

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

Marty Blum
Mayor/Chair
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Mayor Pro Tempore/Vice Chair
Das Williams
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>

**APRIL 7, 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.

REGULAR CITY COUNCIL MEETING REGULAR REDEVELOPMENT AGENCY MEETING

ORDER OF BUSINESS

2:00 p.m. - City Council Meeting
2:00 p.m. - Redevelopment Agency Meeting

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through April 30, 2009.

2. Subject: Proclamation Declaring The Month Of April As DMV/Donate A Life California Month (120.04)

3. Subject: Letter Of Recognition Naming David Starkey Poet Laureate For The City Of Santa Barbara (120.04)

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

4. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of March 17 and the special meeting of March 24, 2009.

5. Subject: Records Destruction For Fire 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 Fire Department in the Administration Division.

6. Subject: Proposed Increase To Animal Control Fees (520.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060, Establishing Certain Dog Licensing Fees, Adjusting Animal Control Fees, and Rescinding Resolution Nos. 07-052, 07-085, and 08-013.

7. Subject: Mission Creek Fish Passage - Accept Grant Funding For Design Of CalTrans Channel Steelhead Migration Barrier Removal (530.03)

Recommendation: That Council

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Accept Grant Funds and Execute a Grant Agreement for \$500,000 from the California Department of Fish and Game (CDFG) Fisheries Restoration Grant Program for the Mission Creek Fish Passage Project at the CalTrans Channel; and
- B. Increase the appropriation and estimated revenue by \$500,000 in the Creeks Division Capital Fund for the Mission Creek Fish Passage Project at the CalTrans Channel.

8. Subject: Resolution Authorizing Submission Of Grant Applications Totaling \$3,941,585 For Stimulus Funds For Non-Point Source Pollution Treatment Projects (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Submit Applications to the State Water Resources Control Board for a Financing Agreement for the Catch Basin Inlet Storm Drain Screens Project, the Parking Lot Storm Water Retrofit Project, and the Upper Las Positas Creek Restoration and Storm Water Management Project.

CONSENT CALENDAR (CONT'D)

9. Subject: Two-Year Extension Of A Professional Services Contract For Independent Audit Services For The City's Annual Financial Statements For The Fiscal Years Ending June 30, 2009, And 2010 (250.02)

Recommendation: That Council approve and authorize the Finance Director to execute the First Amendment to Santa Barbara City Agreement No. 21,950, a two-year extension of the professional services contract with Caporicci & Larson, Certified Public Accountants (Caporicci & Larson) for the audit of the City's annual financial statements for the Fiscal Years ending June 30, 2009, and 2010, for an amount not to exceed \$58,250 per year (\$116,500 total).

10. Subject: Human Services Contract Assignments For Homeless Shelter Meal And Domestic Violence Intervention Programs (230.02)

Recommendation: That Council:

- A. Authorize the assignment of Community Kitchen Human Services Contract No. 22,729 in the remaining amount of \$26,000 for the period of January 1 - June 30, 2009, to Casa Esperanza for operation of the Homeless Shelter Meal Program; and
- B. Authorize the assignment of Domestic Violence Solutions Human Services Contract No. 22,733 in the remaining amount of \$4,750 for the period of January 1 - June 30, 2009, to Zona Seca for operation of the Domestic Violence Intervention Program.

11. Subject: Integrated Regional Water Management Plan Update And Proposition 84 Grant Application - Memorandum Of Understanding (540.08)

Recommendation: That Council authorize the Public Works Director to execute a Memorandum of Understanding among various public agency cooperating partners in Santa Barbara County for Administration of the Santa Barbara Countywide Integrated Regional Water Management Plan (IRWMP) revision and Proposition 84 Grant Application, with the City's share for the consultant services provided to Dudek Consultants and Kevin Walsh, County contract employee, with expenses not to exceed \$23,000.

12. Subject: Rejection Of Santa Barbara Golf Club Safety Plan Implementation And Upper Las Positas Storm Water Improvement Project Bids (570.02)

Recommendation: That Council reject the bids for construction of the Santa Barbara Golf Club Safety Plan Implementation and Upper Las Positas Storm Water Improvement Project, Bid No. 3463A, and direct staff to re-bid the project.

CONSENT CALENDAR (CONT'D)

13. Subject: Set A Date for Public Hearing Regarding Appeals Of Architectural Board Of Review Preliminary Approval For 1298 Coast Village Road (640.07)

Recommendation: That Council set the date of May 5, 2009, at 6:00 p.m. for hearing the appeals filed by 1) Save Coast Village Road and 2) Anthony Fischer, Attorney, representing Protect Our Village, of the Architectural Board of Review Preliminary Approval of an application for property owned by Olive Oil & Gas, LP, and located at 1298 Coast Village Road, Assessor's Parcel No. 009-230-043, C-1/R-2/SD3 Limited Commercial/Two-Family Residence/Coastal Overlay Zones, General Plan Designation: General Commercial. The project proposes the demolition of an existing gas station and service bays and construction of a new three-story, mixed-use building on an 18,196 square-foot lot. The new building would consist of 4,800 square feet of commercial space on the ground floor and 8 residential units totaling 12,192 square feet on the second and third floors.

NOTICES

14. The City Clerk has on Thursday, April 2, 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 concludes the Consent Calendar.

REDEVELOPMENT AGENCY REPORTS

15. Subject: Children's Museum Of Santa Barbara - Request For Preliminary Community Priority Designation And Approval Of Memorandum Of Understanding (640.09)

Recommendation:

- A. That Council make a preliminary finding that the proposed children's museum at 125 State Street meets a present need directly related to general welfare, and grant the project a Preliminary Community Priority Designation for 2,500 square feet of floor area; and
- B. That the Agency Board approve the Memorandum of Understanding with the Children's Museum of Santa Barbara regarding negotiations concerning the possible development of a children's museum at 125 State Street and authorize the Executive Director to execute the Memorandum of Understanding in a form acceptable to Agency Counsel.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

16. Subject: Upper State Street Setbacks (640.09)

Recommendation: That Council direct staff to initiate possible amendments to the Upper State Street Area Special District Zone setback standards, Santa Barbara Municipal Code Chapter 28.45, in order to accommodate the future transportation needs of the street.

PUBLIC WORKS DEPARTMENT

17. Subject: Underground Utility Assessment District Program Update And Proposed Program Enhancements (530.07)

Recommendation: That Council:

- A. Receive an update on the Underground Utility Assessment District (UUAD) Program (Program);
- B. Approve adding a Program Neighborhood Level of Support Threshold (Support Threshold); and
- C. Approve initiating a Financial Assistance Loan Program for UUAD Property Owners, and refer to the Finance Committee to establish the Loan Program parameters.

18. Subject: Measure D One-Year Local Program Of Projects For Fiscal Year 2010 (150.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure D One-Year Local Program of Projects for Fiscal Year 2010.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

19. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

(Continued from March 17, 2009, Item No. 11)

20. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (160.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

ADJOURNMENT



Agenda Item No. _____

File Code No. 410.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through April 30, 2009.

DISCUSSION:

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through April 30, 2009.

ATTACHMENT: April 2009 Service Awards

SUBMITTED BY: Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

APRIL 2009 SERVICE AWARDS

April 7, 2009 Council Meeting

5 YEARS

Paul Lopez, Streets Maintenance Worker, Public Works

10 YEARS

Kathleen Goo, Commission Secretary, Community Development

Melinda Jackson, Administrative Specialist, Public Works

Kimberly Thaler-Strange, Administrative Specialist, Public Works

Jill Zachary, Assistant Parks and Recreation Director, Parks and Recreation

25 YEARS

Alex Altavilla, Police Captain, Police

Kevin Harris, Grounds Maintenance Worker, Parks and Recreation



PROCLAMATION

DMV/Donate Life California Month April 2009

WHEREAS, organ, tissue, marrow and blood donation are life-giving acts recognized worldwide as expressions of compassion to those in need; and

WHEREAS, more than 100,000 individuals nationwide and more than 20,000 in California are currently on the national organ transplant waiting list, and every 90 minutes one person dies while waiting due to the shortage of donated organs; and

WHEREAS, the need for donated organs is especially urgent in Hispanic and African American communities; and

WHEREAS, more than 600,000 units of blood per year are needed to meet the need in California, and, at any given time, 6,000 patients are in need of volunteer marrow donors; and

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas, and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 50 others; and a single blood donation can help three people in need; and

WHEREAS, the spirit of giving and decision to donate are not restricted by age or medical condition; and

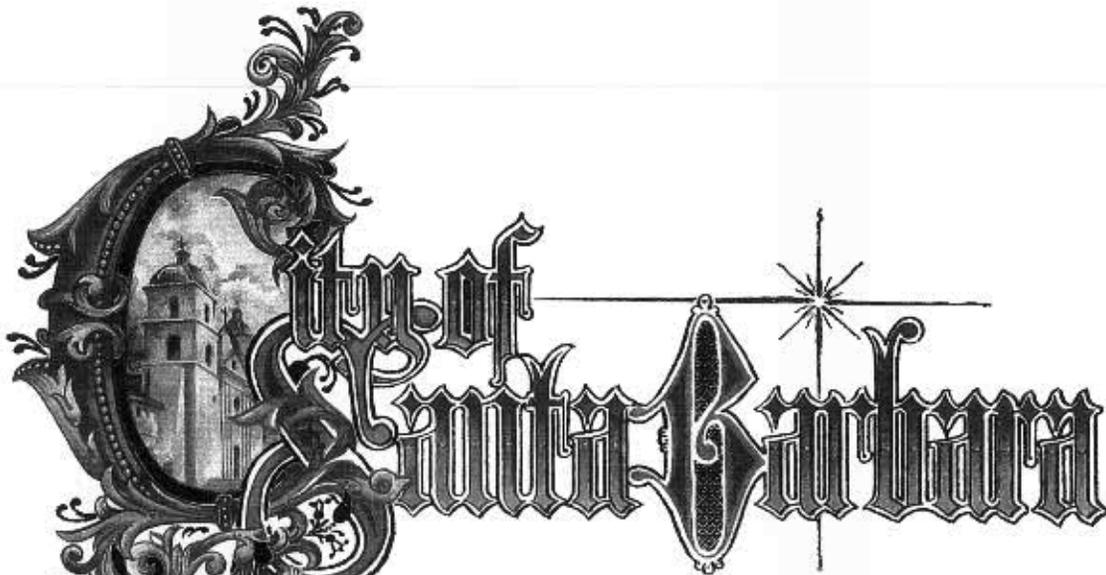
WHEREAS, California residents can sign up with the Donate Life California Registry when applying for or renewing their driver's licenses or ID cards at the California Department of Motor Vehicles (DMV).

NOW, THEREFORE, I, MARTY BLUM, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby proclaim April 2009 as **DMV/DONATE LIFE CALIFORNIA MONTH in the City of Santa Barbara and urge all Californian's to check "YES!" when applying for or renewing their driver's license or I.D. card, or by signing up at www.donateLIFEcalifornia.org or www.doneVIDAcalifornia.org.**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 7th day of April, 2009.



Marty Blum
MARTY BLUM, MAYOR



LETTER of RECOGNITION

David Starkey **Poet Laureate for the City of Santa Barbara**

WHEREAS, the City of Santa Barbara is widely recognized as an arts center, providing a spiritual home for creative activity, and for writers in particular; and

WHEREAS, the City of Santa Barbara commissioned the Poet Laureate Review Committee of the City Arts Advisory Committee to nominate a Poet Laureate in order to direct proper attention and honor to the spoken word by utilizing poetry to celebrate and elevate community events; and

WHEREAS, the Committee selected David Starkey, who nurtures future generations of poets and writers as Director of the Creative Writing Program at Santa Barbara City College and has written two textbooks on poetry including *Creative Writing: Four Genres in Brief* (Bedford/St. Martin's, 2008) and *Poetry Writing: Theme and Variations* (McGraw-Hill, 1999); and

WHEREAS, David has published more than 400 poems in the last 20 years and has works included in many discerning literary journals. Collections of his poetry include *Starkey's Book of States* (Boson Books, 2007), *Adventures of the Minor Poet* (Artamo Press, 2007), *Ways of Being Dead: New and Selected Poems* (Artamo, 2006), *David Starkey's Greatest Hits* (Pudding House, 2002) and *Fear of Everything*, winner of Palanquin Press's Spring 2000 chapbook contest.

WHEREAS, David has inspired audiences throughout the community with his thoughtful public recitations and poetry writing workshops for the Santa Barbara Writers Conference; and who, as host of SB Channel's "Creative Community," has added greatly to the history and cultural life of Santa Barbara;

NOW, THEREFORE, I, MARTY BLUM, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, California, do hereby bestow upon **DAVID STARKEY** the honor of serving as the City's Poet Laureate for a two-year term commencing April 1, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 7th day of April, 2009.


Marty Blum
MARTY BLUM, MAYOR



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING March 17, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:00 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams (2:04 p.m.), Mayor Blum.

Councilmembers absent: Dale Francisco.

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

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring March 16 - 21, 2009, As Teen Appreciation Week (120.04)

Speakers:

Staff: Recreation Supervisor Susan Young.

Action: Proclamation presented to Santa Barbara Youth Council Members Alex Huang, Evelyn Aldapa, Alicia Flores and Elly Iverson; Areli Barreto and Joe Sacks, representing City at Peace; Selena Rockwell, representing Fighting Back; Gabriella Rodriguez representing Future Leaders of America; and Marcus Lopez, representing Housing City Corp.

CHANGES TO THE AGENDA

Item Removed From Agenda

City Administrator James Armstrong stated that the following item will be continued to a later date.

11. Subject: Public Employee Performance Evaluation - Government Code Section 54957 (170.01)

Recommendation: That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

Motion:

Councilmembers Williams/Schneider to continue Item No. 11 to a future date.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

PUBLIC COMMENT

Speakers: Ruth Wilson; Wayne Scoles; Kay Morter, General Manager, Holiday Inn Express; Tamara Erickson; Kenneth Loch; Lazarus; Frank Banales; Kate Smith; Richard Robinson; Alejandra Gutierrez.

CONSENT CALENDAR (Item Nos. 2 - 7)

The titles of the ordinance and resolution related to Item Nos. 3 and 4, respectively, were read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of February 24, 2009, and the special meeting of February 27, 2009.

Action: Approved the recommendation.

3. Subject: Introduction Of Ordinance For Lease Agreement With MAG Aviation Fuel For A Self-Service Fueling Operation (330.04)

Recommendation: That Council:

- A. Approve and authorize, contingent on approval of a zoning change, the Airport Director to execute a five-year Lease Agreement, with one five-year option, with MAG Aviation Fuel (MAG), a partnership, for operation of a self-service fueling operation at 1600 Cook Place, at the Santa Barbara Airport, for a monthly base rental of \$675 or \$0.05 per gallon fuel flowage fees, whichever is greater; and
- B. Introduce and subsequently 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.

Action: Approved the recommendations (March 17, 2009, report from the Airport Director; proposed ordinance).

4. Subject: Resolution Authorizing Submission Of A Grant Application For Stimulus Funds For Wastewater (540.13)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the City Administrator to Submit a Financial Assistance Grant Application to the State of California Water Resources Control Board for the Planning, Design, and Construction of FOG (Fats, Oils and Grease) and Food Waste Biofuel Conversion and Headworks Screening Projects at El Estero.

Action: Approved the recommendation; Resolution No. 09-013 (March 17, 2009, report from the Public Works Director; proposed resolution).

5. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 1900 Lasuen Road - El Encanto Hotel And Garden Villas (640.07)

Recommendation: That Council:

- A. Set the date of April 28, 2009, at 2:00 p.m. for hearing the appeal filed by Marc Chyttilo, Attorney representing Jan and Joanna von Yurt, Robert and Elizabeth Leslie, and Farrokh and Sally Nazerian of the Planning Commission approval of an application for property owned by Orient Express Hotels, Trains & Cruises and located at 1900 Lasuen Road,

(Cont'd)

5. (Cont'd)

- A. El Encanto Hotel and Garden Villas, Assessor's Parcel No. 019-170-022, R-2/4.0/R-H, Two Family Residential/4 Units per Acre/Resort-Residential Hotel Zones, General Plan Designation: Residential, 3 Units per Acre. The proposed project is a Revised Master Plan consisting of 1) a predominantly underground utility distribution facility and surface valet parking lot with operations facility below; 2) Mission Village, consisting of 5 cottages with valet parking garage below; 3) Cottages 27 and 28, which were previously approved and eliminated; and 4) a swimming pool with a fitness center below. The discretionary applications required for this project are various Modifications, Development Plan Approvals and a Transfer of Existing Development Rights; and
- B. Set the date of April 27, 2009, at 1:30 p.m. for a site visit to the property located at 1900 Lasuen Road.

Action: Approved the recommendations (February 23, 2009, letter of appeal).

6. Subject: Set A Date For Public Hearing Regarding Appeal Of Single Family Design Board Approval For 3455 Marina Drive (640.07)

Recommendation: That Council set the date of May 19, 2009, at 2:00 p.m. for hearing the appeal filed by Don Santee, Ronald Green, Michael Moore and Kitch Wilson, of the Single Family Design Board Final Approval with conditions of an application for property owned by the Silva Family Trust and located at 3455 Marina Drive, Assessor's Parcel No. 047-022-004, A-1/SD-3 Single Family Residence and Coastal Overlay Zones, General Plan Designation: Residential, 1 Unit per Acre. The proposed project involves construction of a one-story single-family residence including a three-car attached garage.

Action: Approved the recommendation (February 26, 2009, letter of appeal).

NOTICES

7. The City Clerk has on Thursday, March 12, 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 FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to continue discussion of the City's reserve policies and related recommendations of the Infrastructure Financing Task Force. The Committee will continue this discussion further before presenting this item to the full Council.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

8. Subject: Introduction Of Ordinances For Memorandum Of Understandings And Salary Plans For TAP Unit, Hourly Unit, Supervisors Unit, And Unrepresented Managers (Fiscal Year 2009 - Fiscal Year 2011) (440.02)

Recommendation: That Council:

- A. Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, for the period of October 1, 2008, through September 30, 2010, by introduction and subsequent adoption of, by reading of title only, 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. Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Hourly Employees' Bargaining Unit, for the period of November 1, 2008, through December 31, 2010, by introduction and subsequent adoption of, by reading of title only, 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. Ratify the Memorandum of Understanding between the City and the Santa Barbara City Supervisory Employees' Bargaining Unit for the period of January 10, 2009, through January 9, 2011, by introduction and subsequent adoption of, by reading of title only, 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. Introduce and subsequently adopt, by reading of title only, 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.

Documents:

- March 17, 2009, report from the City Administrator.
- March 17, 2009, PowerPoint presentation prepared and made by Staff.
- Proposed Ordinances.

The titles of the Ordinances were read.

(Cont'd)

8. (Cont'd)

Speakers:

- Staff: Employee Relations Manager Kristine E. Schmidt.
- Members of the Public: Lanny Ebenstein, Santa Barbara County Taxpayers Association; Terry Tyler.

Motion:

Councilmembers Schneider/Williams to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

9. Subject: South Coast Gang Task Force Leadership Council - Designation Of City Council Representative (140.07)

Recommendation: That the Council designate the Mayor to be the City Council's representative on the Leadership Council of the South Coast Gang Task Force and the Mayor Pro Tempore as the alternate.

Documents:

March 17, 2009, report from the City Administrator.

Speakers:

Staff: City Special Projects Manager Don Olson, City Administrator James Armstrong.

Motion:

Councilmembers Falcone/Schneider to designate Mayor Blum as the City Council's representative on the Leadership Council of the South Coast Gang Task Force.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

Motion:

Councilmembers Schneider/Horton to designate Mayor Pro Tempore Francisco as the alternate.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

RECESS

Mayor Blum recessed the meeting at 3:16 p.m. in order for the Council to reconvene in closed session for Item No. 10, and stated that no reportable action is anticipated.

CLOSED SESSIONS

10. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the General employees' bargaining units regarding changes to salaries and benefits contained in the existing labor agreement.

Scheduling: Duration, 45 minutes; anytime

Report: None anticipated

Documents:

March 17, 2009, report from the Assistant City Administrator.

Time:

3:20 p.m. - 4:40 p.m. Councilmember Francisco was absent.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:40 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING
March 24, 2009
CITY HALL, ROOM 15, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 1:05 p.m.

ROLL CALL

Councilmembers present: Iya G. Falcone (1:10 p.m.), Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley.

PUBLIC COMMENT

No one wished to speak.

NOTICES

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.

CLOSED SESSIONS

Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

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

Scheduling: Duration, 30 minutes; 1:00 p.m.

Report: None anticipated

(Cont'd)

Subject: Conference With Legal Counsel - Anticipated Litigation (Cont'd)

Documents:

March 24, 2009, report from the City Attorney.

Time:

1:05 p.m. – 1:35 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 1:35 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST:

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009
TO: Mayor and Councilmembers
FROM: Administration Division, Fire Department
SUBJECT: Records Destruction For Fire 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 Fire Department in the Administration Division.

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 Fire Chief 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 Fire Chief requests the City Council to approve the destruction of the Fire Department records in the Administration Division 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 Fire Department
April 7, 2009
Page 2

PREPARED BY: Carol Lupo, Executive Assistant

SUBMITTED BY: Ron A. Prince, Fire Chief

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 FIRE DEPARTMENT IN THE
ADMINISTRATION DIVISION

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 Fire Chief submitted a request for the destruction of records held by the Fire 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 Fire Chief or his designated representative, is authorized and directed to destroy the Records without retaining a copy.

FIRE DEPARTMENT – ADMINISTRATION DIVISION

<u>Records Series</u>	<u>Date(s)</u>
Calendars	1986-1990
Complaints	1982-2001
Correspondence	1974-2004
Equipment Records	1978
General Administrative Files	1983-2006
Membership in Associations, Societies, and Committees	1989-1990
Personnel Recruitment Files	1988-1995
Reports and Studies	1993
Staff Working Papers	1986-1998
Subject Files	1986-2003
Administrative Subject Files	1972-2005
Fire Prevention Records	1981-2002
Occupancy Files	1967-1999
Timesheets	1997-2001



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009
TO: Mayor and Councilmembers
FROM: Community Services Division, Police Department
SUBJECT: Proposed Increase To Animal Control Fees

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 08-060, Establishing Certain Dog Licensing Fees, Adjusting Animal Control Fees, and Rescinding Resolution Nos. 07-052, 07-085, and 08-013.

DISCUSSION:

Providing animal services to the residents on the South Coast is a costly but necessary endeavor for all agencies that provide public safety. The City of Santa Barbara has continually provided its citizens with top-level service through the Police Department's Animal Control section however; costs continue to rise on an annual basis. Since 1980, Santa Barbara City's Animal Control program has contracted with Santa Barbara County to provide shelter services which include impounding and shelter boarding stray animals, euthanizing animals when necessary, and providing dead animal disposal. On April 28, 2008, the City of Santa Barbara entered a contractual agreement with the County of Santa Barbara for a negotiated incremental increase in animal shelter service fees from \$50,000 annually culminating in annual fees of \$265,000 in FY2011, a 530% increase. The City of Santa Barbara does not provide animal sheltering services and currently, there is no alternative to utilizing Santa Barbara County's Animal Shelter for mandated services.

To keep track with the increased cost of providing services, most agencies on the South Coast have increased fees associated with licensing dogs. Currently, the law provides an incentive for owners who spay or neuter their dog by requiring agencies to charge one-half of the cost per dog license if the animal is altered (spayed or neutered). On March 1, 2009, Santa Barbara County Animal Services increased dog licensing fees from \$39 for a one year license (unaltered dog) to \$50. Ventura County Animal Regulations currently charges \$50 for an unaltered one year license. The proposed fee increase by Santa Barbara City Animal Services is comparable to other local agency's animal fees and reflects the increasing costs of providing Animal Control services to residents and local veterinarians participating in the animal licensing program in the City of Santa Barbara.

Due to the increasing cost of providing animal services, the Police Department recommends the following fees be changed and approved by Council. To allow for a public awareness campaign, the effective date for the fee increases will be June 1, 2009.

PROPOSED DOG LICENSING FEE ADJUSTMENT:

	From	To
• One year/regular fee:	\$40.00	\$50.00
• One year/altered fee:	\$20.00	\$25.00
• Six month/regular fee:	\$20.00	\$25.00
• Six month/altered fee:	\$10.00	\$12.00
• Duplicate tag:	\$10.00	\$12.00
• One year senior citizen/regular fee:	\$20.00	\$25.00
• One year senior citizen/altered fee:	\$10.00	\$12.00
• Six month senior citizen/regular fee:	\$10.00	\$12.00
• Six month senior citizen/altered fee:	\$5.00	\$6.00
• Senior citizen duplicate tag:	\$5.00	\$6.00
• All late penalty fees	\$20.00	\$25.00

BUDGET/FINANCIAL INFORMATION:

Revenues to the City from the dog license fee increase are estimated at \$25,000 per year.

PREPARED BY: David Whitham, Administrative Services Lieutenant

SUBMITTED BY: Cam Sanchez, Chief of Police

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING RESOLUTION NO. 08-060, ESTABLISHING CERTAIN DOG LICENSING FEES, ADJUSTING ANIMAL CONTROL FEES, AND RESCINDING RESOLUTION NOS. 07-052, 07-085, AND 08-013

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT Resolution No. 08-060 effective June 1, 2009, as follows:

ANIMAL CONTROL FEES

Section 6.12.050 of the Santa Barbara Municipal Code authorizes the City council to set fees and charges for custody or control of dogs.

1. The license fee for one year shall be \$50.00 for each dog in the city, regardless of sex, over the age of four months, or \$25.00 for any dog that has been spayed or neutered.
2. The license fee for six months shall be \$25.00 for each dog in the city, regardless of sex, over the age of four months, or \$12.00 for any dog that has been spayed or neutered.
3. The fee for a duplicate dog license shall be \$12.00.
4. The license fee for one year for senior citizens (persons 65 years or older) shall be \$25.00 for each dog in the city, regardless of sex, over the age of four months, or \$12.00 for each dog that has been spayed or neutered.
5. The license fee for six months for senior citizens shall be \$12.00 for each dog in the city, regardless of sex, over the age of four months, or \$6.00 for each dog that has been spayed or neutered.
6. The senior Citizen fee for a duplicate dog license shall be \$6.00.
7. The penalty fee for a delinquent dog license shall be \$25.00.
8. The fee increases are to be effective June 1, 2009.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Creeks Division, Parks and Recreation Department

SUBJECT: Mission Creek Fish Passage – Accept Grant Funding For Design Of CalTrans Channel Steelhead Migration Barrier Removal

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Accept Grant Funds and Execute a Grant Agreement for \$500,000 from the California Department of Fish and Game (CDFG) Fisheries Restoration Grant Program for the Mission Creek Fish Passage Project at the CalTrans Channel; and
- B. Increase the appropriation and estimated revenue by \$500,000 in the Creeks Division Capital Fund for the Mission Creek Fish Passage Project at the CalTrans Channel.

DISCUSSION:

Introduction

Over the last three years, the Creeks Division has worked with the CDFG, National Oceanic and Atmospheric Administration (NOAA), Santa Barbara County Flood Control District, Environmental Defense Center (EDC), and community members to remove barriers to steelhead trout migration in Mission Creek.

Mission Creek is considered the most viable stream for steelhead trout restoration in the City of Santa Barbara. Mission Creek contains high quality spawning and rearing habitat in the mid and upper watershed and currently has a population of rainbow trout (freshwater version of steelhead). Mission Creek also has a documented historic run of steelhead trout and, every year for the last five years, steelhead trout have been recorded attempting to migrate upstream without success due to barriers within the stream channel.

There are 12 identified barriers to steelhead trout migration on Mission Creek. The three most significant barriers are the CalTrans Channel, the Tallant Road Bridge, and the Highway 192 Bridge. Removing these barriers would provide access for steelhead trout to 4.86 miles of creek channel, which include two miles of moderate to high quality spawning and rearing habitat. These three barriers are the primary focus of the Creeks Division's restoration efforts on Mission Creek.

The most significant barrier to allowing steelhead trout to migrate upstream is the CalTrans Channel. It is the lowest downstream barrier on Mission Creek and is completely impassable by steelhead trout. A conceptual design for making this barrier passable has been developed and tested using computer and physical modeling. Funds for that work were provided by grants from the CDFG and the Annenberg Foundation (through the EDC). The next steps toward establishing steelhead migration into the upper watershed are to complete the design and construction specifications, permitting, and environmental review processes for a fish passage project at the CalTrans Channel.

In May 2008, the Creeks Division applied for a grant with the CDFG to complete design, permitting, and environmental review for the Mission Creek Fish Passage Project at the CalTrans Channel. In March 2009, CDFG notified the Creeks Division that grant funds for this project had been awarded to the City. The Creeks Division is now recommending that Council accept the CDFG grant. Once approved, the Creeks Division will oversee preparation of design plans and construction specifications, permitting, and environmental review for the CalTrans Channel fish passage project.

Assuming Council accepts the grant funds, the grant contract with CDFG will be finalized by April 17, 2009. An RFP will be sent out to design engineering firms for the plans and specifications on April 10, 2009. A contract to hire the engineering design firm will be ready for City Council approval on June 2, 2009. The design firm will complete plans and specifications by March 31, 2010.

BUDGET/FINANCIAL INFORMATION:

The estimated cost to complete design plans, specifications, and permitting is \$768,000. Funding includes the \$500,000 CDFG grant, \$135,000 from the EDC through a grant from the Annenberg Foundation, and \$132,500 from Measure B funds in the Creeks Division capital budget. The Creeks Division has \$189,000 available for Mission Creek Barrier removal projects in its Fiscal Year 2009 capital budget.

SUSTAINABILITY IMPACT:

This fish passage project will contribute to local, regional, and federal objectives of removing migration barriers for the endangered steelhead trout within Mission Creek.

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

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

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO ACCEPT GRANT FUNDS AND EXECUTE A GRANT AGREEMENT FOR \$500,000 FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG) FISHERIES RESTORATION GRANT PROGRAM FOR THE MISSION CREEK FISH PASSAGE PROJECT AT THE CALTRANS CHANNEL

WHEREAS, the City of Santa Barbara will enter into a grant agreement with the California Department of Fish and Game for preparation of design and construction specifications for the Mission Creek Fish Passage Project at the CalTrans Channel; and

WHEREAS, the California Department of Fish and Game has Agreed to provide the City of Santa Barbara with \$500,000 for the Mission Creek Fish Passage Project at the CalTrans Channel.

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

SECTION 1. The Parks and Recreation Director of the City of Santa Barbara is hereby authorized and directed to execute a grant agreement between the City of Santa Barbara and the California Department of Fish and Game for grant funds in an amount not to exceed \$500,000 for the Mission Creek Fish Passage Project at the CalTrans Channel according to the terms and conditions set forth in the agreement; and

SECTION 2. The Council appoints the Parks and Recreation Director as representative of the City of Santa Barbara to conduct negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and other documents which may be necessary for the completion of the proposed project.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Creeks Division, Parks and Recreation Department

SUBJECT: Resolution Authorizing Submission Of Grant Applications Totaling \$3,941,585 For Stimulus Funds For Non-Point Source Pollution Treatment Projects

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Submit Applications to the State Water Resources Control Board for a Financing Agreement for the Catch Basin Inlet Storm Drain Screens Project, the Parking Lot Storm Water Retrofit Project, and the Upper Las Positas Creek Restoration and Storm Water Management Project.

DISCUSSION:

On February 17, 2009, the American Recovery and Reinvestment Act of 2009 was signed into law by President Obama. This act appropriates additional economic stimulus funds for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization. The California Clean Water State Revolving Fund (CWSRF) will receive approximately \$280 million from this bill. The CWSRF will modify their existing loan program to distribute a portion of these monies as grants to fund nonpoint source pollution control projects throughout the state.

Although competition is extremely high for these stimulus funds, the Creeks Division is proposing to submit three grant applications for projects that conform to the funding agency's grant requirements. These projects were selected by staff because they create jobs, build green infrastructure, and will be ready for construction when the CWSRF begins awarding stimulus funding. The CWSRF guidelines require a resolution authorizing the applicant's representative to sign the grant application and execute a grant contract.

Creeks Division projects proposed for the CWSRF grant applications include:

- Catch Basin Inlet Storm Drain Screens Project – installation of retractable screens on all City storm drain inlets to prevent trash and debris from entering the creeks and beaches, while still allowing storm water flows to pass.
- Parking Lot Stormwater Retrofit Project at Downtown Parking Lot #4 – construction of an infiltration well for the treatment of storm water and urban runoff. This is a Low Impact Development (LID) demonstration project.
- Upper Las Positas Creek Restoration & Stormwater Management Project – construction of vegetated swales, basins, and pocket wetlands that capture and treat urban storm water runoff from adjacent neighborhoods and the municipal golf course.

BUDGET/FINANCIAL INFORMATION:

The Creeks Division is requesting \$3,941,585 in grant funding. Of that amount, \$1,789,388 from the grant will be for the Storm Drain Screens Project, augmented with \$184,612 of Measure B matching funds. For the Parking Lot Stormwater Retrofit Project, \$500,000 of the grant funds will be augmented with \$100,000 of Measure B matching funds. Finally, staff is requesting \$1,652,197 from the CWSRF for the Las Positas Creek Project, to be augmented with \$314,398 in Measure B matching funds. Measure B matching funds for all proposed projects are included in the Creeks Division Capital Fund.

SUSTAINABILITY IMPACT:

These projects are designed to reduce several types of water quality pollutants, including trash, sediment, nutrients, and heavy metals. The Las Positas Creek project also includes several acres of creek habitat restoration

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

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

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO SUBMIT APPLICATIONS TO THE STATE WATER RESOURCES CONTROL BOARD FOR A FINANCING AGREEMENT FOR THE CATCH BASIN INLET STORM DRAIN SCREENS PROJECT, THE PARKING LOT STORM WATER RETROFIT PROJECT, AND THE UPPER LAS POSITAS CREEK RESTORATION AND STORM WATER MANAGEMENT PROJECT

WHEREAS, the President of the United States of America has signed into law the American Recovery and Reinvestment Act of 2009, which includes funds for the implementation of water quality improvement projects;

WHEREAS, the State Water Resources Control Board has established application procedures for projects to be funded by the American Recovery and Reinvestment Act of 2009; and

WHEREAS, said procedures and criteria require that the grant applicant demonstrate the authority to apply and enter into a financing agreement with the State Water Resources Control Board.

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

SECTION 1. The Parks and Recreation Director of the City of Santa Barbara is hereby authorized and directed to sign and file such applications with the State Water Resources Control Board.

SECTION 2. The Parks and Recreation Director of the City of Santa Barbara is hereby authorized to negotiate and execute a financing agreement and any amendments, and to certify invoices on behalf of the City of Santa Barbara.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Accounting Division, Finance Department

SUBJECT: Two-Year Extension Of A Professional Services Contract For Independent Audit Services For The City's Annual Financial Statements For The Fiscal Years Ending June 30, 2009, And 2010

RECOMMENDATION:

That Council approve and authorize the Finance Director to execute the First Amendment to Santa Barbara City Agreement No. 21,950, a two-year extension of the professional services contract with Caporicci & Larson, Certified Public Accountants (Caporicci & Larson) for the audit of the City's annual financial statements for the Fiscal Years ending June 30, 2009, and 2010, for an amount not to exceed \$58,250 per year (\$116,500 total).

DISCUSSION:

The City Charter requires that an independent audit of the City's annual financial statements be conducted each year. The nature and scope of the audit is to issue an opinion regarding the fairness of presentation of the City's (and Redevelopment Agency's) financial position for each year in accordance with generally accepted accounting principles. The audits to be performed will follow generally accepted auditing standards, U.S. General Accounting Office's Government Auditing Standards, Single Audit Act, and OMB A-133. An audit also includes assessing the accounting principles used, internal control structures, and estimates made by management, as well as evaluating the overall financial statement presentation.

The contract includes the City's Single Audit, which is an audit of expenditures of federal grants. This contract also includes compliance audits of the Communications Law Enforcement Technology System (CLETS) joint venture and the Airport Passenger Facility Charges Program.

Caporicci & Larson has conducted these audits for the past three fiscal years, during which time they have developed an understanding of the City's operations that has aided the firm in providing quality audit services. With that knowledge, the firm has been able to expand its audit efforts and provide observations that have assisted City staff. Caporicci & Larson has also demonstrated its ability to respond to requests of the City and its ability to deliver a quality product.

Council Agenda Report

Two-Year Extension Of A Professional Services Contract For Independent Audit Services For The City's Annual Financial Statements For The Fiscal Years Ending June 30, 2009, And 2010

April 7, 2009

Our recommendation to extend the audit contract for two years stems from several factors: Working with new auditors would result in many more hours of work to document and test the City's financial processes and internal controls. The audit also would require significantly more time for the new auditors to become familiar with our systems, records, policies, and procedures and to obtain confidence in Finance Department personnel. This additional work by the auditors would result in a significant increase in staff time needed to support the audit and would be a significant burden to the City, especially in light of current staff reductions proposed in the budget for the next fiscal year.

In the past, the City has not generally changed auditors after an initial three-year term. Continuity of the auditing firm provides efficiencies for staff and the auditors. The City's prior auditors performed their services for six years before the City changed to Caporicci & Larson. Changing auditors at this time would have a significant negative impact upon City staff, particularly the Accounting Division staff.

BUDGET/FINANCIAL INFORMATION:

Caporicci & Larson has acknowledged the difficult current financial climate of the City and has proposed a decrease in their fee for the proposed two-year extension. The proposed fee for the two-year extension of the audit contract will not exceed \$58,250 per year (\$116,500 total). This is a reduction of \$5,000 from the fee for the June 30, 2007 and 2008 auditing services. The cost of this contract extension has been included in the fiscal year 2009 adopted budget and the fiscal year 2010 proposed budget. No additional appropriations are required for this contract.

ATTACHMENT: First Amendment to Santa Barbara City Agreement No. 21,950

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert Peirson, Finance Director

APPROVED BY: City Administrator's Office

First Amendment to
SANTA BARBARA CITY AGREEMENT NO. 21,950

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on March 24, 2009 by and between
the

CITY OF SANTA BARBARA,
a municipal corporation, hereinafter
referred to as "City";

and

Caporicci & Larson,
hereinafter referred to as
"Contractor",

WITNESSETH:

Whereas, the City requires the services of professionals having the appropriate background, training, and experience necessary to perform a financial statement audit.

Now, therefore, the City and Contractor agree that sections 1, 2 and 3 of Agreement No. 21,950 are amended to read as follows. A new section 16 is added to the Agreement to read as provided below. All other provisions of the original agreement remain in full force and effect without amendment.

Now, therefore, the City and Contractor agree as follows:

1. CONTRACTOR'S SERVICES

Contractor shall, as authorized and directed by the City, provide the personnel, supervision, equipment, supplies, services, administration, transportation, and other needs to complete the work described in Exhibit A of the original Agreement. However, the cost of the services described in Exhibit A of the original Agreement shall be amended to reflect the provisions of the proposal letter from Contractor dated March 10, 2009 attached as Exhibit to this First Amendment. Contractor is responsible for obtaining and administering the employment of personnel having the training, experience, licenses, and other qualifications necessary for the work assigned. Contractor is an independent contractor and shall not be considered an agent or employee of the City for any purpose. Contractor and its employees and agents are not entitled to any of the benefits of City employees. All project-related costs shall be assumed and paid by Contractor. This contract provides the exclusive means of payment and reimbursement of costs to Contractor by the City.

Such work shall include the following:

- a. Contractor shall perform those services as described in Exhibit A to the original Agreement, attached thereto and incorporated therein by this reference, in full compliance with

adopted City policies and guidelines as provided to Contractor, and in compliance with all other applicable laws and regulations.

b. Contractor shall perform all services and prepare all documents in professional form, exercising the special experience, skill, and education required for such service.

c. Contractor shall provide finished documents of presentation quality that evidence the highest standards of investigation, professional review, public participation, and presentation.

2. CLAIMS AND PAYMENT

a. City shall reimburse Contractor for personnel costs reasonably and necessarily incurred in the performance of required services according to the fees specified in Exhibit to this First Amendment. Any changes in personnel or in rates of compensation specified in Exhibit 1 must be made in writing and require the prior written approval by Robert Peirson, Finance Director.

b. City shall reimburse Contractor for other necessary costs including the actual costs of copies, printing, postage, shipping and documents expense, as well as the costs of other materials, equipment, services and supplies, as required to complete the work and approved by Rudolf Livingston, Accounting Manager, according to Exhibit A to the original Agreement, as modified by Exhibit to this First Amendment. Any costs associated with subcontractor work shall not include more than a 10% surcharge (of total cost of additional subcontractor work) for Contractor's supervision, administrative costs, profit and overhead.

c. Total compensation for services pursuant to this First Amendment, including all reimbursable expenses, shall not exceed the sum of One Hundred Sixteen Thousand Five Hundred Dollars (\$116,500) without the express written approval of the City of Santa Barbara. The total compensation for services under Agreement No. 21,950 and this First Amendment shall not exceed Three Hundred Two Thousand Seven Hundred Fifty Dollars (\$302,750) without the express written approval of the City of Santa Barbara.

d. Contractor shall request payment by submitting a claim to Rudolf Livingston, Accounting Manager, for review and approval. Each Contractor claim shall contain an itemized statement showing the hours spent on each task by which employees following the budget format included in Exhibit A to the original Agreement. Copies of subcontractors' invoices shall be attached to any Contractor claim seeking reimbursement for subcontractor expenses. Any claim requesting reimbursement for a direct expenditure (i.e., travel, postage, phones, etc.) in excess of \$100 shall include evidence of expenditure. A summary report of work completed shall be submitted with each claim.

e. Contractor shall submit claims for payment to the City on a monthly basis.

f. Contractor shall keep records concerning payment items on a generally recognized accounting basis and such records shall be maintained for a period of two (2) years following the completion of the work assigned. Such records shall be made available for copying, inspection or audit by City employees or independent agents during reasonable business hours.

3. SCHEDULE OF PERFORMANCE AND BUDGET

Contractor shall satisfactorily perform the services described in Paragraph 1 of this Agreement within the Time Schedule provided on pages 55-58 of Exhibit A to the original Agreement, updated for the years 2009 and 2010. Contractor shall review the remaining work and remaining budget at least monthly (or at such other interval as directed by City staff) and shall confirm that completion may be expected within the budget approved or, in the alternative, give immediate notice when it shall first appear that the approved budget will not be sufficient,

together with an explanation for any projected insufficiency. Contractor shall immediately inform the City Finance Director of any problems, obstructions or deviations of which Contractor becomes aware affecting Contractor's ability to complete the project in a timely, efficient and competent manner.

16. CITY SERVICE CONTRACTOR MANDATORY MINIMUM WAGE

Chapter 9.128 of the Santa Barbara Municipal Code establishes a mandatory minimum wage for employees of contractors providing services to the City. In the performance of this Agreement, Contractor and any subcontractor, agent, or assignee of Contractor under this Agreement shall comply with the provisions of Chapter 9.128 of the Municipal Code as such Chapter existed upon the adoption of this Agreement or the last date this Agreement was amended.

IN WITNESS THEREOF, the parties hereto have executed this First Amendment of Agreement No. 21,950 for the preparation of a financial statement audit in triplicate as of the day and year first above written.

CITY OF SANTA BARBARA,
a Municipal Corporation

Caporicci & Larson, Certified Public
Accountants

By _____
Robert Peirson, Finance Director

Signature Gary M. Caporicci
Print Name GARY M. CAPORICCI
Title SENIOR PARTNER

ATTEST:

Cynthia M. Rodriguez, CMC
City Clerk Services Manager

APPROVED AS TO CONTENT:

By _____
Rudolf Livingston, Accounting Manager

APPROVED AS TO FORM:
CITY ATTORNEY, Stephen P. Wiley

By _____
Assistant City Attorney

BUSINESS TAX COMPLIANCE

Certificate No. _____

By _____

Notices to City:

City Clerk
P.O. Box 1990
Santa Barbara, California 93102-1990

APPROVED AS TO INSURANCE:

Risk Manager

EXHIBIT

Services under this First Amendment to City of Santa Barbara Agreement Number 21,950 shall be performed in the same manner as the services provided for the fiscal year ending June 30, 2008 as described in Exhibit A to the original Agreement. Contractor shall conduct the audits under this First Amendment according to the schedule of hours and fees specified on Page 14 and Pages 37-45 of Exhibit A to the original Agreement with the following adjustments to the fee schedule:

The above referenced services will be provided for the following fee:

Fee for audit services:

	FY 08 Audit Fee	Discount for FY 09 & FY 10	FY 09 & FY 10 Audit Fee
City of Santa Barbara	43,193	3,650	39,543
Redevelopment Agency	15,757	1,350	14,407
CLETS	2,500	-	2,500
Passenger Facility Charge	1,800	-	1,800
Total	<u>63,250</u>	<u>5,000</u>	<u>58,250</u>

The aforementioned reductions in the cost of the City and Redevelopment Agency audits are in addition to any discounts specified in Exhibit A to the original Agreement.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Housing and Redevelopment, Community Development Department

SUBJECT: Human Services Contract Assignments For Homeless Shelter Meal And Domestic Violence Intervention Programs

RECOMMENDATION: That Council:

- A. Authorize the assignment of Community Kitchen Human Services Contract No. 22,729 in the remaining amount of \$26,000 for the period of January 1 – June 30, 2009, to Casa Esperanza for operation of the Homeless Shelter Meal Program; and
- B. Authorize the assignment of Domestic Violence Solutions Human Services Contract No. 22,733 in the remaining amount of \$4,750 for the period of January 1 - June 30, 2009, to Zona Seca for operation of the Domestic Violence Intervention Program.

DISCUSSION:

Community Kitchen

As of February 1, 2009, Casa Esperanza merged with Community Kitchen to assume responsibility for operations of the Community Kitchen Program in Santa Barbara. Community Kitchen has submitted paperwork to the State of California to dissolve its 501(c)(3) status. Two of Community Kitchen's board members have joined the Casa Esperanza Board of Directors, and the remaining board members will serve as the Community Kitchen Board of Managers, which will oversee the day-to-day operation of the program.

Community Kitchen has been serving free meals three times daily to homeless Santa Barbara residents for the past 17 years. It currently operates out of the Ridley-Tree Kitchen at Casa Esperanza. Meals are prepared by paid staff and volunteers serve the food, assist with food pick-up, and clean up after meals. The City of Santa Barbara has supported this program through its Human Services funds since Fiscal Year 1996. The City portion is approximately 12% of the program's total operating budget.

The Community Development and Human Services Committee made a recommendation at their February 24, 2009 meeting that City Council authorize the assignment of Community Kitchen's Human Services Contract No. 22,729 and the remaining \$26,000 to Casa Esperanza. The contract is for the operation of the Homeless Shelter Meal Program through June 30, 2009.

Domestic Violence Solutions

Due to state funding cuts, as well as non-payment of program fees by program participants, Domestic Violence Solutions (DVS) closed their Domestic Violence Intervention Program as of January 30, 2009. The board of DVS decided to eliminate the Intervention Program and focus their remaining resources on other DVS programs.

Zona Seca agreed to take DVS clients into their Family Violence Program at the request of the County Probation Department. Zona Seca has been a provider of batterer intervention services for the County for many years. The program provides a 52-week counseling and education program for court-mandated adults who have committed acts of violence against a domestic partner. The City of Santa Barbara has supported the Intervention Program through its Human Services funds since Fiscal Year 2000.

The Community Development and Human Services Committee made a recommendation at their February 24, 2009 meeting that City Council authorize the assignment of Domestic Violence Solutions Human Services Contract #22,733 and the remaining \$4,750 to Zona Seca. The contract is for the operation of the Domestic Violence Intervention Program through June 30, 2009.

Both contracts allow for assignment with prior written consent of the City.

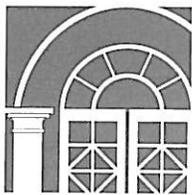
ATTACHMENTS:

1. Letter from Casa Esperanza and Community Kitchen
2. Letter from Domestic Violence Solutions
3. Letter from Zona Seca
4. Letter from Santa Barbara County Probation Department

PREPARED BY: Sue Gray, Community Development Program Supervisor II

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



Casa Esperanza
Homeless Center

Under One Roof

January 30, 2009

P.O. Box 24116
Santa Barbara, CA 93121
(805) 884-8481

Sue Gray
City of Santa Barbara Community Development Department
630 Garden Street
Santa Barbara CA. 93101

BOARD OF DIRECTORS

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Juliana Minsky

Robert Nunez

Robert Pearson

David Peri

Nick Quintero

Lady Leslie Ridley-Tree

Beatrice Terrés Rosales

Marilyn Rickard Schafer

Mark Taylor

Ken Williams

Michael J. Foley

Executive Director

Dear Sue & Members of the Commission:

Thank you for speaking with us regarding Casa Esperanza's assumption of responsibility for the programming of the Community Kitchen of Santa Barbara. By joining forces, we believe that the mission of the Community Kitchen and Casa Esperanza are mutually strengthened and that the entire community will benefit from increased strength and efficiency as we work to find solutions to poverty and homelessness in Santa Barbara.

Together we request that you transfer the existing Community Kitchen grant to Casa Esperanza as soon as possible. Paperwork has been submitted to the State of California to dissolve the Community Kitchen 501c3 and the merging of operations has begun.

The work of the Community Kitchen is unique in that we are the only agency that travels throughout the community collecting food, preparing and serving that food to the homeless and hungry in Santa Barbara at no charge to the recipient. For the last nine years the Community Kitchen's base of operation has been housed in the Ridley-Tree Kitchen in the Casa Esperanza building. Two Community Kitchen Board Members have agreed to join the Casa Esperanza Board of Directors and the remaining Board members will continue to serve on the Community Kitchen Board of Managers (Operational Board). A Community Kitchen Program Director, Susan Krisher, has been hired is now working.

The mission and programming for Community Kitchen is unchanged.

We are incredibly grateful for our partnership with the City of Santa Barbara, and look forward to continuing this vital effort together.

Sincerely,

Michael Foley
Executive Director
Casa Esperanza

Cheryl Young
Board Chair
Community Kitchen

RECEIVED

FEB 3 2008

CITY OF SANTA BARBARA
HOUSING AND REDEVELOPMENT



March 18, 2009

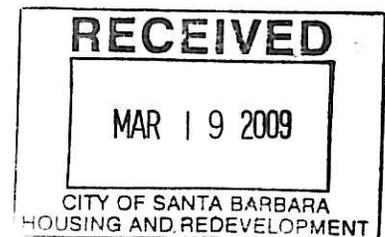
City of Santa Barbara
Community Development Department
Housing & Redevelopment Division
P.O. Box 1990
Santa Barbara, Ca. 93102
Attn. Liz Stotts or Sue Gray

Dear Sue Gray:

We officially closed down our Intimate Partner Abuse Program in Santa Barbara on Jan. 31st, 2009. At that time we transferred all our remaining clients to Zona Seca in Santa Barbara. Because of this we would have no problem with you providing the remaining grant monies to Zona Seca for their continued work with this population.

Sincerely,

Beverly Engel
Executive Director
Domestic Violence Solutions



Administrative Center
P.O. Box 1536
Santa Barbara, CA 93102
805.963.4458
fax 805.963.1169

Santa Barbara Shelter
P.O. Box 3782
Santa Barbara, CA 93130
805.964.0500
24hr. 805.964.5245

Lompoc Shelter
P.O. Box 1366
Lompoc, CA 93438
805.735.1834
24hr. 805.736.0965

Santa Maria Shelter
P.O. Box 314
Santa Maria, CA 93456
805.928.8701
24hr. 805.925.2160

Anger Management &
Clinical Counseling Programs
2950 State St., Suite B
Santa Barbara, CA 93105
805.682.7229

Santa Ynez Valley
24hr. 805.686.4390





Frank Banales,
Executive Director

26 W. Figueroa Street
Santa Barbara, CA 93101
(805) 963-8961
Fax (805) 963-8964
Email: fbanales@zonaseca.com
www.zonaseca.com

Administration/Treatment

- Substance Abuse Counseling
- PC1000 Drug Diversion
- First Offender
Drinking Driver Programs
- Family Violence Program
- Youth Offender Program
- Youth CineMedia

Lompoc Youth &
Family Services
218 North I Street
Lompoc, CA 93436
(805) 740-9799
Fax (805) 740-2799
Email: ksmith@zonaseca.com

February 19, 2009

Sue Gray
Community Development Programs Supervisor
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: Domestic Violence Solutions Contract No: 22,733-Fiscal Year
2008/2009

Dear Sue,

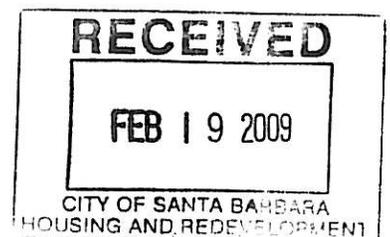
I would like to request transfer of the remaining balance on 2008/2009 CDBG/Human Services funds for Domestic Violence Solutions Contract No: 22,733 to Zona Seca for our Family Violence Program. We were asked to take over the Domestic Violence Intervention Program from Domestic Violence Solutions, and did so in December, 2008.

We would appreciate your consideration for this request. If you have any questions, please call me at 963-8961.

Thank you.

Sincerely,

Frank Banales
Executive Director



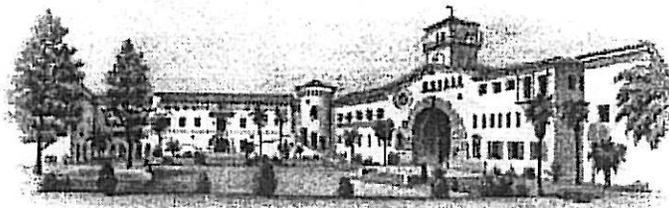
PATRICIA J. STEWART
CHIEF PROBATION OFFICER

BEVERLY A. TAYLOR
DEPUTY CHIEF PROBATION OFFICER

KAREN L. WHEELER
DEPUTY CHIEF PROBATION OFFICER

JEAN SILVA
ADMINISTRATIVE DEPUTY DIRECTOR

COUNTY OF SANTA BARBARA PROBATION DEPARTMENT



Administration & Adult Services ~ 117 E. Carrillo Street ~ Santa Barbara, CA 93101
(805) 882-3700 ~ Admin FAX (805) 882-3651 ~ Adult FAX (805) 882-3701

ATTACHMENT 4

FAX (805) 692-4841

Lompoc Adult & Juvenile
415 East Cypress Avenue
Lompoc, CA 93436
(805) 737-7800
FAX (805) 737-7811

Santa Maria Adult & Juvenile
2121 South Centerpointe Parkway
Santa Maria, CA 93455
(805) 739-8500
Admin FAX (805) 739-8579
Adult FAX (805) 739-8601
Juvenile FAX (805) 739-8570

February 2, 2009

Liz Stotts
Community Development Programs Specialist
City of Santa Barbara
Community Development Department
Housing and Redevelopment Division
P.O. Box 1990
Santa Barbara, CA 93102-1990

Dear Ms. Stotts,

Subject: Zona Seca Batterer's Intervention Program Services

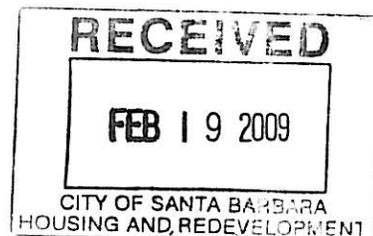
This is to inform you of a transition in the delivery of Batterer's Intervention Program (BIP) services in the City of Santa Barbara. BIP is a legally mandated 52-week program designed for individuals convicted of a domestic violence offense. The Probation Department is tasked with certifying all BIPs utilized by the Court in Santa Barbara County.

On December 4, 2008, the Probation Department was formally notified by Domestic Violence Services (DVS) of the organization's intent to terminate the delivery of BIP services in Santa Barbara County. Upon receipt of this news, Zona Seca was contacted and they agreed to the immediate acceptance of all DVS clients who were being displaced, as well as all new clients who were awaiting assignment to DVS. On January 30, 2009, DVS officially ceased the delivery of BIP services. All clients requiring BIP services in the City of Santa Barbara have been successfully transferred to Zona Seca. The Santa Barbara County Probation Department is additionally working with Zona Seca to expand their BIP services to Lompoc.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Lee Bethel
Probation Manager, Adult Services
117 E. Carrillo St.
Santa Barbara, CA 93101
805 882-3753
LBethel@co.santa-barbara.ca.us





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Integrated Regional Water Management Plan Update And Proposition 84 Grant Application – Memorandum Of Understanding

RECOMMENDATION:

That Council authorize the Public Works Director to execute a Memorandum of Understanding among various public agency cooperating partners in Santa Barbara County for Administration of the Santa Barbara Countywide Integrated Regional Water Management Plan (IRWMP) revision and Proposition 84 Grant Application, with the City's share for the consultant services provided to Dudek Consultants and Kevin Walsh, County contract employee, with expenses not to exceed \$23,000.

DISCUSSION:

Background

On August 1, 2006, City Council approved participation in a MOU with Countywide cooperating partners for the preparation of an IRWMP for the Santa Barbara region. Such a plan is necessary as a pre-condition of receiving State grant funds. The City adopted the Santa Barbara Countywide IRWMP on June 26, 2007. Virtually all public agencies in Santa Barbara County with water related responsibilities (the Cooperating Partners – Appendix A to attached proposed MOU), approved the plan. This plan was approved by the State and later laid the groundwork for the successful application of the countywide Proposition 50 grant application which was awarded \$25 million in late spring of 2008. The City of Santa Barbara's Lower Mission Creek Project was awarded a \$1 million grant and the Santa Barbara County Flood Control District South Coast zone assessments provided a match of \$1.3 million.

Current Application

Similar to the previous IRWMP application mentioned above, the recommended MOU between the County and the Cooperating Partners project proponents would provide for similar sharing of the costs associated with ongoing administration of a new round of funding for the Proposition 84 process with the County Water Agency. All Cooperating Partners are encouraged to continue their participation in funding the relatively minor expenses associated with the ongoing IRWMP revision and the administration effort. With regard to the more substantial costs associated with preparation of the grant application, the MOU provides that agencies with projects proposed for Proposition 84 funding pay all of these costs.

At this time, we expect that the City's share of the MOU costs will be limited to the IRWMP revision effort and administration costs. When the full application process begins, the Cooperating Partners will work together to identify projects which will make the grant application competitive with other regions.

BUDGET/FINANCIAL INFORMATION:

Any grant funds secured by the Proposition 84 application will be used towards the Lower Mission Creek Flood Control Project. There are adequate funds in the Streets Capital Fund to cover the application, consultant fees, and related costs.

SUSTAINABILITY IMPACT:

The Lower Mission Creek Flood Control Project will include a number of environmental and flood control improvements.

ATTACHMENT: Memorandum Of Understanding and Project Proponent Cost

PREPARED BY: Pat Kelly, Assistant Director of PW/City Engineer/TC/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Memorandum of Understanding (MOU)
To Participate in the State-wide Proposition 84 Process
And Revise the Area-wide
Integrated Regional Water Management Plan (IRWMP)
In Santa Barbara County

This Memorandum of Understanding (MOU) is entered into by and between local government agencies and special districts within Santa Barbara County, as listed in Appendix A, and hereinafter referred to as "Cooperating Partners".

I. Purpose of this Agreement

Under this agreement, the Cooperating Partners commit to participate in, and make a financial contribution toward, the ongoing participation in the process established pursuant to The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Costal Protection Act (also known as Proposition 84) and further develop a comprehensive County-wide Integrated Regional Water Management Plan (IRWMP). This agreement sets forth the mutual responsibilities of the Cooperating Partners in the development of an IRWMP, and it updates previous agreements and commitments made by some of the Cooperating Partners between 2006 and 2008, including an MOU for initial preparation of the IRWMP (July 2006) and an MOU for pursuing Proposition 50 implementation grant funding (October 2007). This MOU supersedes elements of the October 2007 MOU pertaining to Proposition 84.

II. Background

Proposition 84 provides funding for a range of water related plans and projects. California's Prop 84 grant program builds on a previous program (Proposition 50) managed jointly by the Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB) to promote integrated assessment and planning for both water quantity and water quality issues, especially on a hydrologic or watershed basis. DWR will manage Proposition 84 which, in addition, provides for flood control and global warming response projects.

Santa Barbara County-wide interests successfully prepared an Integrated Regional Water Management Plan pursuant to Proposition 50 guidelines and successfully sought grant funding to implement key projects included in that plan.

Consistent with legislative action to implement Proposition 84, guidelines for planning and implementation grants are currently being developed by DWR. Grants for the development and/or revision of IRWM Plans may be made available as early as third quarter, fiscal year 2008-09. Depending on the schedule for Implementation Grants, revising the current County-wide IRWMP may be necessary to conform to differences between the Proposition 50 guidelines and the future Proposition 84 guidelines. These revisions may range from revising the discussion of projects in the IRWMP to revisions necessary to incorporate new elements pursuant to future guidelines promulgated by the State.

Proposition 84 stipulates that \$52 Million must be awarded to the Central Coast Region (including Santa Barbara County.) It is anticipated that DWR will look to the interests within the Central Coast region to coordinate the various IRWMP efforts that have been established. In addition, other funding sources include Proposition 1-E (for flood safety) and other sections of Proposition 84 which offer up to an additional \$800 million

statewide and may rely on IRWM Plans as a basis for allocation funding. It is possible that the State may require the Santa Barbara County-wide interests to develop a Central Coast-wide Regional IRWMP in cooperation with 5 other Counties, but this is considered unlikely.

III. Principles

Recognizing the importance of a comprehensive IRWMP, and consistent with the MOU of July 2006, the Cooperating Partners endorse the following *Principles* for integrated regional water management planning.

- A. Be consistent with the State's standards for IRWMPs, as specified in Chapter 8, Division 43 of California's Water Code and related guidelines, and meet or exceed the expected scoring criteria used by the State in its IRWMP approval process.
- B. Establish a process for on-going decision-making among cooperating partners, with inclusive and participatory public involvement to ensure meaningful input.
- C. Share the costs of IRWM planning, analysis, coordination, and product development through both monetary contributions and staff time.
- D. Adopt a regional approach which coordinates water planning across jurisdictional boundaries in Santa Barbara County, and which sets priorities on a regional basis.
- E. Adopt an integrated approach to address the complex inter-relationships across strategies for: water supply, demand management, water quality, source water protection, drought management, flood control, and other water management issues.
- F. Consider the State's "program preferences" (as specified in the California Water Code and implementing legislation) as well as "Statewide priorities" (as specified in the IRWM Guidelines) during the IRWM planning process.
- G. Incorporate an appropriate level of scientific watershed assessment information.
- H. Modify the plan to continue as an informational "roadmap" toward meeting objectives, but not as a regulatory or enforceable mandate.
- I. Recognize the need for a long-term perspective, which includes monitoring of project and plan implementation.
- J. Provide for adaptive management for future revisions to the Plan.
- K. Provide for coordination with other IRWM Planning efforts in the Central Coast Region.

IV. Scope of an IRWM Plan

The Cooperating Partners understand and accept that a final IRWMP must consider a range of water management strategies to meet the plan's objectives. These strategies must cover certain State-specified categories and may include other categories.

Consistent with the State's expected IRWM guidelines, the Plan must consider strategies that:

- A. Reduce Water Demand
- B. Improve Operational Efficiency & Transfers
- C. Increase Water Supply
- D. Improve Flood Management
- E. Improve Water Quality

F. Practice Resource Stewardship

As part of its development, the Plan should consider, but not be limited to, the following strategy elements:

- A. Water supply reliability
- B. Storm water capture and management
- C. Groundwater management
- D. Water recycling
- E. Water conservation
- F. Flood management
- G. Water quality protection and improvement
- H. Ecosystem restoration
- I. Environmental and habitat protection and improvement
- J. Wetlands enhancement and creation
- K. Recreation and public access
- L. Global warming
- M. Conjunctive use
- N. Surface storage
- O. Non-point source pollution control
- P. Low impact development
- Q. Water and wastewater treatment
- R. Watershed planning
- S. Desalination
- T. Imported water and water transfers
- U. Land use planning

V Schedule

Grant funding will be available for preparation and/or revision of IRWM Plans. The application process for those "planning" grants may begin by early 2009. Since revision of the IRWMP may be necessary to conform to Proposition 84 guidelines, obtaining a planning grant may help County-wide interests to defray their direct costs. Thus this MOU contemplates development of a grant application of a planning grant to meet costs of revising the IRWMP.

The timeline for developing a revised IRWMP is largely driven by its potential role in project implementation grant proposals to DWR. Although DWR has begun development of draft Guidelines, there is yet no timeline for implementation grant application. Since DWR may expect project grant applications to be based on priorities in the IRWMP, the IRWMP revision process must start as soon as possible. The planning process may need to include a prioritization of major projects by the second quarter of 2009 in order for an application for project implementation grants to be prepared and submitted in the first round of implementation grant applications.

VI Cost Estimate

Each of the Cooperating Partners will incur costs for staff time devoted to the development of an IRWMP. In addition, there will be extramural costs for hiring a Project Manager and/or consultants for at least one year, with duties for coordination,

analysis, outreach and plan revision, as outlined in the "Roles and Responsibilities" section of this MOU. These extramural costs are estimated to be approximately \$200,000 which would be funded in part by monetary contributions from Cooperating Partners.

The Cooperating Partners agree to generally allocate costs by approximate service area population. Where two or more Cooperating Partners serve the same general population, they may agree to share the costs between themselves. The Cooperating partners sharing costs may do so in any manner to which they agree. The Cooperating Partners agree to actively encourage participation by all public agencies with a direct or indirect interest in water resources.

VII. Roles and Responsibilities

In order to develop an effective IRWMP, the Cooperating Partners agree to continue the ongoing planning effort initiated formally in 2006, which resulted in an IRWM Plan and successful application in 2008 to DWR/SWRCB for Prop 50 funding. Under the administration of the County Water Agency, in conjunction with the Cooperating Partners, a Project Manager shall facilitate the ongoing Advisory Stakeholders Group to provide input to the Cooperating Partners in periodic meetings or in other forums.

A. For overall planning and coordination:

1. The County Water Agency shall act as the single eligible contracting entity as required by DWR and engage a Project Manager to provide overall coordination of the planning effort.
2. The Project Manager shall chair the Advisory Committee, prepare agendas and follow-up for meetings of the Cooperating Partners and propose a schedule for revision of the IRWMP.
3. Cooperating Partners shall participate in meetings and the planning process, and in group decisions pertaining to revision of the IRWMP, including preparation of a proposal for a planning grant.
4. The Project Manager, in conjunction with the Cooperating Partners shall comprise an Advisory Stakeholders Group to provide input to the Cooperating Partners in periodic meetings or in other forums.
5. The Project Manager shall participate in the interagency process involving DWR and/or Central Coast interests relating to Proposition 84 and 1-E. This participation will include review and comment on draft guidelines for Props 84/1E, attendance at DWR workshops and meetings on Prop 84/1E and meetings with other Central Coast Region IRWM planning areas. The Project Manager will keep the Cooperating Partners apprised of relevant issues.
6. The Project Manager shall implement a public participation process that shall include regular workshops for stakeholders and other interested parties as well as establishing and maintaining a website pertaining to Proposition 84 and 1-E that is accessible to the Cooperating Partners and the public.
7. The County Water Agency shall engage an expert consultant to serve as Project Manager for IRWMP development, including data collection, analysis, coordinating stakeholder and public involvement, and overall coordination of plan preparation. Prior to hiring the consultant, the County will obtain advance concurrence of a majority of the Cooperating Partners as to the consultant qualifications and terms of contract.

8. The Project Manager shall participate in Roundtable of Regions meetings and conference calls; and share info and participate in Southern California Water Dialogue conference calls and report results to the Cooperating Partners with recommendations as appropriate

B. For Financial Management:

1. The County Water Agency shall establish an IRWMP account for handling the monetary contributions from Cooperating Partners.
 - i. Each Cooperating Partner shall contribute funds to this IRWMP account, with contributions as specified in Appendix B, recognizing that contributions are subject to specific approval by each Cooperating Partner's respective governing board.
 - ii. As indicated in Appendix B, the County Water Agency will contribute approximately 50 % of the estimated cost for hiring a consultant for IRWMP preparation. The Water Agency will also contribute 50% of the cost to engage a Project Manager for general IRWMP coordination and grant application.
2. Cooperating Partners shall pay their respective contributions to the County Water Agency no later than DATE. Payment will be sent to: Santa Barbara County Water Agency, 123 E. Anapamu St., Santa Barbara, CA 93101.
3. If funds received are in excess of the cost of actual plan coordination and preparation services, then the County Water Agency shall refund monies to Cooperating Partners on a pro-rated basis according to each partner's contribution.
4. If insufficient funds are collected to meet the estimated costs of coordination and plan preparation, then the County Water Agency may ask all Cooperating Partners to provide supplemental funds. The planning effort may be terminated with the concurrence of a majority of the Cooperating Partners or in the event that insufficient funds can be acquired. The Steering Committee will determine whether to request additional funds or terminate the planning effort.

C. For development of a Revised IRWM Plan if deemed necessary by the Cooperating Partners:

1. Cooperating Partners shall provide existing plans, data and information as deemed appropriate by the Partners.
2. The Cooperating Partners shall assess existing information and data gaps and analyze issues, programs and projects for incorporation into the IRWMP.
3. The County Water Agency shall engage expert consultants for analysis of data, information or issues, and to manage overall development of the revised IRWMP. Upon its completion by the consultants, the Project Manager shall forward to all Cooperating Partners a draft revised IRWMP which contains all of the elements required by statute and by State IRWMP guidelines, as well as containing any voluntary components as agreed by the Cooperating Partners.
4. The Cooperating Partners, with input from the Advisory Stakeholders Group, shall jointly identify priorities for project implementation, with priority projects serving as the basis for a Prop 84 project implementation grant application expected as early as the second quarter of 2009.

5. The Cooperating Partners shall coordinate appropriate IRWMP reviews and approvals by their senior managers, boards, or other decision-making bodies, as appropriate.
6. Upon completion of the revised IRWMP it is anticipated that the partners will each approve the IRWMP by resolution.

VIII. Decisions Related to Development of the IRWMP

In development of an IRWMP, the Cooperating Partners shall establish a Steering Committee to provide overall guidance and decision making. Any signatory to the MOU may join the Steering Committee by providing written intent to attend Steering Committee meetings on a regular basis and to act as a Steering Committee member. The Steering Committee will be comprised, at a minimum, of each of the following agencies or organizations: Santa Barbara County, represented by the Water Agency or the Project Manager; Two Incorporated Cities; One Joint Power Authority (representing at least two special districts, such as water districts, sanitary districts, and/or community service districts); and Two Special Districts (water districts, sanitary districts, and/or community service districts).

The Project Manager shall act as Chair of the Steering Committee. Decisions by the Steering Committee will be based on consensus whenever possible, or by a vote of a simple majority of all members participating in a meeting.

Steering Committee responsibilities will include:

- A. Developing revised IRWMP objectives and criteria for ranking projects; input shall be obtained from all Cooperating Partners, and the Steering Committee will seek to obtain consensus among all Partners on the objectives and ranking criteria.
- B. Advising the Project Manager on guidance and direction to be provided to the contractor.
- C. Reviewing and commenting on the scope, content and timing of contractor products and deliverables.
- D. Providing guidance on planning and implementing the public involvement process and stakeholder outreach.

The Steering Committee shall carry out all of its proceedings in accordance with the Brown Act. Pursuant to this Act, a majority of Steering Committee members must be present to constitute a quorum for decision-making.

IX. Termination of Participation

Any signatories to the MOU may terminate their participation in this MOU with 30 days written notification to all other signatories. The agreement shall become effective only upon its execution by a majority of the parties listed in Appendix "A".

Any entity terminating participation which later wishes to participate in this MOU shall first make payment of any funding due from such party at the time of its termination, and also pay its share of any expenses for which it otherwise would have been obligated absent such termination, as determined by the Cooperating Partners.

X. Defend and Hold Harmless

Each Cooperating Partner shall cooperate in the defense of and hold harmless each other and the Water Agency from all actions, claims or judgments by, or in favor of, third parties arising out of any act or omission of such Cooperating Partner, its officers, employees, or agents in connection with the performance of this agreement.

XI. Term of this MOU:

The provisions of this MOU will end: (i) on December 31, 2010; or (ii) when Cooperating Partners sign a new MOU that specifically covers ongoing coordination of the IRWMP process.

XII. Counterparts:

This MOU may be executed in counterparts. Each counterpart shall have the same effect as an original.

XIII. Notices

All notices or other official correspondence relating to MOU matters between the Cooperating Partners shall be addressed to:

Matt Naftaly, Manager
Santa Barbara County Water Agency
123 E. Anapamu St.
Santa Barbara, CA 93101

In witness whereof, the Cooperating Partners hereto have executed this MOU effective on the dates provided hereof. This MOU may be executed in one or more counterparts and each counterpart shall be evidence of participation by all signatories.

Signatures of Cooperating Partners

By: _____
Scottt McGolpin, Director
Public Works Department
Santa Barbara County
Date: _____, 2009

Approved As To Form :

, County Counsel
Santa Barbara County
Date: _____, 2009

Approved As To Form:

Risk Management

Signatures of Project Proponents

Christine F. Andersen

Director of Public Works

City of Santa Barbara

ATTEST:

Cynthia M. Rodriguez, CMC

City Clerk Services Manager

APPROVED AS TO FORM:

Stephen P. Wiley

City Attorney

By _____

Appendix A: List of Cooperating Partners

NOTE: What follows is a list of potential partners. A final list will be prepared based on the actual signatories to the MOU.

County Agencies:

Santa Barbara County Water Agency
SB County Public Works Department, Laguna Sanitation
SB County Parks Department

Cities:

City of Buellton
City of Carpinteria
City of Goleta
City of Guadalupe
City of Lompoc
City of Santa Barbara
City of Santa Maria
City of Solvang

Water Districts:

Carpinteria Valley Water District
Goleta Water District
Montecito Water District
Santa Maria Valley Water Conservation District
Santa Ynez River Water Conservation District
Santa Ynez River Water Conservation District, ID#1

Water Companies:

Golden State Water Company
La Cumbre Mutual Water Company

Sanitary Districts:

Carpinteria Sanitary District
Goleta Sanitary District
Goleta West Sanitary District
Montecito Sanitary District
Summerland Sanitary District

Community Service Districts:

Casmalia Community Service District
Cuyama CSD
Los Alamos CSD
Mission Hills CSD
Vandenberg Village CSD
Santa Ynez CSD

Joint Powers Agencies:

Cachuma Conservation and Release Board
Cachuma Operations and Maintenance Board
Central Coast Water Authority

Appendix B - Proposition 84 MOU Cost Share Estimate - DRAFT First Year

AREAS/DISTRICTS	Project Partners	Water Agency Staff/Time Cost(1)	Project Manager(2)	IRWMP/RAP Development(3)	Administration(4)	Partner's Total Share
Montecito*	Montecito WD		\$2,001	\$4,991	\$2,334	\$9,325
	Monecito SD**					
	Summerland SD					
Carpinteria*	Carp VWD		\$2,001	\$4,991	\$2,334	\$9,325
	Carp SD**					
	City of Carp					
Santa Barbara	City of SB		\$4,908	\$12,243	\$5,726	\$22,876
Goleta*	Goleta WD		\$4,908	\$12,243	\$5,726	\$22,876
	Goleta SD**					
	Goleta West SD					
	City of Goleta					
Lompoc	City of Lompoc		\$3,376	\$8,422	\$3,939	\$15,737
Vandenberg	VVCSD		\$688	\$1,716	\$802	\$3,206
Buellton	City of Buellton		\$250	\$624	\$292	\$1,166
Solvang	City of Solvang		\$688	\$1,716	\$802	\$3,206
Santa Ynez*	SYRWCD ID#1		\$688	\$1,716	\$802	\$3,206
	SYRWCD					
Guadalupe	City of Guadalupe**		\$782	\$1,950	\$912	\$3,643
Santa Maria	City of SM		\$4,908	\$12,243	\$5,726	\$22,876
	SMVWCD		\$125	\$312	\$146	\$583
	SYRWCD		\$125	\$312	\$146	\$583
	Casmalia CSD		\$0	\$0	\$0	\$0
	Cuyama CSD		\$0	\$0	\$0	\$0
	COMB & CCRB		\$2,470	\$6,160	\$2,881	\$11,511
	CCWA		\$1,250	\$3,119	\$1,459	\$5,828
	Water Agency		\$31,740	\$78,580	\$36,750	\$135,947
Santa Barbara County	Total	NC	\$60,906	\$151,335	\$70,777	\$271,895

*Amount to be divided among agencies as determined by local agencies.

** Districts that have tentatively agreed to be "in" pending full Board Approval/City Council approval

- (1) Water Agency staff time will not be reimbursed.
- (2) Oversees, implements, and monitors the process as a whole. The WA has hired Kevin Walsh for this purpose.
- (3) Tasks include RAP application and revision of existing IRWMP as needed
- (4) Administrative tasks including coordinating, noticing, and documenting meetings and collecting data from partners
- (5) Based on previous Prop 50 methodology for sharing costs. Casmalia and Cuyama are added in anticipation of projects



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department
Creeks Division, Parks and Recreation Department
Golf Division, Parks and Recreation Department

SUBJECT: Rejection Of Santa Barbara Golf Club Safety Plan Implementation
And Upper Las Positas Storm Water Improvement Project Bids

RECOMMENDATION:

That Council reject the bids for construction of the Santa Barbara Golf Club Safety Plan Implementation and Upper Las Positas Storm Water Improvement Project, Bid No. 3463A, and direct staff to re-bid the project.

DISCUSSION:

PROJECT DESCRIPTION

The Golf Course Safety Plan Implementation Project and the Las Positas Creek Storm Water Improvement Project were combined and bid together to take advantage of the synergies of a more financially attractive project, reduced contractor mobilization vs. bidding the projects separately, and reduced construction interruptions to play time at the golf course.

The Santa Barbara Golf Club, a city-owned open space, is a major confluence for storm water and urban runoff from the neighboring areas of San Jose Road, Samarkand, and Adams Elementary School, and is an ideal place to treat water prior to entering the creek system.

The safety plan work completes the network of cart paths throughout the golf course, relocates two greens complexes to create a larger buffer between active areas of play, and improves visibility. The storm water improvement work consists of constructing a series of bioswales and urban and storm water runoff detention systems to detain and filter polluted storm water and incidental urban runoff. This project will improve the quality of water entering Las Positas Creek and the Arroyo Burro Estuary. It will also reduce downstream flow rates and decrease erosion in Las Positas Creek.

CONTRACT BIDS

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

	BIDDER	BID AMOUNT
1.	Elevation Engineering (Elevation) Santa Maria, CA	\$1,700,000.00 *
2.	Belaire West Landscape (Belaire) Buena Park, CA	\$1,884,496.75 **
3.	Granite Construction Incorporated (Granite) Watsonville, CA	\$2,558,723.00 **
4.	Earth Sculptures, Incorporated (Earth Sculptures) Indio, CA	\$2,700,148.10 **
5.	Key Turf Construction, Incorporated (Key Turf) San Marcos, CA	\$2,967,017.90 **

* written bid amount

**corrected bid total

The apparent low bid, submitted by Elevation, has been determined to be non-responsive. The specifications state that the bid will be the sum of the total prices of all the items in the bid schedule. Elevation provided unit pricing, but did not complete the multiplication with the estimated quantity, or give the sum the total of all the items in the bid schedule. Using the estimated quantities and the unit prices provided, Elevation's bid would total \$2,419,738.50, or \$719,738.50 more that their written amount. This is a material mistake which would generally allow them to withdraw their bid, providing them an unfair advantage. Based on this material mistake and other potential omissions, staff recommends that Council reject Elevation's bid.

The second apparent low bid, submitted by Belaire, has been determined to be non-responsive. The specifications state that the bidder shall possess a valid contractor's license issued by the Contractor's State License Board at the time the bid is submitted. Belaire's license is currently under suspension. Based on this, staff recommends that Council reject Belaire's bid.

The third apparent low bid, submitted by Granite, has been determined to be non-responsive. Granite did not provide experience statements showing that they were the prime contractor for three golf course construction contracts, within the past five years at the time of bid, as required in the specifications. In addition, Granite did not complete the proposed equipment and material manufacturer's form. Based on these material mistakes, staff recommends that Council reject Granite's bid.

Council Agenda Report

Rejection Of Santa Barbara Golf Club Safety Plan Implementation And Upper Las Positas Storm Water Improvement Project Bids

April 7, 2009

Page 3

The fourth and fifth apparent low bids, submitted by Earth Sculptures and Key Turf, were determined to be non-responsive. Neither company complied with the self-performance standards that the contractor perform at least 50% of the work as listed in the Greenbook. Based on this, staff recommends that Council reject both Earth Sculpture's and Key Turf's bids.

The City reserves the right to reject all bids (Charter Section 519), and due to the non-responsive nature of all bids received, the Parks and Recreation Creeks and Golf Divisions, and the Public Works Engineering Division, recommend that Council reject all bids. Minor revisions will be made to the project specifications to clarify the tolerances of acceptable work, and the project will be promptly re-bid with the goal of completing construction prior to the upcoming rainy season.

FUNDING

The golf course safety portion of the project is funded by the Golf Course Improvement Plans' Capital Fund. There are sufficient funds in the Golf Course Improvement Plan's Capital Fund to cover the costs of this portion of the project.

The storm water improvement portion of the project is funded by the Creek Restoration/Water Quality Improvement Capital Fund and Creeks Reserve Fund. The Creeks Advisory Committee has recommended that reserve fund money be appropriated if necessary for the construction of the project. In addition, the Southern California Wetlands Recovery Project has granted \$20,000 to the Parks and Recreation Department to cover a portion of the cost for a rain garden, bioswale, and educational outreach at the Adams Elementary School for this project. This grant was accepted by Council at its August 12, 2008 meeting.

SUSTAINABILITY IMPACT:

Controlling the quality and amount of urban runoff from developed areas within the City is critical for both the protection of water quality in the City and reduction of flood risks. This project will minimize and treat polluted runoff from urbanized landscapes, and improve water quality in the creeks and ocean using natural biological systems; thereby, reducing maintenance and energy costs often associated with water quality treatment systems.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/LS/cc
Cameron Benson, Creeks Restoration/Clean Water Manager
Mark Reed, Golf Course Manager

SUBMITTED BY: Christine F. Andersen, Public Works Director
Nancy Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers
Chairperson and Agency Boardmembers

FROM: Planning Division, Community Development Department
Housing & Redevelopment Division, Community Development
Department

SUBJECT: Children's Museum Of Santa Barbara – Request For Preliminary
Community Priority Designation And Approval Of Memorandum Of
Understanding

RECOMMENDATION:

- A. That Council make a preliminary finding that the proposed children's museum at 125 State Street meets a present need directly related to general welfare, and grant the project a Preliminary Community Priority Designation for 2,500 square feet of floor area; and
- B. That the Agency Board approve the Memorandum of Understanding with the Children's Museum of Santa Barbara regarding negotiations concerning the possible development of a children's museum at 125 State Street and authorize the Executive Director to execute the Memorandum of Understanding in a form acceptable to Agency Counsel.

EXECUTIVE SUMMARY:

Efforts to locate an appropriate site for development of a children's museum have been underway since the late 1990s. Attempts to situate the museum on Agency property at City Parking Lot #6 in 2002 were unsuccessful. In late 2007, the Redevelopment Agency Board directed staff to enter into exclusive negotiations with the Children's Museum of Santa Barbara (CMSB) for development of an approximately 13,000 square foot children's museum on Agency property at 125 State Street. Use of the 0.5 acre site for development of the proposed scope would require a Community Priority designation by Council. A Memorandum of Understanding has been prepared which establishes the conditions to be satisfied by CMSB and the Agency, to develop a project description for purposes of initiating City of Santa Barbara environmental review of the proposed development and to negotiate possible terms of a Disposition and Development Agreement and site ground lease.

BACKGROUND:

In 1999, while the Granada Garage (City Parking Lot #6) was in design development, it was recognized that there would be surplus land fronting Anapamu Street. At that time, City Council expressed a preference for the site to be developed for public benefit by a non-profit cultural organization. The Children's Discovery Museum responded with interest.

In 2002, the Redevelopment Agency provided a \$25,000 grant to the Children's Discovery Museum to provide partial funding for a Feasibility Study (Study) relating to the development of the Children's Discovery Museum in Santa Barbara. Among the conclusions reached by the Study was that the proposed 27,000 square foot development on the Anapamu Street lot would be challenged by the small lot size, thus halting further assessment.

In recent years, proposed plans for 125 State Street have been for additional parking for the Santa Barbara Railroad Depot, then as a site for the Chamber of Commerce's Visitor Information Center (VIC). In 2004, City staff determined that the VIC could be incorporated into the development formerly known as the Entrada. A condition was imposed on the Entrada development plan requiring use of 125 State Street for 10 parking spaces.

In late 2007, Agency staff began developing a Request for Proposals (RFP) for development of the parcel with a focus on options that would benefit both the community and the Agency's financial situation. In December 2007, Council directed Agency staff to negotiate exclusively with CMSB for the development of a children's museum on Agency property at 125 State Street. Staff has since removed the parking encumbrance on the site by obtaining a Substantial Conformance Determination from the Planning Commission to relocate the ten parking spaces for the VIC from 125 State Street to the Entrada de Santa Barbara site. A site survey was prepared and forwarded to CMSB. Phase I and Phase II environmental assessments of the site found low levels of hazardous materials, and a work plan is being prepared to more closely investigate the property and develop appropriate remediation measures, if necessary.

DISCUSSION:

Community Priority Designation:

The City Charter and SBMC §28.87.300 provide for City Council designations of square footage for projects of public benefit deemed *"necessary to meet present or projected needs directly related to public health, safety or general welfare."*

The Municipal Code further defines "general welfare" as *"a community priority project which has a broad public benefit (for example: museums, child care facilities, or community centers) and which is not principally operated for private profit."*

As stated in the applicant's letter (Attachment 1), CMSB is a registered 501(c)(3) non-profit organization that has identified a present need for a children's museum to provide an educational opportunity that does not currently exist in Santa Barbara. With this proposal, CMSB requests a preliminary designation of 2,500 square feet of floor area from the Community Priority Category toward the proposed 14,127 square foot building. Staff believes that the project satisfies the required finding for approval of Community Priority square footage and, therefore, recommends approval of the preliminary designation. This action does not provide or imply approval of the project. Following a formal application submittal, approvals for the proposed project would be considered by the Planning Commission and Historic Landmarks Commission. A local market needs assessment and reduced floor plans are included with Attachment 1.

Land Development Team (LDT) staff have begun a review of the project and issues to be addressed in the review process include traffic, parking – including a possible parking modification, noise from the adjacent railroad, proximity to the historic signalman's building, potential site contamination, and appropriate design for El Pueblo Viejo.

To date, 76,380 square feet is remaining in the Community Priority Category for allocation (not including this project). Please refer to Attachment 2 for a list of Community Priority projects that have received Preliminary or Final Designations. Attachment 3 provides a summary of Charter provisions for Community Priority designations.

Memorandum of Understanding:

The purpose of the MOU is to set out the mutual understanding of Agency staff and the Museum regarding the process by which the Agency Board and staff and the Museum may, if the conditions set forth herein are satisfied, develop a project description for purposes of initiating City of Santa Barbara environmental review of the proposed development of a children's museum on the Project Site and to negotiate the possible terms of a Disposition and Development Agreement (DDA) and subsequent ground lease*.

Significant components of the MOU are as follows:

- Conceptually, the 14,000 square foot museum would include the following elements:
 - Two stories
 - Indoor exhibits over 7,000 square feet
 - Lobby and store space over 6,000 square feet
 - Outdoor exhibits over 1,800 square feet
 - Landscaping and other appurtenant facilities
 - Visitor and staff parking on site and off site
- Remediation (if necessary) of the project site by the Agency
- Reconfiguration of the existing legal lots into one legal lot for ground lease

BUDGET/FINANCIAL INFORMATION:

To date, the Redevelopment Agency's Property Management account has incurred costs of approximately \$21,000 for a site survey and environmental assessment reports. It is estimated that the forthcoming focused site investigation and remediation feasibility study would be an additional outlay of approximately \$25,000. Costs of remediation, if necessary, will depend on the feasibility study findings and recommendations and cannot be estimated at this time.

SUSTAINABILITY IMPACT:

A Silver-level Leadership in Energy and Environmental Design (LEED) certification for the museum building is proposed in the CMSB business plan. For a children's museum to achieve the Silver designation, the building itself must serve as a teaching element. CMSB intends for the development to highlight the sustainable elements in an engaging fashion for children and adults and to serve as a demonstration structure that environmental sustainability is important and achievable.

CMSB has requested that any necessary site remediation be completed before execution of the ground lease. City Environmental Services Division staff is assisting the Agency to further assess the site under the supervision of County Fire Department Hazardous Materials Division. At this time, a work plan for a focused site investigation and remediation feasibility report is being developed. If necessary, site remediation would likely begin in the second half of 2009 with the duration dependent upon the feasibility report recommendations. Remediation would reduce the potential for groundwater contamination, protect the surrounding environment of this coastal property and further the City's sustainability goals.

- ATTACHMENTS:**
1. Applicant's Letter dated March 19, 2009 with reduced floor plans and needs assessment
 2. Table of Projects with Preliminary or Final Community Priority Designations
 3. Summary of Charter Provisions of Community Priority Category Designations
 4. Memorandum of Understanding

PREPARED BY: Daniel Gullett, Associate Planner
Brian Bosse, Housing and Redevelopment Manager/MEA

SUBMITTED BY: Paul Casey, Deputy Director

APPROVED BY: City Administrator's Office

S U Z A N N E  E L L E D G E
P L A N N I N G & P E R M I T T I N G S E R V I C E S , I N C .

PRINCIPAL PLANNERS
SUZANNE ELLEDGE • LAUREL F. PEREZ

19 March 2009

Santa Barbara City Council
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

**RE: 125 State Street – Children’s Museum of Santa Barbara - Community
Priority Request**

Dear Council Members,

On behalf of the Children’s Museum of Santa Barbara (CMSB), applicants of 125 State Street, we are pleased to submit this letter for a recommendation of Community Priority development status for your consideration.

Children’s Museums – History and Background

The first children’s museum was founded in Brooklyn in 1899. Today, there are over 340 children’s museums in 23 countries around the world. According to the American Association of Museums, children’s museums are the fastest growing type of museum, increasing ten-fold since 1975.

Children’s museums are dedicated solely to providing children with unique experiences designed to meet their specific physical, intellectual, emotional, and development needs. Participation by parents with their children is considered an essential part of the mission. Children’s museums are the place where a diverse cross-section of families can come together to learn, play, and connect in meaningful ways with other families. The museum would provide educational programs and resources for schools, offer creative programs to meet special community needs and has the potential to become a community center.

Site Development History

The subject property is developed with a small structure, known as the Signalman’s building, is located in Downtown Santa Barbara, and is currently owned by the City of Santa Barbara Redevelopment Agency. The site is adjacent to the Railroad Depot to the north, the Santa Barbara Hotel to the south and is bound by State Street to the east and Kimberly Avenue to the west. Previous project proposals that were not pursued to completion included the Visitor’s Information Center and a surface parking lot.

Proposal

The Children's Museum of Santa Barbara (CMSB) project consists of a new two-story structure with a maximum building height of 40-feet of approximately 14,127 square feet. The project includes a surface parking lot accessed off of Kimberly Avenue to provide 10 parking spaces, including one ADA accessible parking space (please refer to Attachment A, site and floor plans). A preliminary parking demand analysis has been prepared by Associated Transportation Engineers that indicates the project would generate a parking demand of 15 spaces on weekends during non-summer months and a parking demand of 22 spaces on weekends during the summer months. In order to meet the peak demand during the summer, the project would need to provide additional spaces in an off-site parking lot, perhaps in the adjacent Railroad Depot lot of other lots located in the vicinity.

Additionally, we are seeking designation as a Community Priority development project and request a preliminary allocation of approximately 2,500 square feet from the Community Priority category. The existing site development potential (applying the vacant land, minor, and small additions categories to the three legal lots involved) totals approximately 11,625 square feet. Therefore, the balance of the floor area necessitates an allocation of Community Priority floor area.

Community Priority Justification

The mission of the Children's Museum is to create extraordinary experiences with the potential to transform the lives of children and their families. The mission and goals of the CMSB are aligned with the intent and purposes of a Community Priority development as set forth in the municipal code. A Community Priority project must be found to meet a "present or projected need directly related to public health, safety or general welfare." The municipal code also defines general welfare as a community priority project which has a broad public benefit, for example, a museum, and which is not principally operated for private profit (CMSB is a registered 501(c)(3) non-profit organization). A children's museum would provide a unique educational potential for children that does not currently exist in Santa Barbara. It is clear that the general welfare of the community would benefit by providing experiences and opportunities where children, teens, parents, grandparents, and educators can come together to interact and learn in a creative and innovative environment.

Through the provisions of educational programs for schools and programs to meet special community needs, CMSB has the potential to create a vibrant community center. Based on projections and data in the 2002 Feasibility Study, the Children's Museum anticipates the first year's attendance to be 90,000 which will likely level off to 72,000 in subsequent years (please refer to Attachment B, *Local Market Needs Assessment* section of the CMSB Business Plan). The proposed museum will provide direct beneficial services to Santa Barbara's children and families consistent with the Council resolution on July 31,

City Council
Santa Barbara Children's Museum – Preliminary Community Priority
19 March 2009
Page 3 of 3

2007 adopting the National League of Cities platform for strengthening families and improving outcomes for youth.

On behalf of the applicant and project team, we thank you for your consideration of this request.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES



Trish Allen, AICP
Senior Planner

Attachments:

- A. Site and floor plans
- B. *Local Market Needs Assessment* (CMSB Business Plan, pages 6-7)

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF THE CHILDREN'S MUSEUM OF SANTA BARBARA (CMSB) PROPOSED IN A TWO-STORY (40') STRUCTURE OF APPROXIMATELY 14,000 SQUARE FEET. THE PROJECT INCLUDES A SURFACE PARKING LOT ACCESSED OFF THE MAIN AVENUE TO PROVIDE 100 PARKING SPACES, INCLUDING ONE ADA ACCESSIBLE PARKING SPACE.

PROJECT DATA

SITE ADDRESS: 125 STATE ST., SANTA BARBARA, CA
 LAND USE ZONE: HRC2/SD-3, HOTEL AND RELATED COMMERCE ZONE/COASTAL OVERLAY ZONE

GENERAL PLAN LAND USE DESIGNATION: HOTEL AND RELATED COMMERCE

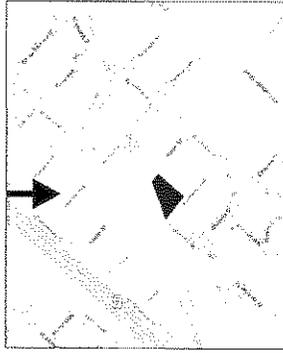
APN: 033-075-012
 AVERAGE SLOPE: 1%
 LOT AREA: 21,954 SQ. FT.

PARKING
 EXISTING: NONE
 REQUIRED: 1 SPACE/250 SQ. FT.
 PROPOSED: 10 SPACES

EXISTING BUILDINGS
 GROSS AND NET SQUARE FOOTAGE FOR EXISTING:
 GROSS 0 SQ. FT. / NET 0 SQ. FT.

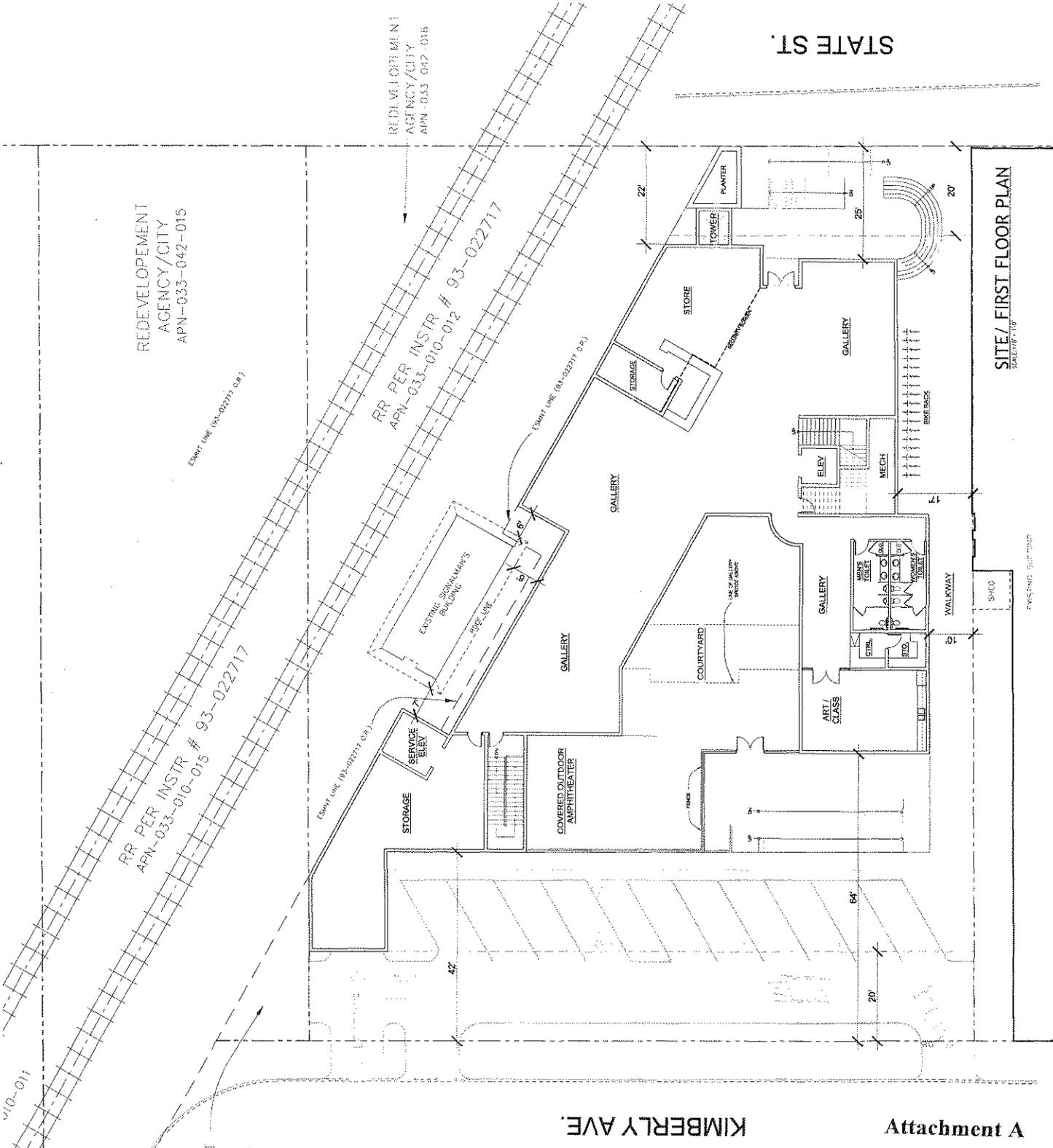
PROPOSED BUILDINGS
 GROSS AND NET SQUARE FOOTAGE FOR PROPOSED:
 GROSS 14,886 SQ. FT. / NET 14,127 SQ. FT.

LOT COVERAGE
 BUILDING: 39.9% (8,751 SQ. FT.)
 HARDSCAPE: 52.1% (11,448 SQ. FT.)
 LANDSCAPE: 8.0% (1,750 SQ. FT.)

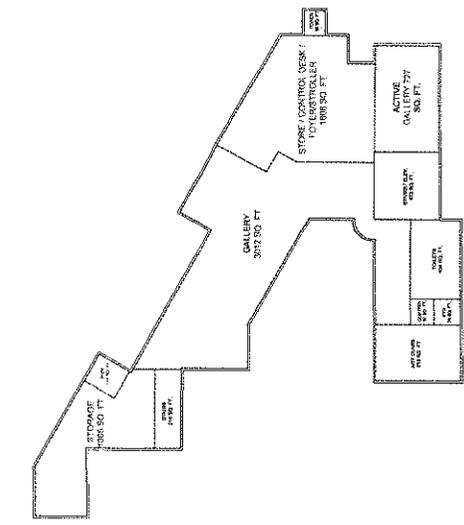


VICINITY MAP

CHILDREN'S MUSEUM OF SANTA BARBARA
 125 STATE ST., SANTA BARBARA, CA 93101
D3 SITE / FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 A-0.1



SITE / FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



AREA CALCULATION

OUTDOOR GALLERY:

755 SQ. FT.
440 SQ. FT.
558 SQ. FT.
1753 SQ. FT. TOTAL

INDOOR GALLERY:

3646 SQ. FT.
3672 SQ. FT.
777 SQ. FT.
7885 SQ. FT. TOTAL

INDOOR OUTDOOR GALLERY:

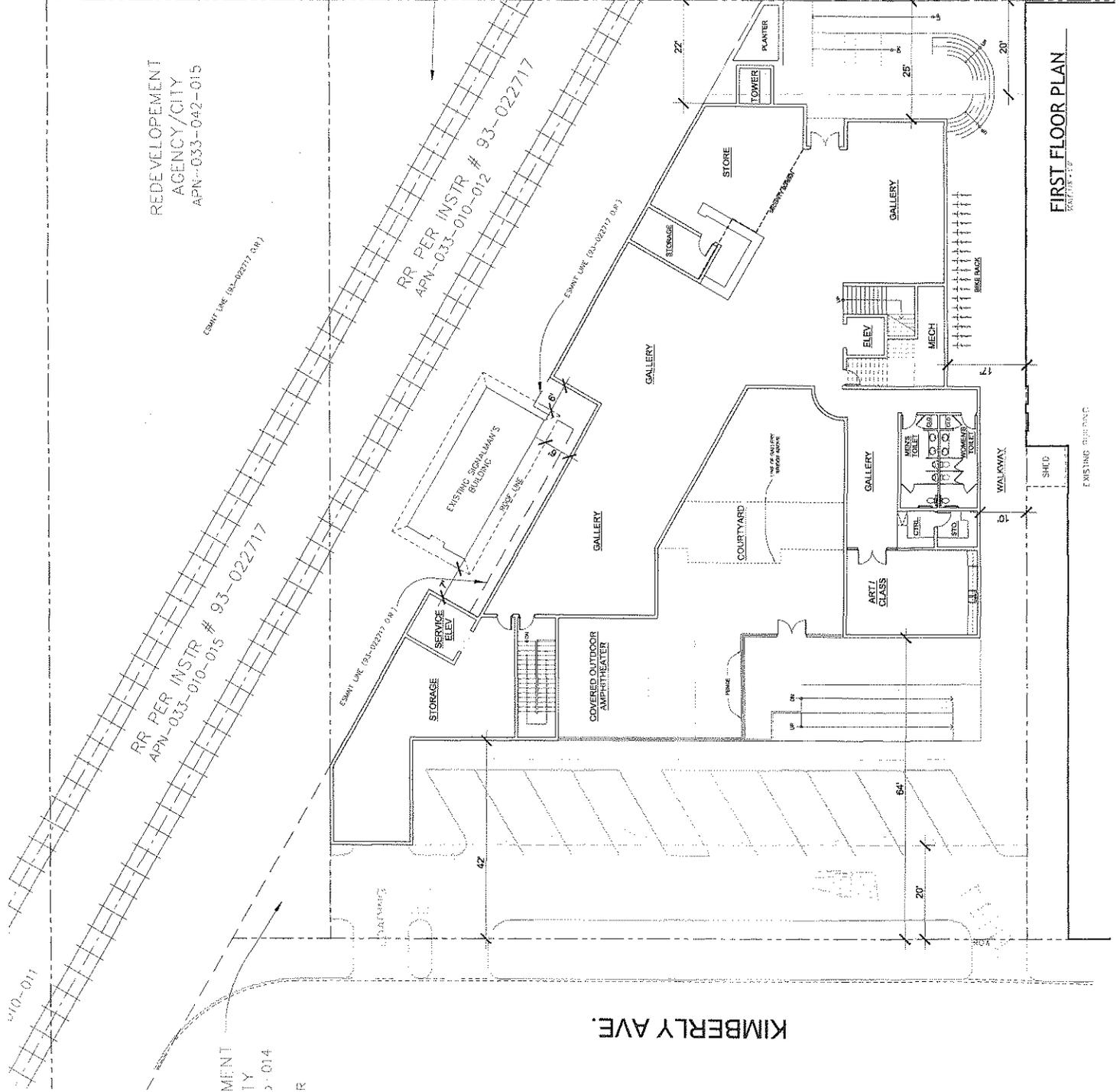
1783 SQ. FT.
7885 SQ. FT.
9138 SQ. FT. TOTAL

INDOOR FACILITIES:

OFFICES/MEETING 1275 SQ. FT.
STORAGE 1218 SQ. FT.
STAIRS/ELEVATORS 886 SQ. FT.
TOWER 101 SQ. FT.
TOILETS 884 SQ. FT.
ART CLASS 516 SQ. FT.
SERVICE CORRIDOR 210 SQ. FT.
STORE/CONT. DESK/FOYER/STOLLER 1675 SQ. FT.
TOTAL 6742 SQ. FT.

OVERALL SQ. FT. (W/O OUTDOOR GALLERY)

INDOOR FACILITIES 6742 SQ. FT.
INDOOR GALLERIES 7885 SQ. FT.
OVERALL TOTAL NET 14127 SQ. FT.



REDEVELOPMENT
AGENCY/CITY
APN--033-042-015

REDEVELOP
AGENCY/C
APN--033-014

RR PER INSTR # 93-022717
APN-033-010-012

RR PER INSTR # 93-022717
APN-033-010-015

STATE ST.

FIRST FLOOR PLAN

KIMBERLY AVE.

MENT
TY
3-014
R

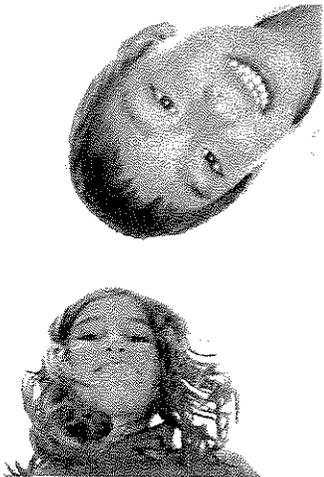
LOCAL MARKET NEEDS ASSESSMENT

The Children's Museum will serve children aged 2-10 and their families and caregivers. The resident market, including Santa Barbara, Goleta, Carpinteria, and Montecito, will be our primary customers. This market is readily accessible and available on a year-round basis, more economical to market to, most likely to be repeat visitors and eventually members and donors, and often suggests attractions to visiting friends and relatives. Our secondary market extends north to San Luis Obispo and south to Thousand Oaks. According to 2000 census figures, those markets total slightly over one million people. There are 55,000 children under the age of nine in Santa Barbara County and 120,000 in Ventura County.

Annual attendance at local cultural institutions is: Zoo (457,000), Museum of Natural History and Sea Center (149,000 combined), Museum of Art (130,000), and Botanic Garden (120,000). None of these institutions feature exhibits designed specifically for children aged 2-10. Based on projections and data in the 2002 Feasibility Study, we anticipate the first year's attendance, with the Grand Opening festivities, to be 90,000. This will most likely level off to 72,000 in subsequent years.

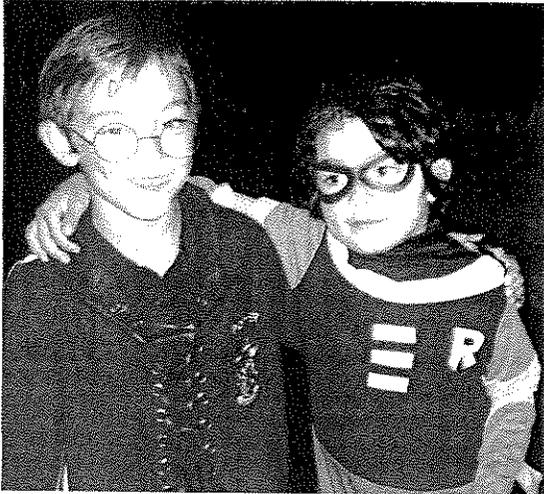
Because of CMSB's education focus, the school market is important, although not necessarily large. Typically, school groups represent 20-30% of total attendance at children's museums nationwide. The Children's Museum anticipates attracting 14,000 schoolchildren annually for focused programs linked to California State Standards. We will draw from public and private K-6 schools in Santa Barbara (21,540 students) and Ventura County (29,805 students) in addition to the rapidly increasing home school market. We also anticipate that we will attract preschool classes from throughout Santa Barbara County. According to First 5 Santa Barbara County, there are 31,546 children under the age of 5 in the county.

The Children's Museum has conducted informal meetings with preschool teachers and elementary educators in Santa Barbara. While the teachers appreciate the existing museums and cultural institutions, they have indicated that a children's museum, if its programs were linked to California State Standards, would be a prime field trip destination. Many have visited children's museums on family vacations and are fully aware of the educational potential. Because of tight school budgets, public school teachers indicated that they would need financial support for field trips so CMSB will offer scholarships to Title 1 schools.



The Children's Museum will be an important recreation destination for Southern and Central California families, increasing revenue for hotels, restaurants, businesses, and for the City of Santa Barbara. According to the Santa Barbara Conference and Visitor's Bureau, school-aged children accompany approximately 15% of the 9,000,000 annual visitors to Santa Barbara. The Santa Barbara Region Chamber of Commerce estimates that, once the large development projects in the first three blocks of State Street are completed, 8,000 visitors will walk by the Children's Museum on a daily basis and 12,000 cars will drive by. CMSB will attract tourists with children who will pay full price admission and purchase items in the store, which will contribute significantly to our earned income revenue.

Nearly 280,000 people travel annually on Amtrak to and from Santa Barbara. Our proximity to the station makes it likely that travelers with children will notice and visit the Children's Museum. Amtrak has indicated that they are pleased with our location and will work with us to establish some enticing travel packages for families and school groups that wish to use this form of alternative transportation when they visit our museum.



Latinos comprise over one third of the City's population yet they are severely underrepresented in the attendance figures for local cultural institutions. To ensure that our plans truly match the needs of the entire community, especially Latino audiences, our Board of Directors believes that we must actively engage them in the planning process. As a new institution in the early planning stages, the Children's Museum has a unique opportunity to find out exactly what will attract this important segment of the community and then design our museum's exhibits, programs, and policies to facilitate their participation. One of the conclusions of our 2002 Feasibility Study was that a children's museum would be "an

opportunity to bring the divided Santa Barbara community together." Several community leaders voiced this view during interviews conducted by Lord Cultural Resources.

In 2007, with funding from First 5 Santa Barbara County, the Children's Museum began a needs assessment study entitled Partners for Learning Success (PaLS). Over the course of six months, CMSB worked with low-income Latino parents at McKinley School on the lower west side of Santa Barbara and Franklin School on the lower east side. Both schools have more than 95% Latino enrollment. We introduced the parents to the importance of early educational enrichment, suggested local possibilities, and provided free passes to visit local museums and cultural institutions. Our intent was to introduce the practice of family outings and to use those experiences as a springboard for conversations about what is lacking in Santa Barbara for children and families. The parents were delighted to have the opportunity to visit the local institutions that most had never visited. They brought back many ideas about what they liked and did not like. They also had many useful suggestions for fun exhibits, needed programs, admission prices, and hours of operation. In the fall, CMSB hopes to expand the needs assessment beyond preschool to include low-income Latino families with children enrolled in K-3 elementary grades in Santa Barbara as well as Goleta schools.

**PROJECTS WITH PRELIMINARY OR FINAL
COMMUNITY PRIORITY DESIGNATIONS**

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Boys & Girls Club Addition 602 W Anapamu Street MST90-02931	4,800		Initial application 1990; potential – now working on revised
Housing Authority 702 Laguna Street MST92-00043		4,550	Completed
Natural History Museum 2559 Puesta Del Sol MST92-00608		2,165	Completed
Airport Fire Station 40 Hartley Place MST92-00746		5,300	Completed
Santa Barbara Zoo 500 Niños Drive MST95-00330		210	Completed
Desalination Plant 525 E. Yanonali Street MST95-00425 (MST90-00360)		528	Completed
Santa Barbara Rescue Mission 535 E. Yanonali Street MST96-00228		7,213	Completed
Airport Master Plan 601 Firestone Road MST96-00355		12,557*	Airline Terminal expansion; portion or all may be considered for Economic Development category at later date
Airport Master Plan 601 Firestone Road MST96-00355		50,000*	
Rehabilitation Institute 2405 and 2415 De la Vina Street MST97-00196		9,110	Completed
Visitor Information Center - Entrada de Santa Barbara 35 State Street MST97-00357		2,500	Approved 8/21/01
Santa Barbara Harbor Restrooms 134 Harbor Way MST97-00387		1,200	Completed
Airport Terminal Expansion (trailers) 500 Fowler Rd. MST97-00392		2,300	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Waterfront Department Offices 132 Harbor Way MST97-00503		3,240	Completed
Transitions Preschool 2121 De la Vina Street MST97-00696		723	Completed
S.B. Maritime Museum 113 Harbor Way MST97-00832		2,805	Completed
Santa Barbara Cottage Hospital (Hospitality House) 2407-2409 Bath Street MST98-00042		4,158	Completed
MacKenzie Park Lawn Bowls Clubhouse 3111 State Street MST98-00076		763	Completed
Cottage Hospital 320 West Pueblo Street MST98-00287		980	Completed
The Full Circle Preschool 509 West Los Olivos Street MST98-00231		832	Completed
Storyteller Children's Center 2115 State Street MST98-00364		2,356	Completed
Free Methodist Church 1435 Cliff Drive MST98-00877		2,544	Completed
Salvation Army 423 Chapala Street MST99-00014		2,968	Completed
Homeless Day Center and Shelter 816 Cacique Street MST99-00432		10,856	Completed
Emmanuel Lutheran Church 3721 Modoc Road MST99-00510		8,120	Completed
Marymount School 2130 Mission Ridge Road MST99-00542		4,000	Completed
Parking Lot 6 – Granada Theater 1221 Anacapa MST1999-00909/MST2003-00908		7,810	Completed

PROJECT/ADDRESS	PRELIM. DESIG. (SQ. FT.)	FINAL DESIG. (SQ. FT.)	STATUS/ COMMENT
Planned Parenthood 518 Garden Street MST1999-00916		3,565	BP Issued 2/10/06
Sea Center 211 & 213 Stearns Wharf MST2000-00324		3,212	Completed
Santa Barbara Zoo 500 Ninos Drive MST2000-00707 (& MST2002-00676)		10,000	Final Designation 4/10/2007
Clean Water and Creeks Restoration Office 620 Laguna Street MST2000-00828		480	Completed
Elings Park 1298 Las Positas Road MST2001-00007/MST2006-00509	12,190		Planning Comm. application submitted; requesting more SF
Braille Institute 2031 De la Vina Street MST2001-00048		4,000	Completed
Modular Classrooms at Boys & Girls Club 632 E. Canon Perdido Street MST2001-00150		6,502	Completed
Cater Water Treatment Plant 1150 San Roque Road MST2001-00732		6,750	Completed
Santa Barbara Neighborhood Medical Clinics 915 North Milpas Street MST2001-00774		2,518	Completed
632 E. Canon Perdido St. Boys and Girls Club MST2002-00786	7,600		Preliminary Designation 7/15/03
617 Garden St. Mental Health Assoc. MST2002-00257		2,703	BP Issued 11/17/06
4000 La Colina Rd Bishop Diego High School MST 2004-00673		9,512	Final Designation 12/20/2005
SUBTOTALS:	24,590	199,030	
ALLOCATED TO DATE: 223,620 SQ. FT. REMAINING UNALLOCATED: 76,380 SQ. FT.			

SUMMARY OF CHARTER §1508 PROVISIONS FOR NON-RESIDENTIAL DEVELOPMENT

Under City Charter Section 1508, non-residential growth has been limited until the year 2010. Charter §1508 states that new non-residential development in the City must be allocated from one or more of the following categories:

Category	Square Footage Allocated to Category
Approved Projects	900,000 SF
Pending Projects	700,000 SF
Vacant Property	500,000 SF
Small Additions	600,000 SF
Community Priority	300,000 SF
Total	3,000,000 SF

Minor Additions of 1,000 SF or less per parcel are not limited by Charter §1508.

To provide for important needs of the community to be met within the parameters of future development, the Community Priority and Economic Development Categories were established.

Community Priority: The Community Priority designation was envisioned for use by only those projects that clearly provide a public benefit. Section 28.82.300 of the Zoning Ordinance defines Community Priority as follows:

“A project which has been designated by the City Council as a community priority necessary to meet a present or projected need directly related to public health, safety or general welfare.”

“General welfare” is defined in the Ordinance as follows:

“A community priority project which has broad public benefit (for example, museums, childcare facilities, or community centers) and which is not principally operated for private profit.”

The Charter Section 1508 allocated 300,000 square feet for development under the Community Priority Category. Given the limited amount of floor area available for these projects, developments proposed for designation as a Community Priority are reviewed carefully against the criteria above.

Economic Development: The Economic Development category was envisioned as a way to provide for unanticipated future needs related to the economic health of the City by using expired, withdrawn, denied, and unallocated square footage from the Approved, Pending, and Small Addition General Plan categories.

The Economic Development Category was added to the Charter in 1995. All square footage from the Approved Projects, Pending Projects and Small Additions categories that is not used because projects are withdrawn or their approvals expire, along with square footage in the Small Addition Category left over from the annual 30,000 SF component, is moved into the Economic Development category. The 3,000,000 SF cap remains unchanged.

Section 28.87.300.B.3 of the Zoning Ordinance describes a project that is eligible to receive Economic Development square footage as:

“A project which has been designated by the City Council as a project that is consistent with the City Charter, General Plan and this Title, will enhance the standard of living for City and South Coast residents and will strengthen the local or regional economy by either creating new permanent employment opportunities or enhancing the City’s revenue base. An Economic Development Project should also accomplish one or more of the following:

- a. Support diversity and balance in the local or regional economy by establishing or expanding businesses or industries in sectors which currently do not exist on the South Coast or are present only in a limited manner; or
- b. Provide new recreational, educational, or cultural opportunities for City residents and visitors; or
- c. Provide products or services which are currently not available or are in limited supply either locally or regionally.”

"Standard of living" is defined as:

“Wages, employment, environment, resources, public safety, housing, schools, parks and recreation, social and human services, and cultural arts.”

Both Categories: If the Council grants a non-binding Preliminary Designation, the project would then proceed with Planning Commission review. In addition to the required Development Plan findings, the Planning Commission would make a recommendation to the Council regarding the appropriateness of the Final Community Priority or Economic Development Designation. The City Council would then be requested to grant a Final Designation as part of the project approval.

Generally, projects are allocated the first 3,000 square feet of project space from other categories for which they are eligible, such as Minor Addition, Small Addition, and/or Vacant, and remaining new square footage may be considered for Community Priority designation. For Economic Development, the first 1,000 square feet is usually taken from the Minor Addition category.

**MEMORANDUM OF UNDERSTANDING NO. ____
WITH RESPECT TO REAL PROPERTY LOCATED AT**

125 STATE STREET, SANTA BARBARA, CALIFORNIA

BY AND BETWEEN

**THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
AND THE CHILDREN'S MUSEUM SANTA BARBARA 125 STATE STREET**

THIS MEMORANDUM OF UNDERSTANDING (hereinafter the "MOU") is entered into as of _____, by and between the CHILDREN'S MUSEUM SANTA BARBARA, a California non-profit corporation (hereinafter referred to as the "Museum") and THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA, a public body, corporate and politic, organized and existing under Chapter 2 of the Community Redevelopment Law of the State of California (hereinafter referred to as the "Agency.")

WHEREAS, the Museum seeks to develop and operate a children's museum within the community that will provide interactive learning experiences for children to develop an understanding of the world, inspire creativity and independence, encourage a joy in learning, and foster appreciation of unique differences; and

WHEREAS, the Agency owns real property at 125 State Street that appears to be a suitable location as a project site for Museum to develop and operate the children's museum; and

WHEREAS, the Agency Board has determined that it is in the best interest of the Community and consistent with the goals and objectives of the Agency to assist Museum in realizing the vision of a children's museum within the community by redeveloping the property it owns with the children's museum and related improvements and providing Museum a long-term lease of Agency property; and

WHEREAS, In furtherance of the objectives of the Community Redevelopment law, the Agency has undertaken a program for the redevelopment of the Santa Barbara Central City Redevelopment Project Area (the "CCRP") pursuant to the amended Redevelopment Plan for that area adopted by the City Council of the City of Santa Barbara in 1977; and

WHEREAS, The Redevelopment Plan for the Central City Redevelopment Project Area was originally approved and adopted by the City Council of the City of Santa Barbara on November 14, 1972 by Ordinance No. 3566, and was substantially amended and extended on August 30, 1977 by Ordinance No. 3923, and was further amended by City Ordinance No. 442, adopted December 16, 1986, by Ordinance No. 4894, adopted on December 6, 1994, by Ordinance No. 5805 adopted on November 11, 1998, and by Ordinance No. 5089 adopted on January 12, 1999 and finally amended on

April 27, 2004 by Ordinance No. 5314 amended June 14, 2005, by Ordinance 5363, amended June 6, 2006, by Ordinance 5388; and amended July 31, 2007 by Ordinance No. 5424." The Redevelopment Plan (as so amended) is referred to herein as the "Redevelopment Plan." This MOU and any subsequent agreement among the parties to this MOU and the Agency shall be subject to the provisions of the Redevelopment Plan which is incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, The "Central City Redevelopment Project Area" is located in the City of Santa Barbara, California, the exact boundaries of which are specifically described in the Redevelopment Plan and in instruments recorded respectively as Document No. 48982 at Book 2435, Page No. 331 on December 14, 1972, and as Document No. 77-44507 on September 1, 1977 of the Official Records of Santa Barbara County of the State of California, which instruments are incorporated herein by reference and made a part hereof as though fully set forth herein.

NOW, THEREFORE, Agency and Museum hereby understand as follows:

1. PURPOSE OF MOU.

1.1 Purpose. This MOU sets out the mutual understanding of Agency and the Museum regarding the process by which the Agency Board and staff and the Museum hope to, if the conditions set forth herein are satisfied, develop a project description for purposes of initiating City of Santa Barbara ("City") environmental review of the proposed development of a children's museum on the Project Site and negotiate the possible terms of a Disposition and Development Agreement (DDA). In the event that the parties enter into a DDA, and all conditions contained therein are satisfied, the Agency and the Museum plan on entering into a long term lease (hereinafter the "Project Lease") of the Agency real property located at 125 State Street as the location of the Children's Museum. The Agency property that is the subject of this MOU is located in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known as 125 State Street, Santa Barbara County Assessor Parcel Nos. 033-075-012 and 033-075-014 and legally described in Exhibit A (hereinafter the "Project Site") and graphically depicted on the Project Site Map attached hereto as Exhibit B.

2. CONCEPTUAL ELEMENTS OF THE CHILDREN'S MUSEUM. The Agency and the Museum agree that the fundamental concept of the Children's Museum shall be comprised of construction of an approximately 14,000 square foot, children's science museum operated by the Children's Museum of Santa Barbara. The Museum could consist of approximately 7,000 square feet of indoor exhibits, 1,800 square feet of outdoor exhibits, 2,500 square feet of lobby and store space and 3,500 square feet of classroom, office and storage space. The Museum could also include a tower, rooftop garden and outdoor amphitheatre. The development on the Project Site will also include landscaping and other appurtenant facilities. Visitor and staff parking will be accommodated both on the Project Site and off site.

The Museum development will meet the City of Santa Barbara's standards and guidelines including the City of Santa Barbara Local Coastal Plan (LCP), Zoning Ordinance, El Pueblo Viejo Landmark District (EPV) guidelines and restrictions and the City of Santa Barbara Urban Design Guidelines.

The Agency's goals for the Museum development include compatibility with the creation and continuance of an economically viable lower State Street/Waterfront area that offers an attractive environment for the local and visitor alike and is of economic benefit to the Agency and City of Santa Barbara. The development will also include sustainable elements including Leadership in Energy and Environmental Design (LEED) certification to the maximum extent feasible.

The proposed Museum development on the Project Site, as described herein, which may be developed, receive the necessary environmental review and, ultimately, which may be permitted and constructed is hereinafter referred to as the "Project Plan".

3. INTERPRETATION OF MOU.

3.1 This MOU has been prepared to aid the Agency and the Museum in developing and agreeing upon a Project Description of the Project Plan for CEQA purposes and a process to aid Agency staff and museum representatives in negotiating the terms of a possible DDA and Project Lease of the Project Site for the Agency and the Museum. At this point, it is intended merely to allow the Agency and the Museum to identify those key elements of the proposed Project Plan so that the parties understand the environmental and planning issues and concerns which will require further detailed environmental and planning review by the City, as well as to identify those questions and issues which may need to be resolved prior to the time the City reviews and permits any specific elements of the Project Plan and prior to the time the Agency and the Museum enter into any binding contractual agreements with respect to the development of the Project Site and the Project Lease.

3.2 While this MOU has been prepared, reviewed and executed by the Agency staff and by the Museum and its representatives and legal counsel so that it accurately sets forth the underlying assumptions and elements of the proposed Project Plan, this review nevertheless does not yet constitute any sort of City development approval of the Museum Plan or any of its elements.

3.3 Except as otherwise specifically indicated herein with respect to the Agency and the Museum preparing and submitting to the City the Project Description and the Museum initiating environmental review of the Project Plan and the Agency undertaking the Site preparation as identified herein, this MOU is not intended to be contractual and binding in nature. Rather, if, after the necessary environmental review, the Project Plan is approved by the City, Museum and Agency intend to negotiate a DDA and Project Lease between the Museum and the Agency.

4. PROJECT DESCRIPTION, SITE PREPARATION AND GENERAL TERMS OF DDA AND PROJECT LEASE.

4.1 The Project Description – The Agency (by and through its staff) and the Museum agree that, for the periods set forth in the Negotiation and Environmental Review Schedule (attached hereto as Exhibit C), they will meet and negotiate regularly and diligently in good faith to prepare a “Project Description” for the proposed Project Plan to be approved by the Agency and to be used by the City for the purpose of conducting the necessary environmental review of the Project Plan under CEQA.

Immediately upon the completion of the negotiation of the Project Description, the Museum will submit the Project Description to the City Council for the purpose of having it declared a “project” for the purposes of environmental review under CEQA and to initiate the process of City development and environmental review. The Agency, as owner of the Project Site, will authorize the Museum to submit a master application for development and environmental review and approval of the proposed Project Plan to the City of Santa Barbara.

The Museum understands that the environmental document will be prepared and adopted by City in accordance with procedures adopted by City in compliance with the requirements of the California Environmental Quality Act of 1970, as amended (California Public Resources Code Sections 21000 et. seq.) and all applicable state regulations and local ordinances and regulations enacted pursuant thereto.

4.2 Project Site Preparation

4.2.1 Environmental Assessment. The Agency has prepared a “Phase I” and “Phase II” assessment of the environmental condition of the Project Site. Copies of the Phase I and Phase II environmental assessment reports will be made available to the Museum upon execution of this MOU.

4.2.2 Remediation of Project Site. The Agency will undertake remediation of the Project Site under the direction of Santa Barbara County Fire Department Hazardous Materials Division. Such remediation shall be completed as evidenced by issuance of a “no further action” letter by the County to the Agency prior to the commencement date of the Project Lease.

4.2.3 Site Survey. The Agency has prepared a legal survey of the Project Site and shall make the survey available to the Museum upon execution of this MOU.

4.2.4 Parcel Reconfiguration. The Agency shall prepare an Agency parcel map to merge or reconfigure the two parcels prior to the Agency and the Museum executing the Project Lease.

4.3 DDA. Upon finalization of the Project Description and during the process of environmental review, the Agency and the Museum will continue to meet and negotiate diligently and in good faith, concerning the possible terms of a DDA which will be necessary in order to implement the initial phases of the Project Plan. Agency staff will prepare an initial draft of a DDA. Upon the completion of negotiations over the

DDA, the DDA draft shall be submitted to the Agency board for its review and possible approval. The negotiation of a DDA shall not constitute any form of development approval of the Project Plan which shall undergo all necessary City discretionary development and environmental review prior to the Agency's execution of the DDA.

Upon execution of a DDA and the Museum's successful completion of the City's development review process, the Agency and the Museum shall enter into the Project Lease.

4.4 Appointment of Designated Representatives/Negotiators. The Museum hereby appoints and empowers the Executive Director as its negotiator (the "Authorized Negotiator") which has the authority of and responsibility to the Museum organization in meeting and conducting the MOU negotiations and in implementing the requirements of this MOU. . The Authorized Negotiator shall be available for meetings and communications with the City and the Agency staff at all reasonable times. The Museum may, from time to time, change the name and identity of its Authorized Negotiators by delivery to the Agency of a written notice of such change.

5. GENERAL.

5.1 Right to Terminate. Either the Agency or the Museum may terminate their participation in this MOU at their discretion or, with respect to the negotiations over a DDA, if the other party adopts a negotiation position which substantially deviates from the proposals and scope referred to in this MOU. In the event of such termination, this MOU shall be of no further effect.

5.2 Additional Terms and Conditions. The Museum acknowledges and agrees that any proposed DDA or further agreement to negotiate that may result from these negotiations will have to be submitted to the Agency Board (and, to the extent required by law, to the City Council of the City of Santa Barbara) for their review and approval in accordance with the law (especially, with reference to a DDA, Section 33433 of the Health and Safety Code.) The Museum further acknowledges and agrees that the staff and consultants of the City and the Agency, or any individual member of the City Council or Agency Board, does not have the authority to bind the City or the Agency, and that although the City and the Agency will not be bound to any agreement nor to any course of action except after execution of the proposed DDA, or, as the case may be, a further agreement to negotiate, it is intended by both parties that these negotiations be conducted in good faith to carry out the terms set forth in this MOU without material change.

The parties also acknowledge that the final form of any proposed DDA to be negotiated may have to contain matters not contemplated by this Agreement, but which may be needed to accommodate compliance with the California Environmental Quality Act (CEQA).

5.3 Agency Disclaimer. The Agency does not have and expressly disclaims any right of supervision or control over the architects, designers, engineers or other

draft persons and professionals responsible for the drafting and formulation of the plans, specifications or drawings, or any right of supervision or control of contracts, builders, trades and other persons engaged in constructing and fabricating the improvements pursuant to the plans. The Agency shall have no responsibility for determining whether or not the plans, specifications or drawings and the manner of soil and site preparation and construction pursuant to such plans constitute a hazard or threat to the life, safety or property of any party or person.

5.4 Notices, Demands and Communications Between the Parties. All notices, requests, demands and other communications hereunder between the Agency and the Museum shall be in writing and given by (i) established express delivery service which maintains delivery records, (ii) hand delivery or (iii) United States mail, postage prepaid to the principal offices of the Agency and the Museum addressed to each party as follows:

AGENCY:

REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA
City Hall
P.O. Box 1990
735 Anacapa Street
Santa Barbara, California 93101
Attn: Executive Director

With a copy to:

Agency Counsel
City of Santa Barbara
City Hall
P.O. Box 1990
740 State Street, Suite 201
Santa Barbara, California 93102

MUSEUM:

Children's Museum Santa Barbara
P.O. Box 4808
Santa Barbara, CA 93140
Attention: Paul Selwyn, President
with a copy to:

Robert F. Egenolf
Egenolf Associates LLP
130 East Carrillo
Santa Barbara, California 93101

Such written notices, demands and communications may be sent in the same manner to such other addresses as either party may from time to time designate by mail as provided in this Section.

5.5 Conflict of Interests. No member, official or employee of the Agency shall have any direct or indirect interest in this MOU, nor participate in any decision relating to the MOU which is prohibited by law.

5.6 Warranty Against Payment of Consideration for MOU. The Museum warrants that it has not paid or given, and will not pay or give, any third person any money or other consideration for obtaining this MOU, other than normal costs of conducting business and costs of professional services such as architects, engineers and attorneys.

5.7 Nonliability of Agency Officials and Employees. No member, official or employee of the Agency shall be personally liable to the Museum, or any successor in interest, in the event of any default or breach by the Agency.

5.8 Assignment by Agency. The Agency may assign or transfer this Agreement to the City without the consent of the Museum.

5.9 Relationship Between Agency and Museum. It is hereby acknowledged that the relationship between the Agency and the Museum is not that of a partnership or joint venture and that the Agency and the Museum shall not be deemed or construed for any purpose to be the agent of the other. Accordingly, except as expressly provided herein or in the Attachments hereto, the Agency shall have no rights, powers, duties or obligations with respect to the development, operation, maintenance or management of the Improvements.

5.10 Further Instruments. Each party shall execute and deliver all further instruments, documents and papers, and shall perform any and all acts necessary under the terms and provisions of this MOU.

5.11 Counterparts. This Agreement may be signed in multiple counterparts which, when signed by all parties, shall constitute this MOU.

5.12 No Third Party Beneficiaries. Except as may be expressly set forth herein, the parties hereto do not intend to confer any rights or remedies upon any person other than the parties hereto.

5.13 Incorporation of Attachments. All Attachments referred to in this MOU or attached to this MOU are hereby incorporated in this MOU as though fully set forth herein.

IN WITNESS WHEREOF, the parties have executed this MOU as of the _____ day of _____, 2009, in Santa Barbara, California.

THE REDEVELOPMENT AGENCY

CHILDREN'S MUSEUM

OF THE CITY OF SANTA BARBARA

SANTA BARBARA

By: _____
Jim Armstrong
Executive Director

Paul Selwyn, President

APPROVED AS TO CONTENT
HOUSING AND REDEVELOPMENT
MANAGER

By: _____
Brian Bosse

APPROVED AS TO FORM
AGENCY COUNSEL

By: _____
Sarah Knecht

ATTEST
AGENCY SECRETARY

By: _____
Paul Casey

Redevelopment Agency Parcel Legal Descriptions
125 State Street
Children's Museum of Santa Barbara Ground Lease

Assessor's Parcel Number: 033-075-12

All that certain real property situated in the County of Santa Barbara, State of California, described as follows:

That portion of Block 306 of the City of Santa Barbara, County of Santa Barbara, State of California, according to the official map of said City, described as follows:

Beginning at the point of intersection of the Southeasterly line of Yanonali Street with the Southwesterly line of State Street, as shown on said map, said point being the most Northerly corner of said Block 306;

thence Southeasterly along said Southwesterly line of State Street, 150.00 feet;

thence Southwesterly, parallel with said Southeasterly line of Yanonali Street, 200 feet to the Northeasterly line of Kimberly Avenue;

thence Northwesterly along said last mentioned street line, 150.000 feet to its intersection with said Southeasterly line of Yanonali Street;

thence Northeasterly along said last mentioned street line 200.00 feet to the point of beginning.

Excepting therefrom all minerals and mineral rights, interests, and royalties, including, without limiting, the generality thereof, oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals, in and under said land; however, without the right for any purpose whatsoever to enter upon, into or through the surface of said land as reserved by Southern Pacific Transportation Company, a Delaware Corporation in deed recorded March 26, 1993 as Instrument No. 93-022717 of Santa Barbara County Official Records.

Assessor's Parcel Number: 033-075-14

All that certain real property situated in the County of Santa Barbara, State of California, described as follows:

All of that certain portion of Yanonali Street described as follows:

Beginning at the most Easterly corner of Block 288 in the City of Santa Barbara, according to the Official Map thereof, being the intersection of the Southwesterly line of State Street and the Northwesterly line of Yanonali Street;

Redevelopment Agency Parcel Legal Descriptions
125 State Street
Children's Museum of Santa Barbara Ground Lease

thence Southeasterly along said Southwesterly line of State Street 60 feet to its point of intersection with the Southeasterly line of Yanonali Street, said point of intersection also being the most Northerly corner of Block 306;

thence Southwesterly along said Southeasterly line of Yanonali Street a distance of 23 feet, more or less, to the Northwesterly corner of the railroad right of way in Block 306 reserved in the Corporation Grand Deed by Southern Pacific Transportation Company recorded March 26, 1993, as Instrument No. 93-022717 of Official Records, records of said County;

thence continuing Southwesterly along said Southeasterly line of Yanonali Street a distance of 140 feet, more or less, to the Southwesterly corner of the railroad right of way in Block 306 reserved in said Corporation Grant Deed by Southern Pacific Transportation Company;

thence continuing Southwesterly along said Southeasterly line of Yanonali Street a distance of 38 feet, more or less, to the most Northerly corner of the street easement for Kimberly Avenue, as shown on the map of City Block No. 306 and described in City Ordinance No. 826;

thence leaving said Southeasterly line of Yanonali Street, Northwesterly along the Northwesterly prolongation of the Northeasterly line of said Kimberly Avenue a distance of 22 feet, more or less, to its intersection with the Southwesterly prolongation of the Southerly line of said railroad right of way in Block 306 reserved in said Corporation Grant Deed;

thence Southwesterly along the Northwesterly prolongation of said Southerly line of said railroad right of way a distance of 77 feet, more or less, to its intersection with the Northwesterly line of Yanonali Street, said point of intersection being the Southeasterly corner of said railroad right of way in Block 288 reserved in said Corporation Grant Deed;

thence Northeasterly along said Northwesterly line of Yanonali Street a distance of 141 feet, more or less, to the Northeasterly corner of the railroad right of way in Block 288 reserved in said Corporation Grant Deed;

thence Northeasterly continuing along said northwesterly line of Yanonali Street a distance of 128 feet, more or less, to its point of intersection with the Southwesterly line of State Street, said point also being the most Easterly corner of Block 288 and the point of beginning.

Excepting therefrom that portion lying Northerly of the Southerly railroad right of way as reserved in Order Vacating and Abandoning certain portions of Chapala Street and Yanonali Street by Resolution No. 96-136, recorded December 4, 1996 as Instrument No. 96-072319 of Official Records.

Children's Museum Santa Barbara – Project Site / Ground Lease Area



 Project Site / Ground Lease Area

**CHILDREN'S MUSEUM
NEGOTIATION and ENVIRONMENTAL REVIEW SCHEDULE**

Exhibit C

	FUNDRAISING	PROJECT DEVELOPMENT
2008		
Q4		RDA provides site survey & prelim. title report property descriptions
2009		
Q1		PRT application; Community Priority application Review draft DDA
Q2	PHASE I: Pave the Way Campaign 50% of goal	MOU approval (Board)/Prelim. Comm. Priority (Council) Preliminary architectural designs Initial HLC concept review
Q3	PHASE I: Pave the Way Campaign 100% of goal	Schematic and design development drawings Begin remediation of site contamination (by RDA)
Q4	Planning for Goal Feasibility Study	DART application and review Application deemed complete (Planning) City undertakes environmental review pursuant to CEQA
2010		
Q1	PHASE II: Goal Feasibility Study Top 5 lead donors, top 15 prospects identified Capital Campaign Goal established	
Q2	PHASE III: Capital Campaign Cabinet formation Planning, research of prospects	Planning Commission: Development Plan, Coastal Dev. Permit, env rev approval Agency Board approves DDA, lease (after completion of environmental review) DDA signed HLC Preliminary Approval
Q3	PHASE IV: Capital Campaign Leadership Gifts 5% of goal	Council: Community Priority Designation final approval Construction Drawings
Q4	PHASE V: Capital Campaign: 25% of goal	HLC final approval
2011		
Q2	PHASE V: Capital Campaign: 50% of goal	
Q4	PHASE V: Capital Campaign: 75% of goal	Grading, building, and Public Works construction permits Lease signed/executed and Memorandum of Lease recorded by City Clerk
2012		
Q2	PHASE V: Capital Campaign: 100% of goal	Groundbreaking, site prep Construction (estimate 12 months)
2013		
Q2		Final Inspection & Certificate of Occupancy OPENING DAY!



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Public Works Department and Planning Division, Community Development Department

SUBJECT: Upper State Street Setbacks

RECOMMENDATION:

That Council direct staff to initiate possible amendments to the Upper State Street Area Special District Zone setback standards, Santa Barbara Municipal Code Chapter 28.45, in order to accommodate the future transportation needs of the street.

DISCUSSION:

Community Development, Public Works, and Council have been working on a strategy to update the Upper State Street Guidelines since May, 2007. Since then, significant changes have taken place in regard to the City budget, development patterns, and competing City project priorities. As a result, on November 11, 2008, Council agreed with the recommendation of staff and the Finance Committee to prepare simplified development review guidelines based on the approved Upper State Street Study. Council also directed staff to return with a recommendation to ensure that future buildings are constructed far enough back from the street to accommodate long-term future transit options. Staff is proposing an increase in the existing SD-2 setback along State Street.

The Council approved the Upper State Street Study on May 8, 2007. On October 9, 2007, the Council considered a draft work program for implementing a number of recommendations from the Upper State Street Study, including new design guidelines and near-term transportation improvements. Several members of Council expressed concern that the work program would proceed without first considering a longer-term issue of potential dedicated transit lanes along the Upper State Street corridor. Therefore, Council directed that staff postpone its request for approval of the program and funding, and that a request for proposal (RFP) and scope of work for a dedicated transit lane feasibility study be initiated.

On January 29, 2008, the Council approved the RFP and scope of work. On June 10, 2008, Public Works staff held a discussion with the Finance Committee to identify the source(s) of funding to be used for the proposed study cost of approximately \$250,000. The Finance Committee expressed concerns regarding the costs and directed staff to consider phasing the study and reducing the costs.

Staff returned to Council on November 12, 2008 with a range of options, including adopting a simplified version of the Upper State Street Study as simple guidelines. Staff has begun work on the guidelines by translating the Upper State Street Study Improvement Measures Summary into guideline language. Graphic layout of the guideline language, background, issue discussion, maps and photos drawn from the Upper State Street Study into new guidelines is scheduled for April. The guidelines are to be reviewed by the Planning Commission and Architectural Board of Review, and subsequent consideration for adoption by the Council is expected in the summer of 2009.

In response to some Councilmembers' desire to ensure that setbacks be included to provide enough width to accommodate future transit needs, staff recommends amending the Upper State Street setback ordinance. While it is difficult to know exactly what the transportation systems and public realm space needs will be in the future, increasing the setback will provide adequate space for a range of transit options. New buildings will not be constructed in the setback that may someday be purchased for public right-of-way purposes.

Should City Council support this recommendation, staff would evaluate various potential future transit projects and their space requirements, summarize the findings in a report, and return to Council with a proposal to increase the existing setback ordinance accordingly. Based on Council direction, Planning staff would proceed with a zoning ordinance amendment, with the standard process of environmental review, Planning Commission recommendation hearing, Ordinance Committee and Council action. Earlier concepts of design charettes and public workshops would not be included in this effort. Further, it is important to note that this possible setback amendment has not been assigned as an active priority project and would need to be considered in terms of overall Planning Division workload at some future point.

PREPARED BY: Bettie Weiss, City Planner
Robert J. Dayton, Principal Transportation Planner

SUBMITTED BY: Paul Casey, Community Development Director
Christine Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Underground Utility Assessment District Program Update And Proposed Program Enhancements

RECOMMENDATION: That Council:

- A. Receive an update on the Underground Utility Assessment District (UUAD) Program (Program);
- B. Approve adding a Program Neighborhood Level of Support Threshold (Support Threshold); and
- C. Approve initiating a Financial Assistance Loan Program for UUAD Property Owners, and refer to the Finance Committee to establish the Loan Program parameters.

EXECUTIVE SUMMARY:

At the September 23, 2008, Council meeting, staff presented an update on the UUAD Program. Staff reported progress on the two UUADs initiated on Eucalyptus Hill Road and on Chapala Street. Staff also recommended that Council implement a UUAD Support Threshold process to assist neighborhoods in demonstrating the strong neighborhood support necessary for Council to approve a neighborhood UUAD. The Support Threshold would increase the probability of maintaining neighborhood harmony during the UUAD process. With the request to approve a Support Threshold, staff is requesting that Council provide direction on initiating financial assistance for the property owners in the Program. This would address the financial concerns raised by property owners potentially affected by a proposed UUAD. The proposed financial assistance would only utilize the available resources of the Underground Utility Fund. Staff will return to Council at a later date with a Financial Assistance Program for Council's consideration and approval.

DISCUSSION:

Eucalyptus Hill Road and Chapala Street UUAD Status

The Eucalyptus Hill Road UUAD preliminary design has been completed by Southern California Edison (SCE). Cox Cable and Verizon have initiated their preliminary designs. On January 29, 2009, staff met with Eucalyptus Hill Road UUAD property owners and shared the details of the SCE preliminary design. The meeting resulted in good information sharing and was well received by the eight property owners that attended. A summary of the meeting has been distributed to those that did not attend. The Assessment Engineer has initiated the preliminary assessment Engineer's Report (Report). A meeting with the property owners is tentatively scheduled for mid-April 2009 to review and discuss the Report.

The preliminary SCE design for the Chapala Street UUAD is complete and Cox Cable and Verizon have initiated their preliminary designs. A neighborhood meeting to review the SCE preliminary design was held on March 19, 2009. Approximately 14 property owners attended the meeting. The meeting was constructive and resulted in good communication between the project team and the neighborhood, and also allowed the neighbors to share information and opinions among themselves.

Potential UUADs

The UUAD Program has evoked significant interest throughout the City. There are approximately 12 other neighborhoods that have expressed interest in the possibility of initiating a UUAD. The establishment of a Support Threshold will allow staff to focus on working with neighborhoods that are most likely to be successful with forming UUADs.

A number of Arbolado Road area property owners have expressed interest at previous Council meetings regarding the potential for a UUAD in their neighborhood. Some Arbolado Road property owners have identified an area in the neighborhood that may support filing a petition to request the initiation of a UUAD. Staff responded and mailed a UUAD survey and related information to surrounding property owners to see if it is possible to expand the area of neighborhood support. Staff invited those surveyed to a February 17, 2009, neighborhood UUAD meeting to share the survey results. Thirteen property owners attended. About half supported a UUAD, and half did not. The meeting provided the opportunity for the neighborhood property owners to work together to determine if there is adequate support for a potential UUAD. It was evident that there was an area included in the survey that lacked support to initiate a UUAD.

Staff recommends not initiating another UUAD that includes City front end financial assistance and staff support until the conclusion of any previously initiated UUAD. The reasons are: 1) the funding limitations within the Underground Utility Program cannot simultaneously support processing numerous UUADs, and 2) limited staff resources exist to administer current and foreseeable workloads.

Neighborhood Level of Support Threshold

At previous Council meetings, several Councilmembers indicated they would like to see a demonstration of strong support by a neighborhood in order for Council to approve a UUAD and to minimize neighborhood conflict.

Staff previously reported to Council on the levels of neighborhood support other municipalities have established to initiate and approve their UUADs. Some municipalities, such as Manhattan Beach and Piedmont, have established a "Neighborhood Level of Support" policy in addition to the legal UUAD petition and approval requirements. Some municipalities require 60%-70% popular support, in addition to the 60% by area requirement, for UUAD petition acceptance at the UUAD initiation stage. Additionally, some municipalities require 50%-60% popular support, in addition to the Proposition 218 weighted vote requirement at the project's final vote stage.

At the September 23, 2008, Council meeting, staff recommended that Council consider 80%-90% popular support requirements for both petition (project onset) and UUAD approval requirements. The discussion focused on what other municipalities use to approve their UUADs, and the stages of the UUAD process where popular Support Thresholds would be considered for implementation. Councilmembers expressed support for a 60%-70% popular support requirement, and directed staff to meet with the public to discuss the issue. If adopted, Council recommended this potential policy requirement would only apply to upcoming City UUADs and would not apply to the Eucalyptus Hill Road and Chapala Street UUADs, since they had already been initiated.

On November 6, 2008, staff conducted an information sharing public meeting to address the topic of appropriate neighborhood level of Support Thresholds. There were approximately 90 property owners representing neighborhoods citywide. A strong majority of the property owners who spoke were against UUADs and recommended that staff continue to pursue a minimum 80% Support Threshold requirement to initiate and approve new UUADs.

Staff is now recommending that Council approve the highest level of Support Threshold feasible. The higher the threshold support level, the lower the potential level of opposition throughout the process. This would result in the highest possible success rate for a neighborhood to achieve approval for a UUAD. A mechanism such as this could prevent neighborhoods from initiating a neighborhood UUAD that may not have demonstrated strong support. Lack of strong neighborhood support would likely lead to eventual UUAD termination and a loss of substantial City funds for "front ended" design and administration costs. Staff's recommendation continues to be a Support Threshold of approximately 80%. Staff believes the establishment of a high Support Threshold is one of the most important actions Council can take to address the potential situation of a significant number of property owners requesting Council deny an initiated UUAD.

Staff recommends Support Thresholds be implemented at the petition, Assessment Engineer's Report, and final voting stages of the UUAD process.

Proposed UUAD Financial Assistance Program for Property Owners

Property owners within an initiated UUAD may be faced with two types of Program costs; assessment costs that are proportional to the property benefit, and the cost to underground their overhead private property services. The assessment cost is typically paid either in full or by payments added to the property tax bill. In previous meetings, the public has clearly indicated that these two Program costs are of significant concern. Staff recognizes that property owners will benefit from knowing estimated financial related information throughout the UUAD process.

Staff has updated the "Steps For Initiating and Forming a Private Residential Underground Utility Assessment District" (UUAD Packet) to reflect improvements to the UUAD process. These improvements include added information regarding cost estimates for assessments and for anticipated costs to property owners to underground their overhead private utility services.

Staff recommends initiating a Private Utility Service Loan Assistance Program (Loan Program). The property owner's cost to underground their overhead private service line at their expense could possibly be their greatest "out of pocket" expense. To address this issue, staff proposes that the Underground Utility Fund would be the funding source for the Loan Program that would be made available to those property owners who qualify by predetermined income guidelines.

The proposed Loan Program is modeled after the City's Housing Rehabilitation Loan Program (HRLP) that is used to assist property owners in correcting deficient code items related to home health and safety, such as deficiencies in plumbing, electrical, heating, etc. The HRLP offers loans of up to 20-years at a maximum fixed interest rate of 3%. As contemplated, it would be available to property owners who meet income levels for the Low Income category for the HRLP. The Underground Utility Fund has the capacity to fund the Loan Program if the number of initiated UUADs in progress at any one time is restricted.

Staff also recommends a Hardship Exception as another proposed financial assistance tool for property owners. On a case-by-case basis, if a property owner demonstrates an extreme hardship as determined by the Finance Director or Council designated entity, they may be eligible for a Hardship Exception. If approved, the Underground Utility Fund would be the source of the bi-annual assessment payments through a loan secured by the property lien. The Underground Utility Fund would be repaid upon the first subsequent sale or transfer of property title. If Council supports the concept of a Loan Program, Council may consider directing staff to work with the Finance Committee on the Loan Program details before returning to Council for a recommendation for approval.

BUDGET/FINANCIAL INFORMATION:

The Underground Utility Program is funded by revenues received as part of the SCE Franchise Agreement. No General Fund monies are involved. These revenues are used for both the UUAD projects and the Underground Utility District (UUD) project; namely, Cliff Drive UUD No. 10. Since the Utility Undergrounding Program has been established, Program revenues have typically been approximately \$380,000 per year, with \$360,000 estimated as revenue for Fiscal Year 2010.

SUSTAINABILITY IMPACT:

Undergrounding overhead utilities within the City results in new utility lines and associated equipment. These improvements contribute to the sustainability of the City power and communication systems.

PREPARED BY: John Ewasiuk, Principal Civil Engineer/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Measure D One-Year Local Program Of Projects For Fiscal Year 2010

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting the Measure D One-Year Local Program of Projects for Fiscal Year 2010.

DISCUSSION:

BACKGROUND

On November 7, 1989, voters approved Measure D (a one-half percent sales tax) for transportation purposes. The 20-year sales tax was levied effective April 1, 1990, is nearing maturity, and will expire on March 31, 2010.

Under Measure D, local agencies receive 70% of the Measure D funds collected and choose how to spend their share of funds after seeking public input and adopting a Program of Projects each year. Measure D contains funds for Capital Projects, Corrective/Preventative Maintenance of Streets Capital Infrastructure (Operations), and Alternative Transportation (pedestrian/bicycle improvements and transit assistance).

Since 1990, the City has adopted an annual Five-Year Local Program of Projects. However, on April 15, 2008, Council approved the Fiscal Year 2009 – 2010, Two-Year Local Program of Projects. Since the current Measure D is set to expire in 2010, the Santa Barbara County Association of Governments (SBCAG) has requested a One-Year Local Program of Projects for Fiscal Year 2010.

On October 16, 2008, staff held a public meeting and joint work session with the Transportation Circulation Committee (TCC) and the Planning Commission (PC) to review and discuss the proposed Fiscal Year 2010 Streets Capital Improvement Program budget issues, including program project prioritization criteria. Maintenance of existing infrastructure continues to be a primary focus of the recommended Streets Capital Improvement Program budget.

In November 2008, voters overwhelmingly approved a replacement measure (Measure A) with 79% support. Measure A has a 30-year term. Countywide, it will generate over \$1 billion, and leverage an estimated \$500 million in state/federal matching funds. The projected revenues from Measure A are expected to be comparable to the revenues received from Measure D.

On January 22, 2009, staff held public meetings, including two separate work sessions, with the TCC and PC regarding the proposed Fiscal Year 2010 Streets Capital Improvement Program budget. Generally, positive comments were received from the TCC and PC regarding the proposed Fiscal Year 2010 Streets Capital Improvement Program budget.

LOCAL PROGRAM OF PROJECTS

With the City Council's approval of the recommended Resolution, this report will satisfy the Measure D requirement that the local agency hold an annual public hearing on its Program of Projects prior to submittal and adoption by SBCAG.

The Measure D Two-Year Local Program of Projects for Fiscal Year 2009 and 2010 consists of three categories: Streets Capital Projects, Corrective/Preventative Maintenance, and Alternative Transportation. A description of these categories is included as Attachment 1.

Staff's proposed Measure D Local Program of Projects for Fiscal Year 2010 is consistent with prior years' Programs of Projects and is included as Attachment 2 and as the Exhibit to the Resolution.

MEASURE A

Measure A becomes effective April 1, 2010. The City will continue to receive an uninterrupted revenue stream throughout 2010 because the Measure D revenues have a three month delay. Measure D revenues will continue to be received by the City until July 2010, at which time Measure A revenues will follow. Next year, the City will resume reporting on the next cycle of Measure A's Five-Year Program of Projects as was done prior to the expiration of Measure D.

SUMMARY

The City must annually adopt a Resolution and submit a revised Local Program of Projects to SBCAG in accordance with the Measure D local allocation rules. The recommended Local Program of Projects is generally consistent with the City of Santa Barbara's proposed budget for Fiscal Year 2010.

SUSTAINABILITY IMPACT:

Measure D funded projects include alternative transportation elements, such as bus alternatives, new sidewalks, and reducing the reliance of the automobile; thus, reducing the City's carbon footprint. Projects also include recycling concrete and asphalt pavement, contributing to the sustainability goals of the City.

ATTACHMENTS:

1. Measure D Project Categories
2. Measure D Proposed City Of Santa Barbara Program Of Projects by Category for Fiscal Year 2010

PREPARED BY: John Ewasiuk, Principal Civil Engineer/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

MEASURE D PROJECT CATEGORIES

1. Streets Capital Projects

Maintenance of existing City infrastructure has been, and continues to be, a high priority of the Streets Capital Fund.

This category includes funds for construction of various Streets Capital Projects. Listed below are the three subcategories of these projects, including: a) Drainage and Bridge Capital Projects, b) Pavement Management, and c) Streets Capital Program Infrastructure Improvements. This project category accounts for approximately \$860,000 of Measure D funds for Fiscal Year 2010.

a) Drainage and Bridge Capital Projects - Measure D funds have been used as matching funds for federal bridge replacement program funding, and to address drainage problems. The City is currently designing the replacement of the following bridges on Mission Creek: Cabrillo Boulevard (\$18.5M), Haley/De La Vina Street (\$12.1M), and Ortega Street (\$5.3M). These figures represent the total project cost for each bridge.

Projects in this category include:

- Drainage System Improvements
- Bridge Replacements (Cabrillo Boulevard, Haley/De La Vina, Ortega)
- Citywide Bridge Preventative Maintenance

b) Pavement Management - Roadway capital projects place a major emphasis on maintaining the roadway surface. There are three general maintenance applications to extend the life of a street: slurry seal, pavement overlay, and reconstruction. Each is applied to the street based on the level of deterioration. Slurry seal and overlay operations are proactive maintenance, while the more costly reconstruction is classified as reactive maintenance or end-of-life cycle replacement.

c) Infrastructure Improvements – City funds are often used as the match for grant funding opportunities.

Projects in this category include:

- Loma Alta Sidewalk
- Cliff Drive/Las Positas Intersection Improvements
- School Zone Safety Improvements

2. Corrective/Preventative Maintenance (Operations)

This category includes staff costs for administering, designing, and inspecting Capital Measure D projects, as well as road drainage and utility maintenance efforts. . In addition to the Pavement Maintenance Program, the Measure D budget provides for in-house crews to perform crack sealing, pothole repairs,

grinding, and repairs to sidewalks and drainage facilities. This project category accounts for approximately \$1.623M of Measure D funds for Fiscal Year 2010. This category includes funding for:

- Traffic Operations/Planning
- Road Maintenance
- Sidewalk Maintenance
- Storm Drain Maintenance
- Traffic Marking/Signage
- Streetlight and Traffic Systems Maintenance
- 12 Engineering and Streets Staff

3. Alternative Transportation

Alternative Transportation includes Pedestrian/Bikeway and Sidewalk/Access Ramp Improvements and the City's Transit Assistance Program. This project category accounts for approximately \$2.401M of Measure D funds for Fiscal Year 2010.

a) Pedestrian/Bikeway and Sidewalk/Access Ramp Improvements - These projects are designed to better serve pedestrian and bicycle travelways and to encourage increased use. Work includes replacing damaged sidewalks, installing access ramps, bikeway improvements, traffic calming devices, and installation of missing links of sidewalks. Projects in this category include:

- Access Ramp Installation
- Sidewalk Infill
- Bikeway Striping

b) City's Transit Assistance Program - This Program is designed to provide funding for the purchase and operation of energy efficient electric shuttle buses, and subsidize the operation of various transit assistance programs. This category includes annual funding for:

- Easy Lift Transportation
- Downtown/Waterfront Electric Shuttle
- Crosstown Shuttle
- Enhanced Transit Support to MTD

Additionally, the Redevelopment Agency contributes \$300,000 annually to the Downtown/Waterfront Electric Shuttle.

Measure D
Proposed City of Santa Barbara Program of
Projects by Category FY 2010

City Project Category	FY 10
Capital Projects	\$0.860
Alternative Transportation	\$2.401
Corrective/Preventative Maintenance	\$1.623
TOTAL	\$4.884

Figures in \$ Millions

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADOPTING THE MEASURE D ONE-
YEAR LOCAL PROGRAM OF PROJECTS FOR FISCAL
YEAR 2010

WHEREAS, on November 7, 1989, the voters of Santa Barbara County approved the Santa Barbara Transportation Improvement Program Ordinance and Expenditure Plan known as Measure D;

WHEREAS, the Ordinance provides that Santa Barbara County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible to use Measure D funds;

WHEREAS, the City of Santa Barbara was provided with an estimate of annual Measure D local revenues for Fiscal Year 2010; and

WHEREAS, the City of Santa Barbara has held a public hearing in accordance with Section 5 of the Ordinance.

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

SECTION 1. The City of Santa Barbara does hereby adopt the One-Year Program of Projects to be funded in part with Measure D revenues (exhibit).

SECTION 2. The City of Santa Barbara certifies that it will include in its budget an amount of local discretionary funding for local streets and roads sufficient to comply with the Maintenance of Effort requirements contained in Section 9 of the Ordinance.

SECTION 3. The City of Santa Barbara will not use Measure D revenues to replace private developer funding that has been committed to a transportation project or would otherwise be required under current City policies.

The City of Santa Barbara has complied with all other applicable provisions and requirements of the Ordinance.

**Measure D
Proposed City of Santa Barbara Program of
Projects by Category FY 2010**

City Project Category	FY 10
Capital Projects	\$0.860
Alternative Transportation	\$2.401
Corrective/Preventative Maintenance	\$1.623
TOTAL	\$4.884

Figures in \$ Millions



Agenda Item No. _____

File Code No. 170.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 17, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Public Employee Performance Evaluation - Government Code Section 54957

RECOMMENDATION:

That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Administrator

Scheduling: Duration, 40 minutes; anytime

Report: None anticipated

PREPARED BY: Linda Gunther, Administrator's Office Supervisor

SUBMITTED BY: Marty Blum, Mayor

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 160.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 7, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Public Employee Performance Evaluation - Government Code Section 54957

RECOMMENDATION:

That Council hold a closed session for a Public Employee Performance Evaluation per Government Code Section 54957.

Title: City Attorney

Scheduling: Duration, 40 minutes, anytime

Report: None anticipated

PREPARED BY: Linda Gunther, Administrator's Office Supervisor

SUBMITTED BY: Marty Blum, Mayor

APPROVED BY: City Administrator's Office