirements, ABR and HLC to provide input;

- f) Additional height request for affordable and rental projects would go before Council for approval (similar to Community Priority process), PC to suggest criteria;
- g) In order to exceed the height limit, need a base number of 10 ownership units. 30% of the units (including employer provided housing) would be required to be middle income affordable for any projects to exceed the height limit, Planning Commission to provide guidance on minimum number of units and percentage required if upper middle income units;
- h) 100% of the commercial floor should be required for a Community Priority designation with the longest term possible and any change would required a conditional use permit or similar; The height limit requirement should be reduced to 45 feet; and
- i) Discuss with advisory boards, 52 feet as the maximum height measured to plate height or 55 feet or taller to ridge line.

Final Ordinance Committee Agenda 12-16-08

CITY OF SANTA BARBARA
ORDINANCE COMMITTEE
FINISHED AGENDA

DATE: March 3, 2009

TIME: 12:30 p.m.

PLACE: Council Chambers

x Das Williams, Chair

x Dale Francisco

x Grant House

Office of the City

Administrator

x Nina Johnson

Assistant to the City Administrator

x Bettie Weiss

x Beatriz Gularte

x John Ledbetter

x Paul Casey

Office of the City

Attorney

x Stephen P. Wiley

City Attorney

ITEM FOR CONSIDERATION

Subject: Alternative Building Heights Charter Amendment

Recommendation: That the Ordinance Committee review and make a recommendation to Council on draft charter language amending City Charter Section 1506 with regard to changing the City Charter's 60-foot building height allowance for certain commercial zones.

The Ordinance Committee received a staff presentation, heard public comment and discussed components of a possible supplemental charter amendment to the Save El Pueblo Viejo charter amendment.

The Committee provided input and recommended an alternative charter amendment and companion ordinance.

The Ordinance Committee recommended lowering the height to a base height of 40 feet in El Pueblo Viejo, and 45 feet in the other zones that currently allow 60 feet. For projects that request an exception to exceed the 40/45 foot height limit they recommended that:

^ the existing definition of Community Priority be used

^ all projects with ownership units provide 30% of the units affordable to middle-income households

^ projects with rental units include 30% of the units affordable to middle income households

findings be made regarding open space, exemplary architecture, and the variable front yard setback.

The agenda item was continued to the March 10th Committee agenda to review draft

charter amendment language and a draft companion ordinance.

CITY OF SANTA BARBARA
ORDINANCE COMMITTEE
FINISHED AGENDA

DATE: March 10, 2009

TIME: 12:30 p.m.

PLACE: Council Chambers

x Das Williams, Chair

x Dale Francisco

x Grant House

Office of the City

Administrator

Lori Pedersen

Administrative Analyst

x Bettie Weiss

x Beatriz Gularte

x Steven Faulstich

Office of the City

Attorney

x Stephen P. Wiley

City Attorney

ITEM FOR CONSIDERATION

Subject: Alternative Building Heights Charter Amendment

Recommendation: That the Ordinance Committee review and make a recommendation to Council on draft charter language amending City Charter Section 1506 with regard to changing the City Charter's 60-foot building height allowance for certain commercial zones. The Ordinance Committee received a staff presentation and heard public comment on the draft amendment language and draft companion ordinance for the Alternative Charter Amendment.

The Committee forwarded the draft amendment language and draft companion ordinance to Council with the following changes:

- Community Priority and residential projects that meet criteria for exception to building height would be allowed up to an additional 15 feet in height.
- That rental projects provide 30% of the rental units to low-income households, consistent with the City's Affordable Housing Policies and Procedures.
- That ownership residential projects provide 30% of the units as affordable up to Middle Income households to qualify for an exception to building height.
- That projects receive a concept review from design review on broad design issues before going to Council for a preliminary designation.
- Directed the City Attorney to revise charter amendment language to put emphasis on community priorities up front.

Public comment opened regarding Building Heights at 7:19 p.m.

Alex Pujo, (Santa Barbara for All-Representing Architects and Housing Advocates), concerns: zoning reflecting downtown conditions being currently tight at 18 feet, the 55-foot height limit, and the purpose and intent of an 18-foot ceiling.

Staff read two submitted emails/letter of concerns, and a comment slip with concerns from Cathie McCammon (League of Women Voters of SB) who had to leave the meeting early.

The Board acknowledged staff's announcement that 5 letters and emails expressing various concerns were received from the public.

Public comment closed at 7:23 p.m.

Public comment opened regarding Setbacks and Open Space at 7:54 p.m.

Alex Pujo (Santa Barbara For All), concerns: commented that setbacks would be appropriate in certain areas such as Anacapa Street.

Dale Francisco (City Council) clarified the variable front yard setback requirements.

Public comment closed again at 7:57 p.m.

A discussion was held and comments were made by the Board.

A detailed report on this item has been scheduled to be presented at City Council, and the final ABR Minutes will then be amended to include the Board's comments from this meeting.

HISTORIC LANDMARKS COMMISSION MINUTES

**Wednesday, February 4, 2009 David Gebhard Public Meeting Room: 630 Garden Street
1:30 P.M.**

COMMISSION MEMBERS: SUSETTE NAYLOR, *Chair* – Present
 DONALD SHARPE, *Vice-Chair* – Present
 ROBERT ADAMS – Present
 LOUISE BOUCHER – Present
 KEN CURTIS – Present
 MICHAEL DRURY – Present
 FERMINA MURRAY – Present
 ALEX PUJO – Present until 4:45 p.m.
 CRAIG SHALLANBERGER – Present

ADVISORY MEMBER: DR. MICHAEL GLASSOW – Absent

CITY COUNCIL LIAISON: ROGER HORTON – Absent

PLANNING COMMISSION LIAISON: STELLA LARSON – Present at 2:59 p.m.

STAFF: JAIME LIMÓN, Design Review Supervisor – Present
JAKE JACOBUS, Urban Historian – Present
SUSAN GANTZ, Planning Technician – Present
GABRIELA FELICIANO, Commission Secretary – Present
Website: www.SantaBarbaraCa.gov

DISCUSSION ITEM:

**5. ALTERNATIVE BUILDING HEIGHTS CHARTER AMENDMENT
(3:21)**

(The City Council has requested input on a possible Charter Amendment that would reduce building height limits in certain commercial zones (C-2, C-M and M-1/OM-1). Staff will present and solicit input on the design and land use issues associated with reducing the heights from 60-feet to 45-feet in these commercial zones with some exceptions for affordable housing projects, rental housing and community priority uses. The discussion will include a variable front yard setback in the C-2 and C-M zones as well as additional open space requirements for projects that are determined to be exceptions.)

Beatriz Gularte, Project Planner; and Jaime Limón, Senior Planner, gave the Staff presentation.

Ms. Gularte acknowledged receipt of correspondence from Paula Westbury, James and Mary Micallef, Monica DiVito, Phoebe Alex, and the Santa Barbara AIA.

Public comment opened at 3:45 p.m.

Cathy McCammon, League of Women Voters, expressed concern that the proposed alternative would allow another project similar to Chapala One, which is not acceptable to most of the community. She supports setbacks and open space for all structures.

Jim Westby, local resident, commented that large buildings like Chapala One should be prevented and that small buildings fit into the charm and character of Santa Barbara. He does not support sixty foot buildings since four-story buildings can be achieved with 45 feet.

Sue Adams, local resident, expressed concern that the City's alternative is not significantly better than the Citizens' initiative. The intimacy of neighborhoods is as important as city issues and mandates. She would like to see the City remain a one and two story community because it still works well.

Kellam de Forest, local resident, commented that effective affordable housing can be accomplished by housing in buildings under 45 feet. The Housing Authority has provided attractive, smaller buildings.

Brian Cearnal, Architect, spoke in support of the alternative height ordinance. A height reduction will be seen in EPV but the question is whether 40 or 45 feet. A 45 foot height limit would eliminate four-story proposals, resulting in three-story limitations, but still allowing roofs on buildings.

Public comment closed at 4:01 p.m.

The Commission made the following questions:

1. Are modifications allowed for charter items?
2. Which items are being proposed to be included within the charter amendment versus those proposed to be included in an implementing ordinance?
 1. If both charter amendments work to get approved by the voters, which would prevail?
 2. Why the City decided to craft a competing charter amendment?
 3. Why is the variable setback part of the language proposed to be part of the charter amendment if it would make it much more difficult for voters to navigate?
 4. Does the Citizens' petition have to be a single issue?
 5. What is so sacred about four stories?
 6. How many people in the community signed the initial charter ballot petition?
 7. Would the additional standards regarding open space and setbacks along property lines apply when requesting a higher building exception to the 45 foot height limit?

Straw votes:

1. How many Commissioners would agree to go through each individual question that Staff is presenting? 1/8. (Pujo agreed.)
2. How many Commissioners could support a variable setback as a general concept? 8/0. (Pujo left at 4:45 p.m.)
3. How many Commissioners could support more open space requirements not related to a 45 foot building height limit? 8/0. (Pujo left at 4:45 p.m.)

The Commission made the following comments, specifically as to how the proposal affects El Pueblo Viejo Landmark District:

General comments:

1. City Council should not be acting as a planning commission.
2. It seems that the decision-making process as to whether a project provides a community benefit could become a loop-hole.
3. The initiative does not address how this charter would support our visual and historic resources in the city. There is a disconnect between the charter and Plan Santa Barbara.

Height limit:

4. Four stories in 40 feet would not be appropriate in EPV. Anything over three stories would not be supportable.
5. There could be a compromise between a 40 and 45 foot height limit with other amenities, such as setbacks.
6. At least four Commissioners would prefer not to go beyond 40 feet. A 45 foot height limit would drastically change the character of EPV.
7. One Commissioner would prefer to allow the General Plan update process to deal with the building height limit issue.
8. At least one Commissioner felt that the Urban Design and EPV Guidelines give all the power to design review boards and the Planning commission to keep buildings below a certain height. A charter amendment would result in an overregulated process.
9. The design of a building is priority over strict height limits.

Variable Front Yard Setback and Open Space:

10. The majority supports the idea of State Street and some of the side streets being exempt, however consider only a portion of the intersecting streets. Require the setback on Chapala and Anacapa Streets.
11. The open space location is as important as the quantity.
12. Variable setbacks belong in the zoning ordinance and not in a charter amendment.
13. Setbacks should be required to reduce the loss of the City's urban forest and the ability to soften buildings. Shade and habitat is needed in front of buildings, which can be realized through the use of vegetation and realistic canopy trees.
14. Generally prefer not to discuss new open space standards for buildings over 45 feet because do not support buildings over 45 feet.

HISTORIC LANDMARKS COMMISSION
DRAFT MINUTES

Wednesday, March 4, 2009 David Gebhard Public Meeting Room: 630 Garden Street

1:30 P.M.

COMMISSION MEMBERS:

SUSETTE NAYLOR, *Chair* – Present
DONALD SHARPE, *Vice-Chair* – Present
ROBERT ADAMS – Present
LOUISE BOUCHER – Present
KEN CURTIS – Present
MICHAEL DRURY – Present
FERMINA MURRAY – Present
ALEX PUJO – Present at 2:04 p.m.
CRAIG SHALLANBERGER – Present

ADVISORY MEMBER:

DR. MICHAEL GLASSOW – Absent

CITY COUNCIL LIAISON: ROGER HORTON – Present from 2:40 p.m. to 3:30 p.m.
PLANNING COMMISSION LIAISON: STELLA LARSON – Present at 5:07 p.m.

STAFF: JAIME LIMÓN, Design Review Supervisor – Present until 2:10 p.m. and again 3:53 p.m. to
JAKE JACOBUS, Urban Historian – Present
BEATRIZ GULARTE, Project Planner – Present until 2:10 p.m.
SUSAN GANTZ, Planning Technician – Present
GABRIELA FELICIANO, Commission Secretary – Present

DISCUSSION ITEM

1. Discussion of potential charter amendment regarding building height.
(1:41)

Present: Beatriz E. Gularte, Project Planner
Jaime Limón, Senior Planner

Beatriz E. Gularte, Project Planner, provided an update on the results of the Ordinance Committee meeting held on Tuesday, March 3.

Public comment opened at 1:45 p.m.

William La Voie, local architect, commented about the history of the Salvation Army building on Chapala Street. The argument was that the building was too big for Chapala Street. Now it is dwarfed with the new developments on that street. The community priorities are to preserve the character of the town and provide reasonable housing. A 30% affordable housing requirement is not enough.

Jim Westby, Save EPV member, commented about what lead Save EPV to initiate a charter amendment. Development such as the Chapala One building is not what the community wants.

Cathie McCammon, Allied Neighborhood Association, commented that neither ballot measure contain meaningful protection to historic resources and do not contain language to not allow special exceptions within El Pueblo Viejo Landmark District.

Public comment closed at 1:52 p.m.

The Commission made the following comments with regard to a potential for a maximum height in El Pueblo Viejo Landmark District:

1. Two Commissioners agreed with the 40 foot height limit in EPV.
2. Three Commissioners agreed with a 40 foot height limit in EPV with a 45 foot limit in the rest of the city. The 45 foot height limit outside EPV would maintain the character of Santa Barbara.

3. One Commissioner believes a 45 foot height would allow roof elements. It is difficult to get three stories to look like Santa Barbara within 40 feet in EPV.
 4. One Commission would not like to add a restriction. Guidelines should not be in the City charter, but rather in the ordinance.
 5. The Urban and EPV Guidelines and the compatibility description are the philosophy needed to make decisions. The proposed instrument to make the height limit 45 feet is a blunt instrument. Commissioners should be allowed to make decisions based on their own discretion and experience.
 6. The character of the city is the basis on which it should be developed.
 7. The Save EPV initiative should be allowed to take its course.
-

PLANNING COMMISSION DRAFT MINUTES

February 5, 2009

CALL TO ORDER:

Pro tempore Chair Larson called the meeting to order at 1:02 P.M.

I. ROLL CALL:

Present:

Chair Stella Larson

Vice-Chair Addison S. Thompson

Commissioners Bruce Bartlett, Charmaine Jacobs, John Jostes, Sheila Lodge, and Harwood A. White, Jr.

Staff Present:

N. Scott Vincent, Assistant City Attorney

Bettie Weiss, City Planner

John Ledbetter, Principle Planner - present at 2:14 p.m.

Jaime Limón, Senior Planner

Beatriz Gularte, Project Planner

Gabriela Feliciano, Commission Secretary

Staff Absent:

Julie Rodriguez, Planning Commission Secretary

II. DISCUSSION ITEM:

ALTERNATIVE BUILDING HEIGHTS CHARTER AMENDMENT

The City Council has requested input on a possible Charter Amendment that would reduce building height limits in certain commercial zones (C-2, C-M and M-1). Staff will present and solicit input on the design and land use issues associated with reducing the heights from 60-feet to 45-feet in these commercial

zones with some exceptions for affordable housing projects, rental housing and community priority uses. The discussion will include a variable front yard setback in the C-2 and C-M zones as well as additional open space requirements for projects that are determined to be exceptions.

Case Planner: Beatriz Gularte, Project Planner
Email: BGularte@santabarbaraca.gov

Bea Gularte, Project Planner, and Jaime Limón, Senior Planner, gave the Staff presentation.

Chair Larson opened the public hearing at 1:29 P.M.

Chair Larson acknowledged receipt of the following correspondence from the public:

1. Paula Westbury;
2. James Micallef;
3. Monica DiVito;
4. Phoebe Alexiades; and
5. Santa Barbara Chapter of the American Institute of Architects.

The following people spoke in support of the proposal:

1. Mickey Flacks, Santa Barbara For All, commented that ballot box planning is not the best procedure; those who signed the Citizens' petition are not necessarily aware of what 40, 45, and 60 foot buildings look like; and the intent of the alternative proposal is to provide voters with two options.
2. Debbie Cox-Bolton, Coastal Housing Coalition, commented on the impact that lowering building heights would have on affordable and workforce housing; supportive of alternative to give the public an option; height exemptions should be allowed for units targeted to upper-middle income households; City Council hearings for designation of affordable housing projects would increase fees and ultimately affect price of units; and concept of affordability by design.
3. Brian Cearnal, local architect, commented that the alternative proposal is about the creation of mechanisms, incentives, and exceptions to height for projects that are important to the community, such as a hospital or museum; the difference between 40 feet versus 45 feet is the ability to put a roof and have reasonable space on a building; supportive of variable setback; and supports exemptions without specific details at this time.

The following people spoke against the proposal or expressed concerns:

4. Bill Mahan, Chairman of Save EPV, commented that setbacks and open space issues can be worked out by the Planning Commission and City staff; look carefully at how buildings heights are measured in flood zone; properties on corners should have the open space at the corner to open up views; reviewed history of building heights in Santa Barbara; City Council should not be able to modify building heights; and suggested that the Commission advise City Council against the alternative.

5. Lanny Ebenstein, local resident, expressed concern with possible five or six stories; taller buildings not best course for the City; affordable housing units should be defined; three stories or less is the most affordable type of architecture; and there should be diverse housing in smaller projects throughout the community.
6. Lisa Plowman, Santa Barbara For All, commented that 60 foot buildings concentrated in the downtown area would be the most sustainable; the ten unit threshold is not critical; and additional open space should not take away increased density in a community priority project.
7. Connie Hannah, SB League of Women Voters, commented that the most profit is gained from higher buildings, but it is not what the City needs; the alternative is not needed because the Citizens' alternative would control heights to four stories; details belong in the City ordinances and not in a charter; and need to live within the resources.

Chair Larson closed the public hearing at 2:10 P.M.

Staff responded to the following questions posed by the Planning Commission:

1. Consideration of heights to the eaves as a way to measure building height.
2. Concern that parking drives project design.
3. How two ballot initiatives came about from a year ago.
4. What would happen to other zones if Charter Amendment passes.
5. Determining how currently pending and approved projects would be affected if amendment passes.
6. Confirmed that the OM-1 zone is a coastal zone designation and is outside of El Pueblo Viejo Landmark District.
7. Deciding that a project is a community priority by providing affordable housing should be based on levels of income and percentage of affordable units. It should not reference the inclusionary ordinance because it could change.
8. The details of how the five foot variable setback would work in conjunction with the Pedestrian Master Plan have not been determined.
9. The measure that receives the greater number of votes would trump the other with respect to the charter amendment. If neither prevails, it would remain as status quo.

**** THE COMMISSION RECESSED FROM 2:48 P.M. TO 3:10 P.M. ****

The Commission made the following general comments:

Alternative Charter Amendment:

1. At least two Commissioners did not agree with having an alternative charter amendment.
2. At least three Commissioners believe having an alternative charter amendment to allow the people to choose is appropriate.
3. The charter language should be simple and easy to understand, but not open to different interpretations than what was intended.
4. An alternative charter amendment proposal should strive to accomplish the same underlying principles that the Save EPV lays out: living smaller

and more efficiently, and with a continuing respect for the historic and cultural values that make Santa Barbara special.

Variable setbacks:

1. At least two Commissioners support the concept of a variable setback to be in the zoning ordinance, but not in the charter. The process should be similar to the Neighborhood Preservation Ordinance (NPO) update process.
2. The Interim Building Regulations Ordinance ad hoc committee intended that additional open space apply to all projects.
3. There is a need to improve proposed projects and create more open space, greater livability and healthier living environments.
4. Open space at ground level should support canopy trees.
5. The proposed setback and open space standards should proceed regardless of the result of the building height charter amendment proposals.

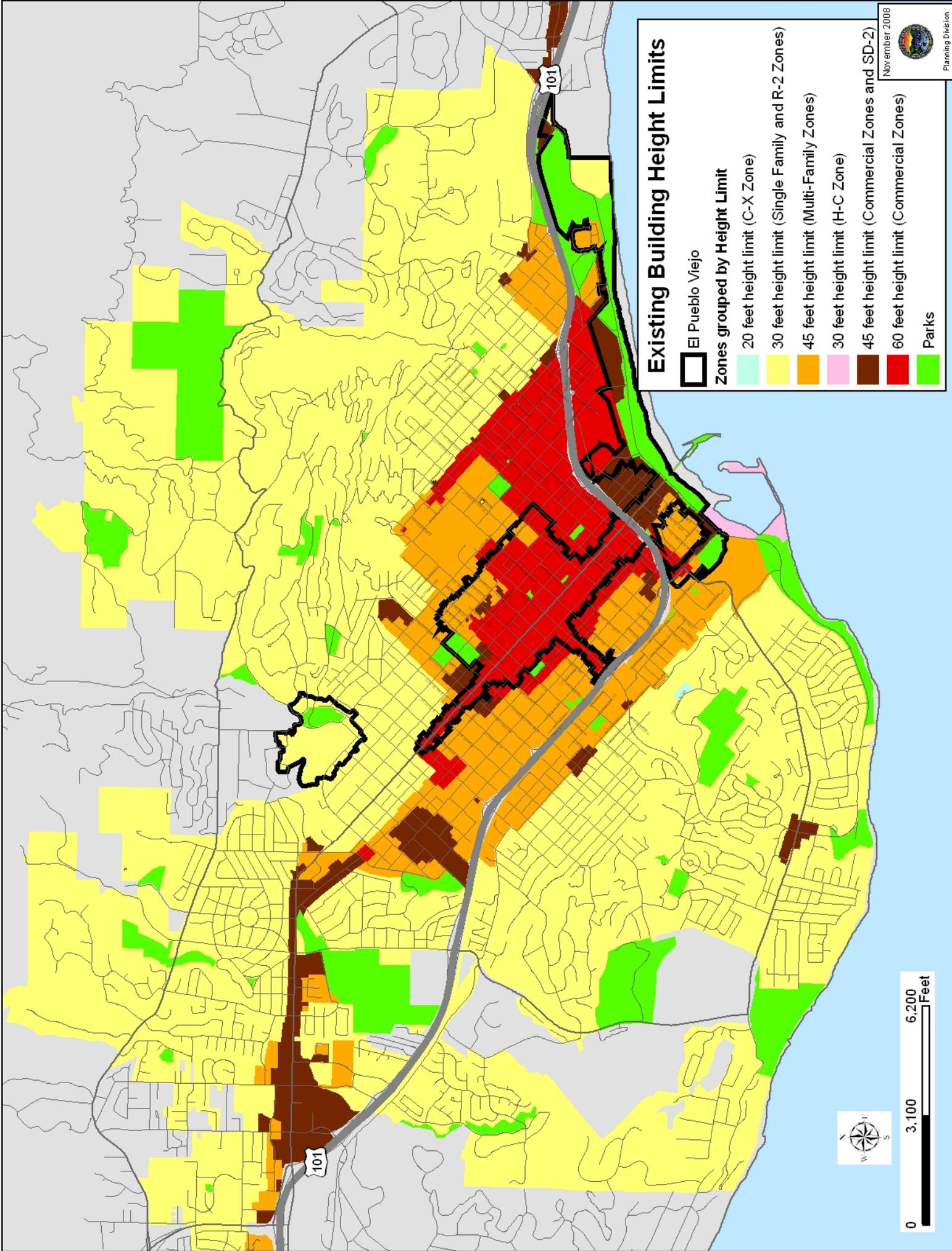
Height:

1. At least two Commissioners support a 45 foot height limit.
2. El Pueblo Viejo Landmark District exists to preserve the historic architectural style for which Santa Barbara is famous.
3. At least two Commissioners suggested further investigation on how building height is measured. Measuring to the ridge line is of concern because of the possible unintended consequences.
4. The permitted height should be brought down to a three story maximum.
5. The 40 and 45 foot height limit more than amply allows the allowable density. Density can be increased with modest size units and provide affordable housing that is closer to being affordable in the downtown.
6. Certain areas need to continue having a 60 foot height limit, such as the airport and maybe a portion of State Street.
7. The community character will be changed with the increasing number of tall buildings in the City.
8. The community may not be able to provide the resources and the infrastructure needed in the long term to support higher buildings.
9. Creating great architecture would be assisted by setting height limits that provide architects guidance ahead of time. Setting height limits also assists review boards.
10. There is an inherent clash between two city policies: one to conserve historic resources and the other to make the downtown core the densest in the community. These two policies cannot coexist.
11. The basic character of the City should be kept attractive to protect the City's main industry. Tourists come for relief of tall buildings.

Community priority:

1. Community priority can be a complicated issue for voters to make a decision. The ballot should be kept as simple as possible.

2. Inclusionary housing has had some unintended consequences. Although affordable housing in mixed-use projects is required, it is not necessarily what families want to buy and live in.
3. The 30% affordable housing requirement does not provide a net public benefit to the community. The creation of more market rate units exacerbates the housing imbalance problem because more services are needed for the remaining 70% upscale, larger units.
4. An example of a community benefit would be a municipal building with a tight relationship to the functioning of the City. The exception would be rental housing, such as Section 8 rentals.
5. Exceptions to a 45 foot height limit would have to be based on community necessity.
6. The project would have to be “impact-neutral” with regard to the jobs/housing balance.
7. In the EPV, there should be a demonstrated linkage to the existing downtown employment opportunities for proposed housing.
8. Rental units should not convert to condominiums.

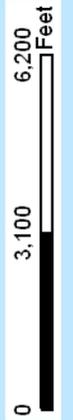


Existing Building Height Limits

El Pueblo Viejo

Zones grouped by Height Limit

- 20 feet height limit (C-X Zone)
- 30 feet height limit (Single Family and R-2 Zones)
- 45 feet height limit (Multi-Family Zones)
- 30 feet height limit (H-C Zone)
- 45 feet height limit (Commercial Zones and SD-2)
- 60 feet height limit (Commercial Zones)
- Parks



0

6,200

= Feet

7__

Existing Building Height Limits

El Pueblo Viejo

Zones grouped by Height Limit

20 feet height limit (C-X Zone)

30 feet height limit (Single Family and R-2 Zones)

45 feet height limit (Multi-Family Zones)

30 feet height limit (H-C Zone)

45 feet height limit (Commercial Zones and SID-2)

.60 feet height limit (Commercial Zones)

Parks

November2008

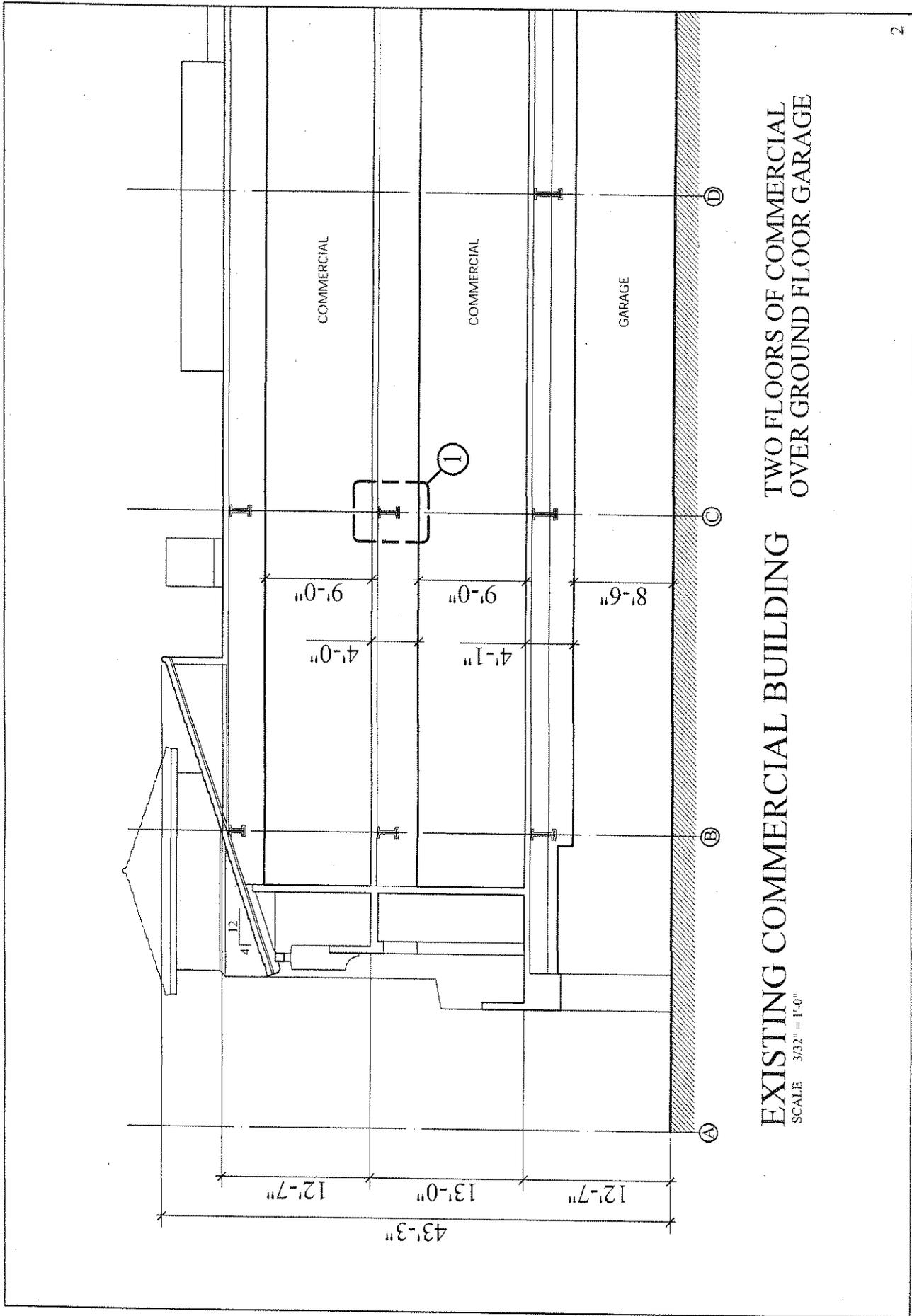
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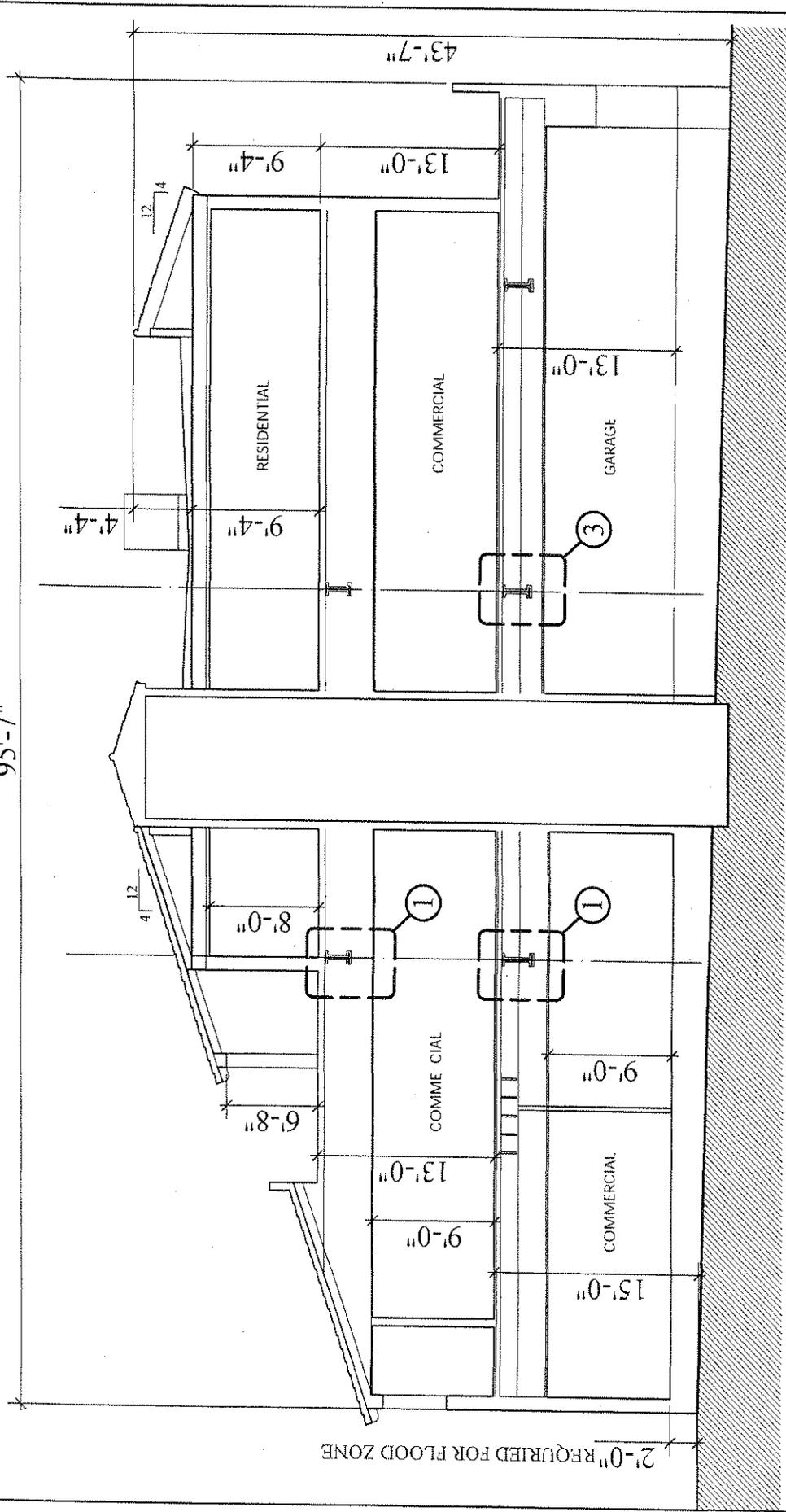
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EXISTING COMMERCIAL BUILDING
SCALE 3/32" = 1'-0"

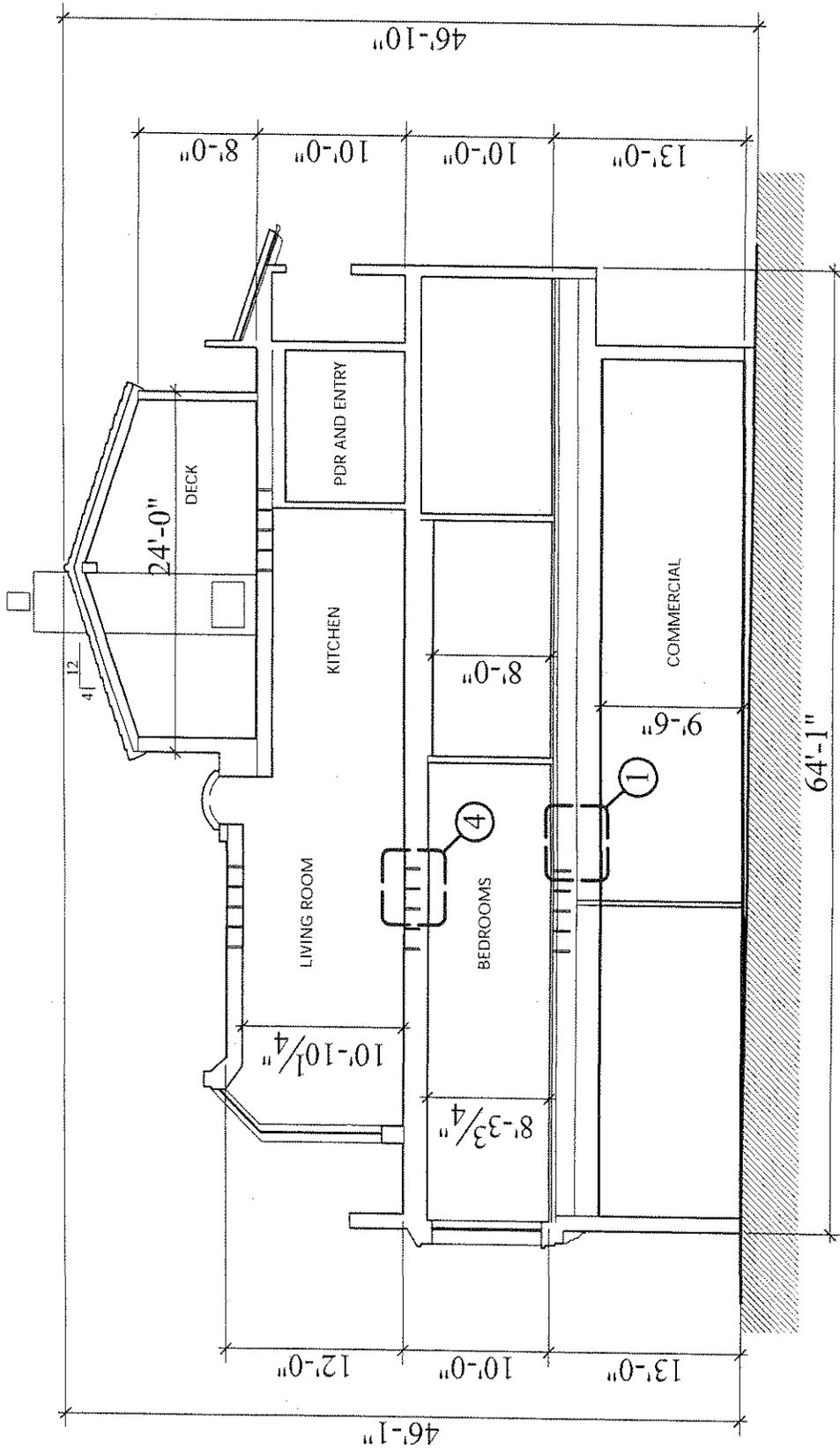
TWO FLOORS OF COMMERCIAL
OVER GROUND FLOOR GARAGE

95'-7"



TYPICAL MIXED-USE BUILDING
 SCALE 3/32" = 1'-0"
 LOCATED IN A FLOOD ZONE
 2% SLOPE

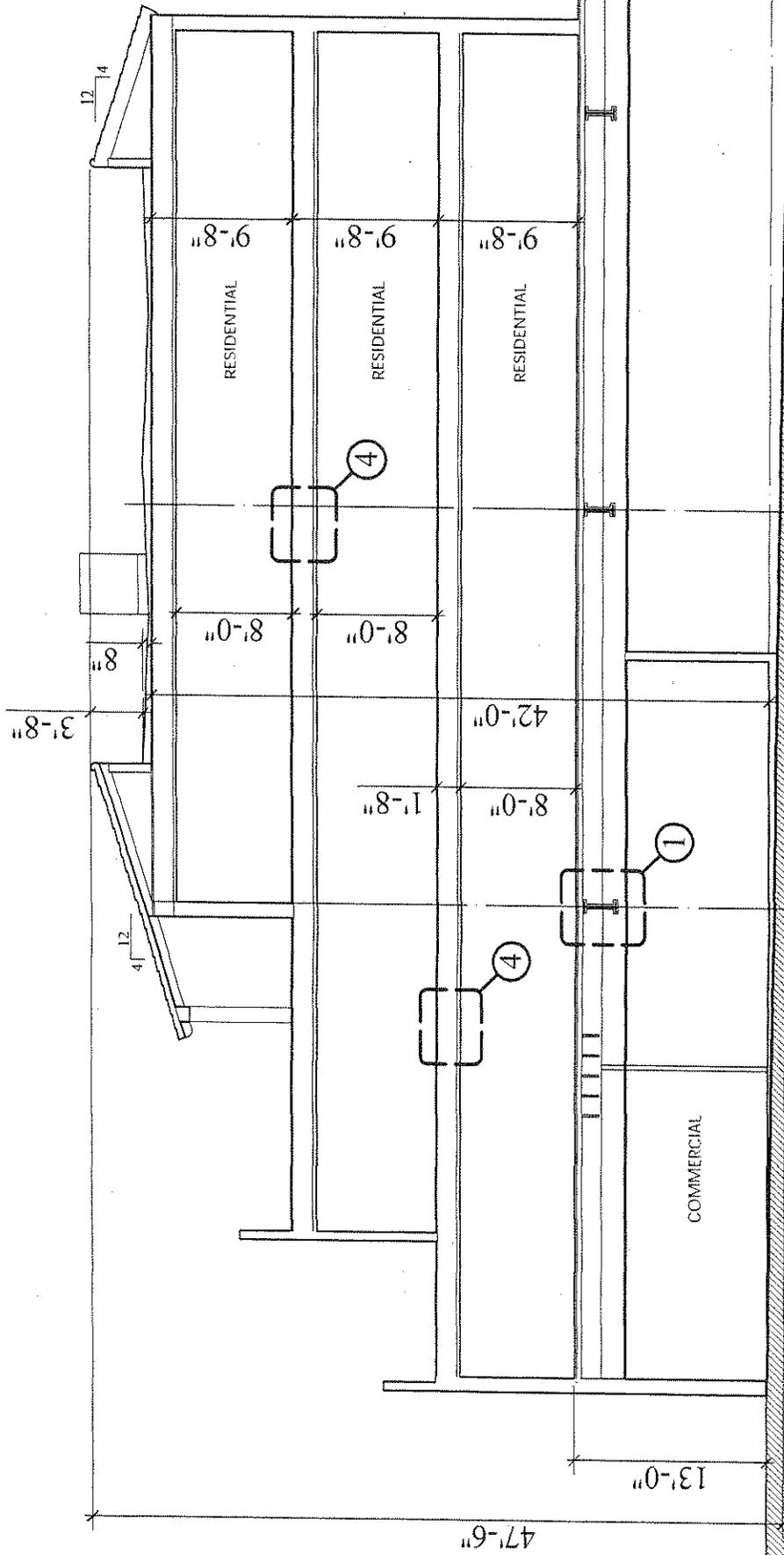
TWO FLOORS OF COMMERCIAL
ONE FLOOR OF RESIDENTIAL



PROPOSED MIXED-USE BUILDING

SCALE 3/32" = 1'-0"

**THREE FLOORS OF RESIDENTIAL
OVER GROUND FLOOR COMMERCIAL**



TYPICAL MIXED-USE BUILDING
 SCALE 3/32" = 1'-0"

ONE FLOOR OF COMMERCIAL
 THREE FLOORS OF RESIDENTIAL

ATTACHMENT 5

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

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

The pending litigation is *James Ryden, et al., v. City of Santa Barbara, et al., USDC Case Number: CV 09-1578 SVW (SSx)*

SCHEDULING:

Duration: 15 minutes; anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 24, 2009

TO: Mayor and Councilmembers

FROM: Housing and Redevelopment, Community Development Department

SUBJECT: Community Development And Human Services Committee Funding Recommendations For Fiscal Year 2010 And Housing And Urban Development Consolidated Action Plan

RECOMMENDATION: That Council:

- A. Approve the funding recommendations of the Community Development and Human Services Committee for Fiscal Year 2010 Community Development Block Grant (CDBG) and Human Services funds;
- B. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney; and
- C. Authorize the City Administrator to sign all necessary documents to submit the City's Action Plan to the Department of Housing and Urban Development (HUD).

DISCUSSION:

Community Development and Human Services Committee Funding Recommendations

The recommendations in this report are for Community Development Block Grant (CDBG) and Human Services funding for Fiscal Year 2010.

The combined application for CDBG and Human Services funds was available to the public on November 3, 2008. An announcement was mailed to all agencies that expressed an interest in applying this past year or applied for funding in the past two years. In addition, advertisements appeared in the *Daily Sound* and the *Santa Barbara News Press*, a news release was disseminated to the local media and an announcement and application were posted on the City of Santa Barbara's website informing the public of the availability of applications and the orientation workshop. An orientation technical assistance workshop was held for all prospective applicants on November 18, 2008.

Seventy-seven applications were submitted by the deadline of January 6, 2009. This represents an increase of 11 more applications than received last year. One applicant subsequently withdrew its application. The seventy-six remaining applications requested

a total of \$2,685,911. The requested amount of funding exceeds the estimated available funding by approximately \$920,000. Staff and the Community Development and Human Services Committee reviewed all of the applications and interviewed each agency. An extra night of interviews was scheduled in order to fit in all the applicants. In all, the Committee invested over 300 hours interviewing and deliberating on this year's applications. The Committee developed funding recommendations on the basis of the written applications, program presentations, interviews and group deliberations. The Committee gave significant consideration to the Funding Criteria and Priorities for each program adopted by Council on October 21, 2008. Detailed descriptions of the combined funding application criteria, as well as funding priorities for both CDBG and Human Services, can be found on pages four through six of the CDHSC Report on Funding Recommendations Fiscal Year 2010. This report is available for public review on the City's webpage (www.SantaBarbaraCa.gov) and in the office of the City Clerk, Main Public Library and the Community Development Department. The Draft Housing and Urban Development (HUD) 2009-2010 Action Plan is also available for public review at the above locations.

The number of applicants in the Public/Human Services category has increased 40% since Fiscal Year 2007 (45 to 63). With the increasing competition in the application process, the Committee continued to ensure that their recommendations for funding followed the funding priorities set by Council. The 1st Priority consists of programs that help meet basic emergency human needs; the 2nd Priority consists of programs that are preventative in nature and/or promote the highest degree of functioning the individual is capable of achieving; and the 3rd Priority consists of programs that seek to enhance the quality of life of persons whose basic needs are already met. There were no applications in the 3rd priority this year.

With a record number of applications this year, the CDHSC had to make some tough decisions. They were able to recommend funding for only 49 of the 63 applications in the Public/Human Services category. Seven programs that demonstrated either an extraordinary need or expansion of services were recommended for increases. Sixteen programs were recommended for the same funding as last year. In order to fund seven new applications, the CDHSC is recommending decreases for nineteen programs and they were unable to recommend funding for fourteen programs, including four that received funding last year.

Nine of the twelve applications in the Capital category were recommended for funding. These include three projects that are part of the City Target Area Neighborhood Improvement Program (CTANIP). This program targets those neighborhoods in the City with the highest proportion of low-income households, population density, over-crowding, renter occupancy ratio, crime rates and sub-standard structures. Two applications in the administrative category are also recommended for funding. Applicant agencies have been notified of their individual recommendations.

2009 Action Plan:

Every five years the City of Santa Barbara prepares a Federal Department of Housing and

Urban Development (HUD) mandated document, the Consolidated Plan (CP), which is a comprehensive planning tool that outlines the City's strategic vision for housing and community development for a five-year period. Annually, an Action Plan (AP) is submitted to HUD and acts as the City's application for both Community Development Block Grant and HOME Investment Partnership Program funds. The City's 2009 Action Plan proposes specific identifiable benchmarks for measuring progress in realizing the goals outlined in the previously adopted 2005-2009 Consolidated Plan.

BUDGET/FINANCIAL INFORMATION:

Due to a delay in the receipt of our CDBG Funding Allocation for Fiscal Year 2010, the Committee approved funding recommendations based on an estimated 5% decrease, or \$1,011,752, of new CDBG entitlement funds. There will also be \$51,281 of reprogrammed funds available, which when added to the entitlement, provides an estimated total of \$1,063,033 for the Fiscal Year 2010 CDBG program, \$151,763 of which will be available for Public Services.

The City of Santa Barbara has provided funds for local agencies to provide essential social services for many years. In the proposed Fiscal Year 2010 City General Fund budget, Human Services funding is recommended at \$703,256, which is the same as the current fiscal year.

Under the combined funding process, the City's Human Services funds of \$703,256 are combined with CDBG funds available under the Public Services category of \$151,763 for a total of \$855,019 in this category (\$7,990 less than last year). The CDBG funds available for Capital Projects total \$658,920 (\$206,535 less than last year). The remaining CDBG funds are allocated for administration/fair housing and Rental Housing Mediation Task Force.

Because the City has not yet received an official CDBG funding announcement from HUD, the CDHSC added funding contingencies to their recommendations, as follows:

- HUD Decrease of 3% or less
 - Public/Human Services - Grant awards evenly adjusted across the board
 - Capital - Franklin Center Kitchen and Alisos Sidewalks grants decreased evenly
- HUD Decrease of more than 3% - CDHSC reconvene to revise funding recommendations
- HUD Increase of 2% or less - CDBG funds reprogrammed to Fiscal Year 2011
- HUD Increase of more than 2% - CDHSC reconvene to revise funding recommendations

Fiscal Year 2011 Funding Concerns:

The new administration in Washington has released a broad outline of the Federal Fiscal Year 2010-2011 budget which provides an increase in CDBG funding; however, it is uncertain how much will be allocated to formula funds for entitlement jurisdictions such as

the City of Santa Barbara. The Administration plans to modernize the CDBG program through statutory reforms, including a more effective formula, appropriate incentives, accountability measures, and a new Sustainable Communities Initiative, in order to better target funds to distressed communities and promote sustainable and economically viable communities. Staff will continue to monitor the development of this budget and keep Council informed on the status.

****The Community Development and Human Services Committee (CDHSC) Report on Funding Recommendations Fiscal Year 2010 and Draft Action Plan is available for public review on the City's webpage (www.SantaBarbaraCa.gov) and in the Office of the City Clerk, Main Public Library and the Community Development Department.****

ATTACHMENT(S): Community Development and Human Services Committee Fiscal Year 2010 Funding Recommendations by Priority and Rating

PREPARED BY: Sue Gray, Community Development Program Supervisor

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE
 FY 2010 FUNDING RECOMMENDATIONS
 BY PRIORITY AND RATING

ATTACHMENT

AGENCY	PROGRAM	2008-2009 ALLOCATION	2009-2010 REQUEST	AVERAGE RATING	2009-2010 RECOMMENDATIONS		
					CDBG	HUMAN SERVICES	TOTAL
PUBLIC/HUMAN SERVICE:							
First Priority							
Casa Esperanza	Homeless Day Program	\$40,009	\$61,500	25.5	\$50,000		\$50,000
Transition House	Comprehensive Services	\$38,000	\$45,000	25.4	\$40,000		\$40,000
Aids Housing	Sarah House	\$25,000	\$25,000	25.3		\$25,000	\$25,000
S.B. Rape Crisis Center		\$25,000	\$27,000	24.8		\$25,000	\$25,000
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Domestic Violence Solutions	Emergency Shelter	\$54,000	\$54,000	24.6	\$25,763	\$24,237	\$50,000
SB Neighborhood Clinics	Dental Care - Homeless	\$15,000	\$20,000	24.3		\$20,000	\$20,000
Community Kitchen		\$52,000	\$54,000	24.3		\$50,000	\$50,000
People's Self Help Housing	Supportive Housing Program	\$10,000	\$20,000	24.1		\$10,000	\$10,000
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Catholic Charities	Emergency Housing	\$14,000	\$20,000	23.8	\$14,000		\$14,000
Foodbank	SB Warehouse	\$25,000	\$25,000	23.8		\$25,000	\$25,000
SB County DA - Victim Witness	S.A.R.T.	\$20,000	\$22,309	23.6		\$15,000	\$15,000
New Beginnings Counseling	Homeless Outreach	\$15,000	\$22,000	23.4		\$15,000	\$15,000
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WillBridge		\$22,000	\$25,000	23.4		\$22,000	\$22,000
Channel Islands YMCA	Noah's Anchorage	\$25,000	\$30,000	23.3	\$22,000		\$22,000
S.B. Community Housing Corp.	New Faulding Hotel	\$15,500	\$20,000	23.2		\$15,000	\$15,000
Domestic Violence Solutions	Second Stage	\$7,000	\$15,000	23.0		\$7,000	\$7,000
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Foodbank	Brown Bag	\$8,000	\$10,000	23.0		\$8,000	\$8,000
S.B. Community Housing Corp.	Hotel de Riviera	\$10,000	\$22,000	22.9		\$12,000	\$12,000
St. Vincent's	PATHS	\$9,000	\$12,000	22.6		\$9,000	\$9,000
Pacific Pride	Necessities of Life	\$13,000	\$15,000	22.3		\$11,000	\$11,000
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Bringing Our Community Home		\$19,000	\$22,000	21.0		\$14,000	\$14,000
Legal Aid	Emergency Legal Svcs.	\$24,000	\$42,750	20.8		\$24,000	\$24,000
Community Action Commission	Senior Nutrition	\$13,000	\$18,000	19.4		\$9,000	\$9,000
Second Priority							
Storyteller Children's Center		\$30,000	\$30,000	24.1		\$30,000	\$30,000
Family Service Agency	Big Brothers/Big Sisters	\$8,500	\$8,500	24.0		\$8,000	\$8,000
Mental Health Association	Fellowship Club	\$10,000	\$10,500	24.0		\$10,500	\$10,500
People's Self Help Housing	Gang Prevention	\$7,000	\$10,000	23.9		\$7,000	\$7,000
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Friendship Center	Adult Day Care	\$24,000	\$26,000	23.8		\$22,019	\$22,019
Child Abuse Listening Mediation	Bilingual Treatment	\$25,000	\$25,000	23.7		\$21,000	\$21,000
Independent Living Resource Cnt		\$24,000	\$25,000	23.6		\$23,000	\$23,000
City of SB - Rental Housing Mediation Task Force		N/A	\$30,000	23.2		\$25,000	\$25,000
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COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE
 FY 2010 FUNDING RECOMMENDATIONS
 BY PRIORITY AND RATING

ATTACHMENT

AGENCY	PROGRAM	2008-2009 ALLOCATION	2009-2010 REQUEST	AVERAGE RATING	2009-2010 RECOMMENDATIONS		
					CDBG	HUMAN SERVICES	TOTAL
Planned Parenthood	Health Education	\$12,500	\$15,000	23.1		\$12,000	\$12,000
Transition House	Homeless Prevention	\$7,500	\$12,000	23.1		\$7,500	\$7,500
Long Term Care Ombudsman		\$21,000	\$25,000	23.0		\$23,000	\$23,000
Family Service Agency	Homemaker	\$6,000	\$6,000	22.4		\$5,000	\$5,000
City at Peace		\$7,500	\$12,000	22.0		\$7,500	\$7,500
Primo Boxing Club	Say Yes to Kids	\$32,000	\$37,000	21.9		\$26,000	\$26,000
S.B. Family Care Center	Centro Infantil	\$20,000	\$30,000	21.9		\$18,000	\$18,000
United Boys & Girls Club (Westside)	SMART Moves	N/A	\$9,000	21.9		\$7,000	\$7,000
Family Service Agency	211 CRIS/HelpLine	\$30,000	\$40,000	21.8		\$23,000	\$23,000
Community Action Commission	Child Development	\$19,000	\$28,000	21.6		\$17,000	\$17,000
Recording - Blind & Dyslexic	Audio Textbook Production	\$6,000	\$10,000	21.4		\$5,000	\$5,000
Project Excel		\$0	\$25,000	21.3		\$8,000	\$8,000
SB Police Activities League		\$13,000	\$47,986	21.2		\$17,500	\$17,500
Family Therapy Institute	AHA!	\$0	\$25,000	21.0		\$10,000	\$10,000
Boys & Girls Club (Downtown)	Power Hour Tutoring	\$8,000	\$15,000	20.8		\$8,000	\$8,000
Court Appointed Special Advocates		N/A	\$15,000	20.3		\$10,000	\$10,000
Job Apprenticeship Prog.	Recreation Dept.	N/A	\$25,000	20.3		\$7,000	\$7,000
Easy Lift Transportation	Youth Transportation	N/A	\$10,000	19.8		\$5,000	\$5,000
St. Francis Foundation	Liberty Program	N/A	\$10,500	19.7		\$0	\$0
Channel Islands YMCA	Preschool Childcare	\$7,000	\$9,000	19.6		\$0	\$0
Future Leaders of America	Family Leadership Project	\$7,500	\$30,000	18.7		\$0	\$0
Dyslexia Awareness		\$5,000	\$10,000	18.4		\$0	\$0
Girls Incorporated of Greater SB	Scholarships	N/A	\$13,430	18.0		\$0	\$0
SB Arts Alliance	Recreation Dept.	N/A	\$20,800	18.0		\$0	\$0
Hearts Adaptive Riding Program	Therapeutic Horseback Riding	N/A	\$25,000	17.9		\$0	\$0
SB Fighting Back	Mentorship Program	N/A	\$15,000	17.9		\$0	\$0
Jewish Federation	Center for Successful Aging	\$5,000	\$5,000	17.1		\$0	\$0
SB City College	Childcare Scholarships	N/A	\$20,000	16.9		\$0	\$0
Girl Scouts	City SB Comm. Collaboration	\$0	\$20,000	16.8		\$0	\$0
Bici Centro (SB Bicycle Coalition)	Community Bike Shop	N/A	\$25,000	16.6		\$0	\$0
Brain Injury Association	Jodi House	N/A	\$15,000	15.8		\$0	\$0
Family Fuel, Inc.	Anti-Bullying	N/A	\$30,200	14.9		\$0	\$0
Total Public/Human Service:			\$1,428,475		\$151,763	\$703,256	\$855,019

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE
 FY 2010 FUNDING RECOMMENDATIONS
 BY PRIORITY AND RATING

ATTACHMENT

AGENCY	PROGRAM	2008-2009 ALLOCATION	2009-2010 REQUEST	AVERAGE RATING	2009-2010 RECOMMENDATIONS			
					CDBG	HUMAN SERVICES	TOTAL	
CAPITAL:								
City S.B.-Community Development	Housing Rehabilitation	\$391,153	\$295,000	24.1	\$285,000	X	\$285,000	
FSA	S.A.I.L.	\$44,200	\$44,200	23.3	\$40,000		\$40,000	
SB Neighborhood Clinics	Floor replacement	N/A	\$18,958	22.5	\$18,000		\$18,000	
City SB - NIP	West DT Lighting Design	N/A	\$50,000	22.2	\$50,000		\$50,000	
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Women's Economic Ventures	Microenterprise Devel.	\$35,000	\$50,000	22.1	\$25,000		\$25,000	
City SB - NIP	Franklin Center Kitchen Renc	N/A	\$152,000	22.1	\$105,000		\$105,000	
Girls Incorporated of Greater SB	Asphalt Replacement	\$17,500	\$12,496	21.9	\$9,000		\$9,000	
City SB - NIP	Alisos St. Sidewalk Infill	N/A	\$180,000	21.7	\$90,000		\$90,000	
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Primo Boxing Club	Building repair	N/A	\$39,625	21.4	\$36,920	\$36,920		
City SB - NIP	Sunflower Park Landscape	N/A	\$21,000	19.6	\$0	\$0		
Senior Programs of SB	Roof repair	N/A	\$111,807	18.8	\$0	\$0		
Storyteller Children's Center	Roof repair	N/A	\$30,000	18.0	\$0	\$0		
Total Capital:			\$1,005,086		\$658,920		\$658,920	
ADMIN:								
City S.B.	Fair Housing	\$8,410	\$8,378	24.6	\$8,378	X	\$8,378	
City S.B.	Administration	\$159,794	\$159,180	23.6	\$159,180		\$159,180	
City S.B.	Rental Housing Mediation	\$92,070	\$84,792	22.2	\$84,792		\$84,792	
Total Administration:			\$252,350		\$252,350		\$252,350	
GRAND TOTAL				\$2,685,911	\$1,063,033	\$703,256	\$1,766,289	

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE
 FY 2010 FUNDING RECOMMENDATIONS
 BY PRIORITY AND RATING
 ATTACHMENT

		2009-2010 RECOMMEN		DATIONS			
AGENCY	PROGRAM	2008-2009	2009-2010	AVERAGE	HUMAN		
ALLOCATION	REQUEST	RATING	CDBG	SERVICES	TOTAL		
PUBLIC/HUMAN SERVICE:							
First Priority							
Casa Esperanza							
Homeless Day Program	\$40,009						
	\$61,500						
	25.5						
	\$50,000						
	\$50,000						
Transition House	Comprehensive Services	\$38,000	\$45,000	25.4	\$40,000	\$40,000	
Aids Housing	Sarah House	\$25,000	\$25,000	25.3	\$25,000	\$25,000	
S.B. Rape Crisis Center		\$25,000	\$27,000	_____			
__	24.8	\$25,000					
__							
__	\$25,000						
Domestic Violence Solutions	Emergency Shelter	\$54,000	\$54,000	24.6	\$25,763		
	\$24,237	\$50,000					
SB Neighborhood Clinics	Dental Care - Homeless	\$15,000	\$20,000	24.3	\$20,000	\$20,000	
Community Kitchen		\$52,000	\$54,000	24.3	\$50,000	\$50,000	
People's Self Help Housing	Supportive Housing Program	\$10,000	\$20,000	24.1	\$10,000	\$10,000	
Catholic Charities	Emergency Housing	\$14,000	\$20,000	23.8	\$14,000	\$14,000	
Foodbank	SB Warehouse	\$25,000	\$25,000	23.8	\$25,000	\$25,000	
SB County DA - Victim Witness	S.A.R.T.	\$20,000	\$22,309	23.6	\$15,000	\$15,000	
New Beginnings Counseling	Homeless Outreach	\$15,000	\$22,000	23.4	\$15,000	\$15,000	
WillBridge		\$22,000	\$25,000	23.4	\$22,000	\$22,000	
Channel Islands YMCA	Noah's Anchorage	\$25,000	\$30,000	23.3	\$22,000	\$22,000	
S.B. Community Housing Corp.	New Faulding Hotel	\$15,500	\$20,000	23.2	\$15,000	\$15,000	
Domestic Violence Solutions	Second Stage	\$7,000	\$15,000	23.0	\$7,000	\$7,000	
Foodbank	Brown Bag	\$8,000	\$10,000	23.0	\$8,000	\$8,000	
S.B. Community Housing Corp.	Hotel de Riviera	\$10,000	\$22,000	22.9	\$12,000	\$12,000	
St. Vincent's	PATHS	\$9,000	\$12,000	22.6	\$9,000	\$9,000	
Pacific Pride	Necessities of Life	\$13,000	\$15,000	22.3	\$11,000	\$11,000	
Bringing Our Community Home			\$19,000	_____			
__							
__	\$22,000	_____	21.0	_____	\$14,000	\$14,000	
Legal Aid	Emergency Legal Svcs.	\$24,000	\$42,750	20.8	\$24,000	\$24,000	
Community Action Commission	Senior Nutrition	\$13,000	\$18,000	19.4	\$9,000	\$9,000	
Second Priority							
Storyteller Children's Center		\$30,000					
	\$30,000						
	24.1						

\$30,000					
\$30,000					
Family Service Agency Big Brothers/Big Sisters	\$8,500	\$8,500	24.0	\$8,000	\$8,000
Mental Health Association Fellowship Club	\$10,000	\$10,500	24.0	\$10,500	\$10,500
People's Self Help Housing Gang Prevention	\$7,000	\$10,000	23.9	\$7,000	\$7,000
—					
Friendship Center Adult Day Care	\$24,000	_____			
—					
\$26,000	23.8			
\$22,019	\$22,019				
Child Abuse Listening Mediation Bilingual Treatment	\$25,000	\$25,000	23.7	\$21,000	\$21,000
Independent Living Resource Cnt	\$24,000	\$25,000	23.6	\$23,000	\$23,000
City of SB - Rental Housing Mediation Task Force	N/A	\$30,000	23.2	\$25,000	\$25,000

Page 1 of 3

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE
 FY 2010 FUNDING RECOMMENDATIONS
 BY PRIORITY AND RATING
 ATTACHMENT

2009-2010 RECOMMEN DATIONS

AGENCY PROGRAM 2008-2009 2009-2010 AVERAGE

ALLOCATION REQUEST RATING HUMAN

CDBG SERVICES

TOTAL

Planned Parenthood Health Education	\$12,500	\$15,000	23.1	\$12,000	\$12,000
Transition House Homeless Prevention	\$7,500	\$12,000	23.1	\$7,500	\$7,500
Long Term Care Ombudsman	\$21,000	\$25,000	23.0	\$23,000	\$23,000
Family Service Agency Homemaker	\$6,000	\$6,000	22.4	\$5,000	\$5,000
City at Peace	7 500	12, 000	22.0	7 500	\$7,500
Primo Boxing Club Say Yes to Kids	\$32,000	\$37,000	21.9	\$26,000	\$26,000
S.B. Family Care Center Centro Infantil	\$20,000	\$30,000	21.9	\$18,000	\$18,000
United Boys & Girls Club (Westside) SMART Moves	N/A	\$9,000	21.9	\$7,000	\$7,000
Family Service Agency 211 CRIS/HelpLine	\$30,000	\$40,000	21.8	\$23,000	\$23,000
Community Action Commission Child Development	\$19,000	\$28,000	21.6	\$17,000	\$17,000
Recording - Blind & Dyslexic Audio Textbook Production	\$6,000	\$10,000	21.4	\$5,000	\$5,000
Project Excel	\$0	\$25,000	21.3	\$8,000	\$8,000
SB Police Activities League	\$13,000	\$47,986	21.2	\$17,500	\$17,500
Family Therapy Institute AHA!	\$0	\$25,000	21.0	\$10,000	\$10,000
Boys & Girls Club (Downtown) Power Hour Tutoring	\$8,000	\$15,000	20.8	\$8,000	\$8,000
Court Appointed Special Advocates	N/A	\$15,000	20.3	\$10,000	\$10,000
Job Apprenticeship Prog. Recreation Dept.	N/A	\$25,000	20.3	7 000	\$7,000
Easy Lift Transporation Youth Transportation	N/A	\$10,000	19.8	\$5,000	\$5,000
St. Francis Foundation Liberty Program	N/A	\$10,500	19.7	\$0	\$0
Channel Islands YMCA Preschool Childcare	\$7,000	\$9,000	19.6	\$0	\$0
Future Leaders of America Family Leadership Project	W,500	30 000	18.7	\$0	\$0
Dyslexia Awareness	\$5,000	\$10,000	18.4	\$0	\$0
Girls Incorporated of Greater SB Scholarships	N/A	\$13,430	18.0	\$0	\$0
SB Arts Alliance Recreation Dept.	N/A	\$20			
800	18.0	\$0	\$0		

Hearts Adaptive Riding Program Therapeutic Horseback Riding	N/A	\$25,000	17.9	\$0	\$0
SB Fighting Back Mentorship Program	N/A	\$15,000	17.9	\$0	\$0
Jewish Federation Center for Successful Aging	\$5,000	\$5,000	17.1	\$0	\$0
SB City College Childcare Scholarships	N/A	\$20,000	16.9	\$0	\$0
Girl Scouts City SB Comm. Collaboration	\$0	\$20,000	16.8	\$0	\$0
Bici Centro (SB Bicycle Coalition) Community Bike Shop	N/A	\$25,000	16.6	\$0	\$0
Brain Injury Association Jodi House	N/A	\$15,000	15.8	\$0	\$0
Family Fuel, Inc. Anti-Bullying	N/A	\$30,200	14.9	\$0	\$0
Total Public/Human Service:	\$1,428,475	\$151,763	\$703,256	\$855,019	

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COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE
 FY 2010 FUNDING RECOMMENDATIONS
 BY PRIORITY AND RATING
 ATTACHMENT

		2009-2010 RECOMMEN		DATIONS			
AGENCY PROGRAM	2008-2009	2009-2010	AVERAGE	HUMAN			
ALLOCATION	REQUEST	RATING	CDBG	SERVICES	TOTAL		
CAPITAL:							
City S.B.-Community Development Housing Rehabilitation	\$391,153	\$295,000	24.1	\$285,000	\$285,000		
FSA S.A.I.L.	\$44,200	\$44,200	23.3	\$40,000	\$40,000		
SB Neighborhood Clinics Floor replacement	N/A	\$18,958	22.5	\$18,000	\$18,000		
City SB - NIP West DT Lighting Design	N/A	\$50,000	22.2	\$50,000	\$50,000		
Women s Economic Ventures Microcenter rise Devel.	\$35,000	\$50,000	22.1	\$25,000	\$25,000		
City SB - NIP Franklin Center Kitchen Renc	N/A	\$152,000	22.1	\$105,000	\$105,000		
Girls Incorporated of Greater SB Asphalt Replacement	\$17,500	\$12,496	21.9	\$9,000	\$9,000		
City SB - NIP Alisos St. Sidewalk Infill	N/A	\$180,000	21.7	\$90,000	\$90,000		
Primo Boxing Club Building repair	N/A	\$39,625	21.4	-\$3-6,-	-\$2-0-6 920		
	\$36,920						
City SB - NIP Sunflower Park Landscape	N/A	\$21,000	19.6	\$0	\$0		
Senior Programs of SB Roof repair	N/A	\$111,807	18.8	\$0	\$0		
Storyteller Children's Center Roof repair	N/A	\$30,000	18.0	\$0	\$0		
Total Capital:	\$1,005,086	\$658,920		\$658,920			
ADMIN:							
City S.B. Fair Housing	\$8,410	\$8,378	24.6	\$8,378	\$8,378		
City S.B. Administration	\$159,794	\$159,180	23.6	\$159,180	\$159,180		
City S.B. Rental Housing Mediation	\$92,070	\$84,792	22.2	\$84,792	\$84,792		
Total Administration:	\$252,350	\$252,350		\$252,350			
GRAND TOTAL							
	\$2,685,911						
	\$1,063,033	\$703,256					
	\$1,766,289						