

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

Marty Blum
Mayor/Chair
Dale Francisco
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>

**MAY 19, 2009
AGENDA**

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

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

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

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

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

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

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

ORDER OF BUSINESS

- 12:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 12:30 p.m. - Ordinance Committee Meeting, Council Chamber
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Redevelopment Agency Meeting

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

1. Subject: April 2009 Investment Report

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

(See Council/Redevelopment Agency Agenda Item No. 4)

2. Subject: Fiscal Year 2009 Third Quarter Review

Recommendation: That the Finance Committee recommend that Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2009; and
- B. Accept the Fiscal Year 2009 Interim Financial Statements for the Nine Months Ended March 31, 2009.

(See Council/Redevelopment Agency Agenda Item No. 18)

3. Subject: Fiscal Year 2010 Recommended Operating And Capital Budget (120.03)

Recommendation: That the Finance Committee hear presentations covering the enterprise fund revenues and proposed fees in connection with the review of the Fiscal Year 2010 recommended budget.

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

Subject: Proposed Amendments To The Purchasing Code (120.03)

Recommendation: That the Ordinance Committee:

- A. Consider proposed amendments to Chapter 4.52 of the Municipal Code relating to the purchase of equipment, supplies and services, and forward the ordinance amendments to the City Council for introduction and subsequent adoption; and
- B. Consider a proposed resolution establishing debarment procedures for the City and forward the resolution to the City Council for adoption.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Proclamation Declaring The Week Of May 16 - 22, 2009, As Safe Boating Week (120.04)**

2. **Subject: Proclamation Declaring May 27, 2009, As Day Of The Young Scholar (120.04)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

3. **Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 21, 2009, the special meeting of April 23, 2009, the adjourned regular meeting of April 27, 2009, the regular meeting of April 28, 2009, and the special meetings of May 4, 2009.

4. **Subject: April 2009 Investment Report (260.02)**

Recommendation: That Council accept the April 2009 Investment Report.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

5. Subject: Adoption Of Ordinance Pertaining To 210 And 216 Meigs Road And 290 Lighthouse Road Rezone And General Plan/Local Coastal Plan Map Amendments (640.09)

Recommendation: That Council:

- A. Adopt the Final Mitigated Declaration and Mitigation Monitoring and Reporting Program dated December 12, 2008, making the findings specified in this Council Agenda Report;
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property in the East Mesa Neighborhood; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map and Coastal Plan Map for Certain Parcels Located in the East Mesa Neighborhood.

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

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Community Development Department in the Planning Division.

7. Subject: Vacation Of Unused Public Street Easement Fronting 852 Paseo Ferrelo (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting an Order Summarily Vacating a Certain Untraveled Portion of Public Street Easement Fronting 852 Paseo Ferrelo, Assessor's Parcel Number 029-330-024, Within the Limits of Said City, and Providing for the Recordation of this Resolution.

8. Subject: Human Services Contract Assignment For The Youth CineMedia Program (610.05)

Recommendation: That Council authorize the assignment of Zona Seca Human Services Contract No. 22,773 in the remaining amount of \$2,667 for the period of January 1 - June 30, 2009, to Parks and Recreation Community Foundation (PARC) for operation of the Youth CineMedia Program.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

9. **Subject: Professional Services Agreement With Geosyntec Consultants To Perform An Ordinance And Policy Audit Related To Storm Water Management Regulations (530.04)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a professional services agreement with Geosyntec Consultants in the amount of \$40,000 from Measure B funds to conduct an audit of existing ordinances, policies, and design guidelines to identify and describe conflicts with storm water management regulations.

10. **Subject: Appropriation Of Asset Forfeiture Funds For The Purchase Of Equipment And Donations To The Santa Barbara Police Activities League And The Council On Alcoholism And Drug Abuse (520.04)**

Recommendation: That Council appropriate \$59,000 in currently available asset forfeiture funds to the Police Special Operations Account to fund the purchase of equipment and contributions to the Police Activities League and the Council on Alcoholism and Drug Abuse.

11. **Subject: Private Party Sale Of Surplus Lifeguard Tower (570.05)**

Recommendation: That Council authorize the Parks and Recreation Director to sell one surplus wood beach lifeguard tower to a private party interested in preserving the tower as an architectural resource.

12. **Subject: Fiscal Year 2008-2009 Substantial Action Plan Amendment For Use Of 2009 Community Development Block Grant Recovery Act Funds (610.05)**

Recommendation: That Council approve the proposed substantial amendment to the City's Fiscal Year 2008-2009 Consolidated Action Plan to include utilizing \$289,274 in American Recovery and Reinvestment Act of 2009 funds.

13. **Subject: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2009-2010 For The Wildland Fire Suppression Assessment (290.00)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2009-2010; and Establishing a Time of 2:00 P.M. on Tuesday, June 16, 2009, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment.

CONSENT CALENDAR (CONT'D)

REDEVELOPMENT AGENCY

14. Subject: Minutes

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the regular meeting of April 21, 2009.

15. Subject: Increase Appropriation And Change Order Authority For The Fire Station No. 1 Seismic Renovation Project (700.08)

Recommendation:

- A. That the Redevelopment Agency (RDA) Board appropriate and authorize the expenditure of \$265,400 from the RDA's Project Contingency Account to fund the construction of a vehicle exhaust system, replacement of overhead doors, and an additional four months of leased office space as part of the Fire Station No. 1 Seismic Renovation Project (Project), for a total Project cost of \$7,240,014; and
- B. That Council approve additional Change Order expenditure authority for the Fire Station No. 1 Seismic Renovation Project, Contract No. 22,798, in the amount of \$125,000 to cover the cost of the vehicle exhaust system construction.

NOTICES

16. The City Clerk has on Thursday, May 14, 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.
17. Cancellation of the regular City Council meeting of May 26, 2009.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

REPORT FROM THE ORDINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

18. Subject: Fiscal Year 2009 Third Quarter Review (250.02)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2009; and
- B. Accept the Fiscal Year 2009 Interim Financial Statements for the Nine Months Ended March 31, 2009.

19. Subject: State Proposal To Borrow Local Government Property Taxes (270.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Finding a Fiscal Hardship will Exist if Additional Local Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California.

PUBLIC WORKS DEPARTMENT

20. Subject: Capital Improvement Projects Third Quarter Report For Fiscal Year 2009 (230.01)

Recommendation: That Council receive, for information only, a report on the City's Capital Improvement Projects (CIP) for the Third Quarter of Fiscal Year 2009.

PUBLIC HEARINGS

21. Subject: Appeal Of The Single Family Design Board Approval Of 3455 Marina Drive (640.07)

Recommendation: That Council deny the appeal of Ronald Green, Kitch Wilson, Michael Moore, and Donald Santee and uphold the Single Family Design Board final approval for the proposed single-family residence and associated development at 3455 Marina Drive.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: May 19, 2009
TIME: 12:00 p.m.
PLACE: David Gebhard Public Meeting Room
630 Garden Street

Roger L. Horton, Chair
Helene Schneider
Iya Falcone

James L. Armstrong
City Administrator

Robert D. Peirson
Finance Director

ITEMS TO BE CONSIDERED:

1. Subject: April 2009 Investment Report

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

(See Council/Redevelopment Agency Agenda Item No. 4)

2. Subject: Fiscal Year 2009 Third Quarter Review

Recommendation: That the Finance Committee recommend that Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2009; and
- B. Accept the Fiscal Year 2009 Interim Financial Statements for the Nine Months Ended March 31, 2009.

(See Council/Redevelopment Agency Agenda Item No. 18)

3. Subject: Fiscal Year 2010 Recommended Operating And Capital Budget

Recommendation: That the Finance Committee hear presentations covering the enterprise fund revenues and proposed fees in connection with the review of the Fiscal Year 2010 recommended budget.



Agenda Item No. _____

File Code No. 120.03

CITY OF SANTA BARBARA

FINANCE COMMITTEE REPORT

AGENDA DATE: May 19, 2009
TO: Finance Committee
FROM: Administration Division, Finance Department
SUBJECT: Fiscal Year 2010 Recommended Operating And Capital Budget

RECOMMENDATION:

That the Finance Committee hear presentations covering the enterprise fund revenues and proposed fees in connection with the review of the Fiscal Year 2010 recommended budget.

DISCUSSION:

On Tuesday, April 21, 2009, the Finance Committee approved the Committee's budget review schedule and topics in connection with the filing of the Fiscal Year 2010 recommended budget. The approved budget review schedule is attached to this report.

Today's meeting will include a discussion of enterprise fund revenues and proposed fees included in the Fiscal Year 2010 recommended budget. The enterprise funds include water, wastewater, downtown parking, airport, and waterfront.

ATTACHMENT: Finance Committee Review Schedule, Fiscal Year 2010 Recommended Budget

PREPARED BY: Michael Pease, Budget Manager

SUBMITTED BY: Robert D. Peirson, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Finance Committee Review Schedule
Fiscal Year 2010 Recommended Budget

Meeting Date and Time	Department
Tuesday, April 28, 2009 12:00 p.m.	<ul style="list-style-type: none"> ➤ General Fund revenue assumptions and projections ➤ General Fund multi-year forecast ➤ Review of City wide reserves
Tuesday, May 5, 2009 12:00 p.m.	<ul style="list-style-type: none"> ➤ Capital program budget
Tuesday, May 12, 2009 12:00 pm	<ul style="list-style-type: none"> ➤ General Fund department revenues and proposed fees
Tuesday, May 19, 2009 12:00 pm	<ul style="list-style-type: none"> ➤ Enterprise Fund revenues and proposed fees
Tuesday, June 2, 2009 12:00 pm	<ul style="list-style-type: none"> ➤ Staff recommended adjustments (if any)

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE

MEETING AGENDA

DATE: May 19, 2009
TIME: 12:30 p.m.
PLACE: Council Chambers

Das Williams, Chair
Dale Francisco
Grant House

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEM FOR CONSIDERATION

Subject: Proposed Amendments To The Purchasing Code

Recommendation: That the Ordinance Committee:

- A. Consider proposed amendments to Chapter 4.52 of the Municipal Code relating to the purchase of equipment, supplies and services, and forward the ordinance amendments to the City Council for introduction and subsequent adoption; and
- B. Consider a proposed resolution establishing debarment procedures for the City and forward the resolution to the City Council for adoption.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Ordinance Committee Members

FROM: General Services Division, Finance Department

SUBJECT: Proposed Amendments To The Purchasing Code

RECOMMENDATION: That the Ordinance Committee:

- A. Consider proposed amendments to Chapter 4.52 of the Municipal Code relating to the purchase of equipment, supplies and services, and forward the ordinance amendments to the City Council for introduction and subsequent adoption; and
- B. Consider a proposed resolution establishing debarment procedures for the City and forward the resolution to the City Council for adoption.

DISCUSSION:

Chapter 4.52 of the Municipal Code (the Purchasing Code) specifies the procedures for the purchase of ordinary goods and services. "Ordinary goods and services" are distinguished from "public works" contracts (covered under Section 519 of the City Charter) and can include small purchases of a few thousand dollars for office supplies to very large purchases of hundreds of thousands of dollars for the maintenance of water and sewer mains.

Several years ago, the City Council approved changes to sections of Chapter 4.52 governing the authorization thresholds, which dictate the type of approvals needed for various dollar levels of purchasing and when formal bidding processes are required. The authorization thresholds had not been changed for over 30 years.

On February 3, 2009, the Ordinance Committee received a report from staff that provided a conceptual overview of additional changes to the Code that would: (1) incorporate existing practices that have evolved over the last thirty years, which are not currently included in the Purchasing Code, and (2) rewrite, as necessary, sections of the Code to incorporate current best practices and to improve the Code readability and cohesiveness. The Committee unanimously supported the proposed changes. Staff returns today with the draft amendments to the Code for the Committee's review and recommends that the Committee consider the proposed amendments and forward the amendments to the City Council for introduction and adoption.

The proposed amendments and additions were identified through collaboration and meetings with the various City departments and divisions including the City Attorney's Office. In addition, some of the proposed changes stem from staff experience with the current procedures and research into current best practices. The proposed amendments to the Purchasing Code include the following:

1. Environmentally Preferred Purchasing

The Chapter's purpose statement (Section 4.52.010) has been amended to state the City's intent to make "green" purchases. The term "environmentally preferred purchases" is defined in Section 4.52.020. These additions incorporate the Council's Environmentally Preferred Purchasing Policy, adopted on December 9, 2008, into the City's purchasing procedures.

2. Definitions

A new section has been added containing definitions of terms used in the Chapter (Section 4.52.020). Clear definitions are important to the proper implementation of the purchasing procedures. For example, maintenance and repair services can be similar to, and sometimes confused with, Public Works construction. However, the bidding and contract award procedures for the two types of contracts are very different. Clear definitions will simplify the administration of the purchasing procedures and lead to more efficient purchases.

3. Contracting Authority

Section 518 of the City Charter authorizes the City Council to delegate purchasing authority to the City Administrator or other City officers by ordinance or resolution. Under the current code, it is not always clear how this delegated authority is to be exercised. A new section entitled "Contracting Authority" (Section 4.52.050) clarifies how delegated purchasing authority relates to the purchasing procedures specified in the Purchasing Code. The proposed addition also codifies the authority for the City Administrator to further delegate the purchasing authority in a manner consistent with the Council's delegation and the purchasing code. In the past, the authority for such further delegation has simply been assumed to exist.

4. Bidding and Award Procedures

The bidding and contract award procedures (Sections 4.52.060 & 4.52.070) have been amended to resolve some prior gaps in procedure or authority, to affirmatively extend purchasing authority that has been exercised by the Purchasing Agent for many years in the case of contracts up to \$25,000, and to extend new authority to the Purchasing Agent to reject bids (when the Purchasing Agent otherwise has the authority to award the contract) or to solicit bids without further publication when no bids are received in the case of contracts over \$25,000.

5. Emergency Purchases

A new section has been added to specify alternative purchasing procedures in the case of declared emergencies (Section 4.52.080). This addition supplements the existing purchasing authority extended to the City Administrator in the case of disasters (See, Section 9.116.060). These new procedures will enable staff to address operational emergencies, such as an equipment failure at the Cater Water Treatment Plant, that require immediate purchases that do not allow for compliance with the normal bidding and award procedures.

6. Maintenance and Repair Services

The section regarding maintenance agreements (Section 4.52.110) has been amended to specify the procedure for bidding and contract award for maintenance and repair services. These procedures are established separately from the purchase of other goods and services in order to accommodate the increased dollar thresholds established by Council Resolution 97-052.

7. Surplus Personal Property

As currently written, the Purchasing Code authorizes the Purchasing Agent to exchange or sell surplus City property. A proposed amendment to this section would authorize the Purchasing Agent to make sell surplus property up to established dollar values without the need to advertise or obtain competitive bids. The idea behind the different dollar thresholds is that sales to other governmental agencies have a reduced opportunity for self dealing or other improprieties.

8. Cooperative Purchases

An amendment to the section authorizing cooperative purchases is proposed to allow the Purchasing Agent to conduct cooperative purchases with a wider group of entities. The current code only allows cooperative purchases with the State Department of General Services, the County of Santa Barbara, and other municipalities located in Santa Barbara County. This limitation artificially restricts the City's ability to piggyback on other public agencies' contracts and prevents the Purchasing Agent from leveraging the City's purchasing power by using contracts awarded by larger public agencies located outside of Santa Barbara County, such as the City of Los Angeles or agencies of the federal government, without prior Council approval. The new proposal would allow the Purchasing Agent to conduct cooperative purchases with any local, state, or federal government or any association of governmental agencies authorized by state or federal law.

This section is also being amended to authorize the use of a surrogate bidding process as long as the original contract was awarded pursuant to a competitive bidding process that substantially conforms to the requirements of the City's purchasing procedures. Common examples of surrogate bidding include the purchase of fire engines based on bid specifications developed and bid by other governmental agencies. This amendment will allow the Purchasing Agent to award contracts based on surrogate bidding as long as the value of the contact is within the budget approved by the City Council.

9. Professional Services

In the past, the relationship between the contracting for professional services and the purchase of ordinary goods and services has been defined by the omission of professional services from the list of goods and services subject to the procedures specified in the Purchasing Code. A new section has been added to the chapter to clarify how contracts for professional services are awarded and how those procedures relate to the Purchasing Code.

10. Debarment

Debarment is a process where the City declares a contractor or supplier to be nonresponsible and prohibits the contractor or supplier from bidding on City purchases for a period of time. Since the ability to bid on government contracts is viewed as a property right of the contractor, the City must afford a contractor due process before declaring the contractor nonresponsible. A section has been added to the Purchasing Code directing the City Administrator to develop a debarment procedure for approval by Council resolution. A draft resolution establishing the debarment procedure accompanies the ordinance amending the Purchasing Code.

Recommendation

That the Ordinance Committee consider the proposed amendments to Chapter 4.52 of the Municipal Code (the Purchasing Code) and the draft resolution establishing the City's debarment procedures and forward the ordinance and resolution to the Council for introduction and adoption.

Budget/Financial Information

The proposed amendments to the Purchasing Code will clarify and streamline purchasing procedures, thereby reducing the amount of staff time dedicated to routine purchases. The extension of the cooperative purchasing authority will enable the Purchasing Agent to take advantage of the purchasing power of other large jurisdictions. The establishment of a debarment process will enable the City to avoid having nonresponsible contractors or vendors competing for City contracts that can lead to inefficiencies and the need to rebid contracts.

Sustainability Impact

The proposed amendments incorporate the City Council's Environmentally Preferred Purchasing Policy into the City's purchasing procedures. In addition, the proposed amendments to the City's purchasing procedures will reduce paperwork and lead to more efficient purchases.

ATTACHMENTS:

1. Ordinance Amending Chapter 4.52
2. Resolution Establishing Debarment Procedures

PREPARED BY: Robert Samario, Assistant Finance Director

SUBMITTED BY: Robert Peirson, Finance Director

APPROVED BY: City Administrator's Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 5/19/09
SHOWING CHANGES FROM EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF
THE CITY OF SANTA BARBARA
AMENDING CHAPTER 4.52 OF TITLE 4 OF
THE SANTA BARBARA MUNICIPAL CODE
PROVIDING PROCEDURES FOR THE
PURCHASE OF EQUIPMENT, SUPPLIES,
AND SERVICES

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

SECTION 1. Chapter 4.52 of Title 4 of the Santa Barbara Municipal Code is amended to
read as follows:

4.52.010 System Adopted - Purpose.

In order to establish efficient procedures for the purchase of ~~supplies, non-~~
~~professional services and equipment~~ equipment, supplies, and services at the lowest
possible cost commensurate with quality needed, to exercise positive financial control
over purchases, to clearly define authority for the purchasing function, and to assure the
quality of purchases, a purchasing system is adopted. To the greatest extent
practicable, the City shall endeavor to develop purchasing specifications that will result
in the purchase of equipment, supplies, and services that are environmentally preferred.
Competitive bidding for the purchase of equipment, supplies, and services is preferred
as a matter of City policy and good purchasing practice. Even when competitive bids
are not required by this Chapter, competitive proposals or bids should be obtained if
reasonably practicable and compatible with the City's interests.

4.52.020 Definitions.

The following words and phrases shall have the following meaning and construction for purposes of this chapter.

A. **ENVIRONMENTALLY PREFERRED PURCHASES.** A manner of purchasing equipment, supplies, and services that results in less harm to the natural environment. Environmentally preferred purchases involve the purchase of equipment, supplies, and services in a manner that uses less harmful materials, employs recycled or recovered materials (where appropriate and available), and utilizes techniques intended to result in less impact on the environment than other available methods.

B. **EMERGENCY PURCHASE.** A purchase made to address a situation that creates an immediate and serious need for equipment, supplies, or services which cannot be met through normal purchasing procedures and where the lack of such equipment, supplies, or services would seriously threaten the functioning of City government, the preservation of property, or the health or safety of any person.

C. **WITHIN THE BUDGET APPROVED BY THE CITY COUNCIL.** Purchases that fall within the annual financial budget adopted by the City Council for the Department against whose account the purchase will be applied. A particular purchase need not be a specific line item of the Department's budget in order to be considered included within the budget approved by the City Council.

D. **INFORMATION TECHNOLOGY.** Includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval,

telecommunications that include voice, video, and data communications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

E. **MAINTENANCE AND REPAIR.** The routine, recurring, or usual work for the restoration or preservation of the condition of an existing facility, structure, or equipment, as opposed to the purchase of a new or replacement facility, structure, or equipment. If a question arises as to the proper characterization of a purchase as maintenance and repair or a public work, the Purchasing Agent shall determine in writing whether the primary purpose of the purchase is to restore or preserve the condition of an existing facility, structure, or equipment or to obtain a new or replacement facility, structure, or equipment.

F. **PROFESSIONAL SERVICES.** Services that require specialty training, education, or experience, including but not limited to, financial, economic, accounting, engineering, legal, or administrative matters.

G. **PURCHASE.** To obtain equipment, supplies, or services in exchange for money or its equivalent. For purposes of this Chapter, the term purchase shall also include the acquisition of equipment or supplies by lease.

H. **PURCHASING AGENT.** The general services manager of the City of Santa Barbara.

I. **REVERSE AUCTION.** A process where the City announces its need for equipment, supplies, or services on the Internet, or some other manner, and suppliers bid against one another in a real-time, open, and interactive bidding environment to supply the City with required equipment, supplies, or services.

J. SERVICES INVOLVING PECULIAR ABILITY. Services that typically require artistic or creative skill and advanced or specialized training or experience. For purposes of this Chapter, the construction trades are not services involving peculiar ability.

4.52.02030 Purchasing Agent - Duties.

The Purchasing Agent shall be under the direction, supervision, and control of the Director of Finance. The Purchasing Agent shall:

A.(a) Negotiate, purchase, and contract for equipment, supplies (other than library books and library periodicals), routine laboratory tests, non-professional services, or services not involving peculiar ability required by any office, department, or agency of the City in accordance with purchasing procedures prescribed by this chapter, and such other rules and regulations as shall be prescribed by the City Council.;

B.(b) Act to procure for the City the needed quality in equipment, supplies, routine laboratory tests, nonprofessional services, or services not involving peculiar ability at least expense to the City.;

C.(c) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.;

D.(d) Prepare and recommend to the City Council rules governing the purchase of supplies, services and equipment for the City.;

E.(e) KeepStay informed of current developments in the field of purchasing, prices, market conditions and new products.;

F.(f) Prescribe and maintain such purchasing forms as are reasonably necessary to the operation of this chapter and other rules and regulations.;

G.(g) Maintain a bidders' list, vendors' catalog file and records needed for the efficient operation of the Purchasing Division.

4.52.030040 Estimates of Requirements.

All departments shall file detailed estimates of their requirements for supplies and equipment in such manner, at such time, and for such future periods as the Purchasing Agent shall prescribe.

4.52.050 Contracting Authority.

A. COUNCIL AUTHORIZATION. Pursuant to Section 518 of the City Charter, the City Council may, by ordinance or resolution, authorize the City Administrator or other officer to bind the City for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council.

B. EXERCISE OF AUTHORITY. To the extent the City Council grants written purchasing authority to the City Administrator or another officer, the City Administrator or such other officer shall exercise such authority in accordance with the procedures specified in this Chapter or as otherwise specified in the ordinance or resolution granting such authority.

C. DELEGATION OF AUTHORITY. To the extent the City Council grants

purchasing authority to the City Administrator, the City Administrator may delegate such authority to a subordinate in a manner that does not conflict with Section 518 of the City Charter, the provisions of any applicable City ordinance, or the provisions of the Council resolution or ordinance granting the purchasing authority to the City Administrator.

4.52.040060 Contracts UnderUp to \$25,000.00.

~~(a)A. Requisitions:~~ **REQUISITIONS.** All departments of the City shall submit requests for equipment, supplies (other than library books and library periodicals), routine laboratory tests, non-professional services or services not involving peculiar ability to the Purchasing Agent by standard requisition request forms.

~~(b)B. BIDDING PROCEDURE. Purchases of the aforementioned goods and services equipment, supplies (other than library books and library periodicals), routine laboratory tests, non-professional services, or services not involving peculiar ability, of a value of up to \$25,000, may be made by the Purchasing Agent in the open market pursuant to the bidding procedures described herein. prescribed herein, provided, however, all bidding may be dispensed with in an emergency, where the value of said goods and/or services is \$2,500.00 or less or where said goods and/or services can be obtained from only one (1) source. Telephone or verbal quotations exceeding \$2,500.00 require written confirmation:~~

1. Purchases of up to \$2,500. Purchases of goods or services of a value up to \$2,500 may be made without competitive bidding.

2. Sole Source Purchases. Where only one source is available for the goods

or services, the purchase may be made without competitive bidding.

3. Purchases over \$2,500 and up to \$25,000. Purchases of goods or services of a value over \$2,500 and up to \$25,000 shall be bid in the following manner:

~~(1)~~ a. Minimum Number of Quotations. ~~Open market p~~Purchases shall whenever possible be based on at least three (3) quotations, and shall be awarded to the person submitting the lowest responsible quotation.

~~(2)~~ b. Notice Inviting Quotations. The Purchasing Agent shall solicit quotations by written requests to prospective vendors or by telephone.

~~(3)~~ c. Written quotations shall be submitted to the Purchasing Agent who shall keep a record of all open market orders and quotes for a period of one (1) year after the submission of quotes or the placing of orders. ~~These records, while so kept, shall be open to public inspection.~~

C. CONFIRMATION OF VERBAL QUOTATIONS. For all purchases made pursuant to this section, verbal quotations over \$2,500 require written confirmation.

~~(4) Written Contracts. Where written contracts are entered into for purchases made under this section, the Purchasing Agent is hereby authorized to execute such contracts on behalf of the City. Such purchases shall be made only by~~

D. WRITTEN CONTRACTS. All purchases made pursuant to this section shall be made by purchase order or other form approved by the City Administrator and the City Attorney. The Purchasing Agent is authorized to execute such contracts on behalf of the City.

E. ENCUMBRANCE OF FUNDS. Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which

there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.

~~4.52.070 Encumbrance of Funds.~~

~~—REGULAR AND EMERGENCY PURCHASES. Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for supplies, routine laboratory tests, non-professional services or services involving peculiar ability, or equipment for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged. When emergency purchases are requested of items for which no funds have been encumbered, the emergency requisition shall so state and the interested department head shall initiate a request for fund transfer within four (4) hours after the start of the next regular work day.~~

4.52.080070 Formal Contract Procedures (Purchases Greater than \$25,000).

Except as otherwise provided herein, purchases of ~~supplies (other than library books and library periodicals), equipment and services~~ supplies (other than library books and library periodicals), non-professional services, services not involving peculiar ability, and equipment, of a value greater than twenty-five thousand dollars (\$25,000.00), shall be by written contract with the lowest responsible bidder pursuant to the following procedures ~~hereinafter prescribed~~:

A. REQUISITION. All departments of the City shall submit requests for equipment,

supplies (other than library books and library periodicals), and non-professional services or services not involving peculiar ability to the Purchasing Agent by standard City requisition forms.

B. ~~(a) Notice Inviting Bids~~ **NOTICE INVITING BIDS.** ~~N~~The Purchasing Agent shall issue a notice inviting bids ~~shall that~~ includes a general description of the articles to be purchased or the services sought, ~~shall states~~ where the bid forms and specifications may be secured, and announces the time and place for opening bids.

~~(1)~~1. Published Notice. Notices inviting bids shall be published at least ten (10) working days before the date of opening of bids. Notices shall be published at least once in a newspaper of general circulation, ~~printed and~~ published in the City of Santa Barbara.

~~(2)~~2. Bidders' List. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the City's bidders' list or who have requested their names to be added thereto.

C. ~~(b) Bidders' Security~~ **BIDDER'S SECURITY.** When deemed necessary by the Purchasing Agent, bidders' security may be required. Bidders shall be entitled to a return of bid security upon execution of the contract or upon the re-advertisement for bids; provided that, the successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after notice of contract has been mailed, unless the City is responsible for the delay deposited in the United States mail.

The City Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the City Council awards the contract to the next lowest responsible bidder, the bidder first awarded the contract shall

forfeit only the portion of his security which is equal to the difference between his bid and the bid of the next lowest responsible bidder. If the next lowest responsible bidder is awarded the contract he shall forfeit his bid security if he fails or refuses to execute the contract.;

~~D. (c) Bid Opening Procedure~~ **BID OPENING PROCEDURE**. Sealed bids shall be submitted to the Purchasing Agent and shall be identified as "bid" on the envelope.

Bids shall be opened ~~in public~~ at a location open to the public at the time and place stated on the ~~public~~ notice inviting bids or as may otherwise be announced to all bidders. A tabulation of all bids received shall be open for public inspection during regular City business hours for a period of not less than thirty (30) calendar days after the bid opening.;

~~E. (d) Rejection of Bids~~ **REJECTION OF BIDS**. In its discretion, the City Council may reject any and all bids presented and re-advertise for bids pursuant to the procedure described herein ~~above prescribed~~.; In cases where the Purchasing Agent is authorized to award a contract, the Purchasing Agent may, in his or her discretion, reject any and all bids presented and re-advertise for bids pursuant to the procedure described herein.

~~F. (e) Award of Contracts~~ **AWARD OF CONTRACTS**. Contracts shall be awarded by the City Council to the lowest responsible bidder who submits a bid responsive to the specifications except as otherwise provided herein.;

~~G. (f) Award of Contracts by Purchasing Agent~~ **AWARD OF CONTRACTS BY PURCHASING AGENT**. The Purchasing agent is authorized to award contracts to the lowest responsible bidder when the City Council has approved a Departmental

budgeted ~~that includes~~ funds specifically for the purchase of the item(s) and the amount of the award is not more than the budgeted amount.;

H. ~~(g) Tie Bids~~ **TIE BIDS**. If two (2) or more bids received are for the same total amount or unit price, quality, service and delivery being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council may in its discretion accept the one (1) it chooses or accept the lowest bona fide offer made by and after negotiation with the bidders who were tied at the time of the bid opening.;

I. **NO BIDS RECEIVED**. If no bids are received within ten (10) days of the publication of the notice inviting bids or such other time specified in the notice inviting bids for the receipt of bids, the Purchasing Agent may either publish a new notice inviting bids or solicit bids without further publication.

J. ~~(h) Performance Security~~ **PERFORMANCE SECURITY**. The Purchasing Agent shall have the authority to require a performance security before entering into a contract in such amount as it shall find reasonably necessary to protect the best interests of the City. If the Purchasing Agent requires a performance security, the form and amount of the security shall be described in the terms, conditions or general provisions of bid documents.;

~~(i) Prior to advertisement of Notice to Bidders, the interested department shall initiate a requisition and forward the same to the Purchasing Agent.~~

K. ~~(j)~~ **SOLE SOURCE PURCHASES**. Purchases of goods or services which can be obtained from only one (1) source may be made by the Purchasing Agent without advertising and after a determination by the City Council that the goods or services are only available from one source and approval of the purchase by the City Council.;

L. ~~(K)~~**BEST INTEREST WAIVER.** The City Council may authorize purchase of supplies, equipment and services equipment, supplies (other than library books and library periodicals), and non-professional services or services not involving peculiar ability, of a value greater than twenty-five thousand dollars (\$25,000.00), without complying with the above procedures, when, in the opinion of the Council, compliance with the procedure is not in the best interest of the City.

M. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.

4.52.080 Emergency Purchases.

An emergency purchase of any equipment, supplies, or services shall be made in accordance with the following procedures:

A. **DECLARATION OF NEED TO MAKE AN EMERGENCY PURCHASE.** The City Administrator or a City department head must declare the need to make an emergency purchase in writing. The declaration shall specify the reasons why an emergency purchase of equipment, supplies, or services is necessary.

B. **SCOPE OF AUTHORITY.** When the need to make an emergency purchase is declared, the City Administrator or the department head declaring the need to make an emergency purchase may purchase any equipment, supplies, or services needed to address the emergency. Emergency purchases are only allowed as necessary to address an immediate need. Even when normal purchasing procedures are not

followed for reasons relating to the emergency, competitive bidding shall be used to the greatest extent practicable under the circumstances.

C. **DOCUMENTATION.** All emergency purchases shall be documented in writing.

D. **ENCUMBRANCE OF FUNDS.** When emergency purchases are requested of equipment, supplies, or services for which no funds have been encumbered, the emergency requisition shall so state and the interested department head shall initiate a request for fund transfer within four (4) hours after the start of the next regular work day.

E. **REPORT TO CITY COUNCIL.** Any time the value of emergency purchases made without compliance with normal purchasing procedures exceeds \$25,000 in the aggregate for a single emergency, a report shall be made to the City Council within thirty (30) days of the declaration of the need for an emergency purchase.

4.52.100090 Inspection and Testing.

The Purchasing Agent may inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract. The Purchasing Agent shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

4.52.140100 Central Stores.

The Purchasing Agent is responsible for the City storage control program. Under direction of the Purchasing Agent, the City Stores Manager is responsible for the custody of and accounting for the supplies. This includes the maintenance of a perpetual inventory record for each item carried in stock and making quantity checks at frequent intervals to verify the ledger count and value. The City Stores Manager is to exercise full control and reporting of all materials received, withdrawn, ~~and~~ or returned to stock.

~~4.52.120 Inventory of Fixed Assets Equipment.~~

~~The Purchasing Agent shall prepare rules and regulations governing the control of fixed assets equipment and the taking of an annual physical inventory of equipment.~~

~~4.52.130 Equipment Leasing Agreements.~~

~~(a) As used in this section:~~

~~(1) "Leasing of non-purchasable equipment" means equipment which is available through "lease only" plans;~~

~~(2) "Leasing purchasable equipment" means equipment which can be acquired through "lease with option to purchase" type plans.~~

~~(b) Equipment Leasing. Leasing of purchasable and non-purchasable equipment shall be in accordance with Section 4.52.040 or 4.52.080.~~

~~Bidding may be dispensed with only as stated in Section 4.52.040.~~

~~—Contracts for equipment leasing shall be approved by the City Council as set forth in Section 518 of the Charter or by the Purchasing Agent if the amount is seven thousand five hundred dollars (\$7,500.00) or less.~~

4.52.140110 Maintenance Agreements.

Notwithstanding the provisions of Sections 4.52.060 and 4.52.070 above, services for the maintenance and repair of City equipment and facilities, up to an amount established by Council resolution, may be purchased by the Purchasing Agent pursuant to the following procedures.

A. **BIDDING.** The Purchasing Agent shall comply with the following bidding procedures for purchases conducted pursuant to this section:

1. **Purchases of up to \$2,500.** Purchases of a value up to \$2,500 may be made without competitive bidding.

2. **Sole Source Purchases.** Where only one source is available for the services, the purchase may be made without competitive bidding.

3. **Purchases over \$2,500.** Purchases of a value over \$2,500 and up to the amount established by Council resolution shall be bid in the following manner:

a. **Minimum Number of Quotations.** Purchases shall whenever possible be based on at least three (3) quotations, and shall be awarded to the person submitting the lowest responsible quotation.

b. **Notice Inviting Quotations.** The Purchasing Agent shall solicit quotations by written requests to prospective vendors or by telephone.

c. Written quotations shall be submitted to the Purchasing Agent who shall keep a record of all open market orders and quotes for a period of one (1) year after the submission of quotes or the placing of orders. These records, while so kept, shall be open to public inspection.

B. **CONFIRMATION OF VERBAL QUOTATIONS.** For all purchases made pursuant to this section, verbal quotations over \$2,500 require written confirmation.

C. **WRITTEN CONTRACTS.** All purchases made pursuant to this section shall be made by purchase order or other form approved by the City Administrator and the City Attorney. The Purchasing Agent is authorized to execute such contracts on behalf of the City.

D. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for equipment, supplies, or services for which there is an insufficient appropriation in the budgetary account against which said purchase is to be charged.

~~As used in this section "maintenance agreements" means that which guarantees to maintain equipment in good operating condition subject to terms and conditions agreeable to both the company and the City.~~

~~—Maintenance agreements shall be signed or terminated by the Purchasing Agent with prior approval of the department head responsible for the equipment.~~

4.52.150120 Contract Splitting Prohibited.

It is unlawful to split or separate any purchase into smaller increments ~~work order, or~~

~~project, any public work project,~~ for the purpose of evading the provisions of the Charter or this Chapter requiring ~~public work to be done by contract after advertising and~~ competitive bidding. ~~The same prohibition shall apply to equipment purchases or equipment leases.~~

4.52.160130 Surplus Personal Property.

All ~~using City~~ departments shall submit to the Purchasing Agent, at such times and in such forms as the Agent shall prescribe, reports showing all supplies, equipment or personal property of any nature which are no longer used or which have become obsolete or worn out. The Purchasing Agent shall have the authority to exchange or trade on new supplies and equipment, or to sell, all supplies and equipment which cannot be used by any department or which have become unsuitable for City use. The Purchasing Agent shall also have the authority to make transfers between departments of any usable surplus supplies or equipment. The Purchasing Agent, upon obtaining the specific written approval of the City Finance Director, may, without published notice of the intended sale or competitive bidding, sell items of surplus personal property to: 1. any interested party if the value of the item does not exceed \$500, or 2. any governmental entity as long as the value of the item does not exceed \$5,000.

4.52.170140 Cooperative Purchasing. ~~Agreements with County or Other Municipalities.~~

A. COOPERATIVE PURCHASING AGREEMENTS. Nothing contained in this chapter shall prohibit the ~~voluntary~~ participation by the City of Santa Barbara in any voluntary cooperative purchasing agreement, agreements, or programs entered into between the City of Santa Barbara and any local, state, or federal government, or association of governmental agencies within the United States which is authorized by state or federal law or regulations.~~the State of California, Department of General Services, County of Santa Barbara and other municipalities situated within the boundaries of the County of Santa Barbara, and t~~

B. SURROGATE BIDDING. Nothing contained in this chapter shall prohibit the participation by the City of Santa Barbara in a surrogate bidding process where the City purchases equipment, supplies, or services at the same price as a contract awarded by an another local, state, or federal government, or association of governmental agencies within the United States following a competitive bidding process that substantially conforms to the City's purchasing procedures.

C. AUTHORITY TO ACT. The Purchasing Agent is hereby empowered and authorized to act under the provisions of this chapter, to procure for the City supplies and equipment in conjunction with such voluntary cooperative purchasing agreement~~or surrogate bidding process, agreements, or programs, as may be entered into by the City to the extent such purchases are within the budget approved by the City Council.~~ Sections ~~4.60.0404.52.060~~ and ~~4.60.0804.52.070~~ of this chapter shall not apply to the purchase of supplies or equipment pursuant to any voluntary co-operative purchasing agreement or ~~program~~surrogate bidding process entered into under the provisions of this section. All formal contract and bidding procedures to be followed in such cases

shall be those specifically enumerated in the voluntary cooperative purchasing agreement or ~~program~~[the surrogate bid](#).

4.52.~~180~~[150](#) Future Expenditures.

No contract to be executed in a future fiscal year or years for purchases of goods ~~and~~/or services as described in this chapter shall be valid unless appropriations for such purchase shall have been made in the year in which the contract was entered into.

4.52.~~190~~[160](#) Public Works Contracts.

Bidding and advertising and award of contracts for public works, excluding maintenance and repair, shall be as required by Section 519 of the City Charter.

4.52.~~200~~[170](#) Library Books and Periodicals.

The City Administrator or his designee may purchase library books and library periodicals in accordance with the budget approved by the City Council.

4.52.180 Professional Services.

The award of contracts for professional services shall comply with Section 518 of the City Charter or any other procedures established by ordinance or resolution of the City

Council consistent with Charter Section 518.

4.52.190 Debarment.

The City Administrator shall prepare and promulgate procedures for the suspension or debarment of nonresponsible bidders or contractors and such procedures shall be approved by resolution of the City Council.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE
CITY OF SANTA BARBARA ESTABLISHING
THE GROUNDS AND PROCEDURES FOR
THE DEBARMENT OF NONRESPONSIBLE
CONTRACTORS

WHEREAS, the City of Santa Barbara generally awards contracts for City purchases to the lowest bidder;

WHEREAS, poor contractual performance in the past, bidding irregularities, and other negative actions on the part of a contractor or its affiliates give reason to question the ability of a contractor to properly perform on future contracts; and

WHEREAS, in order to protect the City's interests while maintaining fairness in the competitive bidding of City contracts, the City hereby establishes a process for the suspension and debarment of nonresponsible contractors.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE:

1. Statement of Purpose

The City only intends to do business with responsible persons. Debarment and suspension are designed to protect the City and to promote fairness in the competition for City business by ensuring that only responsible persons may submit bids or proposals or otherwise contract with the City.

This Resolution sets forth the grounds for debarment and suspension and establishes procedures for determining whether a person is to be debarred or suspended.

2. Definitions

For purposes of these procedures:

"Adequate evidence" means information sufficient to support the reasonable belief that a particular act or omission has occurred.

"Affiliate" means a person who:

(a) is the assignee, successor, subsidiary of, or parent company, of another person; or,

(b) is a controlling stockholder; or,

(c) has the same or similar management of the debarred corporate or other legal entity; or,

(d) directly or indirectly controls, or has the power to control, another person, or is directly or indirectly controlled by another person.

Indicia of control include but are not limited to, interlocking management or ownership, identity of interests among relatives, shared facilities and equipment, common use of employees, or a business entity organized following the debarment, suspension, or proposed debarment of a person which has the same or similar management, ownership or principal employees as the contractor that was debarred, suspended or proposed for debarment, or the debarred person or the business entity created after the debarment, suspension or proposed debarment operates in a manner designed to evade the application of these procedures or to defeat the purpose of these procedures.

“Bidder” means a person who has submitted a bid, proposal or other document seeking award of a contract.

“Contract” means any written agreement between the City and another person. It also includes a public works contract. It also includes a City issued purchase order.

“Controlling stockholder” means a stockholder who:

(a) owns more than 25% of the voting stock of a corporation; or,

(b) notwithstanding the number of shares that the stockholder owns, has the power to direct or control the direction of the management or policies of a corporation.

“Debar” or “Debarment” means the disqualification of a person from:

(a) bidding on a contract; or,

(b) submitting responses to City’s requests for proposals or qualifications; or,

(c) being awarded a contract; or,

(d) executing a contract; or

(e) participating in a contract as a subcontractor, material supplier, or employee of a prime contractor or another subcontractor for a period of time specified by the Debarment Hearing Officer following a hearing.

(f) directly or indirectly (e.g. through an affiliate) submitting offers for, or executing contracts, or subcontracts with the City; or

(g) conducting business with, or reasonably may be expected to conduct business with, the City as an employee, agent, or representative of another person.

“Debarment Hearing Officer” means a person appointed by the City Administrator to hold hearings, take evidence, and to make determinations about debarment for the City.

“Department” means a City department organized under authority of the City Administrator.

“Management” means the officers, partners, owners, foremen or other individuals responsible for the financial and operational policies and practices of a person.

“Performance Evaluation” means a City-issued evaluation of a person describing the person’s performance on a specific contract.

“Person” has the same meaning as that in Santa Barbara Municipal Code section 1.04.190. In addition, if a person is a corporate or other legal entity, it includes individuals who constitute the person’s management. It also includes any individual or other legal entity that:

(a) Directly or indirectly (e.g. through an affiliate), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a contract, or a subcontract under a contract; or

(b) conducts business, or reasonably may be expected to conduct business, with the City as an agent or representative of another person.

“Preponderance of the evidence” means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

“Prime contractor” means a person who enters a contract directly with the City.

“Public works contract” means a contract for the construction, reconstruction or repair of public buildings, streets, utilities, and other public works.

“Relative” means:

(a) an individual related by consanguinity within the second degree as determined by the common law; or,

(b) a spouse; or,

(c) an individual related to a spouse within the second degree as determined by the common law; or,

(d) an individual in an adoptive relationship within the second degree as determined by the common law; or

(e) any individual considered to be “family” in commonly understood terms of the word.

“Subcontractor” means:

(a) a person who contracts directly with a prime contractor but not directly with the City; or,

(b) any person under contract with a prime contractor or another subcontractor to provide any service, materials, labor or otherwise perform on a contract. Subcontractor includes a trade contractor or specialty contractor.

“Suspend” or “Suspension” means the debarment of a person for a temporary period of time pending the completion of an investigation and any proceedings before a Debarment Hearing Officer and any appeals therefrom.

“Willfully failed to cooperate” means:

(a) intentionally failed to attend a hearing and/or give testimony, or

(b) intentionally failed to provide documents, books, papers, or other information upon request of the City Administrator, the Debarment Hearing Officer, or the City Council.

3. Debarment Hearing Officer to be Appointed

Upon receipt of a recommendation for debarment from a City department, the City Administrator shall appoint a fair and impartial Debarment Hearing Officer to hear and determine whether a person should be debarred. The individual appointed as the Debarment Hearing Officer may be a City employee, but shall not be an employee who participated in the decision to recommend the debarment nor is subject to the authority, direction or discretion of any employee who participated in the decision to recommend debarment.

The Debarment Hearing Officer shall follow the procedures set forth in this resolution and shall make decisions based on evidence taken at a hearing.

4. Suspension Once City Administrator Decides to Recommend Debarment

(a) Once a determination has been made by the City Administrator that adequate evidence exists supporting debarment, the City Administrator may suspend the person pending a debarment decision where the City Administrator finds that doing so is in the public interest.

(b) The City Administrator shall notify the person of the suspension in accordance with the procedures set forth in this resolution, pending the ruling of the Debarment Hearing Officer or the City Council on the matter.

(c) Once the City Administrator has suspended a person, the suspension shall continue until the Debarment Hearing Officer makes a final decision on the proposed debarment or until there has been a final ruling by the City Council following an appeal of a permanent debarment decision, if any appeal is filed.

5. Notices

(a) Whenever a notice is required to be delivered under these procedures, the notice shall be delivered by any of the following methods. Service is effective as described herein unless different provisions are specifically stated to apply:

(1) Personal delivery, service shall be deemed effective on the date of delivery; or,

(2) Certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice that is sent by certified mail is returned unsigned, then delivery shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned. Service shall be deemed effective on the date of mailing; or,

(3) Publication. Service shall be deemed effective on the first date of publication.

(b) Proof of delivery of notice may be made by the certificate of any officer or employee of the City or by declaration under penalty of perjury of any person over the age of eighteen years. The proof of delivery shall show that delivery was done in conformity with this Division or other provisions of law applicable to the subject matter concerned.

(c) The failure of any person to receive any notice served in accordance with these procedures shall not affect the validity of any debarment proceedings.

6. Grounds for Debarment

(a) A final conviction, including a plea of nolo contendere, or final unappealable civil judgment of any one or more of the following constitutes grounds for permanent debarment of the person who is subject to, or is the affiliate of the person who is subject to, the criminal conviction, plea, or civil judgment:

(1) under any state or federal statute or municipal ordinance for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any offense indicating a lack of business integrity or business honesty which affects the person's or its affiliate's responsibility; or,

(2) for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract; or,

(3) for violations of California Government Code sections 84300(c) and 84301 (sections of the California Political Reform Act requiring disclosure of true campaign donor), and which violations occur with respect to a City election; or,

(4) for a conviction under federal or state antitrust statutes involving public contracts or the submission of offers or bid proposals,

(b) A Fair Political Practices Commission enforcement order against a person, either following a hearing or by stipulation, that makes a finding of a violation of California Government Code sections 84300(c) and 84301 and which violations occurred with respect to a City election, constitutes grounds for permanent debarment of the person who is subject to, or is the affiliate of the person who is subject to, the enforcement order.

(c) Any one of the following acts or omissions by a person also constitutes grounds for permanent debarment:

(1) the person committed any offense, took any action, or failed to take an action, which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the person on future contracts with the City; or,

(2) the person has committed any corrupt practice in bidding for or in any way seeking award of a contract, or has committed any corrupt practice in any way relating to a City contract; or,

(3) the person was established to, or operates in a manner designed to evade the application of these procedures or to defeat the purpose of these procedures;

(d) Any two or more of the following acts or omissions by a person constitute grounds for debarment of that person for no less than three years and up to and including permanently:

(1) the person unjustifiably refused to properly perform or complete contract work or warranty performance; or,

(2) the person unjustifiably failed to honor or observe contractual obligations or legal requirements pertaining to the contract; or,

(3) the person used substandard materials, or has failed to furnish or install materials in accordance with contract requirements, even if the discovery of the defect is subsequent to acceptance of the project and expiration of the warranty thereof, if such defect amounts to intentionally deficient or grossly negligent performance of the contract under which the defect occurred; or,

(4) the person committed a violation of the Drug-Free workplace Act of 1988 (41 USC sections 701-707); or,

(5) the person willfully failed to cooperate in the investigation or hearing of the proposed debarment; or,

(6) the person performs, or fails to perform, a contract in such a way that environmental damage results or a violation of environmental laws or permits is committed; or,

(7) the person practices unlawful discrimination in employment, and the person has not taken corrective action after sufficient notice by the City;

(8) the person has committed an act or omission of so serious or compelling a nature that:

(a) it affects the present responsibility of the person to be awarded a contract or to participate as a subcontractor in a contract; or,

(b) it affects the integrity of the procurement process.

(e) The following acts or omissions by a person constitute grounds for debarment of that person for no less than one year:

(1) the City issued the person two or more performance evaluations from the City with a rating of unsatisfactory within a two-year period; or,

(2) the City has issued the person a final performance evaluation with a rating of unsatisfactory.

(3) the person has failed to timely submit bond, contract documents, insurance documents or any other item required by the City, acceptable to the City which conform to bid, request for proposal and/or contract requirements.

(4) the person submitted two or more claims of computational or other error in a bid to the City within a two-year period.

7. Debarment Proceedings before the Debarment Hearing Officer or City Council

The proceedings shall be as informal as is compatible with the requirements of justice. The Debarment Hearing Officer and/or City Council need not be bound by the common law or statutory rules of evidence and procedure, but may make inquiries in the matter through all means and in a manner best calculated to make a just factual determination.

8. Debarment Hearing Officer's Authority to Debar; Debarment Hearing Officer's Decision Final

(a) After notice and hearing held in accordance with these procedures, the Debarment Hearing Officer shall determine whether a person is to be debarred and for what length of time. To debar a person, the Debarment Hearing Officer must find by a preponderance of the evidence that one or more grounds for debarment stated in these procedures exist.

(b) Except as provided in subsection (c) below, a Debarment Hearing Officer's decision shall be final.

(c) A decision by a Debarment Hearing Officer to permanently debar a person may be appealed to the City Council in accordance with Chapter 1.30 of the Santa Barbara Municipal Code. The filing of a request for appeal of the debarment decision shall not stay the Debarment Hearing Officer's decision pending a final decision of the City Council.

(d) The Debarment Hearing Officer shall deliver notice of the decision to the person subject to the debarment hearing and to the City Administrator.

9. Standard of Proof

The standard of proof for the Debarment Hearing shall be a preponderance of the evidence.

10. Imputation of Knowledge and Conduct

(a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individuals associated with a person may be imputed to the person when the conduct occurred in connection with the individual's performance of duties for, or on behalf of, the person, or with the person's knowledge, approval, or acquiescence. The person's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of a person may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the person who participated in, knew of, or had reason to know of the person's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one person participating in a joint venture or similar arrangement may be imputed to other participating persons if the conduct occurred for, on approval of, or acquiescence of these persons. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

11. Judicial Review

Once a Debarment Hearing Officer or the City Council has issued a final decision as provided in this Division, the time in which judicial review of the order must be sought shall be governed by California Code of Civil Procedure section 1094.6.

12. Creation of List of Debarred and Suspended Persons

(a) The City Administrator shall create and maintain a list of persons who have been debarred or suspended in accordance with these procedures.

(1) This list shall include the names and addresses of all persons who have been debarred or suspended.

(2) For each debarred or suspended person, the list shall state the date of commencement and expiration of the debarment or suspension.

(b) The City Administrator shall establish procedures to provide for the effective use of the list to ensure that the City does not do business with persons who have been debarred or suspended.

13. Effect of Debarment or Suspension

(a) Persons who have been debarred or suspended are excluded from conducting business with the City on behalf of themselves or as agents or representatives of other persons for the duration of the debarment or suspension.

(b) Persons who have been debarred or suspended are excluded from submitting bids, directly or indirectly (e.g., through an affiliate), submitting responses to requests for proposal or qualifications, receiving contract awards, executing contracts, participating as a subcontractor, employee, agent or representative of another person contracting with the City, or receiving contracts for the period of debarment or suspension.

(c) Persons who have been debarred or suspended are excluded from acting in a capacity where the person reasonably may be expected to submit offers for or be awarded, a contract, or a subcontract under a contract; or

(d) Persons who have been debarred or suspended are excluded from conducting business, or from acting in a capacity where the person reasonably may be expected to conduct business, with the City as an agent or representative of another person.

(e) The management of a corporate or other legal entity that has been debarred or suspended shall not conduct business or act in a capacity where they reasonably may be expected to conduct business with the City under a different corporate name.

(f) The City shall not accept, receive, open a bid, evaluate for award, or include any proposals, quotations, bids, or offers from any debarred or suspended person for the duration of the debarment or suspension.

(g) The City shall not award or approve the award of a contract or execute a contract under which a debarred or suspended person is intended to participate as a subcontractor or material supplier.

(h) A prime contractor who is awarded a contract shall not employ, subcontract with, nor purchase materials or services from a debarred or suspended person;

(i) When a debarred person sells or otherwise transfers to a relative or to any other person over whose actions the debarred person exercises substantial influence or control, then that relative or other person is automatically suspended or debarred or proposed for debarment to the same extent as the seller or transferor is debarred, suspended, or proposed for debarment.

14. Effect of Debarment or Suspension on an Affiliate

(a) If the City determines that a person is an affiliate of a person that is debarred, suspended or proposed for debarment, the affiliate is debarred or suspended to the same extent as the person that is debarred, suspended or proposed for debarment.

(b) The affiliate debarred under this Section may request an appeal of the decision to the Debarment Hearing Officer by submitting a written request to the City Clerk. An appeal under this Section shall be governed by the same rules and regulations in accordance with these procedures as are applicable to a Debarment Hearing Officer's procedure to debar a person.

(c) The filing of a request for review under this Section shall not stay the decision to debar the affiliate.

15. Effect of Debarment or Suspension by Another Governmental Agency

If a person has been debarred by another governmental agency, that person may be automatically debarred by the City Administrator permanently, or for three years, or until the other governmental agency's term of debarment expires, in the sole discretion of the City Administrator.

16. Liability for Increased Costs

Any person who enters a contract with the City, either directly as a prime contractor or indirectly as a subcontractor, during a period of suspension or debarment imposed upon that person by the City under its rules and regulations shall be liable to the City for increased costs incurred as a result of replacing the debarred or suspended person.

17. Effect of Debarment or Suspension on Existing Contracts

(a) Except as otherwise provided in this section and notwithstanding the debarment, suspension, or proposed debarment, of a person, the City may continue contracts or subcontracts it has with that person that are in existence at the time the person was debarred, suspended, or proposed for debarment.

(b) If the basis of a person's debarment or suspension is so serious that the City Administrator believes that termination of contracts or subcontracts the City has with that person that are in existence at the time the person is debarred or suspended is in the best interests of the City, the City Administrator may take actions necessary to terminate those contracts or subcontracts only after consultation with the City Attorney to ensure the propriety and legality of the proposed action.

(c) The City may continue to place orders against existing contracts, including delivery contracts, held by a debarred or suspended person, unless the contract has been terminated.

(d) The City shall not renew or otherwise extend the duration of current contracts, or consent to subcontracts, with debarred or suspended persons, unless the City Administrator states in writing the compelling reasons for renewal or extension.

18. Agreement Not to Bid in Lieu of One Year Debarment

The City may, but is not required to, offer a person the opportunity to execute a written agreement not to bid for one year, in lieu of the City's pursuing a one year debarment under this Division. By executing this agreement, the person shall consent to waive a debarment hearing as provided under these procedures, and this agreement will not constitute a debarment.



PROCLAMATION

Safe Boating Week
May 16-22, 2009

WHEREAS, recreational boating is a popular seasonal activity, and the City of Santa Barbara offers considerable resources to accommodate a variety of pleasure-boating needs; and

WHEREAS, the City of Santa Barbara, United States Coast Guard, Coast Guard Auxiliary, and U.S. Power Squadron use this time of year to promote safe boating and to remind boaters of the Maritime Rules of the Road, which includes avoiding alcohol consumption and taking drugs while operating a boat; and

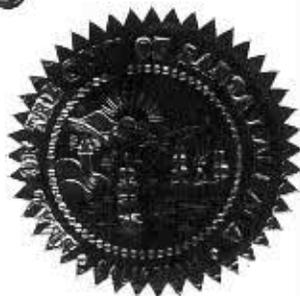
WHEREAS, an average of 700 people die each year in boating-related accidents in the United States, the majority of which are caused by operator inattention, carelessness or reckless operation; and

WHEREAS, a significant number of boaters who perish by drowning would be alive had they worn life jackets and observed safe boating practices; and

WHEREAS, knowledge, skill and training are essential in reducing human error and improving human judgment,

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 May 16-22, 2009 as **SAFE BOATING WEEK** and urge all who use our waterways for recreational boating to wear their life jackets and acquire safe-boating knowledge and skills for their own safety and for the safety of others.

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 19th day of May, 2009.



Marty Blum
MARTY BLUM, MAYOR



PROCLAMATION

Day of the Young Scholar May 27, 2009

WHEREAS, in recognition of academic achievement and financial need, funds for scholarship and loan aid have been generously provided by businesses, corporations, service organizations, private foundations and individuals in our community through the Scholarship Foundation of Santa Barbara and the Santa Barbara Foundation; and

WHEREAS, the future of the City of Santa Barbara, and indeed the nation, rests with the young people who will be our leaders and community contributors of tomorrow; and

WHEREAS, the effectiveness of these future citizens will depend on the extent and quality of the education they are able to achieve; and

WHEREAS, on May 27, 2009, more than 1,900 outstanding Santa Barbara County high school graduates will be honored at the Sunken Gardens of the Santa Barbara County Courthouse as recipients of scholarship and loan grants totaling \$6.8 million, which they have earned through their diligence and dedication,

*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 May 27, 2009 as **DAY OF THE YOUNG SCHOLAR** and commend the Scholarship Foundation of Santa Barbara and the Santa Barbara Foundation for their support of higher education for the young people of this area.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, to be affixed this 19th day of May, 2009.



MARTY BLUM, MAYOR



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING April 21, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:06 p.m. (The Ordinance Committee met at 12:00 p.m. The Finance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, 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, City Clerk Services Manager Cynthia M. Rodriguez.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring The Week Of April 19-26, 2009, As Days Of Remembrance In Memory Of The Victims Of The Holocaust (120.04)

Action: Proclamation presented to Ruth Harter, Anti-Defamation League.

PUBLIC COMMENT

Speakers: Geoff Alexander, Santa Barbara County Film Commission; Gert Walter; George Green, Mick Sherer, Bob Evans, Brad Klein, Lisa Arroyo, and Dave Harris, SEIU Local 620; Kate Smith.

ITEMS REMOVED FROM CONSENT CALENDAR

2. Subject: City Of Santa Barbara 2009 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the proposed City of Santa Barbara 2009 Legislative Platform; and
- B. Authorize the Mayor, her designee in her absence, and staff, acting on behalf of the City of Santa Barbara, to contact state and federal representatives and send letters to advocate positions consistent with the goals of the City's Legislative Platform.

Documents:

April 21, 2009, report from the Administrative Services Director.

Speakers:

Members of the Public: Pat Wheatly, First 5 Commission of Santa Barbara County; Geoff Green, Fund for Santa Barbara; Kate Smith.

Motion:

Councilmembers Williams/Schneider to approve the recommendations.

Vote:

Unanimous voice vote.

4. Subject: Contract For Design Services For The Carrillo/Anacapa Intersection Traffic Safety Improvements Project (530.05)

Recommendation: That Council authorize the Public Works Director to execute a contract with Penfield & Smith (P&S) in the amount of \$29,750 for design services for the Carrillo/Anacapa Intersection Traffic Safety Improvements Project (Project), and authorize the Public Works Director to approve expenditures of up to \$2,975 for extra services of P&S that may result from necessary changes in the scope of work.

Documents:

April 21, 2009, report from the Public Works Director.

Speakers:

- Staff: Transportation Manager Browning Allen.
- Members of the Public: Michael Self, Santa Barbara Safe Streets; Kellam de Forest; Frank Hotchkiss.

(Cont'd)

4. (Cont'd)

Motion:

Councilmember Williams/Mayor Blum to approve the recommendation;
Contract No. 23,095.

Vote:

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

5. Subject: Adoption Of Ordinance For Amendments To The 2007 Fire Code
(520.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Subsection E of Section 8.04.020 and Subsections C and D of Section 22.04.020 of the Santa Barbara Municipal Code Concerning Local Requirements for the Installation of Automatic Fire Sprinklers.

The title of the ordinance was read.

Speakers:

- Staff: Fire Marshal Joe Poire, Fire Chief Ron Prince.
- Members of the Public: Frank Hotchkiss.

Motion:

Councilmembers Francisco/Horton to continue this item for 30 days to allow staff to respond to outstanding questions from the public.

Vote:

Unanimous voice vote.

CONSENT CALENDAR (Item Nos. 3, 6 - 10)

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

Motion:

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

Vote:

Unanimous roll call vote.

3. Subject: Lease Agreement For Primo Boxing Club/Say Yes To Kids (330.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute a five-year lease agreement for the Haley Street Youth Sports Center with Primo Boxing Club/Say Yes to Kids.

Action: Approved the recommendation; Agreement No. 23,094 (April 21, 2009, report from the Parks and Recreation Director).

6. Subject: Introduction Of Ordinance For Attornment Agreement With H. Oliver Dixon, Inc., And Business First Bank (330.04)

Recommendation: That Council:

- A. Approve and authorize the Airport Director to execute an attornment agreement between the City of Santa Barbara, as Lessor, H. Oliver Dixon, Inc., as Lessee, and Business First Bank, a Division of Heritage Oaks Bank, as Lender, pertaining to Lease Agreement No. 21,810, dated November 1, 2005; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Attornment Agreement Between the City of Santa Barbara, as Lessor, H. Oliver Dixon, Inc., as Lessee, and Business First Bank, a Division of Heritage Oaks Bank, as Lender, Pertaining to Lease Agreement No. 21,810 dated November 1, 2005.

Action: Approved the recommendations (April 21, 2009, report from the Airport Director; proposed ordinance).

7. Subject: Easements At The Airport (330.03)

Recommendation: That Council:

- A. Approve and authorize the City Administrator to execute the Second Amendment of Avigation, Noise, and Runway Protection and Navigational Aids Easement between the City, as Grantee, and Santa Barbara Realty Holding Company, LLC, a Delaware limited liability company, as Grantor, substituting a Revised Exhibit 6 to the 2001 Easement, at the Airport;
- B. Approve and authorize the City Administrator to execute the Grant of Access Easements between the City, as Grantee, and Santa Barbara Realty Holding Company, LLC, a Delaware limited liability company, as Grantor, to provide access to the westerly-most Federal Aviation Administration navigational aid; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting the Grant of Access Easements on Real Property Known as Coromar Drive and Discovery Drive (Assessor's Parcel No. 073-450-005).

(Cont'd)

7. (Cont'd)

Action: Approved the recommendations; Resolution No. 09-021; Agreement Nos. 23,096 and 23,098 (April 21, 2009, report from the Airport Director; proposed resolution).

NOTICES

8. The City Clerk has on Thursday, April 16, 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.

9. Recruitment for City Advisory Groups:

- A. The City Clerk's Office will accept applications through Friday, May 22, 2009, at 5:00 p.m. to fill current vacancies on various City Advisory Groups, scheduled vacancies on the Central Coast Commission for Senior Citizens, Living Wage Advisory Committee, Single Family Design Board, and Housing Authority Commission, and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, May 6, 2009;
- B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, June 2, 2009, at 4:00 p.m. (Estimated Time), Tuesday, June 9, 2009, at 6:00 p.m., and Tuesday, June 16, 2009, at 4:00 p.m. (Estimated Time);
- C. The City Council Subcommittee will conduct interviews of applicants for vacancies on the Lower Westside and Westside Center Advisory Committees on Wednesday, June 17, 2009, at 7:00 p.m. at the Franklin Neighborhood Center, 1136 E. Montecito Street; and
- D. The City Council will make appointments to fill the vacancies on various City Advisory Groups on Tuesday, June 30, 2009.

10. A City Council site visit is scheduled for Monday, April 27, 2009, at 1:30 p.m. to the property located at 1900 Lasuen Road, El Encanto Hotel and Garden Villas, which is the subject of an appeal hearing set for April 28, 2009, at 2:00 p.m.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to consider proposed amendments to Municipal Code Chapters 15.20 and 15.24 to assist the City in protecting the health and preservation of its urban forest; the amendments will be forwarded to the Council for introduction and adoption in the near future.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met to consider the proposed schedule and topics for Finance Committee review of the Fiscal Year 2010 recommended budget. The Committee approved these items, which will be considered by the full Council as part of Agenda Item No. 12.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

11. 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 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.

(Continued from April 14, 2009, Item No. 13)

Documents:

April 21, 2009, report from the Administrative Services Director.

Speakers:

Staff: City Clerk Services Manager Cynthia Rodriguez.

Motion:

Councilmembers Falcone/Williams to set Tuesday, June 2, 2009, at 6:00 p.m. as the date and time for hearing the appeals.

Vote:

Unanimous voice vote.

RECESS

3:30 p.m. - 3:40 p.m.

FINANCE DEPARTMENT

12. Subject: Fiscal Year 2010 Recommended Operating And Capital Budget (230.05)

Recommendation: That Council:

- A. Receive the Fiscal Year 2010 recommended Operating and Capital Budget;
- B. Hear a report from staff in connection with the filing of the Fiscal Year 2010 recommended budget; and
- C. Approve the proposed public hearing schedule and review schedule for the presentation of the recommended budget.

Documents:

- April 21, 2009, report from the Finance Director.
- April 21, 2009, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Finance Director Robert Peirson, City Administrator Jim Armstrong.
- Members of the Public: Peggy Langle, Santa Barbara Humane Society; Dr. Lee Heller, Dog PAC; Eliane Martin, Animal Shelter Assistance Program; Timothy B. Collins (comments read into record by Peggy Langle).

Motion:

Councilmembers Falcone/House to approve Recommendations A and C.

Vote:

Unanimous voice vote.

Agenda Item No. 13 appears in the Redevelopment Agency minutes.

RECESS

Mayor Blum recessed the meeting at 5:47 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 14 - 17, and stated that no reportable action is anticipated.

CLOSED SESSIONS

14. Subject: Conference With Real Property Negotiator (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of section 54956.8 of the Government Code to consider instructions to City staff and the City Attorney regarding potential lease negotiations with Cushman & Wakefield and Hayes Commercial Group for a four-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederic Lopez Road, Francis Botello Road and David Love Place, owned by the City of Santa Barbara (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608]). City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Community Development Director; Sarah Knecht, Assistant City Attorney.
Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

Documents:

April 21, 2009, report from the Airport Director.

Time:

5:49 p.m. - 6:02 p.m.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Landslide Repair Foundation v. City of Santa Barbara, SBSC Number 1304297.
Scheduling: Duration, 20 minutes; anytime
Report: None anticipated

Documents:

April 21, 2009, report from the City Attorney.

Time:

6:03 p.m. - 6:12 p.m.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: Robert Markmann v. City of Santa Barbara, WCAB, Case Number ADJ 1863783.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

April 21, 2009, report from the Finance Director.

Time:

6:13 p.m. - 6:24 p.m. Councilmember Williams was absent.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: Rudolph Moreno v. City of Santa Barbara, WCAB, Case Numbers ADJ 3706676 and ADJ 4345221.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

Documents:

April 21, 2009, report from the Finance Director.

Time:

6:25 p.m. - 6:35 p.m. Councilmember Williams was absent.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:35 p.m. to Monday, April 27, 2009, at 1:30 p.m. at 1900 Lasuen Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____
MARTY BLUM
MAYOR
CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING April 23, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams (2:09 p.m.), Mayor Blum.

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Monday, April 20, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Fiscal Year 2010 Recommended Operating And Capital Budget Hearings (230.05)

Recommendation: That Council hear presentations from General Fund departments on their recommended Fiscal Year 2010 budgets.

Documents:

- April 23, 2009, report from the Finance Director.
- City of Santa Barbara Recommended Operating and Capital Budget for Fiscal Year 2010.
- April 23, 2009, PowerPoint presentations prepared and made by staff.
- Affidavit of Publication.

Public Comment Opened:

2:04 p.m.

Speakers:

- Staff: Assistant Finance Director Bob Samario, Administrative Services Director Marcelo A. López, Human Resources Manager Barbara Barker, City Administrator James Armstrong, Assistant to the City Administrator Nina Johnson, City TV Production Supervisor Tony Ruggieri, Employee Relations Manager Kristy Schmidt.
- Members of the Public: George Green, Service Employees International Union, Local 620.

Discussion:

Assistant Finance Director Bob Samario provided a summary of the departments that will be making presentations of their proposed budgets and mentioned that the next public hearing related to the budget will be held on Monday, May 4, 2009, at 6:00 p.m.

Administrative Services Director Marcelo López provided an overview of the Administrative Services Department, its mission, structure and functions/services provided by each division. He presented the proposed budget for Fiscal Year 2010, including cost reductions, workforce reductions, and service level impacts. He also spoke about the Department's P3 Program accomplishments and highlights. Staff answered the Councilmembers' questions. Council commented on the City's Learning for Excellence and Achievement Program (LEAP) and asked staff to research the possibility of further reductions to or suspension of the program.

(Cont'd)

Fiscal Year 2010 Recommended Operating And Capital Budget Hearings (Cont'd)

Discussion (Cont'd):

Assistant to the City Administrator Nina Johnson provided an overview of the programs and current staffing of the City Administrator's Office. She then presented the proposed budget for the City Administrator's Office, including the Office's balancing strategy, service level impacts and contingency budget adjustments. Staff answered the Councilmembers' questions.

Ms. Johnson made a presentation on the proposed budget for the Mayor and Council Office, including its budget process, major activities and current staffing level. She also spoke about the proposed budget changes, balancing strategy and cost reductions.

Recess: 3:59 p.m. - 4:13 p.m. Councilmembers House and Williams were absent when the Council reconvened.

Speakers (Cont'd):

Staff: City Attorney Stephen Wiley, Community Development Director Paul Casey, Community Development Programs Supervisor Sue Gray.

Councilmember House returned to the meeting at 4:17 p.m. Councilmember Williams returned to the meeting at 4:19 p.m.

Discussion:

City Attorney Stephen Wiley presented the proposed budget for the City Attorney's Office, including expenditures, reductions in costs and workforce, potential impacts to service and contingency adjustments. Staff answered the Councilmembers' questions.

Community Development Director Paul Casey presented the proposed budgets for the Community Development Department and the City's Redevelopment Agency (RDA), including an overview of the Department's organization, completed and current RDA capital projects, RDA Housing Fund revenues, expenditures and potential projects, and the proposed budgets for Community Development Block Grant and Rental Housing Mediation Task Force Programs. He also presented the Department's strategy to balance its budget, including cost and workforce reductions, service level impacts and contingency adjustments. The Department's P3 Program highlights and changes were also presented. Staff responded to questions from the Councilmembers.

By consensus, the Public Hearing was continued to May 4, 2009, at 6:00 p.m.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:44 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

ADJOURNED REGULAR MEETING April 27, 2009 1900 LASUEN ROAD

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 1:45 p.m.

ROLL CALL

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

Councilmembers absent: Iya G. Falcone, Roger L. Horton.

Staff present: Assistant City Administrator Joan M. Kent, City Attorney Stephen P. Wiley.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, April 23, 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.

SITE VISITS

Subject: 1900 Lasuen Road - El Encanto Hotel And Garden Villas

Recommendation: That Council make a site visit to the property located at 1900 Lasuen Road, which is the subject of an appeal hearing scheduled for April 28, 2009, at 2:00 p.m.

Speakers:

Staff: Associate Planner Kathleen Kennedy.

(Cont'd)

1900 Lasuen Road - El Encanto Hotel And Garden Villas (Cont'd)

Discussion:

Staff provided the Council with a tour of the project, starting with the northeast corner and village location of the property. Tours of the renovated cabin, No. 11, as well as the south-end location of the property, were included. Staff used the project plans to describe the proposed parking lot and utility distribution facility in the northwest corner of the property.

Councilmember Williams left the meeting at 2:10 p.m.

ADJOURNMENT

Mayor Blum adjourned the meeting at 2:20 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

REGULAR MEETING April 28, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:03 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, 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, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

Speakers: Toni Wellen, Coalition Against Gun Violence; Ruth Wilson; Kenneth Loch; Kate Smith.

CONSENT CALENDAR (Item Nos. 1 - 10)

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

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meetings of April 7, and April 14, 2009.

Action: Approved the recommendation.

2. Subject: March 31, 2009, Investment Report And March 31, 2009, Fiscal Agent Report (260.02)

Recommendation: That Council:

- A. Accept the March 31, 2009, Investment Report; and
- B. Accept the March 31, 2009, Fiscal Agent Report.

Action: Approved the recommendations (April 28, 2009, report from the Finance Director).

3. Subject: Adoption Of Ordinance For Attornment Agreement With H. Oliver Dixon, Inc., And Business First Bank (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving an Attornment Agreement Between the City of Santa Barbara, as Lessor, H. Oliver Dixon, Inc., as Lessee, and Business First Bank, a Division of Heritage Oaks Bank, as Lender, Pertaining to Lease Agreement No. 21,810 Dated November 1, 2005.

Action: Approved the recommendation; Ordinance No. 5487; Agreement No. 23,099.

4. Subject: Resolution Authorizing Financial Assistance Agreements With the State Water Resources Control Board In The Amount Of \$3,941,585 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 Entering into Financial Assistance Agreements with the State Water Resources Control Board and Designating a Representative to Sign the Financial Assistance Agreements, and any Amendments Thereto.

Action: Approved the recommendation; Resolution No. 09-022; Agreement No. 23,100 (April 28, 2009, report from the Parks and Recreation Director; proposed resolution).

5. Subject: Professional Services Contract Amendment With The University Of California, Santa Barbara For Microbial Source Tracking (530.03)

Recommendation: That Council authorize the Parks and Recreation Director to amend a professional services agreement with the University of California, Santa Barbara (UCSB) to increase the scope of work in order to conduct additional microbial source tracking in support of the Creeks Division's Laguna Channel Watershed and Water Quality Improvement Feasibility Study, and to increase amount of compensation by \$26,201 from Measure B funds, bringing the total contract amount to \$76,193.

Action: Approved the recommendation; Agreement No. 22,659.1 (April 28, 2009, report from the Parks and Recreation Director).

6. Subject: Increase Professional Services Change Order Authority For The Santa Barbara Airport Consolidated Rental Car Project (560.04)

Recommendation: That Council approve additional Change Order expenditure authority for Professional Services Contract No. 22,857 with Earth Systems Pacific, due to the discovery of an underground storage tank, for the Santa Barbara Airport Consolidated Rental Car Project, in the amount of \$37,500, for a total change order expenditure authority of \$43,501.28.

Action: Approved the recommendation (April 28, 2009, report from the Public Works Director).

7. Subject: Challenge Cost Share Agreement Between The City Of Santa Barbara, County Of Santa Barbara, And United States Department Of Agriculture Forest Service, Los Padres National Forest (150.01)

Recommendation: That Council authorize the Parks and Recreation Director to enter into a Challenge Cost Share Agreement for \$10,000 with the County of Santa Barbara (County) and the United States Department of Agriculture Forest Service, Los Padres National Forest (Forest Service) for implementation of the Front Country Trails Management Recommendations.

Action: Approved the recommendation; Agreement No. 23,101 (April 28, 2009, report from the Parks and Recreation Director).

8. Subject: Community Promotion Contract With Semana Nautica (230.02)

Recommendation: That Council authorize the Finance Director to execute a community promotion contract for Fiscal Year 2009 with Semana Nautica in the amount of \$3,182 for May 1, 2009, to August 31, 2009.

Action: Approved the recommendation; Agreement No. 23,102 (April 28, 2009, report from the Finance Director).

NOTICES

9. The City Clerk has on Thursday, April 23, 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.
10. Received a letter of resignation from Franklin Center Advisory Committee Member Dan La Berge; the vacancy will be part of the current City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to review the Investment Report and Fiscal Agent Report for March 31, 2009, which were approved by the Council as part of this agenda's Consent Calendar, Item No. 2. They also heard presentations on the Fiscal Year 2010 Recommended Operating and Capital Budget, which will be heard by the full Council at a later date.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

11. Subject: Possible Charter Amendments Affecting The Architectural Board Of Review, Harbor Commission, Park Commission And Recreation Commission, And Residency Requirements (110.01)

Recommendation: That Council:

- A. Discuss interest in possible charter amendments pertaining to the size and composition of the Architectural Board of Review, Harbor Commission, Park Commission and Recreation Commission; and residency requirements for boards and commissions; and
- B. Provide direction to staff on how to proceed.

(Cont'd)

11. (Cont'd)

Documents:

- April 28, 2009, report from the Administrative Services Director.
- Undated letter from Harbor Commissioner Ken Owen.

Speakers:

- Staff: Administrative Services Director Marcelo López, Parks and Recreation Director Nancy Rapp, Waterfront Director John Bridley, City Attorney Stephen Wiley.
- Members of the Public: Kellam de Forest and Bill Mahan.

Motion:

Councilmembers Francisco/Mayor Blum to direct staff to proceed with three separate ballot measures for proposed charter amendments related to size, composition, and residency requirements of the Architectural Board of Review, the Harbor Commission, and the Park Commission and Recreation Commission, as stated in the Council Agenda Report, and to direct staff to meet with the Board and Commissions to discuss the proposed amendments.

Vote:

Unanimous voice vote.

RECESS

3:01 p.m. - 3:13 p.m. Councilmember Horton was absent when the Council reconvened, having stated previously that he would not participate in the following item due to a conflict of interest related to his ownership of property situated near the proposed project.

PUBLIC HEARINGS

12. Subject: Appeal Of Planning Commission Decision For 1900 Lasuen Road, El Encanto Hotel (640.07)

Recommendation: That Council:

- A. Deny the appeal filed by Marc Chytilo, attorney for Jan and Johanna von Yurt, Robert and Elizabeth Leslie, and Farrokh and Sally Nazerian;
- B. Uphold the Planning Commission adoption of the Mitigated Negative Declaration and approval of the Modifications, Development Plans and Transfer of Existing Development Rights for the Revised Master Plan proposed at 1900 Lasuen Road (MST2007-00140); and

(Cont'd)

12. (Cont'd)

- C. Direct staff to prepare a Council Resolution documenting the decision of the City Council, making findings consistent with the Council decision, and specifying the conditions of approval, as amended by Council.

Documents:

- April 28, 2009, report from the Community Development Director.
- Affidavit of Publication.
- April 28, 2009, PowerPoint presentation prepared and made by staff.
- February 12, 2009, transcript of Planning Commission hearing regarding El Encanto Hotel, submitted by Marc Chytilo.
- April 24, 2009, letters from Marc Chytilo and Kathleen M. Weinheimer.
- April 24, and April 27, 2009, letters from Thomas D. Hughes, submitted by Marc Chytilo.
- April 28, 2009, documents titled "Project Chronology – El Encanto Hotel" and "El Encanto Hotel Renovation," submitted by Marc Chytilo.
- April 28, 2009, PowerPoint presentation prepared and made by Marc Chytilo.
- April 14, 2009, email communication from Helena Hill.
- April 21, 2009, letter from Naomi Kovacs, Executive Director, Citizens Planning Association of Santa Barbara County, Inc.
- April 22, 2009, letter from Mission Ridge Trust.
- April 23, 2009, letter from United States Court of Appeals, Ninth Circuit Court Judge Raymond Fisher.
- April 23, 2009, letter from Lynne Abbey.
- April 24, 2009, letter from Ken Doud.
- April 27, 2009, email communications from William DeLoreto and Edward Cooper.
- April 27, 2009, letters from Historic Resources Group and Priscilla and Doug Fossek.
- April 28, 2009, letters from Kirk A. Borchardt, L. Robert Johnson, Michael Towbes and Peter Jordano.
- April 28, 2009, letter from Peter C. Jordano.
- April 28, 2009, written comments from Tom Sauder and Ashleigh Brilliant, as read by Mayor Blum.

Speakers:

- Staff: Associate Planners Kathleen Kennedy and Jake Jacobus, City Attorney Stephen Wiley, Senior Planner Debra Andaloro.
- Planning Commission: Commissioners Charmaine Jacobs and Sheila Lodge.
- Appellant: Johanna von Yurt; Attorney Marc Chytilo; and Attorney Kathleen Weinheimer.

(Cont'd)

12. (Cont'd)

Speakers (Cont'd):

- Applicant: Trish Allen, Suzanne Elledge Planning & Permitting Services; Doug Fell, Attorney; Mehran Khazra, Mechanical Engineer.
- Members of the Public: Michael Drury; Dr. Sey Kinsell; Stephen Cushman, President, Santa Barbara Chamber of Commerce; Susan Billig; Loyd Applegate; Kellam de Forest; Jim Knight, President, Riviera Association; Johnny Pena, Southwest Carpenters; Trevor Martinson, Architect & Planner; Ron Hays; Dawnna Boo; Allan Blair; Samuel Depalma; Bob Johnson; Cathie McCammon, Allied Neighborhood Association; Naomi Kovacs, Executive Director, Citizens Planning Association; Deborah Schwartz; Michael Self; Brigitte Forssell; Pete Jordano; Greg Parker.

Motion:

Councilmembers Williams/Falcone to continue this hearing for 60 - 90 days pending further review by the Planning Commission of the following issues: the site of the utility distribution facility and the structure of the parking.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

CHANGES TO THE AGENDA

Item Removed from Agenda

At the suggestion of City Administrator James Armstrong, the following agenda item was deferred to May 5, 2009:

14. Subject: Conference With Labor Negotiator (440.05)

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

RECESS

Mayor Blum recessed the meeting at 7:25 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 13 and stated that no reportable action is anticipated.

CLOSED SESSIONS

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

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

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

April 28, 2009, report from the City Attorney.

Councilmember Horton returned to the meeting at 7:30 p.m.

Time:

7:30 p.m. - 8:25 p.m. Councilmember Williams was absent.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 8:25 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 May 4, 2009 CITY HALL, ROOM 15, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 1:38 p.m.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Roger L. Horton.

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, April 30, 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

1. **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 April 7, 2009, Item No. 19)

(Cont'd)

1. (Cont'd)

Documents:

March 17, 2009, report from the Mayor.

Time:

1:38 p.m. – 2:30 p.m.

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

No report made.

2. 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

(Continued from April 7, 2009, Item No. 20)

Documents:

April 7, 2009, report from the Mayor.

Time:

2:30 p.m. – 3:25 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 3:25 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

MARTY BLUM
MAYOR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING May 4, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House (6:15 p.m.), Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, April 30, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

Subject: Fiscal Year 2010 Recommended Operating And Capital Budget (230.05)

Recommendation: That Council hear presentations from the Library and Parks & Recreation Departments on their recommended Fiscal Year 2010 budgets.

(Cont'd)

Subject: Fiscal Year 2010 Recommended Operating And Capital Budget (Cont'd)

Documents:

- May 4, 2009, report from the Finance Director.
- PowerPoint presentation prepared and made by Library Department Staff.

Speakers:

- Staff: Library Director Irene Macias, Library Services Manager Sarah Rosenblum, City Attorney Stephen Wiley, Library Services Manager Myra Nicholas, City Administrator James Armstrong.
- Members of the Public: Jan Luc, Santa Barbara Friends of the Library; Maggie Gold; Sylvia Curtis; Jeri Moulder, Santa Barbara Friends of the Library; Janice Rorick.

Discussion:

Library Director Irene Macias presented the department's proposed budget for Fiscal Year 2010, which encompasses major reductions to the workforce, services (including closure of all libraries on Mondays and discontinuance of the bookmobile), and the collection budget. Proposed capital projects were noted. Ms. Macias also explained reductions to the County Library Fund, which is used to operate library branches located outside the City limits. Councilmembers' questions were answered.

Recess: 7:31 p.m. - 7:42 p.m. Councilmember Williams returned to the meeting at 7:49 p.m.

Documents:

- PowerPoint presentation prepared and made by Parks and Recreation Department Staff.
- May 4, 2009, letter from Desmond and Monica Jones.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Recreation Programs Manager Sarah Hanna, Assistant Parks and Recreation Director Jill Zachary, City Administrator James Armstrong, Creeks Restoration/Clean Water Manager Cameron Benson, Parks and Recreation Business Manager Scott McGregor.
- Park and Recreation Commission: Chair Beebe Longstreet, Commissioner W. Scott Burns.
- Members of the Public: Josephine Torres; Maureen McDermut; Maureen Duris; Patrick O'Hara; Michael Acton; Mara Hochman; Monica Jones; Marie Sexton; Elly Iverson, Alex Huang, and Katie Shara, Santa Barbara Youth Council; Rosanne Crawford; Diego Torres-Santos, Santa Barbara Youth Council; Mike Jordan; Gloria Liggett; Pepe Gil, Santa Barbara Youth Council; Cyrus Alexander; Sojourner Kincaid Rolle.

(Cont'd)

Subject: Fiscal Year 2010 Recommended Operating And Capital Budget (Cont'd)

Councilmember Williams left the meeting at 8:57 p.m. and returned at 9:05 p.m.;
Councilmember Falcone left the meeting at 9:08 p.m. and returned at 9:15 p.m.

Discussion:

Parks and Recreation Department Staff described the department's organization, including its five divisions as well as the significant number of parks and other facilities the department operates and maintains. Staff then presented the department's proposed Fiscal Year 2010 budget for General Fund divisions (Parks, Recreation, and Administration), including workforce reductions, restructuring of both the Parks and Recreation Divisions, service impacts, and shifts of several General Fund costs to other sources, all targeted to meet an approximate \$1.5 million budget reduction goal. Proposed budgets for the department's Enterprise Fund divisions (Creeks and Golf) were also outlined. Councilmembers' questions were answered.

Councilmember Williams left the meeting at 10:31 p.m.

ADJOURNMENT

Mayor Blum adjourned the meeting at 10:53 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: May 19, 2009
TO: Mayor and Councilmembers
FROM: Treasury Division, Finance Department
SUBJECT: April 2009 Investment Report

RECOMMENDATION:

That Council accept the April 2009 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of April 30, 2009.

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

CITY OF SANTA BARBARA
Activity and Interest Report
April 30, 2009

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

04/01	LAIF Deposit/City	\$ 3,000,000
04/06	LAIF Deposit/City	1,500,000
04/08	Federal Home Loan Mortgage Corp. (FHLMC)	2,000,000
04/13	LAIF Deposit/City	1,000,000
04/15	LAIF Deposit/City	1,163,345
04/16	LAIF Deposit/City	1,800,000
04/20	LAIF Deposit/City	2,000,000
04/29	Federal Home Loan Mortgage Corp. (FHLMC)	2,000,000
04/29	LAIF Deposit/City	4,400,000
04/29	LAIF Deposit/RDA	8,000,000
	Total	\$ 26,863,345

SALES, MATURITIES, CALLS OR WITHDRAWALS

04/02	Federal Home Loan Mortgage Corp. (FHLMC) Call	\$ (2,000,000)
04/08	LAIF Withdrawal/City	(1,000,000)
04/09	LAIF Withdrawal/City	(3,700,000)
04/15	Federal Farm Credit Bank (FFCB) Maturity	(2,000,000)
04/17	LAIF Withdrawal/City	(1,163,345)
04/20	Federal Home Loan Mortgage Corp. (FHLMC) Call	(2,000,000)
04/22	Federal Home Loan Bank (FHLB) Call	(2,000,000)
04/24	LAIF Withdrawal/City	(1,000,000)
	Total	\$ (14,863,345)

ACTIVITY TOTAL

\$ 12,000,000

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 425,597
Amortization	14,700
SBB&T Sweep Account Interest	153
SBB&T Trust Account M/M Interest	37
Total	\$ 440,487

RDA INVESTMENTS

Interest Earned on Investments (LAIF)	\$ 23,850
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TOTAL INTEREST EARNED

\$ 464,337

CITY OF SANTA BARBARA
Investment Portfolio
April 30, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
			MOODY'S	S & P							
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	1.610	1.610	40,000,000.00	40,000,000.00	40,000,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	1.610	1.610	26,100,000.00	26,100,000.00	26,100,000.00	0.00	
Subtotal, LAIF							66,100,000.00	66,100,000.00	66,100,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/08	11/18/09	-	-	2.500	2.500	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
TREASURY SECURITIES - COUPON											
U S TREASURY NOTE	05/19/06	05/15/09	Aaa	AAA	4.875	5.000	2,000,000.00	1,999,911.86	2,004,220.00	4,308.14	
Subtotal, Treasury Securities							2,000,000.00	1,999,911.86	2,004,220.00	4,308.14	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,007,476.76	2,012,820.00	5,343.24	
FEDERAL FARM CREDIT BANK	08/17/06	08/17/09	Aaa	AAA	5.125	5.150	2,000,000.00	1,999,864.56	2,029,070.00	29,205.44	
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,022,858.81	2,152,190.00	129,331.19	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,991,382.49	2,095,940.00	104,557.51	
FEDERAL FARM CREDIT BANK	02/01/08	02/01/13	Aaa	AAA	3.790	3.790	2,000,000.00	2,000,000.00	2,039,690.00	39,690.00	Callable 2/01/10, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	03/02/12	Aaa	AAA	2.370	2.370	2,000,000.00	2,000,000.00	2,008,440.00	8,440.00	Callable 3/02/10, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,008,130.00	8,130.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,018,130.00	18,130.00	
FEDERAL HOME LOAN BANK	10/25/06	02/12/10	Aaa	AAA	3.875	5.117	1,000,000.00	991,169.92	1,024,845.00	33,675.08	
FEDERAL HOME LOAN BANK	12/18/06	11/03/09	Aaa	AAA	3.500	4.834	2,000,000.00	1,987,532.56	2,030,310.00	42,777.44	
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,009,214.20	2,153,750.00	144,535.80	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,957,861.73	2,098,130.00	140,268.27	
FEDERAL HOME LOAN BANK	07/09/07	03/12/10	Aaa	AAA	5.000	5.268	1,000,000.00	997,826.55	1,036,405.00	38,578.45	
FEDERAL HOME LOAN BANK	02/26/09	02/24/14	Aaa	AAA	3.250	3.261	2,000,000.00	1,999,181.56	2,017,190.00	18,008.44	Callable 2/24/10, then qtrly
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,814,823.60	1,815,022.00	198.40	
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,656.38	1,054,845.00	54,188.62	
FEDERAL HOME LOAN BANK	05/21/07	06/12/09	Aaa	AAA	5.250	5.000	2,000,000.00	2,000,530.07	2,011,570.00	11,039.93	
FEDERAL HOME LOAN BANK	04/21/08	10/21/11	Aaa	AAA	3.125	3.125	2,000,000.00	2,000,000.00	2,010,620.00	10,620.00	Callable 7/21/09, once
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,984,266.49	2,062,190.00	77,923.51	
FEDERAL HOME LOAN BANK	09/25/08	08/18/09	Aaa	AAA	3.750	3.231	2,000,000.00	2,003,001.30	2,021,260.00	18,258.70	
FEDERAL HOME LOAN BANK	10/18/06	09/11/09	Aaa	AAA	5.250	5.060	1,000,000.00	1,000,611.98	1,017,970.00	17,358.02	
FEDERAL HOME LOAN BANK	11/07/06	10/26/09	Aaa	AAA	5.000	5.000	2,345,000.00	2,344,992.32	2,397,399.03	52,406.71	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,718.96	2,098,750.00	99,031.04	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,993,243.21	2,080,000.00	86,756.79	
FEDERAL HOME LOAN BANK	05/21/07	05/15/09	Aaa	AAA	4.250	5.005	1,450,000.00	1,449,599.12	1,452,262.00	2,662.88	
FEDERAL HOME LOAN BANK	06/18/07	03/12/10	Aaa	AAA	4.875	5.382	2,000,000.00	1,991,908.94	2,070,940.00	79,031.06	

CITY OF SANTA BARBARA
Investment Portfolio
April 30, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
			MOODY'S	S & P							
FEDERAL HOME LOAN BANK	05/22/08	05/22/13	Aaa	AAA	4.350	4.350	2,000,000.00	2,000,000.00	2,004,380.00	4,380.00	Callable 5/22/09, then qtrly
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,983,212.89	2,065,320.00	82,107.11	
FEDERAL HOME LOAN BANK	09/25/08	09/25/09	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,024,690.00	24,690.00	
FEDERAL HOME LOAN BANK	10/15/08	07/15/11	Aaa	AAA	4.000	4.002	2,000,000.00	2,000,000.00	2,010,620.00	10,620.00	Callable 7/15/09, once
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,998,063.89	2,009,060.00	10,996.11	Callable 4/08/11, once
FEDERAL HOME LOAN MTG CORP	03/24/09	03/24/14	Aaa	AAA	3.500	3.500	2,000,000.00	2,000,000.00	2,005,460.00	5,460.00	Callable 6/24/09, then qtrly
FEDERAL HOME LOAN MTG CORP	09/14/06	09/01/09	Aaa	AAA	4.125	5.070	1,000,000.00	997,106.28	1,012,420.00	15,313.72	
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,987,649.51	2,079,980.00	92,330.49	
FEDERAL HOME LOAN MTG CORP	10/15/07	10/15/12	Aaa	AAA	5.050	5.050	2,000,000.00	2,000,000.00	2,040,240.00	40,240.00	Callable 10/15/09, once
FEDERAL HOME LOAN MTG CORP	01/29/07	01/25/10	Aaa	AAA	4.375	5.122	2,000,000.00	1,989,960.15	2,053,200.00	63,239.85	
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,971,468.59	2,075,000.00	103,531.41	
FEDERAL HOME LOAN MTG CORP	04/29/09	10/29/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,015,700.00	15,700.00	Callable 10/29/10, once
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,014,060.00	14,060.00	Callable 3/18/11, once
FEDERAL NATL MORTGAGE ASSN	03/23/09	03/23/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,008,750.00	8,750.00	StrNt, Callable 9/23/10, once
FEDERAL NATL MORTGAGE ASSN	04/27/06	04/20/10	Aaa	AAA	4.750	5.270	2,000,000.00	1,991,003.45	2,072,500.00	81,496.55	
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,017,820.00	17,820.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	03/05/08	03/05/13	Aaa	AAA	4.100	4.100	2,000,000.00	2,000,000.00	2,055,310.00	55,310.00	Callable 3/05/10, once
Subtotal, Federal Agencies							80,495,000.00	80,466,186.27	82,382,378.03	1,916,191.76	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	01/15/08	01/15/10	Aa2	AAA	4.125	3.630	2,250,000.00	2,257,508.87	2,286,405.00	28,896.13	
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,032,998.06	2,075,700.00	42,701.94	
GENERAL ELECTRIC CAPITAL CORP	08/15/06	09/15/09	Aa2	AA+	4.625	5.300	2,000,000.00	1,995,410.20	2,013,380.00	17,969.80	
GENERAL ELECTRIC CAPITAL CORP	02/10/06	06/15/09	Aa2	AA+	4.000	5.000	1,000,000.00	998,885.39	1,000,350.00	1,464.61	
GENERAL ELECTRIC CAPITAL CORP	04/17/07	06/15/09	Aa2	AA+	3.250	5.060	2,000,000.00	1,995,853.37	1,997,720.00	1,866.63	
TOYOTA MOTOR CREDIT	10/19/06	03/15/10	Aa1	AA+	4.250	5.140	2,000,000.00	1,985,898.17	2,026,940.00	41,041.83	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA	4.875	5.260	2,000,000.00	1,988,183.58	2,030,140.00	41,956.42	
WELLS FARGO & CO.	10/10/06	08/09/10	A1	AA	4.625	5.000	2,000,000.00	1,991,370.99	2,016,280.00	24,909.01	
Subtotal, Corporate Securities							15,250,000.00	15,246,108.63	15,446,915.00	200,806.37	
SB AIRPORT PROMISSORY NOTE											
SANTA BARBARA AIRPORT	07/01/08	06/30/09	-	-	6.500	6.500	7,800,000.00	7,800,000.00	7,800,000.00	0.00	
Subtotal, SBA Note							7,800,000.00	7,800,000.00	7,800,000.00	0.00	
TOTALS							173,645,000.00	173,612,206.76	175,733,513.03	2,121,306.27	

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



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Adoption Of Ordinance Pertaining To 210 And 216 Meigs Road And 290 Lighthouse Road Rezone And General Plan/Local Coastal Plan Map Amendments

RECOMMENDATION: That Council:

- A. Adopt the Final Mitigated Declaration and Mitigation Monitoring and Reporting Program dated December 12, 2008, making the findings specified in this Council Agenda Report;
- B. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Rezoning of Property in the East Mesa Neighborhood; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map and Coastal Plan Map for Certain Parcels Located in the East Mesa Neighborhood.

EXECUTIVE SUMMARY:

On May 12, 2009, the City Council introduced this ordinance. City staff and the Planning Commission support the proposed rezone to E-3/S-D-3 and General Plan and Coastal Plan land use designation amendment to residential, five units per acre based on the existing development pattern in this area and surrounding land uses for the reasons specified in the Council Agenda Report for introduction. Therefore, staff recommends that the City Council adopt the ordinance and resolution amending the Zoning Map, General Plan Map, and Coastal Plan Map making the findings specified in this Council Agenda Report and the exhibits to the ordinance and resolution.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:

The City Council makes the following findings regarding the adoption of the Final Mitigated Negative Declaration:

Council Agenda Report

Adoption Of Ordinance Pertaining To 210 And 216 Meigs Road And 290 Lighthouse Road
Rezone And General Plan/Local Coastal Plan Map Amendments

May 19, 2009

Page 2

1. The City Council has considered the proposed Final Mitigated Negative Declaration, dated December 12, 2008 for the 210 and 216 Meigs Road and 290 Lighthouse Road Project (MST2006-00476), and comments received during the public review process prior to making a recommendation on the project.
2. The Final Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act requirements, and constitutes adequate environmental analysis of the project.
3. In the City Council's independent judgment and analysis based on the whole record (including the initial study and comments received), there is no substantial evidence that the Project will have a significant effect on the environment. The Final Mitigated Negative Declaration, dated December 12, 2008, is hereby adopted.
4. Mitigation measures identified in the Mitigated Negative Declaration that would avoid or reduce all potentially significant impacts to less than significant levels have been included in the project or made a condition of approval. Additional mitigation measures to minimize adverse but less than significant environmental effects have also been included as conditions of approval.
5. A Mitigation Monitoring and Reporting Program prepared in compliance with the requirements of Public Resources Code § 21081.6, is included in the Final Mitigated Negative Declaration for the Project and is hereby adopted.
6. The location and custodian of documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, CA 93101.
7. The California Department of Fish and Game (DFG) is a Trustee Agency with oversight over fish and wildlife resources of the State. The DFG collects a fee from project proponents of all projects potentially affecting fish and wildlife, to defray the cost of managing and protecting resources. The project is subject to the DFG fee, and a condition of approval has been included which requires the applicant to pay the fee within five days of project approval.

PREPARED BY: Allison De Busk, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 28.12 (ZONE MAP) OF TITLE 28 OF THE MUNICIPAL CODE PERTAINING TO THE REZONING OF PROPERTY IN THE EAST MESA NEIGHBORHOOD

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

SECTION 1. Sectional Zone Map SE03 of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended by changing the zoning of the property located at 216 Meigs Road (APN 045-110-013) from PR/S-D-3 to E-3/S-D-3 as indicated in the attached Exhibit A.

SECTION 2. The City Council makes the following findings with respect to amending the City's Local Coastal Plan:

- A. The project is consistent with the policies of the California Coastal Act, as outlined in Exhibit B.
- B. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as outlined in Exhibit C.

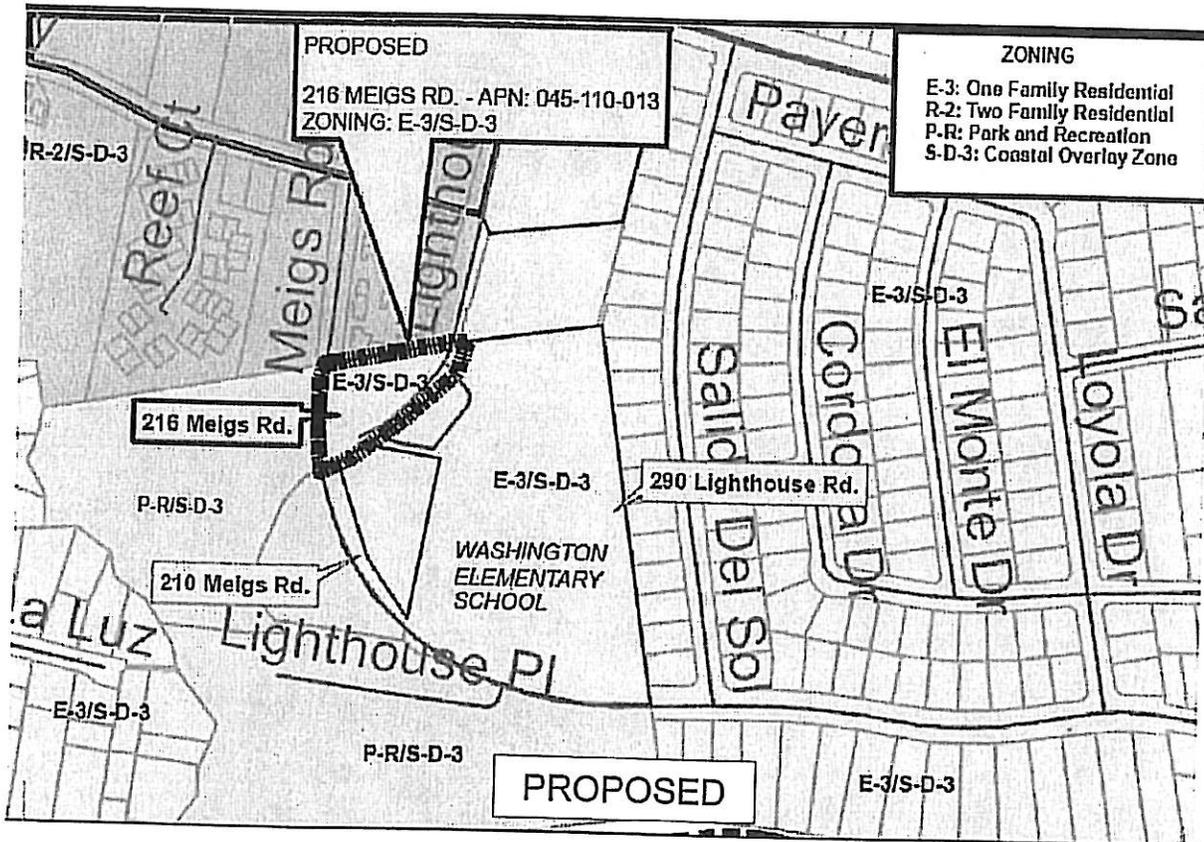
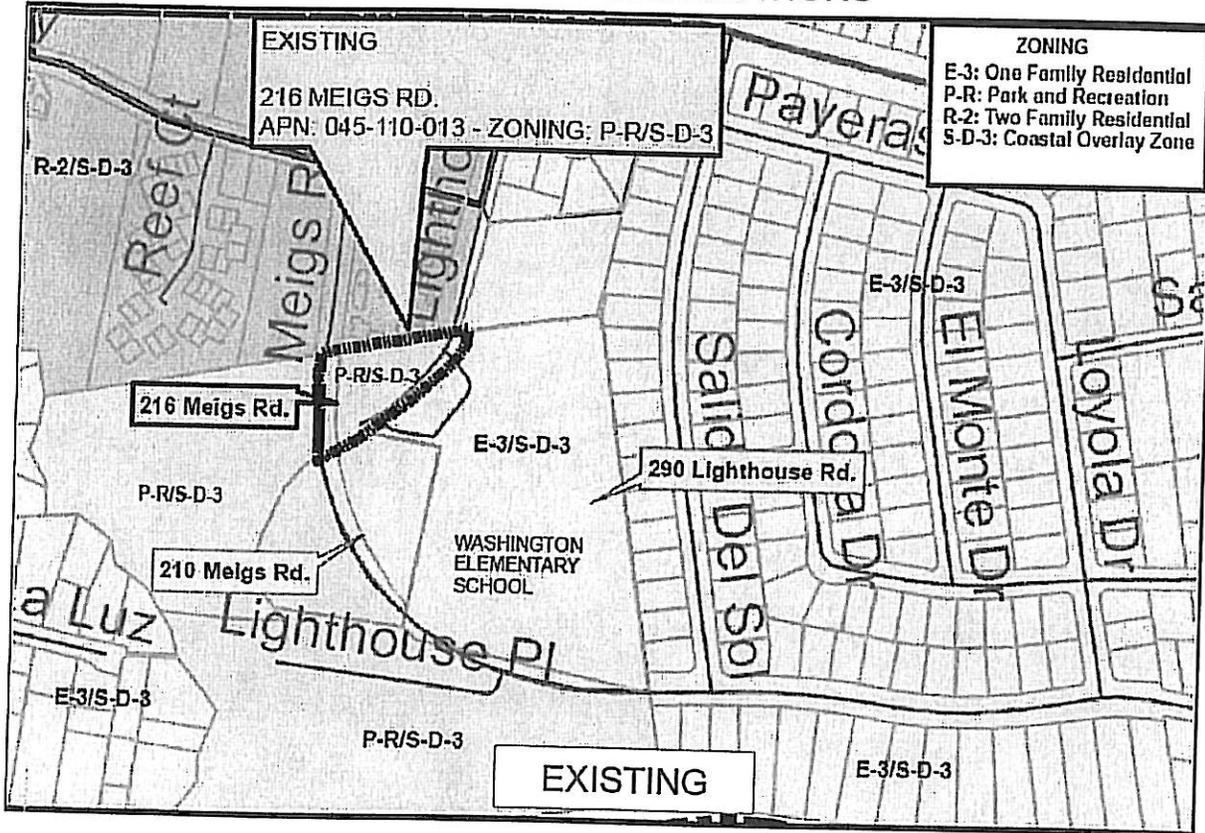
SECTION 3: The City Council makes the following findings with respect to the amendment of the zoning for property located at 216 Meigs Road from PR/S-D-3 to E-3/S-D-3:

- A. This amendment complies with the City Charter and the City's policy of living within its resources in that it results in a project that does not have any significant environmental impacts, and all public services are available to serve the project.
- B. The E-3/S-D-3 zone is a residential zoning designation that would be consistent with the proposed General Plan and Local Coastal Plan designation of Residential, 5 units per acre, and the Local Coastal Plan text discussion of development in this area of the Mesa Neighborhood. Additionally, the E-3/S-D-3 zone is consistent with surrounding zoning designations and recognizes the fact that the parcel is in private ownership and both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. Zoning the property for residential use allows for development of housing in an infill location close to services, recreation and transit opportunities. This designation is also consistent and compatible with adjacent and nearby development, land uses and zoning designations.

SECTION 4. This amendment shall become effective thirty days after certification by the California Coastal Commission.

- Exhibits:
- A. Zoning Map Designation
 - B. California Coastal Act Consistency Findings
 - C. Local Coastal Plan Consistency Findings

ZONING MAP DESIGNATIONS



Coastal Act Chapter 3 Consistency Analysis

§30210 - §30214 (Public Access)

These policies are not applicable because the project is located on the northern side of the nearest public roadway to the shoreline, with no ability to provide public access to the shoreline. Additionally, the project does not impact visitor or recreational facilities.

§30220 - §30224 (Recreation)

The proposed zoning amendment would re-zone the property (216 Meigs Road) from PR/SD-3 (Park and Recreation/Coastal Overlay Zone) to E-3/S-D-3 (One Family Residential/Coastal Overlay Zone). This property was originally zoned for single-family residential development, but was re-zoned to PR in 1986 when the S-D-3 (Coastal Overlay Zone) was added. The parcel was re-zoned to PR/S-D-3 because the site was owned by the City and was originally part of La Mesa Park (located on the west side of Meigs Road). However, the site was declared excess land by the City in 1987, and was sold to the School District in 1991. The proposed zoning map amendment would allow for residential development on a property currently zoned for recreational use. The area proposed for a rezone is currently owned by the Santa Barbara School District, but following the land swap negotiated by the School District (current owners of 216 Meigs Road and 290 Lighthouse Road) and the owner of 210 Meigs Road, this property proposed for re-zone would be owned by a private entity. The proposed re-zone recognizes the fact that the property is in private ownership and that both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. As such, recreational development is not an appropriate use for the site. Designation of the property as Residential - 5 units per acre, would allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with nearby development and land uses. The land swap was negotiated between the two property owners in response to an approved residential development project on 210 Meigs Road, which was negotiated in an effort to resolve concerns raised by the School relative to the residential development. The land swap results in moving the residential development farther from the school to minimize potential land use compatibility concerns.

The land use designation for the site is currently Major Public and Institutional, but is proposed to be designated as Residential – 5 units per acre. Again, the land use amendment recognizes the fact that the area in question is in private ownership and both the City of Santa Barbara and the School District have declined to purchase the privately held portion of the site for either school or park purposes. Therefore, a designation of major public and institutional is not appropriate. Designation of the area (Adjusted Parcel 1) as Residential - 5 units per acre will allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with nearby development and land uses.

The subject parcel does not have direct access to the sea and would not impact ocean-related recreation. Subject to certification of the proposed land use and zoning amendments, the area identified as Adjusted Parcel 1 would be subdivided for future development of five residential units. Residents of these five units have the potential to create a minimal increase in demand on the City's recreational facilities; however this small increase in demand can be accommodated and does not result in significant increased recreational demand.

§30230 - §30236 (Marine Environment)

The project does not have the potential to impact or harm marine resources in the Coastal Zone. The project does not include removal of native riparian or oak woodland habitats in the coastal zone. Additionally, non-native eucalyptus trees proposed for removal are not known to be significant aggregate sites for monarch butterflies or significant nesting locations for endangered or threatened raptor species.

The project will comply with the City's Storm Water Management Program and will implement Best Management Practices during construction to help treat runoff from the site before it enters the storm drain system.

§30240 - §30244 (Land Resources)

These policies are not applicable because the site does not contain any environmentally sensitive habitat areas, is not agricultural land nor is it suitable for agricultural use, and does not contain archaeological or paleontological resources.

§30250 - §30255 (Development)

Policy 30250 - (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The project site is located within an existing developed area, and adequate public services are available to serve it. In particular, the portion of the project site proposed for residential development is located immediately south of an existing condominium development and southwest of a dense single-family neighborhood. Surrounding the site to the south and east is an elementary school. The project will not have significant adverse effects, either individually or cumulatively, on coastal resources. A land swap between the school and the owner of 210 Meigs Road is part of the project and means that the proposed development on the site can be located adjacent to existing residential development to protect open space areas on the site. Therefore the project is consistent with Policy 30250 (a). Sections (b) and (c) of this policy are not applicable to the project.

Policy 30251 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed residential development of the project site will not block views of the ocean or the mountains from public viewing locations, as the site is situated north and east of the public viewing areas in this vicinity (namely La Mesa Park and Meigs Road/Shoreline Drive). The project will not affect any coastal views as the site is not visible from the beach. The project would not result in a significant, unavoidable visual impact to the area. The proposed development would be mostly screened by existing and proposed vegetation, or would not be visible from public viewing locations. When viewed in the larger context of the Mesa neighborhood, the project will blend in with the surrounding residential development to the north and northeast of the project site, as well as with the school development to the south and southeast. The project site is relatively flat and the project will not significantly modify the site's natural topography. Therefore the project is considered to be consistent with Policy 30251.

Policy 30252 - The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed new development does not impact public access to the coast. Further, the project is located close to (within ¼- to ½ -mile) existing commercial facilities, and the project includes improvements to the pedestrian crosswalk located at the Elise Way/Meigs Road intersection. This crosswalk provides access from existing residential units to the coast, as well as commercial, school and recreational facilities located along Meigs Road, without requiring pedestrians to walk to the Meigs Road/Cliff Drive intersection. Additionally, the proposed development, due to its small size (five lots) will not result in significant increased recreational demand.

Policy 30253 - New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The project site is not located in an area of high geologic, flood or fire hazard. The project would neither create nor contribute to erosion, geologic instability or destruction of the site and does not require construction of protective devices that would alter natural landforms. The project, as conditioned, would be consistent with requirements of the Santa Barbara Air Pollution Control District. The project would be designed compliant with the City's Energy Ordinance and would meet or exceed California's Title-24 requirements. The main project entrance would be located in proximity to a bus stop, and the site is located close to existing recreational and commercial opportunities, and the project proposes improvements to the existing crosswalk at Meigs Road/Elise Way, which would allow for increased non-automobile circulation and would encourage reduced vehicle trips in order to access the beach and La Mesa Park from the east side of Meigs Road and to access the school and commercial facilities from the west side of Meigs Road.

No new or expanded public works facilities are proposed as part of the project (Policy 30254 and 30254.5).

§30260 - §30264 (Industrial Development)

The proposed land use and zoning map amendments do not change where industrial development may occur as the parcel would be designated for residential development and open space.

City of Santa Barbara Local Coastal Plan Consistency Analysis

Policy 3.3. *New development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development.*

The project requires (via the proposed E-3/S-D-3 zoning for the project site) two off-street covered parking stalls per single-family residence, which would accommodate the parking demands of the development.

Policy 3.4. *New development proposals in the coastal zone which may result in significant increased recreational demand and associated circulation impacts shall provide mitigation measures as a condition of development including, if appropriate, provision of bikeways and bike facilities, pedestrian walkways, people mover systems, in lieu fees for more comprehensive circulation projects or other appropriate means of compensation.*

As identified in the Mitigated Negative Declaration (MND), the proposed development would not result in significant increased recreational demand. The project includes public improvements (new sidewalk and parkway) on the new public street and along the subdivision's Meigs Road frontage. In order to address potential safety issues for pedestrians and bicyclists, the MND requires mitigation in the form of improvements to the existing crosswalk at Elise Way and Meigs Road.

Policy 5.3. *New residential development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or street parking resources of existing residential neighborhoods shall not be permitted.*

The proposed development would be located south of existing residential development. Surrounding zoning allows for residential development (two-family immediately north of the site and single-family to the northeast, east and south of the site. To the west is Park and Recreation zoning. Washington Elementary School immediately surrounds the site to the east and south. Immediately north of the site there is an existing 22 unit condominium complex. To the northeast are single-family residences. To the west, across Meigs Road, there is an affordable multi-family development, La Mesa Park and the U.S. Coast Guard facility. The project has received positive comments from the Single Family Design Board for the subdivision design. Neighborhood compatibility is discussed in detail in the Initial Study prepared for the project, and mitigation measures have been identified to address potential land use and compatibility issues between the existing school and future residents of the proposed subdivision. Future construction of the individual homes would be required to receive approval from the Single Family

Design Board to ensure compatibility with surrounding development and uses. The proposed development would be limited to heights of 30 feet, which is the maximum allowed height for all surrounding development. The condominium development immediately north of the site is two-stories, and nearby single-family homes range from one- to two-stories. The development would be required to comply with the City's Neighborhood Preservation Ordinance (which limits maximum net floor area based on lot size). Additionally, the project requires (via the zoning for the project site) two off-street parking stalls per single-family residence, which would accommodate the parking demands of the development.

Policy 9.1. *The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following: (1) Acquisition of land for parks and open space; (2) Requiring view easements or corridors in new development; (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development; or (4) Developing a system to evaluate view impairment of new development in the review process.*

The project would not result in a significant, unavoidable visual impact to this scenic coastal area. Scenic views in the area are directed south and southwest, toward the ocean. The project site is located immediately adjacent to a two-story, 22-unit condominium development. Additionally, public views toward the site from the south and southwest are currently obscured by the existing vegetation along the 210 Meigs property frontage. Building height would be limited to thirty feet and the height limitation imposed for the protection and enhancement of solar access by Chapter 28.11 of the City's Zoning Ordinance. In addition, the proposed site layout would be compatible with the surrounding area, which is an urban area. Development of individual homes on the proposed new lots would be subject to review by the Single Family Design Board to ensure neighborhood compatibility and to enforce the recommendations identified in the Mitigated Negative Declaration related to noise. Finally, the proposed project would not affect any coastal views. Therefore the project is considered consistent with this policy.

Policy 9.3. *All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.*

The project will be required to provide underground utilities and is therefore consistent with this policy.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE GENERAL PLAN MAP
AND COASTAL PLAN MAP FOR CERTAIN PARCELS
LOCATED IN THE EAST MESA NEIGHBORHOOD

Recitals

WHEREAS, on March 6, 2008, the Planning Commission voted 7 - 0 to initiate the rezone, General Plan Amendment, and Local Coastal Plan Amendment for property located at 210 and 216 Meigs Road and 290 Lighthouse Road;

WHEREAS, on March 5, 2009, the Planning Commission voted 6 - 0 to conditionally approve a coastal development permit, lot line adjustment and tentative subdivision map, and adopted the Final Mitigated Negative Declaration, dated December 12, 2008 for property located at 210, 216 Meigs Road and 290 Lighthouse Road;

WHEREAS, the Planning Commission approval is conditioned upon the City Council rezoning 216 Meigs Road, and amending the General Plan and Coastal Plan land use designation for the new lot identified as Adjusted Parcel 1 on the approved plans (comprised of portions of 210 and 216 Meigs Road and 290 Lighthouse Road); and

WHEREAS, the City Council has considered the Final Mitigated Negative Declaration, dated December 12, 2008 for the project (MST2006-00476).

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

SECTION 1. The General Plan Map and Coastal Plan Map of the City of Santa Barbara are hereby amended to change the land designation for the new lot identified as Adjusted Parcel 1 (comprised of portions of 210 Meigs Road (APN 045-110-009), 216 Meigs Road (APN 045-110-013) and 290 Lighthouse Road (APN 045-110-011)) from Major Public and Institutional to Residential, five dwelling units per acre, as indicated on the attached Exhibit A.

SECTION 2. These amendments comply with the City Charter and the City's policy of living within its resources in that they result in a project that does not have any significant environmental impacts, and all public services are available to serve the project.

SECTION 3 These amendments recognize the fact that the property is in private ownership, and both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. Designation of the property as Residential, 5 units per acre will allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation will also be consistent and compatible with adjacent and nearby development and land uses.

SECTION 4. The City Council makes the following findings with respect to amending the City's Local Coastal Plan:

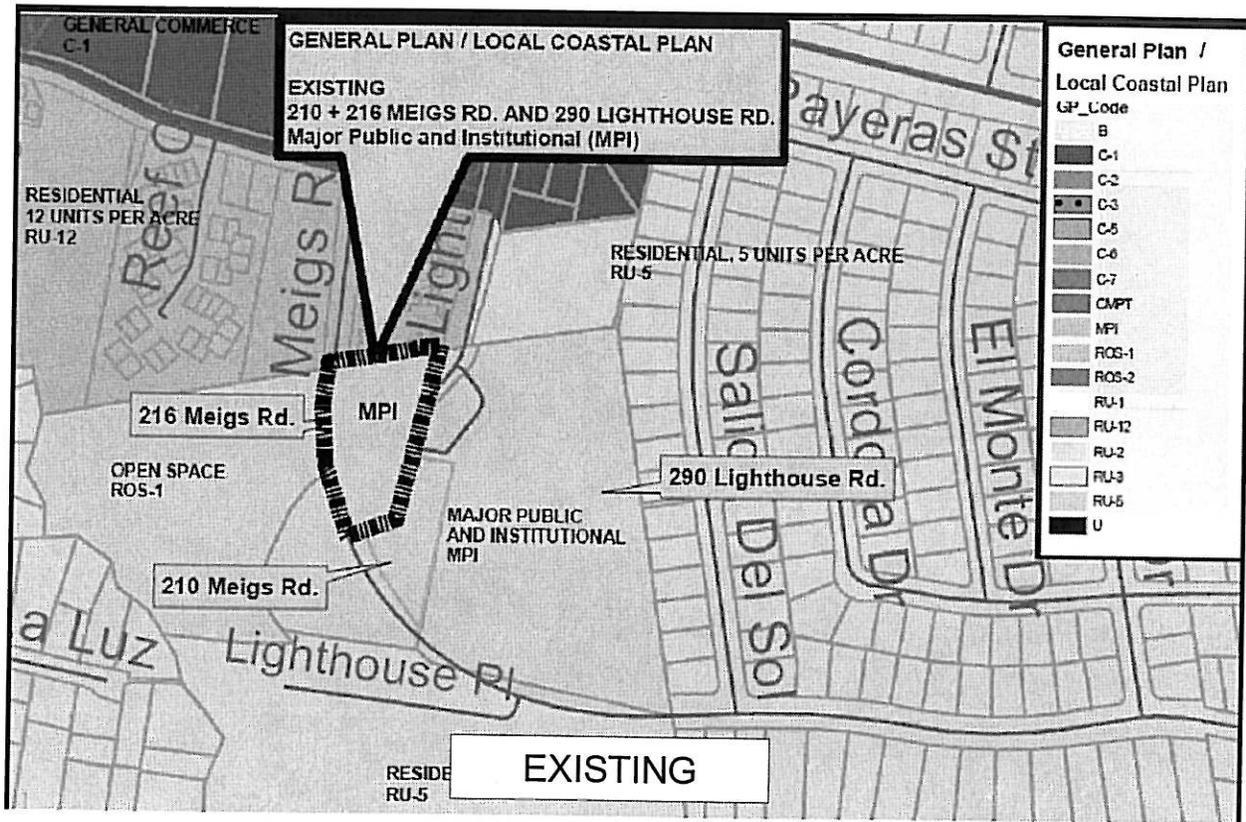
A. The project is consistent with the policies of the California Coastal Act, as outlined in Exhibit B.

B. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code, as outlined in Exhibit C.

SECTION 5. These amendments shall become effective thirty days after certification by the California Coastal Commission.

- Exhibits:
- A. General Plan/Local Coastal Plan Map Designation
 - B. Coastal Act Consistency Analysis
 - C. Local Coastal Plan Consistency Analysis

GENERAL PLAN/LOCAL COASTAL PLAN MAP DESIGNATIONS



Coastal Act Chapter 3 Consistency Analysis

§30210 - §30214 (Public Access)

These policies are not applicable because the project is located on the northern side of the nearest public roadway to the shoreline, with no ability to provide public access to the shoreline. Additionally, the project does not impact visitor or recreational facilities.

§30220 - §30224 (Recreation)

The proposed zoning amendment would re-zone the property (216 Meigs Road) from PR/SD-3 (Park and Recreation/Coastal Overlay Zone) to E-3/S-D-3 (One Family Residential/Coastal Overlay Zone). This property was originally zoned for single-family residential development, but was re-zoned to PR in 1986 when the S-D-3 (Coastal Overlay Zone) was added. The parcel was re-zoned to PR/S-D-3 because the site was owned by the City and was originally part of La Mesa Park (located on the west side of Meigs Road). However, the site was declared excess land by the City in 1987, and was sold to the School District in 1991. The proposed zoning map amendment would allow for residential development on a property currently zoned for recreational use. The area proposed for a rezone is currently owned by the Santa Barbara School District, but following the land swap negotiated by the School District (current owners of 216 Meigs Road and 290 Lighthouse Road) and the owner of 210 Meigs Road, this property proposed for re-zone would be owned by a private entity. The proposed re-zone recognizes the fact that the property is in private ownership and that both the City of Santa Barbara and the Santa Barbara School District have declined to purchase the subject property for either school or park purposes. As such, recreational development is not an appropriate use for the site. Designation of the property as Residential - 5 units per acre, would allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with nearby development and land uses. The land swap was negotiated between the two property owners in response to an approved residential development project on 210 Meigs Road, which was negotiated in an effort to resolve concerns raised by the School relative to the residential development. The land swap results in moving the residential development farther from the school to minimize potential land use compatibility concerns.

The land use designation for the site is currently Major Public and Institutional, but is proposed to be designated as Residential – 5 units per acre. Again, the land use amendment recognizes the fact that the area in question is in private ownership and both the City of Santa Barbara and the School District have declined to purchase the privately held portion of the site for either school or park purposes. Therefore, a designation of major public and institutional is not appropriate. Designation of the area (Adjusted Parcel 1) as Residential - 5 units per acre will allow for development of housing in an infill location close to services, recreation and transit opportunities. This designation would also be consistent and compatible with nearby development and land uses.

The subject parcel does not have direct access to the sea and would not impact ocean-related recreation. Subject to certification of the proposed land use and zoning amendments, the area identified as Adjusted Parcel 1 would be subdivided for future development of five residential units. Residents of these five units have the potential to create a minimal increase in demand on the City's recreational facilities; however this small increase in demand can be accommodated and does not result in significant increased recreational demand.

§30230 - §30236 (Marine Environment)

The project does not have the potential to impact or harm marine resources in the Coastal Zone. The project does not include removal of native riparian or oak woodland habitats in the coastal zone. Additionally, non-native eucalyptus trees proposed for removal are not known to be significant aggregate sites for monarch butterflies or significant nesting locations for endangered or threatened raptor species.

The project will comply with the City's Storm Water Management Program and will implement Best Management Practices during construction to help treat runoff from the site before it enters the storm drain system.

§30240 - §30244 (Land Resources)

These policies are not applicable because the site does not contain any environmentally sensitive habitat areas, is not agricultural land nor is it suitable for agricultural use, and does not contain archaeological or paleontological resources.

§30250 - §30255 (Development)

Policy 30250 - (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The project site is located within an existing developed area, and adequate public services are available to serve it. In particular, the portion of the project site proposed for residential development is located immediately south of an existing condominium development and southwest of a dense single-family neighborhood. Surrounding the site to the south and east is an elementary school. The project will not have significant adverse effects, either individually or cumulatively, on coastal resources. A land swap between the school and the owner of 210 Meigs Road is part of the project and means that the proposed development on the site can be located adjacent to existing residential development to protect open space areas on the site. Therefore the project is consistent with Policy 30250 (a). Sections (b) and (c) of this policy are not applicable to the project.

Policy 30251 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of the surrounding area, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed residential development of the project site will not block views of the ocean or the mountains from public viewing locations, as the site is situated north and east of the public viewing areas in this vicinity (namely La Mesa Park and Meigs Road/Shoreline Drive). The project will not affect any coastal views as the site is not visible from the beach. The project would not result in a significant, unavoidable visual impact to the area. The proposed development would be mostly screened by existing and proposed vegetation, or would not be visible from public viewing locations. When viewed in the larger context of the Mesa neighborhood, the project will blend in with the surrounding residential development to the north and northeast of the project site, as well as with the school development to the south and southeast. The project site is relatively flat and the project will not significantly modify the site's natural topography. Therefore the project is considered to be consistent with Policy 30251.

Policy 30252 - The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal

recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed new development does not impact public access to the coast. Further, the project is located close to (within ¼- to ½ -mile) existing commercial facilities, and the project includes improvements to the pedestrian crosswalk located at the Elise Way/Meigs Road intersection. This crosswalk provides access from existing residential units to the coast, as well as commercial, school and recreational facilities located along Meigs Road, without requiring pedestrians to walk to the Meigs Road/Cliff Drive intersection. Additionally, the proposed development, due to its small size (five lots) will not result in significant increased recreational demand.

Policy 30253 - New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The project site is not located in an area of high geologic, flood or fire hazard. The project would neither create nor contribute to erosion, geologic instability or destruction of the site and does not require construction of protective devices that would alter natural landforms. The project, as conditioned, would be consistent with requirements of the Santa Barbara Air Pollution Control District. The project would be designed compliant with the City's Energy Ordinance and would meet or exceed California's Title-24 requirements. The main project entrance would be located in proximity to a bus stop, and the site is located close to existing recreational and commercial opportunities, and the project proposes improvements to the existing crosswalk at Meigs Road/Elise Way, which would allow for increased non-automobile circulation and would encourage reduced vehicle trips in order to access the beach and La Mesa Park from the east side of Meigs Road and to access the school and commercial facilities from the west side of Meigs Road.

No new or expanded public works facilities are proposed as part of the project (Policy 30254 and 30254.5).

§30260 - §30264 (Industrial Development)

The proposed land use and zoning map amendments do not change where industrial development may occur as the parcel would be designated for residential development and open space.

City of Santa Barbara Local Coastal Plan Consistency Analysis

Policy 3.3. *New development proposals within the coastal zone which could generate new recreational users (residents or visitors) shall provide adequate off-street parking to serve the present and future needs of the development.*

The project requires (via the proposed E-3/S-D-3 zoning for the project site) two off-street covered parking stalls per single-family residence, which would accommodate the parking demands of the development.

Policy 3.4. *New development proposals in the coastal zone which may result in significant increased recreational demand and associated circulation impacts shall provide mitigation measures as a condition of development including, if appropriate, provision of bikeways and bike facilities, pedestrian walkways, people mover systems, in lieu fees for more comprehensive circulation projects or other appropriate means of compensation.*

As identified in the Mitigated Negative Declaration (MND), the proposed development would not result in significant increased recreational demand. The project includes public improvements (new sidewalk and parkway) on the new public street and along the subdivision's Meigs Road frontage. In order to address potential safety issues for pedestrians and bicyclists, the MND requires mitigation in the form of improvements to the existing crosswalk at Elise Way and Meigs Road.

Policy 5.3. *New residential development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and/or street parking resources of existing residential neighborhoods shall not be permitted.*

The proposed development would be located south of existing residential development. Surrounding zoning allows for residential development (two-family immediately north of the site and single-family to the northeast, east and south of the site. To the west is Park and Recreation zoning. Washington Elementary School immediately surrounds the site to the east and south. Immediately north of the site there is an existing 22 unit condominium complex. To the northeast are single-family residences. To the west, across Meigs Road, there is an affordable multi-family development, La Mesa Park and the U.S. Coast Guard facility. The project has received positive comments from the Single Family Design Board for the subdivision design. Neighborhood compatibility is discussed in detail in the Initial Study prepared for the project, and mitigation measures have been identified to address potential land use and compatibility issues between the existing school and future residents of the proposed subdivision. Future construction of the individual homes would be required to receive approval from the Single Family Design Board to ensure compatibility with surrounding development and uses. The proposed development would be limited to heights of 30 feet, which is the maximum

allowed height for all surrounding development. The condominium development immediately north of the site is two-stories, and nearby single-family homes range from one- to two-stories. The development would be required to comply with the City's Neighborhood Preservation Ordinance (which limits maximum net floor area based on lot size). Additionally, the project requires (via the zoning for the project site) two off-street parking stalls per single-family residence, which would accommodate the parking demands of the development.

Policy 9.1. *The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced. This may be accomplished by one or more of the following: (1) Acquisition of land for parks and open space; (2) Requiring view easements or corridors in new development; (3) Specific development restrictions such as additional height limits, building orientation, and setback requirements for new development; or (4) Developing a system to evaluate view impairment of new development in the review process.*

The project would not result in a significant, unavoidable visual impact to this scenic coastal area. Scenic views in the area are directed south and southwest, toward the ocean. The project site is located immediately adjacent to a two-story, 22-unit condominium development. Additionally, public views toward the site from the south and southwest are currently obscured by the existing vegetation along the 210 Meigs property frontage. Building height would be limited to thirty feet and the height limitation imposed for the protection and enhancement of solar access by Chapter 28.11 of the City's Zoning Ordinance. In addition, the proposed site layout would be compatible with the surrounding area, which is an urban area. Development of individual homes on the proposed new lots would be subject to review by the Single Family Design Board to ensure neighborhood compatibility and to enforce the recommendations identified in the Mitigated Negative Declaration related to noise. Finally, the proposed project would not affect any coastal views. Therefore the project is considered consistent with this policy.

Policy 9.3. *All new development in the coastal zone shall provide underground utilities and the undergrounding of existing overhead utilities shall be considered high priority.*

The project will be required to provide underground utilities and is therefore consistent with this policy.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009
TO: Mayor and Councilmembers
FROM: Planning Division, Community Development Department
SUBJECT: Records Destruction For Community Development 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 Community Development Department in the Planning 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 Community Development Director submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Community Development Director requests the City Council to approve the destruction of the Community Development Department audio tapes kept in the Planning Division listed on Exhibit A of the resolution without retaining a copy. Copies of written minutes are kept on file permanently.

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 Community Development Department
May 19, 2009
Page 2

PREPARED BY: Deana McMillion, Administrative/Clerical Supervisor

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RELATING TO THE DESTRUCTION OF RECORDS HELD BY THE COMMUNITY DEVELOPMENT DEPARTMENT IN THE PLANNING 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 Community Development Director submitted a request for the destruction of records held by the Community Development 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 Community Development Director, or his designated representative, is authorized and directed to destroy the Records without retaining a copy.

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

Records Series 3 (a) 2

Dates

Planning Commission Audio Recordings
Sign Committee Audio Recordings

January – December 1991
January – December 2002



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Vacation Of Unused Public Street Easement Fronting 852 Paseo Ferrelo

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Adopting an Order Summarily Vacating a Certain Untraveled Portion of Public Street Easement Fronting 852 Paseo Ferrelo, Assessor's Parcel Number 029-330-024, Within the Limits of Said City, and Providing for the Recordation of this Resolution.

DISCUSSION:

Rex Ramey is the owner of the real property located at 852 Paseo Ferrelo, Assessor's Parcel Number 029-330-024, commonly known as 852 Paseo Ferrelo (Attachment 1).

Mr. Ramey has requested and paid the fee necessary to initiate the proposed vacation by the City of Santa Barbara (City) of the unimproved and unused portion of easement underlying this portion of Paseo Ferrelo. There are no public street improvements nor public utilities located within the area proposed to be vacated. Mr. Ramey has provided a survey and description of the area now proposed to be vacated by the City in keeping with similar summary vacations by the City.

Previous Vacations

In 1957, 1976, 1977, and 1997, other untraveled portions of Paseo Ferrelo, Canon Perdido Street, and Park Avenue (formerly part of Canon Perdido Street), located near Mr. Ramey's property, were vacated by the City because those portions were unused and unsuitable for public uses. Attachment 2 shows the proposed 2009 vacation and the general locations of other vacations of the street easements that have occurred in the past. Environmental analysis by the City Planning Division has determined that the summary vacation is categorically exempt from environmental review, pursuant to the California Environmental Quality Act Guidelines, Section 15305, Minor Alterations in Land Use Limitations.

The proposed vacation of the untraveled public street easement does not require any physical changes. Additionally, the proposed vacation will not result in any changes in land use or density.

ATTACHMENTS: 1. Site plan exhibit prepared by licensed surveyor
2. Map indicating previous vacations in this area

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/DT/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

APN 029-330-023
PARCEL B OF
SBCLS BOOK D PAGE 81

APN 029-330-024
PARCEL C OF
SBCLS BOOK D PAGE 81

APN 033-071-031
PARCEL B OF
SBCLS BOOK A PAGE 94

EXISTING CURB
AND GUTTER

PASEO

N 85°05'01" W (RAD.)

N 88°27'00" W 102.78

FERRELO

$\Delta=86^{\circ}37'04"$
R=35.00
L=52.91

S 01°33'00" W
3.12

S 88°27'00" E
34.66

S 88°27'00" E 99.63

POB FOR
LEGAL DESC.

N 01°33'00" E 6.00

PORTION OF PASEO
FERRELO VACATED PER
INST. NO. 25924, BOOK
2617 PAGE 1341 O.R.
(PARCEL ONE)

S 08°01'25" W
30.26



APN 029-321-018
PARCEL A OF
PARCEL MAP NO. 20,257



Kenneth S. Hughes
Jan. 6, 2009

SCALE: 1"=30'



Penfield & Smith
ENGINEERS • SURVEYORS • PLANNERS
CAMARILLO SANTA BARBARA SANTA MARIA LANCASTER

EXHIBIT "B"
PORTION OF PASEO FERRELO
CITY OF SANTA BARBARA, CA

RECORDING REQUESTED BY:)
WHEN RECORDED, SEND TO:)
City of Santa Barbara)
City Clerk's Office)
P.O. Box 1990)
Santa Barbara, CA 93102-1990)
)
)

No Fee Per Streets & Highways Code

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADOPTING AN ORDER SUMMARILY VACATING A CERTAIN UNTRAVELED PORTION OF PUBLIC STREET EASEMENT FRONTING 852 PASEO FERRELO, ASSESSOR'S PARCEL NUMBER 029-330-024, WITHIN THE LIMITS OF SAID CITY, AND PROVIDING FOR THE RECORDATION OF THIS RESOLUTION

A. Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code authorizes and establishes the method for the vacation of all or a part of any city street or public service easement.

B. There is a certain public street easement, hereinafter "Easement", shown in part and named Front Street on the map of De La Guerra Heights the Riviera filed March 1, 1926 in Map Book 15, at Pages 99 and 100, and also shown as Front Street on the map filed on March 28, 1951, in Book 30 at Page 124 of Record of Surveys, both in the office of the County Recorder, Santa Barbara County, which Front Street is now named and commonly known as Paseo Ferrelo as subsequently depicted on a map filed June 18, 1963 in Book 71 of Maps at Page 59.

C. Pursuant to Section 8333, subsections a and c of the California Streets and Highways Code, the City Council finds and declares that the Easement proposed for summary vacation has not been used for the public purpose for which it was dedicated or acquired for five consecutive years, and that the public need for the Easement has been superseded by relocation, and that there are no other public service facilities presently located within the Easement.

D. The City Council finds that the Easement should therefore be summarily vacated.

E. Pursuant to Section 8335 of the California Streets and Highways Code, the City Council finds and declares:

- 1) That the vacation of the Easement is made under Chapter 4, Part 3, Division 9 of the Streets and Highways Code;
- (2) That the street easement summarily to be vacated is the Easement;
- (3) That summary vacation of the Easement is made and is necessary for the reasons set forth above; and
- (4) That after the date of recordation of this resolution, the Easement shall no longer constitute a street easement.

NOW THEREFORE, be it resolved by the Council of the City of Santa Barbara as follows:

1. That the Easement is hereby ordered summarily vacated and all lands covered by any of the Easement shall no longer be subject to public easement purposes.
2. That the Easement hereby ordered summarily to be vacated is more particularly described on Exhibit A attached hereto, and shown on Exhibit B for informational purposes.
3. That the City Clerk shall cause a certified copy of this resolution of summary vacation, attested by the Clerk under the seal of the City of Santa Barbara, to be recorded in the Official Records, in the office of the County Recorder of the County of Santa Barbara.

Exhibit "A"

LEGAL DESCRIPTION

That portion of the land in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Beginning at the northerly terminus of the 5th course in Parcel One, as described in the document recorded in the office of the County Recorder of said County on June 9, 1976, as Instrument No. 23396 in Book 2615, Page 1496 of Official Records, said course being recited as having a bearing and distance of "North 01°33'00" East, 6.00 feet";

Thence, 1st, along the northerly line of said Parcel One, South 88°27'00" East, 99.63 feet to the southerly prolongation of the easterly line of Parcel C, as shown on the map filed in Santa Barbara City Lot Split Book D, Page 81, in the office of said County Recorder;

Thence, 2nd, along said southerly prolongation, North 08°01'25" East, 30.26 feet to the southeasterly corner of said Parcel C;

Thence, 3rd, along the southerly line of said Parcel C, North 88°27'00" West, 102.78 feet to the beginning of a non-tangent curve concave northwesterly, having a radius of 35.00 feet, and a radial center which bears North 85°05'01" West;

Thence, 4th, southwesterly, along said curve through a central angle of 86°37'04", an arc distance of 52.91 feet;

Thence, 5th, South 01°33'00" West, 3.12 feet to said northerly line of said Parcel One;

Thence, 6th, along said northerly line, South 88°27'00" East, 34.66 feet to an angle point therein;

Thence, 7th, continuing along said northerly line, North 01°33'00" East, 6.00 feet to the point of beginning.

Containing 3,407 square feet or 0.078 acres, more or less.

Prepared by:
Kenneth S. Hughes
PLS 6170
License expiration
date: 3/31/10



Jan. 6, 2009

Page 1 of 1



EXHIBIT B

APN 029-330-023
PARCEL B OF
SBCLS BOOK D PAGE 81

APN 029-330-024
PARCEL C OF
SBCLS BOOK D PAGE 81

APN 033-071-031
PARCEL B OF
SBCLS BOOK A PAGE 94

EXISTING CURB
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PORTION OF PASEO
FERRELO VACATED PER
INST. NO. 25924, BOOK
2617 PAGE 1341 O.R.
(PARCEL ONE)

S 08°01'25" W
30.26



APN 029-321-018
PARCEL A OF
PARCEL MAP NO. 20,257



Kenneth S. Hughes
Jan. 6, 2009

SCALE: 1"=30'



Penfield & Smith
ENGINEERS • SURVEYORS • PLANNERS

CAMARILLO SANTA BARBARA SANTA MARIA LANCASTER

W.O. 16894.01 16894XBD.DWG (LAYOUT: EXHIBIT B)

EXHIBIT "B"
PORTION OF PASEO FERRELO
CITY OF SANTA BARBARA, CA

SEPTEMBER 29, 2005



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Housing and Redevelopment, Community Development Department

SUBJECT: Human Services Contract Assignment For The Youth CineMedia Program

RECOMMENDATION:

That Council authorize the assignment of Zona Seca Human Services Contract No. 22,773 in the remaining amount of \$2,667 for the period of January 1 – June 30, 2009, to Parks and Recreation Community Foundation (PARC) for operation of the Youth CineMedia Program.

DISCUSSION:

Zona Seca informed staff in early February that the Youth CineMedia program would no longer be one of its programs. This was effective February 28, 2009. The program director, Osiris Castaneda, told staff that the Youth CineMedia program would continue under another umbrella agency. Staff received notice on April 15 that the program would be fiscally sponsored by the Parks and Recreation Community Foundation (PARC).

The Community Development and Human Services Committee made a recommendation at their April 28, 2009 meeting that City Council authorize the assignment of Zona Seca Human Services Contract No. 22,773 and the remaining \$2,667 to PARC. The contract is for the operation of the Youth CineMedia Program through June 30, 2009.

Contract No. 22,773 and its assignment from Zona Seca to PARC is unrelated to an earlier assignment of a different Human Services contract to Zona Seca from Domestic Violence Solutions for the Domestic Violence Intervention Program.

The contract allows for assignment with prior written consent of the City.

ATTACHMENTS:

1. Letter from Zona Seca
2. Letter from Parks & Recreation Community Foundation

PREPARED BY: Sue Gray, Community Development Program Supervisor II/ES

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



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

April 22, 2009

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

Re: Youth CineMedia

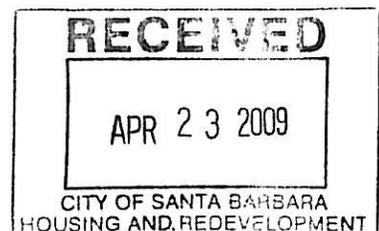
Dear Sue,

This letter is to inform you that as of February 28, 2009, Youth CineMedia is no longer a program of Zona Seca.

Thank you.

Sincerely,

Frank Banales
Executive Director



PARC

Parks & Recreation Community Foundation

Board of Directors

Paul Menzel

President

Tom Caesar

Vice President

Howard Hudson

Treasurer

Rosalind Amorteguy

Past President

Gordon Auchincloss

Steve Crossland

Rusty Fairly

Iya Falcone

Jeff Farrell

Steve Forsell

Roger Horton

Desmond O'Neill

Robert S. Patterson

Al Pizano

Nancy Rapp

Katie O'Reilly Rogers

Rebecca Stebbins

Foundation Coordinator

Honorary Board

Bill Bertka

Barry Berkus

Newell Bohnett

Lois Capps

Larry Crandell

Richard Johns

Peter MacDougall

Glenn Miller, M.D.

Hon. Frank Ochoa

Fess Parker

Tom Parker

John Romo

Brian Sarvis

Jean Schuyler

Anne Towbes

April 7, 2009

To Whom It May Concern:

This letter is to certify that the PARC Foundation board members approved at a regular board meeting on March 4, 2009, to accept the request of Youth Cinemedia to become its fiscal sponsor. The PARC Foundation will thereby accept grants and private donations designated for the programs of Youth Cinemedia under the PARC Foundation's 501(c)(3) nonprofit status.

Our tax identification number is listed below for your reference.

Sincerely,



Rebecca Stebbins
Foundation Coordinator



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Creeks Division, Parks and Recreation Department

SUBJECT: Professional Services Agreement With Geosyntec Consultants To Perform An Ordinance And Policy Audit Related To Storm Water Management Regulations

RECOMMENDATION:

That Council authorize the Parks and Recreation Director to execute a professional services agreement with Geosyntec Consultants in the amount of \$40,000 from Measure B funds to conduct an audit of existing ordinances, policies, and design guidelines to identify and describe conflicts with storm water management regulations.

DISCUSSION:

Background

The Creeks Division is the administrator of the City's recently approved water quality regulations, which include the 1) National Pollutant Discharge Elimination System (NPDES) General Permit, 2) City Storm Water Management Program (2009) (SWMP), and 3) City Storm Water Best Management Practices (BMP) Guidance Manual (2008). These new regulations and goals define BMPs and federal, state, and local requirements for the protection of surface water quality and reduction of pollutant discharges within the City.

The City currently adheres to the General Plan, Municipal Code, and numerous policies, design guidelines, conditions of approval, and ordinances; some of which are related to surface water quality protection. The City SWMP requires the development of a storm water ordinance to incorporate the new water quality regulations listed above, and identifies the first step as an audit of existing policies, guidelines, and ordinances.

Project Purpose

The purpose of the ordinance audit is to identify and describe inconsistencies between existing City ordinances, policies, and guidelines and the new water quality regulations. The final product will identify all related ordinances, policies, and guidelines, and describe actual and potential conflicts with the new regulations. This audit is important to ensure that internal inconsistencies and conflicts are addressed in the new storm water ordinance.

Consultant Selection

In March 2009, a request for proposals was distributed to 11 consulting firms. Four firms submitted proposals. The Creeks Division interviewed the two firms that appeared to be qualified, and that proposed budgets within the City's \$40,000 cost estimate. The other two firms proposed budgets significantly higher than the estimated cost.

After careful review, staff recommends Geosyntec Consulting Services. Geosyntec has an office in Santa Barbara that specializes in environmental sciences and has experience reviewing ordinances and guidelines as they pertain to storm water management. Geosyntec produced the City's Storm Water BMP Guidance Manual, which has been praised by the Regional Water Quality Control Board and implemented by many local design firms for City development and redevelopment projects. This experience provided Geosyntec with important working knowledge about the City's SWMP and Guidance Manual, as well as familiarity with many of the City's ordinances, policies, and guidelines.

Timeline

The audit will take approximately four months to complete. The audit will result in a final report to the City that will identify all sections and subsections of the ordinances, policies, and guidelines that are related to the General Permit, SWMP, and/or Guidance Manual, and describe actual and potential conflicts. The report will be completed by the end of August 2009.

BUDGET/FINANCIAL INFORMATION:

The cost of the project is \$40,000. Funds for this project are budgeted in the Creeks Division Fiscal Year 2009 and 2010 budgets (\$10,000 in Fiscal Year 2009; \$30,000 in Fiscal Year 2010).

SUSTAINABILITY IMPACT:

The objective of the ordinance audit is to identify any policy conflicts that may inhibit the City's ability to protect and improve surface water quality. Resolving policy conflicts with storm water management requirements and goals will enable the City to comply with state and federal standards and protect water quality.

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

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Community Services, Police Department

SUBJECT: Appropriation Of Asset Forfeiture Funds For The Purchase Of Equipment And Donations To The Santa Barbara Police Activities League And The Council On Alcoholism And Drug Abuse

RECOMMENDATION:

That Council appropriate \$59,000 in currently available asset forfeiture funds to the Police Special Operations Account to fund the purchase of equipment and contributions to the Police Activities League and the Council on Alcoholism and Drug Abuse.

DISCUSSION:

According to the California Attorney General's Annual Report on Asset Forfeiture, "The goal of asset forfeiture is to remove the profits from those that benefit from illegal drug trade." The report goes on to provide: "Asset forfeiture proceeds are used to fund education and drug abuse prevention programs." The law also permits law enforcement agencies to use the proceeds of forfeiture to purchase safe, more effective equipment that they otherwise could not afford. Based on this, the Police Department seeks to utilize currently available asset forfeiture funds to purchase necessary reflective vests, to provide funds to the Santa Barbara Police Activities League and provide funds for the Council on Alcoholism and Drug Abuse to fund their "Kids Fight Drugs" Calendar Program.

Federal regulations now require that all workers within the right-of-way of a federal-aid highway who are exposed either to traffic or to construction equipment within the work area must wear high-visibility safety apparel. This regulation took effect on November 24, 2008. The Police Department will purchase vests for its employees who may be placed in a position to perform duties on or near federal highway right-of-ways. The cost of the vests is \$6,000.

The Police Department is in need of security cameras to monitor the police station's temporary holding cells. The cells must be monitored for prisoner safety, suicide prevention and officer safety. The cell activity is recorded and stored for one year in accordance with the City's records retention policy and State law. The recordings offer some protection for the City and officers against false accusations in the event of an in-custody death.

For economic reasons, there has been a reduction in personnel assigned to the police Records section. As a result, business hours have been shortened and the Police Department is not open to walk-in visitors during non-business hours. The public continues to arrive at the Police Department at all hours. These people are often crime victims or people picking up detainees. During the late evening hours, the front door is locked and the lobby area is not monitored. The front door is controlled from the Communications Center without a visual of the person requesting entry. Cameras are needed to identify people gaining entry and to monitor the lobby against vandalism. The cameras will also monitor and record violent behavior that has occurred in the lobby area during business hours. The presence of the cameras may act as a deterrent to such behavior. Acquisition and installation of the cameras is estimated to cost \$20,000.

There are 4 detective vehicles that are being replaced and each will require the installation of a new 2-way police radio for emergency communications at a cost of \$10,000. The current radios are over 15 years old and are no longer serviceable. A replacement program has been budgeted and set to begin in fiscal year 2010. The program will address this issue by incrementally replacing car radios on a yearly basis.

Additionally, to further the goal of education, the Santa Barbara Police Department desires to provide \$14,000 to the Santa Barbara Police Activities League in order to provide after school programs to junior high school age children to include basketball, soccer, hip-hop dance and martial arts. These programs will greatly enhance a safe environment for after school sports and dance and promote interaction with the Santa Barbara Police Activities League. The programming will be provided to all four City junior high schools, including Goleta Valley Junior High School.

The "Kids Fight Drugs" Calendar Program is an annual program sponsored by the Council on Alcoholism and Drug Abuse as an educational measure to help curb drug abuse. The District Attorney's Office, in conjunction with the Santa Barbara Council on Alcoholism and Drug Abuse and its Fighting Back Task Force, sponsored an anti-drug poster contest in the local schools. The Santa Barbara Police Department, Santa Barbara Sheriff's Office, and the District Attorney's Office agreed to share the \$30,000 cost of producing 25,000 anti-drug calendars which will feature the 12 winning posters. The Police Department's share is \$9,000.

BUDGET/FINANCIAL INFORMATION:

The City's General Budget is not affected by this request. The Asset Forfeiture Fund is a separate Special Revenue Fund. Asset forfeiture funds are regulated by the Health and Safety Code and cannot be mixed with the General Fund.

Council Agenda Report
Appropriation Of Asset Forfeiture Funds For The Purchase Of Equipment And Donations
To The Santa Barbara Police Activities League And The Council On Alcoholism And Drug
Abuse
May 19, 2009
Page 3

PREPARED BY: Armando Martel, Police Captain

SUBMITTED BY: Camerino Sanchez, Chief of Police

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Private Party Sale Of Surplus Lifeguard Tower

RECOMMENDATION:

That Council authorize the Parks and Recreation Director to sell one surplus wood beach lifeguard tower to a private party interested in preserving the tower as an architectural resource.

DISCUSSION:

The Recreation Division would like to sell one remaining surplus wood beach lifeguard tower to an interested private party. The previous 5 wood beach lifeguard towers had badly deteriorated and were replaced with fiberglass towers using Proposition 40 grant funding in March 2007. The wood lifeguard towers, which were badly deteriorated, were demolished, and the remaining 2 lifeguard towers, which are not safe for use by the lifeguard service, are taking up desirable storage space at the City annex yard.

The Recreation Division has received a request from Robin Donaldson to purchase one of the remaining lifeguard towers. Mr. Donaldson is a former City lifeguard who currently practices architecture in Santa Barbara and has an architectural and cultural interest in preserving this structure.

Although neither the City Code nor Charter require Council approval for the disposal of personal property, in the interests of transparency staff's practice has been to seek Council authorization any time City property is disposed of without a competitive process.

BUDGET/FINANCIAL INFORMATION:

Staff has researched the value of scrap metal, and the City would receive a total of \$50 for the scrap metal frame of the lifeguard tower. All other materials would be broken down and disposed of in the landfill. Mr. Donaldson has offered to pay the City \$100 to obtain a lifeguard tower for preservation. Mr. Donaldson will obtain the required insurance indemnifying the City and will make necessary arrangements for the pick-up and transportation of the lifeguard tower.

SUSTAINABILITY IMPACT:

The private sale of this surplus lifeguard tower would preserve an architectural and cultural resource and divert the debris from future demolition away from a landfill.

ATTACHMENT: Robin Donaldson e-mail dated February 2, 2009

PREPARED BY: Rich Hanna, Aquatic Recreation Supervisor

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

APPROVED BY: City Administrator's Office

To: Rich Hanna

Rich, hope this is helpful for you to explain my request. Let me know if you need anything else and whether it would be helpful for me to attend any meetings.

Best,

Robin Donaldson

REQUEST:

This letter is to document my request for obtaining ownership and accepting full liability for an abandoned City of Santa Barbara lifeguard tower. For the record, I was a City of Santa Barbara Beach Lifeguard (Junior Guard Instructor) during the summers of 1978-83. I am now an architect practicing and living in Santa Barbara and have an architectural as well as cultural interest in preserving this structure. I do not have any commercial ambition for this structure, I simply appreciate the towers and hope to save one from being demolished. Hopefully my efforts will preserve this era City of Santa Barbara lifeguard towers.

POSSIBLE CULTURAL RESOURCE:

My intent is to offer historical preservation of a unique little structure that in my view has cultural value that may currently be overlooked but someday could be considered worthy of preservation. I believe that Lifeguard Towers have a cultural value as icons of California and Santa Barbara beach lifestyle. They have been an accepted part of the beach landscape in Southern California for almost 100 years. I know some people see them as utilitarian eyesores on the beach, but I see a charming and unique piece of Santa Barbara (and California) history. These particular towers are unique to this city (unlike the mass produced fiberglass model that replaced them) and I hope that we can preserve this generation of tower design.

FUTURE:

I hope to find a permanent home for the tower somewhere in Southern California amongst other towers that are being preserved. At this time it is too soon to say where that will be. I am collecting data on Lifeguard Towers and hope to publish a book about the history of these structures along the coastal cities of California.

LOGISTICS:

I own property in the city that is currently being used as a storage yard. I intend to store it there until I find it a permanent home.

Thank you for your consideration of this request. Please let me know if there is any other information I can provide.

Sincerely,

Robin Donaldson AIA

Robin Donaldson AIA

SHUBIN + DONALDSON ARCHITECTS INC.

1 N. Calle Cesar Chavez, Suite 200 Santa Barbara, CA 93103

t | 805.966.2802 x112

f | 805.966.3002

www.shubinanddonaldson.com



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Housing and Redevelopment, Community Development Department

SUBJECT: Fiscal Year 2008-2009 Substantial Action Plan Amendment For Use Of 2009 Community Development Block Grant Recovery Act Funds

RECOMMENDATION:

That Council approve the proposed substantial amendment to the City's Fiscal Year 2008-2009 Consolidated Action Plan to include utilizing \$289,274 in American Recovery and Reinvestment Act of 2009 funds.

DISCUSSION:

The American Recovery and Reinvestment Act of 2009 (Recovery Act) was signed into law by President Obama on February 17th, 2009. The Recovery Act provides increased funds for various U.S. Department of Housing and Urban Development (HUD) programs, including the Community Development Block Grant (CDBG) program. HUD has informed staff that the City will be allocated an additional \$289,274 in CDBG Recovery (CDBG-R) funds. In order to receive CDBG-R funds HUD requires that the City make a substantial amendment to its 2008/2009 Action Plan (AP). A draft of the substantial Action Plan amendment is attached. The deadline for submission of the amendment is June 5, 2009.

HUD issued guidance outlining the process for the distribution of CDBG-R funds on May 5, 2009. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings.

Another important aspect of the Recovery Act requires that CDBG-R funds be used to maximize job creation and economic benefit. In addition, the Recovery Act contains provisions requiring that activities funded with CDBG-R funds be under contract within 120 days from the date grant funds are made available.

In order to expedite the process and ensure that the CDBG-R grants are awarded in a timely manner, HUD has waived the requirement that grantees follow their citizen participation process for this substantial amendment. HUD has also shortened the minimum time for citizen comments to 7 calendar days and is requiring that the substantial amendment materials be posted on the City's website.

Staff received the City's CDBG-R funding allocation notice on March 13, 2009. Due to the limited timeframe and lack of guidance from HUD, staff began the City's citizen participation process to amend its 2008 Action Plan in April 2009. This process included a public hearing by the Community Development and Human Services Committee (CDHSC) on the proposed use of funds that was held on April 28, 2009. Staff later learned that this step is not required. Also, the public comment period was 16 days longer than required. The Public Hearing was noticed in the *Daily Sound* and the draft amendment to the Action Plan was made available for public review on the City's webpage (www.SantaBarbaraCa.gov) and hard copies have been placed in the office of the City Clerk, Main Public Library and the Community Development Department from April 26 to May 18, 2009.

Staff reviewed possible projects to determine which ones could meet the basic requirements of CDBG-R funding requirements. From this review, staff developed a list of proposed projects detailed in the attached substantial plan amendment. All of these projects were previously identified as "shovel ready" in an October report submitted to the U.S. Conference of Mayors. These are projects that could be quickly implemented and would involve hiring contractors, which will result in the employment of various trade persons and help stimulate the economy. In addition, three of the proposed projects will promote energy efficiency by replacing the roof at three community centers.

The CDHSC endorsed the use of funds as proposed, noting that there was limited time to receive public input.

ATTACHMENT: 2008 Substantial Action Plan Amendment

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

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for
Community Development Block Grant – R Funding
City of Santa Barbara**

**First Substantial Amendment to the Consolidated Plan 2008 Action Plan for
the Community Development Block Grant CDBG-Recovery Act**

Grantees eligible to receive funds under the Community Development Block Grant Recovery Act (CDBG-R) are required to complete a substantial amendment to their Consolidated Plan 2008 Action Plan. This form sets forth the format for this substantial amendment. A completed form is due to HUD by **June 5, 2009**.

To aid grantees in meeting this submission deadline, the CDBG-R Notice reduces the requirement for a 30-day public comment period to no less than 7 calendar days for this substantial amendment. With this exception, CDBG-R grantees are required to follow their Consolidated Plan's citizen participation process. To maximize transparency, HUD strongly recommends that each grantee post its substantial amendment materials on the grantee's official website as the materials are developed.

A complete submission contains the following three documents:

- 1) A signed and dated SF-424 and certifications,
- 2) A Substantial Amendment (this form), and
- 3) CDBG-R Activity Data Spreadsheet

For additional information regarding the CDBG-R program, visit the HUD American Recovery and Reinvestment act of 2009 (www.hud.gov/recovery). HUD and its technical assistance providers will regularly update this site to include CDBG-R resources developed.

**First Substantial Amendment to the Consolidated Plan 2008 Action Plan for
Community Development Block Grant – R Funding**

City of Santa Barbara

A. General Information

Grantee Name	City of Santa Barbara
CDBG-R Contact Person	Sue Gray
Title	Community Development Programs Supervisor
Address Line 1	P.O. Box 1990
Address Line 2	
City, State, Zip Code	Santa Barbara, CA 93102-1990
Telephone	805.564.5461
Fax	805.564.5477
Email Address	sgray@santabarbaraca.gov
Authorized Official (if different from Contact Person)	James Armstrong
Title	City Administrator
Address Line 1	P.O. Box 1990
Address Line 2	
City, State, Zip Code	Santa Barbara, Ca 93102-1990
Telephone	805.564.4305
Fax	805.897.1993
Email Address	jarmstrong@santabarbaraca.gov
Web Address where this Form is Posted	www.santabarbaraca.gov

CDBG-R Amount	\$289,274
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**First Substantial Amendment to the Consolidated Plan 2008 Action Plan for
Community Development Block Grant – R Funding**

City of Santa Barbara

B. Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

A notice in the Santa Barbara Daily Sound was published on April 25, 2009. A public hearing was held at the April 28, 2009 Community Development and Human Services Committee (CDHSC) meeting. The CDHSC made a recommendation to Council on the use of CDBG-R funds. This recommendation is scheduled to go before Council on May 19, 2009. The public comment period ends on May 18, 2009

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:

- Grantee did not receive public comments.
- Grantee received and accepted all public comments.
- Grantee received public comments and did not accept one or more of the comments.

3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

No comments received to date.

C. Use of CDBG-R Funds

1. Description of Activities to be undertaken with CDBG-R funds:

The City Area Target Neighborhood Improvement Program will repair the roof at the Franklin Neighborhood Center to provide residents with a safe, secure and accessible facility; will create safe and clean neighborhoods by installing new landscaping and a new irrigation system at Sunflower Neighborhood Park and a new Playground at the Eastside Neighborhood Park; will repair the roof at a Youth Sports Center to provide youth at-risk for gang involvement a safe and accessible athletic facility; and will install sidewalks and access ramps along portions of the Alisos Street corridor to provide neighborhood residents, who use this road to access neighborhood schools, businesses and community facilities, with improved accessibility.

**First Substantial Amendment to the Consolidated Plan 2008 Action Plan for
Community Development Block Grant – R Funding**

City of Santa Barbara

2. Description of how the distribution and uses of CDBG-R funds will meet the requirement of Title XXII of Division A and Section 1602 of the Recovery Act:

The activities listed above were selected based upon their readiness to go out to bid. All six are ready. Three of the six have had NEPA environmental reviews prepared and the other three are in process.

3. Description of how the use of CDBG-R funds for the activities will maximize job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act by: preserving and creating jobs and promoting economic recovery; assisting those most impacted by the recession; providing investment needed to increase economic efficiency; investing in transportation, environmental protection or other infrastructure that will provide long-term economic benefits; or fostering energy independence.

The City of Santa Barbara's Target Area Neighborhood Improvement Program (CTANIP) was developed to target those neighborhoods in the City with the highest proportion of low-income households, population density, over-crowding, renter occupancy ratio, crime rates and sub-standard structures. All six activities are within the CTANIP boundaries. In addition, four of the activities are located in census tract 8.02, which has the highest foreclosure rate score of the City's six low-moderate income census tracts. The other two projects are for improvements in community centers that serve both census tracts 8.02 and 8.01. Residents in both of these low-moderate income census tracts have been impacted by the recession and the proposed projects will augment the CDBG projects that have been completed under the CTANIP program.

Outside contractors will complete all six of the proposed activities. This trade has been hit hard by the economic recession and resulting decline in new construction and remodeling projects. An estimated 4 full-time and 3 part-time jobs will be created or retained by the CDBG-R activities.

4. Description of the activities that will be carried out with CDBG-R funds that promote energy conservation, smart growth, green building technologies or reduced pollution emissions:

Three of the proposed activities are for roof replacement on community center buildings. All three are beyond their life expectancy and their replacement will result in energy conservation.

**First Substantial Amendment to the Consolidated Plan 2008 Action Plan for
Community Development Block Grant – R Funding**

City of Santa Barbara

D. Authorized Signature

By signing this substantial amendment, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

Signature/Authorized Official

Date

Title

Jurisdiction/Grantee Name: City of Santa Barbara

CDBG-R Formula Grant Amount: \$289,274

Date: May 19, 2009

Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
<p>City Area Neighborhood Improvement Task Force: Provide improvements to two parks, three community centers and add access ramps along a heavily-travelled corridor in two low-moderate income census tracts. Each Activity is described below:</p>							
Franklin Center:	Replace roofing on all sections except Southeast sloped roof and equipment well. Install new flashing and roof jacks. Replace rotten decking and install new underlayment. Install tiles according to industry standards.	570.201(c)	570.208(a)(1)	\$65,000	\$0	\$0	\$65,000
Haley Street Youth Sports Center:	Replace roofing reusing undamaged clay tiles. Install new flashing and roof jacks. Replace rotten decking and install new underlayment. Install tiles according to industry standards.	570.201(c)	570.208(a)(1)	\$25,000	\$0	\$0	\$25,000
Ortega Welcome House:	Replace roofing with new dimensional shingles. Install new flashing, drip edges and roof jacks. Install new plywood decking and underlayment. Install tiles according to industry standards.	570.201(c)	570.208(a)(1)	\$20,000	\$0	\$0	\$20,000

Jurisdiction/Grantee Name: City of Santa Barbara		CDBG-R Formula Grant Amount: \$289,274				Date: May 19, 2009	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Sunflower Park:	Renovate the park's landscape to provide the neighborhood residents with an aesthetically pleasing park, by removing dead/cying overgrown shrubs and replacing with new plant material. The project will also grade, amend and mulch soil for optimal plant health; as well as repair broken irrigation components and upgrade as required to provide water conservation.	570.201(c)	570.208(a)(1)	\$27,000	\$0	\$0	\$27,000
Eastside Neighborhood Park:	The playground in the park is the only site in the vicinity that's designed for 2-5 year-old children and the equipment and surfacing needs to be replaced. The proposed replacement plan includes a play structure, swing set, and a high quality poured-in-place rubber surfacing. The sand would also be removed and replaced with engineered wood fiber.	570.201(c)	570.208(a)(1)	\$63,000	\$0	\$0	\$63,000
Alisos St. Sidewalk Infill:	Improve walkability and accessibility on portions of the Eastside Alisos Street corridor by constructing sidewalks, as well as access ramps at intersections in this heavily-traveled corridor.	570.201(c)	570.208(a)(1)	\$89,274	\$0	\$0	\$89,274
TOTAL				\$289,274	\$0	\$0	\$289,274



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Fire Prevention Division, Fire Department

SUBJECT: Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2009-2010 For The Wildland Fire Suppression Assessment

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring its Intention to Renew the Wildland Fire Suppression Assessment Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Preliminarily Approving the Updated Engineer's Report; Stating Intention to Levy Assessments for Fiscal Year 2009-2010; and Establishing a Time of 2:00 P.M. on Tuesday, June 16, 2009, in the City Council Chambers for a Public Hearing on the Wildland Fire Suppression Assessment .

DISCUSSION:

On May 4, 2004, the City Council adopted the City's Wildland Fire Plan and certified the corresponding Environmental Impact Report.

On April 11, 2006, the City Council adopted Resolutions Nos. 06-022 and 06-023. Resolution 06-022 declared the City's intention to order expansion of vegetation road clearance, implementation of a defensible space inspection and assistance program, and implementation of a vegetation management program within the Foothill and Extreme Foothill Zones and preliminarily approved the Engineer's Report. Resolution 06-023 adopted Proposition 218 assessment ballot procedures.

On July 11, 2006, the City Council adopted Resolution 06-064 which declared expansion of vegetation road clearance, implementation of a defensible space inspection and assistance program, and implementation of a vegetation management program within the Foothill and Extreme Foothill Zones. The Resolution described the special benefit to be assessed and approved the Engineer's Report, confirmed the diagram and assessment, and ordering levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2006-2007.

Council Agenda Report

Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2009-2010 For The Wildland Fire Suppression Assessment District

May 19, 2009

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The City subsequently renewed the Wildland Fire Suppression Assessment on June 19, 2007, for Fiscal Year 2007-2008, by adopting Resolution 07-048, and again on June 17, 2008, under Resolution 08-048, renewing the District for Fiscal Year 2008-2009. In the District's third year, the use of Assessment funds continued to reduce the risk of wildland fires through the reduction of flammable vegetation. The Road Clearance program has resulted in the clearance of an additional 14 miles of roadways in the high fire hazard areas. The total number of Defensible Space Inspections provided throughout the entire assessment area has increased to more than 100 assists. Chipping services for homeowners continues throughout the District, allowing a cost effective way for homeowners to dispose of cut material. The Vegetation Management program completed initial treatment in the Las Canoas area, a prescription that involved 20 acres of vegetation management. A biological assessment and the prescribed treatment of 8 acres throughout the Van's Meadow area of Skofield Park was also completed.

The District's third year also brought the tragedy of the Tea Fire, a reminder of the need for renewed commitment to the District. The properties destroyed in the fire were in both the Foothill and Extreme Foothill Zones. As a result of the fire, the City is in the process of issuing a refund of the 2008 Assessment to Tea Fire survivors with homes suffering 50% or greater damage. Resolution 06-064, which formed the District in 2006, provides that for any fiscal year, the District, as it applied to any parcel, may be corrected, cancelled or refunded, as appropriate, by order of the City Council or Fire Chief. The County Assessor's Office has reassessed properties in the Tea Fire area based on their current status for FY2010.

As provided in Resolution 06-064, the Assessment may be annually renewed with a Consumer Price Index increase of not to exceed 4%. The new rate for Fiscal Year 2009-2010 as suggested in the Engineers Report will be set at the annual rate of \$69.83 per single family parcel in the Foothill Zone and \$86.58 in the Extreme Foothill Zone. This amount is the same amount as last year due to a negligible increase in the Consumer Price Index. Staff recommends that the Wildland Fire Suppression Assessment District be continued for Fiscal Year 2009-2010.

As stipulated in Resolution 06-064, an updated Engineer's Report has been prepared and includes the proposed budget and assessment rate. The updated Engineer's Report must be considered by the City Council at a noticed public hearing and serves as the basis for the continuation of the assessments. The updated Engineer's Report is available for review in the City Council reading file and at Fire Department Administration, 925 De La Vina Street and the City Clerk's Office at City Hall at 735 Anacapa Street.

Council Agenda Report

Set A Date For Public Hearing Regarding Renewal Of Levy For Fiscal Year 2009-2010
For The Wildland Fire Suppression Assessment District

May 19, 2009

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NEXT STEPS:

A public hearing to consider the Wildland Fire Suppression Assessment renewal is required but not a vote or balloting process. That City Council will set the public hearing for

Tuesday, June 16, 2009 at 2:00P.M. At the conclusion of the public hearing the City Council may adopt a resolution to levy the 2009-2010 assessment.

SUSTAINABILITY IMPACT:

Vegetation removed through vegetation road clearance or the inspection and assistance program is chipped and spread back on to the ground or spread in areas of local parks. The goal is reuse at least 80% of all chipped material locally avoiding the cost of disposal fees, extra vehicle trips and landfill use. Non-native pest plants are not chipped and hauled off site to be disposed of properly.

PREPARED BY: Joe Poiré, Fire Marshal

SUBMITTED BY: Andrew DiMizio, Interim Fire Chief

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DECLARING ITS INTENTION TO RENEW THE WILDLAND FIRE SUPPRESSION ASSESSMENT WITHIN THE FOOTHILL AND EXTREME FOOTHILL ZONES; DECLARING THE WORK TO BE OF MORE THAN GENERAL OR ORDINARY BENEFIT AND DESCRIBING THE DISTRICT TO BE ASSESSED TO PAY THE COSTS AND EXPENSES THEREOF; PRELIMINARILY APPROVING THE UPDATED ENGINEER'S REPORT; STATING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2009-2010; AND ESTABLISHING A TIME OF 2:00 P.M. ON TUESDAY, JUNE 16, 2009, IN THE CITY COUNCIL CHAMBERS FOR A PUBLIC HEARING ON THE WILDLAND FIRE SUPPRESSION ASSESSMENT

WHEREAS, the City of Santa Barbara is authorized, pursuant to the authority provided in California Government Code Section 50078 et seq. and Article XIID of the California Constitution, to levy assessments for fire suppression services;

WHEREAS, an assessment for fire suppression has been given the distinctive designation of the "Wildland Fire Suppression Assessment" ("Assessment"), and is primarily described as encompassing the Foothill and Extreme Foothill zones as defined in the Wildland Fire Plan of 2004; and

WHEREAS, the Assessment was authorized by an assessment ballot proceeding conducted in 2006 and approved by 51% of the weighted ballots returned by property owners, and such assessments were levied by the City of Santa Barbara City Council by Resolution No. 06-064 passed on July 11, 2006.

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

SECTION 1. SCI Consulting Group, the Engineer of Work, has prepared an engineer's report in accordance with Article XIID of the California Constitution. The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

SECTION 2. It is the intention of this Council to levy and collect assessments for the Wildland Fire Suppression Assessment for fiscal year 2009-10. Within the Assessment District, the proposed services to be funded by the assessments ("Services") are generally described as including but not limited to, the following: (1) continuation of the vegetation road clearance program to cover all public roads within the Foothill and

Extreme Foothill Zones, continuing this program will reduce fuel, enhance evacuation routes, and decrease fire response times; (2) enhancing the defensible space fire prevention inspection and assistance program for all properties in the Foothill and Extreme Foothill Zones and (3) implementation of a vegetation management program in the Foothill and Extreme Foothill Zones. As applied herein, "vegetation road clearance" means the treatment, clearing, reducing, or changing of vegetation near roadways in the Foothill and Extreme Foothill Zones where vegetation poses a fire hazard and does not meet Fire Department Vegetation Road Clearance Standards within the high fire hazard area (As provided in Santa Barbara Municipal Code Section 8.04.020.M). "Defensible space" is a perimeter created around a structure where vegetation is treated, cleared or reduced to slow the spread of wildfire towards a structure, reduce the chance of a structure fire burning to the surrounding area, and provides a safe perimeter for firefighters to protect a structure (As provided in Appendix II-A, Section 16 "Suppression and Control of Hazardous Fire Areas - Clearance of Brush and Vegetative Growth from Structures" of the Uniform Fire Code, as adopted by the City of Santa Barbara pursuant to Santa Barbara Municipal Code Section 8.04.010). "Vegetation management" means the reduction of fire hazard through public education, vegetation hazard reduction, and other methods as needed to manage vegetation in areas with unique hazards such as heavy, flammable vegetation, lack of access due to topography and roads, and/or firefighter safety.

SECTION 3. The estimated fiscal year 2009-10 cost of providing the Services is \$221,565. This cost results in a proposed assessment rate of SIXTY NINE DOLLARS AND EIGHTY-THREE CENTS (\$69.83) per single-family equivalent benefit unit in the Foothill Zone and EIGHTY SIX DOLLARS AND FIFTY EIGHT CENTS (\$86.58) in the Extreme Foothill Zone for fiscal year 2009-10. The Assessments include a provision for an annual increase equal to the change in the Los Angeles-Riverside-Orange County Area Consumer Price Index ("CPI), not to exceed 4% (four percent) per year without a further vote or balloting process. The change in the CPI in 2008 was 0.114% and no adjustment to the rates has been applied to the assessments for 2009-10.

SECTION 4. The public hearing shall be held, before the City council in the City of Santa Barbara City Council Chambers, located at 735 Anacapa Street, Santa Barbara, CA 93101 as follows: on Tuesday, June 16, 2009 at the hour of 2:00 p.m. for the purpose of this Council's determination whether the public interest, convenience and necessity require the Services and this Council's final action upon the Report and the assessments therein.

SECTION 5. The clerk of the council shall cause a notice of the hearing to be given by publishing a notice, at least ten (10) days prior to the date of the hearing above specified, in a newspaper circulated in the City.

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
April 21, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:06 p.m.

ROLL CALL

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

Agency members absent: None.

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

PUBLIC COMMENT

No one wished to speak.

REDEVELOPMENT AGENCY REPORTS

Subject: Report On The Vacant Storefront Art Program (13)

Recommendation: That the Redevelopment Agency Board receive a report on the Agency-funded Vacant Storefront Art Program.

Documents:

April 21, 2009, report from the Agency Deputy Director.

Speakers:

- Staff: Housing and Redevelopment Manager Brian Bosse, Redevelopment Specialist Jeannette Candau.
- Santa Barbara County Arts Commission: Executive Director Ginny Brush.

By consensus, the Board received the report.

ADJOURNMENT

Chair Blum adjourned the meeting at 6:35 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers
Chairperson and Boardmembers

FROM: Engineering Division, Public Works Department
Housing and Redevelopment Division, Community Development
Department
Administration Division, Fire Department

SUBJECT: Increase Appropriation And Change Order Authority For The Fire
Station No. 1 Seismic Renovation Project

RECOMMENDATION:

- A. That the Redevelopment Agency (RDA) Board appropriate and authorize the expenditure of \$265,400 from the RDA's Project Contingency Account to fund the construction of a vehicle exhaust system, replacement of overhead doors, and an additional four months of leased office space as part of the Fire Station No. 1 Seismic Renovation Project (Project), for a total Project cost of \$7,240,014; and
- B. That Council approve additional Change Order expenditure authority for the Fire Station No. 1 Seismic Renovation Project, Contract No. 22,798, in the amount of \$125,000 to cover the cost of the vehicle exhaust system construction.

BACKGROUND:

On April 22, 2008, Council approved the Project, which includes extensive renovations to the 49-year-old fire station. Total RDA funding at that time was \$6,635,614. The scope of the renovation includes a complete seismic upgrade, extensive remodel of the second floor crew's quarters, remodel of the first floor office area, and replacement of all utility services. Throughout this year-long renovation, Fire Station No. 1 has remained operational at all times.

On October 28, 2008, the RDA Board directed staff to design an Emergency Operation Center (EOC) that was incorporated into the construction on February 24, 2009, at a total cost of \$339,000, bringing the total Project cost to \$6,974,614 and total construction cost to \$4,737,559. Completion of the Project is anticipated to occur in August 2009.

DISCUSSION:

Mechanical Ventilation System

Staff requests permission to increase the Change Order authority for the construction of a vehicle exhaust system within the apparatus bay where fire-fighting and emergency response vehicles are stored. Currently, the apparatus bay relies on natural ventilation from open overhead doors and does not have a mechanical ventilation system to capture the diesel exhaust from the fire engines. This existing condition does not meet the current California Building Code (Code), but was permitted as legal, non-conforming because the apparatus bay was not undergoing extensive renovation as part of the Project. Fire Department staff was pursuing a Federal grant to cover the cost of a mechanical ventilation system as a separate project, but the City did not receive the grant.

In an effort to address Code compliance, staff has developed a solution to bring the apparatus bay in compliance as part of the existing construction. Staff found an alternative ventilation system referred to as "source capture" that is the only feasible method to eliminate all diesel exhaust from a fire station. The specified PlymoVent[®] Fire House System consists of an automatic release flexible duct connection to the fire engine tailpipes, duct guide tracks, exhaust ducts, fan, and control panel. The system would require the addition of an exterior duct chase, fan room, and electrical power.

Staff has negotiated a reasonable cost proposal of \$120,549 with the current construction contractor, McGillivray Construction, Incorporated, taking advantage of the current market and mobilization. Staff request Council's approval to proceed with the construction amount of \$125,000, which includes an additional 4% to cover any unforeseen costs, bringing total construction costs to \$4,862,559.

In addition to the proposed construction funding increase, staff has also identified tailpipe modifications to the fire engines that would be required to be compatible with the PlymoVent[®] grabber nozzle. Staff estimates the cost for a separate vendor to modify the tailpipes to be \$5,000.

The proposed vehicle exhaust expenditures are summarized as follows:

Increase Change Order Authority	\$125,000
Tailpipe Modifications	\$ 5,000
TOTAL	\$130,000

Annex Building Modifications

The two existing wood overhead doors at the City-owned garage, referred to as the Annex Building, at 927 Chapala Street, were identified as being inoperable and in need of replacement after the former tenant vacated the building. The wood doors have been replaced with new motorized wooden overhead doors. These were purchased under a separate Fire Department Maintenance and Repair Purchase Order with Vortex Industries, Incorporated in the amount of \$50,400. The custom wood doors were specified, rather than the proposed standard metal doors, because of a condition of approval by the Historic Landmarks Commission. This \$50,400 for HLC approved wooden doors exceeded the \$14,000 estimated for metal doors. As part of the Project, the Annex Building was used for equipment storage during construction. The two overhead doors had to be replaced in order to safely utilize the temporary space. Because the Annex Building has been used as a necessary part of the Project, staff recommends that the cost of the door replacement be funded by the RDA Project Contingency Account.

Temporary Relocation Costs

It was necessary to relocate some Fire personnel during Project construction. The Project budget included an 18-month lease at 925 De la Vina to provide office space during the renovation. Due to an earlier than expected move-in date, delays in the Project associated with the EOC, vehicle exhaust system, and other miscellaneous change orders, staff is recommending extending the rental an additional four months at a cost of approximately \$85,000 be funded by the RDA Project Contingency Account.

FUNDING:

Staff is recommending \$265,400 in expenditures from the RDA Project Contingency Account. With a Contingency Account balance of \$1,410,377 there are currently sufficient funds in this account to support this recommendation. Of the \$265,400, a \$125,000 Change Order authority increase would fund the construction of a vehicle exhaust system. The remainder would fund tailpipe modifications, the replacement of overhead doors, and an additional office space lease period. As a result, the total RDA funding for the Fire Station No. 1 Seismic Renovation Project would be \$7,240,014.

Fire Station No. 1 Seismic Renovation Cost Summary

Current Project Cost	\$6,974,614
Vehicle Exhaust Construction Cost	\$130,000
Overhead Door Replacement Cost	\$50,400
<u>Additional Office Space Lease Cost</u>	<u>\$85,000</u>
Total Project Cost:	\$7,240,014

SUSTAINABILITY IMPACT:

The Project incorporates green building materials and construction techniques to accomplish a Leadership in Energy and Environmental Design (LEED) Silver rating for new construction. Changes made to accommodate the vehicle exhaust system would be held to the same high environmental standards. The addition of the vehicle exhaust system would virtually eliminate the exposure of personnel to diesel exhaust and improve indoor air quality to exceed the minimum LEED performance prerequisite.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/AH/mj
Brian Bosse, Housing & Redevelopment Manager

SUBMITTED BY: Christine F. Andersen, Public Works Director
Paul Casey, Community Development Director
Andrew DiMizio, Interim Fire Chief

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009
TO: Mayor and Councilmembers
FROM: Accounting Division, Finance Department
SUBJECT: Fiscal Year 2009 Third Quarter Review

RECOMMENDATION: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2009; and
- B. Accept the Fiscal Year 2009 Interim Financial Statements for the Nine Months Ended March 31, 2009.

EXECUTIVE SUMMARY:

Each month, staff presents the interim financial statements (Attachment 2) showing the progress of revenues and expenditures in relation to budget for the City's General Fund, Enterprise Funds, Internal Service Funds, and select Special Revenue Funds. Each quarter, the interim financial statements are expanded to include a detailed narrative analysis of the General Fund and Enterprise Funds. This narrative analysis is included in the attached interim financial statements (Attachment 1).

A few years ago Finance Department staff began presenting a report to Council on the third quarter results of operations. This report incorporates analysis of account balances and explanations of unusual and/or significant trends or variances from the year-to-date (YTD) budget. Any known needs for additional appropriations are also presented to Council in the third quarter review. These adjustments are the result of new information and/or unanticipated events that occurred since the adoption of the budget in June 2008. There are no proposed budget adjustments at March 31, 2009.

This review is the last formal presentation of interim financial results that Finance Department staff will make to Council before the end of the fiscal year. The fourth quarter review will report on actual results for the year and will be presented after the close of this fiscal year.

ATTACHMENTS: 1. Summary by Fund Statement of Revenues and Expenditures for the Nine Months Ended March 31, 2009
2. Interim Financial Statements for the Nine Months Ended March 31, 2009 (Narrative Analysis)

PREPARED BY: Rudolf J. Livingston, Accounting Manager

SUBMITTED BY: Robert D. Peirson, Finance Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget
GENERAL FUND					
Revenue	108,222,301	73,150,822	-	35,071,480	67.6%
Expenditures	110,829,125	79,701,780	1,477,984	29,649,361	73.2%
<i>Addition to / (use of) reserves</i>	<u>(2,606,823)</u>	<u>(6,550,959)</u>	<u>(1,477,984)</u>		
WATER OPERATING FUND					
Revenue	32,643,840	25,391,849	-	7,251,990	77.8%
Expenditures	36,343,207	25,133,412	1,837,985	9,371,810	74.2%
<i>Addition to / (use of) reserves</i>	<u>(3,699,367)</u>	<u>258,437</u>	<u>(1,837,985)</u>		
WASTEWATER OPERATING FUND					
Revenue	14,975,942	11,365,270	-	3,610,672	75.9%
Expenditures	15,406,773	10,030,844	1,054,425	4,321,505	72.0%
<i>Addition to / (use of) reserves</i>	<u>(430,831)</u>	<u>1,334,426</u>	<u>(1,054,425)</u>		
DOWNTOWN PARKING					
Revenue	7,484,980	5,071,325	-	2,413,655	67.8%
Expenditures	6,676,751	4,402,315	1,702,916	571,521	91.4%
<i>Addition to / (use of) reserves</i>	<u>808,229</u>	<u>669,010</u>	<u>(1,702,916)</u>		
AIRPORT OPERATING FUND					
Revenue	12,892,002	9,910,201	-	2,981,801	76.9%
Expenditures	15,310,907	10,595,963	591,326	4,123,618	73.1%
<i>Addition to / (use of) reserves</i>	<u>(2,418,905)</u>	<u>(685,762)</u>	<u>(591,326)</u>		
GOLF COURSE FUND					
Revenue	2,695,570	1,954,276	-	741,294	72.5%
Expenditures	3,349,846	2,186,973	171,136	991,737	70.4%
<i>Addition to / (use of) reserves</i>	<u>(654,276)</u>	<u>(232,698)</u>	<u>(171,136)</u>		
INTRA-CITY SERVICE FUND					
Revenue	5,704,141	4,029,452	-	1,674,689	70.6%
Expenditures	6,240,557	3,779,429	639,333	1,821,794	70.8%
<i>Addition to / (use of) reserves</i>	<u>(536,416)</u>	<u>250,022</u>	<u>(639,333)</u>		

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenditures
Summary by Fund
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
ICS EQUIPMENT REPLACEMENT FUND					
Revenue	2,347,673	1,893,844	-	453,829	80.7%
Expenditures	4,017,755	1,094,615	1,038,777	1,884,363	53.1%
<i>Addition to / (use of) reserves</i>	<u>(1,670,082)</u>	<u>799,229</u>	<u>(1,038,777)</u>		
SELF INSURANCE TRUST FUND					
Revenue	5,958,769	5,606,620	-	352,149	94.1%
Expenditures	9,062,830	5,106,515	212,904	3,743,410	58.7%
<i>Addition to / (use of) reserves</i>	<u>(3,104,061)</u>	<u>500,105</u>	<u>(212,904)</u>		
INFORMATION SYSTEMS ICS FUND					
Revenue	2,546,684	1,949,584	-	597,100	76.6%
Expenditures	2,868,065	1,884,885	265,116	718,064	75.0%
<i>Addition to / (use of) reserves</i>	<u>(321,381)</u>	<u>64,699</u>	<u>(265,116)</u>		
WATERFRONT FUND					
Revenue	11,548,876	8,498,796	-	3,050,080	73.6%
Expenditures	12,168,847	8,251,550	457,543	3,459,753	71.6%
<i>Addition to / (use of) reserves</i>	<u>(619,971)</u>	<u>247,245</u>	<u>(457,543)</u>		
TOTAL FOR ALL FUNDS					
Revenue	207,020,778	148,822,038	-	58,198,740	71.9%
Expenditures	222,274,663	152,168,283	9,449,445	60,656,935	72.7%
<i>Addition to / (use of) reserves</i>	<u>(15,253,885)</u>	<u>(3,346,245)</u>	<u>(9,449,445)</u>		

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

CITY OF SANTA BARBARA
General Fund
Interim Statement of Budgeted and Actual Revenues
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Remaining Balance	Percent Received	Previous YTD
TAXES					
Sales and Use	19,206,432	13,361,504	5,844,928	69.6%	14,611,743
Property Taxes	23,165,295	12,892,638	10,272,657	55.7%	12,426,020
Utility Users Tax	7,129,923	5,176,339	1,953,584	72.6%	5,054,183
Transient Occupancy Tax	12,785,113	9,658,201	3,126,912	75.5%	9,845,558
Franchise Fees	2,937,139	2,234,116	703,023	76.1%	2,020,759
Business License	2,258,500	1,829,772	428,728	81.0%	1,798,094
Real Property Transfer Tax	333,592	222,163	111,429	66.6%	391,335
<i>Total</i>	<u>67,815,994</u>	<u>45,374,733</u>	<u>22,441,261</u>	66.9%	<u>46,147,692</u>
LICENSES & PERMITS					
Licenses & Permits	128,995	136,007	(7,012)	105.4%	108,916
<i>Total</i>	<u>128,995</u>	<u>136,007</u>	<u>(7,012)</u>	105.4%	<u>108,916</u>
FINES & FORFEITURES					
Parking Violations	2,353,937	1,786,067	567,870	75.9%	1,776,080
Library Fines	145,000	80,492	64,508	55.5%	97,474
Municipal Court Fines	148,000	117,682	30,318	79.5%	111,170
<i>Total</i>	<u>2,646,937</u>	<u>1,984,241</u>	<u>662,696</u>	75.0%	<u>1,984,724</u>
USE OF MONEY & PROPERTY					
Investment Income	1,514,026	1,058,844	455,182	69.9%	1,306,836
Rents & Concessions	406,666	309,067	97,599	76.0%	324,188
<i>Total</i>	<u>1,920,692</u>	<u>1,367,912</u>	<u>552,780</u>	71.2%	<u>1,631,024</u>
INTERGOVERNMENTAL					
Grants	1,974,758	2,177,977	(203,219)	110.3%	2,179,183
Vehicle License Fees	338,074	196,037	142,037	58.0%	322,687
<i>Total</i>	<u>2,312,832</u>	<u>2,374,015</u>	<u>(61,183)</u>	102.6%	<u>2,501,870</u>
FEES & SERVICE CHARGES					
Finance	858,930	617,074	241,856	71.8%	596,982
Community Development	4,475,017	3,306,572	1,168,445	73.9%	3,439,730
Recreation	2,555,665	1,603,121	952,544	62.7%	1,529,361
Public Safety	433,055	267,919	165,136	61.9%	219,085
Public Works	4,220,897	3,209,037	1,011,860	76.0%	3,446,032
Library	782,082	738,951	43,131	94.5%	729,146
Reimbursements	5,236,450	3,762,126	1,474,324	71.8%	3,683,901
<i>Total</i>	<u>18,562,096</u>	<u>13,504,800</u>	<u>5,057,296</u>	72.8%	<u>13,644,237</u>
OTHER MISCELLANEOUS REVENUES					
Miscellaneous	3,178,185	2,603,149	575,037	81.9%	1,064,960
Indirect Allocations	6,478,919	4,885,940	1,592,979	75.4%	4,680,149
Operating Transfers-In	5,177,651	920,026	4,257,625	17.8%	348,564
<i>Total</i>	<u>14,834,755</u>	<u>8,409,114</u>	<u>6,425,641</u>	56.7%	<u>6,093,673</u>
TOTAL REVENUES	<u>108,222,301</u>	<u>73,150,822</u>	<u>35,071,480</u>	67.6%	<u>72,112,136</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
GENERAL GOVERNMENT						
<u>Mayor & City Council</u>						
MAYOR	857,792	597,427	758	259,607	69.7%	
<i>Total</i>	857,792	597,427	758	259,607	69.7%	591,111
<u>City Attorney</u>						
CITY ATTORNEY	2,230,025	1,579,788	-	650,237	70.8%	
<i>Total</i>	2,230,025	1,579,788	-	650,237	70.8%	1,531,345
<u>Administration</u>						
CITY ADMINISTRATOR	1,506,079	1,068,087	10,537	427,455	71.6%	
LABOR RELATIONS	289,415	163,186	33,851	92,378	68.1%	
CITY TV	528,509	374,996	19,354	134,159	74.6%	
<i>Total</i>	2,324,004	1,606,269	63,743	653,992	71.9%	1,581,318
<u>Administrative Services</u>						
CITY CLERK	625,160	396,845	21,024	207,291	66.8%	
HUMAN RESOURCES	1,315,794	884,986	25,349	405,459	69.2%	
ADMIN SVCS-EMPLOYEE DEVELOPMENT	279,334	155,145	-	124,189	55.5%	
<i>Total</i>	2,220,288	1,436,976	46,373	736,939	66.8%	1,725,881
<u>Finance</u>						
ADMINISTRATION	820,053	567,737	15,317	237,000	71.1%	
TREASURY	443,154	315,932	-	127,223	71.3%	
CASHIERING & COLLECTION	359,549	227,601	-	131,948	63.3%	
LICENSES & PERMITS	545,422	394,803	1,440	149,179	72.6%	
BUDGET MANAGEMENT	446,158	252,758	-	193,400	56.7%	
ACCOUNTING	577,684	326,829	57,322	193,533	66.5%	
PAYROLL	290,216	205,879	6,966	77,371	73.3%	
ACCOUNTS PAYABLE	220,571	163,546	-	57,025	74.1%	
CITY BILLING & CUSTOMER SERVICE	566,683	415,029	-	151,654	73.2%	
PURCHASING	665,581	476,513	862	188,206	71.7%	
CENTRAL STORES	201,854	150,587	-	51,267	74.6%	
MAIL SERVICES	102,166	72,724	3,424	26,017	74.5%	
<i>Total</i>	5,239,090	3,570,513	85,330	1,583,247	69.8%	3,316,680
TOTAL GENERAL GOVERNMENT	12,871,199	8,790,974	196,204	3,884,022	69.8%	8,746,335
PUBLIC SAFETY						
<u>Police</u>						
CHIEF'S STAFF	1,490,492	1,016,811	-	473,681	68.2%	
SUPPORT SERVICES	564,190	431,738	2,945	129,508	77.0%	
RECORDS	1,405,560	986,600	14,145	404,815	71.2%	
COMMUNITY SVCS	1,064,540	916,420	7,344	140,776	86.8%	
CRIME ANALYSIS	94,472	64,198	-	30,274	68.0%	
PROPERTY ROOM	124,389	104,425	289	19,676	84.2%	

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
PUBLIC SAFETY						
<u>Police</u>						
TRNG/RECRUITMENT	448,504	280,122	2,085	166,297	62.9%	
RANGE	976,214	737,897	24,969	213,349	78.1%	
BEAT COORDINATORS	896,729	621,153	-	275,576	69.3%	
INFORMATION TECHNOLOGY	1,146,901	900,515	13,521	232,866	79.7%	
INVESTIGATIVE DIVISION	4,690,801	3,584,270	5,226	1,101,305	76.5%	
CRIME LAB	215,166	163,819	-	51,347	76.1%	
PATROL DIVISION	12,615,285	9,411,477	63,156	3,140,652	75.1%	
TRAFFIC	1,201,073	938,475	1,391	261,207	78.3%	
SPECIAL EVENTS	817,819	986,491	-	(168,672)	120.6%	
TACTICAL PATROL FORCE	1,038,682	793,417	-	245,265	76.4%	
STREET SWEEPING ENFORCEMENT	258,157	182,478	-	75,679	70.7%	
NIGHT LIFE ENFORCEMENT	440,911	320,462	-	120,449	72.7%	
PARKING ENFORCEMENT	1,044,119	646,214	16,496	381,409	63.5%	
CCC	2,318,346	1,538,876	1	779,469	66.4%	
ANIMAL CONTROL	610,568	434,967	-	175,601	71.2%	
<i>Total</i>	<u>33,462,918</u>	<u>25,061,729</u>	<u>151,567</u>	<u>8,249,622</u>	75.3%	<u>23,764,930</u>
<u>Fire</u>						
ADMINISTRATION	1,144,283	850,766	2,637	290,881	74.6%	
EMERGENCY SERVICES AND PUBLIC ED	364,075	220,435	8,863	134,777	63.0%	
PREVENTION	1,188,379	836,158	1,858	350,363	70.5%	
WILDLAND FIRE MITIGATION PROGRAM	188,738	119,111	6,354	63,272	66.5%	
OPERATIONS	16,865,459	12,462,356	109,924	4,293,178	74.5%	
ARFF	1,520,279	1,151,207	-	369,072	75.7%	
<i>Total</i>	<u>21,271,213</u>	<u>15,640,151</u>	<u>129,636</u>	<u>5,501,426</u>	74.1%	<u>15,089,883</u>
TOTAL PUBLIC SAFETY	<u>54,734,131</u>	<u>40,701,880</u>	<u>281,203</u>	<u>13,751,048</u>	74.9%	<u>38,854,813</u>
PUBLIC WORKS						
<u>Public Works</u>						
ADMINISTRATION	885,393	619,706	23,049	242,637	72.6%	
ENGINEERING SVCS	4,265,505	3,017,599	31,204	1,216,702	71.5%	
PUBLIC RT OF WAY MGMT	1,449,021	950,482	16,306	482,233	66.7%	
ENVIRONMENTAL PROGRAMS	634,286	328,794	75,625	229,867	63.8%	
<i>Total</i>	<u>7,234,204</u>	<u>4,916,581</u>	<u>146,184</u>	<u>2,171,439</u>	70.0%	<u>4,794,576</u>
TOTAL PUBLIC WORKS	<u>7,234,204</u>	<u>4,916,581</u>	<u>146,184</u>	<u>2,171,439</u>	70.0%	<u>4,794,576</u>
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
PRGM MGMT & BUS SVCS	483,494	366,398	-	117,096	75.8%	
FACILITIES	467,880	315,163	5,287	147,429	68.5%	
CULTURAL ARTS	574,265	429,309	18,631	126,326	78.0%	
YOUTH ACTIVITIES	1,190,773	872,467	10,163	308,142	74.1%	

CITY OF SANTA BARBARA
General Fund
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For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
COMMUNITY SERVICES						
<u>Parks & Recreation</u>						
TEEN PROGRAMS	395,140	279,657	1,409	114,074	71.1%	
SR CITIZENS	828,181	605,279	279	222,623	73.1%	
AQUATICS	1,178,393	882,407	29,926	266,060	77.4%	
SPORTS	468,991	344,603	4,060	120,328	74.3%	
TENNIS	316,401	233,283	-	83,118	73.7%	
WESTSIDE CENTER	1,050,645	741,789	1,492	307,364	70.7%	
ADMINISTRATION	580,032	425,225	-	154,807	73.3%	
PROJECT MANAGEMENT TEAM	356,737	258,378	-	98,359	72.4%	
BUSINESS SERVICES	523,482	360,280	39,248	123,954	76.3%	
FACILITY & PROJECT MGT	1,152,688	840,977	3,063	308,648	73.2%	
GROUND MANAGEMENT	5,003,317	3,262,985	268,421	1,471,911	70.6%	
FORESTRY	1,293,497	850,628	79,310	363,559	71.9%	
BEACH MAINTENANCE	192,023	119,059	18,822	54,143	71.8%	
<i>Total</i>	<u>16,055,940</u>	<u>11,188,548</u>	<u>480,110</u>	<u>4,387,282</u>	72.7%	<u>10,739,632</u>
<u>Library</u>						
ADMINISTRATION	455,273	350,408	-	104,865	77.0%	
PUBLIC SERVICES	2,495,297	1,713,141	16,321	765,835	69.3%	
SUPPORT SERVICES	1,666,715	1,209,827	24,918	431,969	74.1%	
<i>Total</i>	<u>4,617,285</u>	<u>3,273,376</u>	<u>41,239</u>	<u>1,302,670</u>	71.8%	<u>3,092,337</u>
TOTAL COMMUNITY SERVICES	<u>20,673,224</u>	<u>14,461,923</u>	<u>521,350</u>	<u>5,689,951</u>	72.5%	<u>13,831,969</u>
COMMUNITY DEVELOPMENT						
<u>Community Development</u>						
ADMINISTRATION	493,605	355,636	320	137,649	72.1%	
ECON DEV	95,801	66,995	4,491	24,316	74.6%	
CITY ARTS ADVISORY PROGRAM	590,047	557,035	-	33,012	94.4%	
HUMAN SVCS	817,930	596,455	205,385	16,089	98.0%	
RDA	817,712	547,415	-	270,297	66.9%	
RDA HSG DEV	698,768	508,103	-	190,665	72.7%	
LR PLANNING/STUDIES	775,787	526,197	222	249,368	67.9%	
DEV & DESIGN REVIEW	1,222,228	855,080	34,737	332,412	72.8%	
ZONING	915,314	654,479	526	260,308	71.6%	
DESIGN REV & HIST PRESERVATN	1,071,992	724,790	46,731	300,471	72.0%	
SHO/ENVIRON REVIEW/TRAINING	781,891	548,904	4,718	228,269	70.8%	
BLDG PERMITS	1,171,075	828,918	1,745	340,412	70.9%	
RECORDS & ARCHIVES	622,223	427,050	17,104	178,068	71.4%	
PLAN CK & COUNTER SRV	1,422,127	929,063	17,064	476,000	66.5%	
<i>Total</i>	<u>11,496,500</u>	<u>8,126,120</u>	<u>333,043</u>	<u>3,037,336</u>	73.6%	<u>7,748,541</u>
TOTAL COMMUNITY DEVELOPMENT	<u>11,496,500</u>	<u>8,126,120</u>	<u>333,043</u>	<u>3,037,336</u>	73.6%	<u>7,748,541</u>

CITY OF SANTA BARBARA
General Fund
Interim Statement of Appropriations, Expenditures and Encumbrances
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	Annual Budget	YTD Actual	Encum- brances	** Remaining Balance	YTD Expended and Encumbered	Previous YTD
NON-DEPARTMENTAL						
<u>Non-Departmental</u>						
COMMUNITY PROMOTIONS	1,783,071	1,379,466	-	403,605	77.4%	
SPECIAL PROJECTS	42,220	33,083	-	9,137	78.4%	
TRANSFERS OUT	43,500	43,500	-	-	100.0%	
DEBT SERVICE TRANSFERS	355,945	326,667	-	29,278	91.8%	
CAPITAL OUTLAY TRANSFER	894,352	921,585	-	(27,233)	103.0%	
APPROP. RESERVE	700,777	-	-	700,777	0.0%	
<i>Total</i>	3,819,865	2,704,301	-	1,115,564	70.8%	3,297,489
TOTAL NON-DEPARTMENTAL	3,819,865	2,704,301	-	1,115,564	70.8%	3,297,489
TOTAL EXPENDITURES	110,829,125	79,701,780	1,477,984	29,649,361	73.2%	77,273,723

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

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

CITY OF SANTA BARBARA
Special Revenue Funds
Interim Statement of Revenues and Expenditures
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>
TRAFFIC SAFETY FUND					
Revenue	513,000	371,638	-	141,362	72.4%
Expenditures	513,000	371,638	-	141,362	72.4%
<i>Revenue Less Expenditures</i>	-	-	-	-	
CREEK RESTORATION/WATER QUALITY IMPRVMT					
Revenue	2,953,769	2,217,058	-	736,711	75.1%
Expenditures	3,125,118	1,842,498	221,828	1,060,792	66.1%
<i>Revenue Less Expenditures</i>	(171,349)	374,559	(221,828)	(324,080)	
SOLID WASTE PROGRAM					
Revenue	17,522,051	13,090,035	-	4,432,016	74.7%
Expenditures	17,679,913	12,835,456	127,230	4,717,227	73.3%
<i>Revenue Less Expenditures</i>	(157,862)	254,579	(127,230)	(285,211)	
COMM.DEVELOPMENT BLOCK GRANT					
Revenue	2,555,943	940,781	-	1,615,162	36.8%
Expenditures	2,555,943	606,983	348,407	1,600,553	37.4%
<i>Revenue Less Expenditures</i>	-	333,798	(348,407)	14,609	
COUNTY LIBRARY					
Revenue	1,877,220	1,273,025	-	604,195	67.8%
Expenditures	1,893,738	1,276,766	24,336	592,636	68.7%
<i>Revenue Less Expenditures</i>	(16,518)	(3,741)	(24,336)	11,559	
STREETS FUND					
Revenue	9,994,205	6,999,042	-	2,995,164	70.0%
Expenditures	14,667,871	7,452,581	1,624,180	5,591,111	61.9%
<i>Revenue Less Expenditures</i>	(4,673,666)	(453,539)	(1,624,180)	(2,595,947)	
MEASURE "D"					
Revenue	5,186,919	3,154,586	-	2,032,333	60.8%
Expenditures	8,270,484	2,717,999	1,632,195	3,920,290	52.6%
<i>Revenue Less Expenditures</i>	(3,083,565)	436,587	(1,632,195)	(1,887,957)	

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

WATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Water Sales - Metered	28,462,500	21,748,235	-	6,714,265	76.4%	21,690,627
Service Charges	499,392	271,026	-	228,366	54.3%	349,975
Cater JPA Treatment Charges	1,700,000	1,957,553	-	(257,553)	115.2%	1,477,026
Investment Income	1,285,000	1,200,422	-	84,578	93.4%	1,242,183
Grants	56,098	-	-	56,098	0.0%	-
Reimbursements	18,000	-	-	18,000	0.0%	-
Miscellaneous	622,850	214,614	-	408,236	34.5%	112,369
TOTAL REVENUES	<u>32,643,840</u>	<u>25,391,849</u>	<u>-</u>	<u>7,251,990</u>	<u>77.8%</u>	<u>24,872,180</u>
EXPENSES						
Salaries & Benefits	7,244,664	4,993,193	-	2,251,471	68.9%	4,818,768
Materials, Supplies & Services	8,243,491	5,206,086	1,646,301	1,391,104	83.1%	4,565,235
Special Projects	287,651	61,280	20,632	205,740	28.5%	54,764
Water Purchases	7,518,586	5,634,057	133,101	1,751,427	76.7%	5,621,958
Debt Service	4,759,271	3,379,847	-	1,379,424	71.0%	3,165,950
Capital Outlay Transfers	7,855,039	5,814,023	-	2,041,016	74.0%	4,847,890
Equipment	163,824	6,923	35,402	121,499	25.8%	37,229
Capitalized Fixed Assets	114,980	17,674	2,549	94,757	17.6%	33,390
Other	5,700	20,328	-	(14,628)	356.6%	5,039
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>36,343,207</u>	<u>25,133,412</u>	<u>1,837,985</u>	<u>9,371,810</u>	<u>74.2%</u>	<u>23,150,221</u>

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

WASTEWATER OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service Charges	13,452,500	10,100,052	-	3,352,448	75.1%	9,622,844
Fees	519,515	398,437	-	121,078	76.7%	438,652
Investment Income	480,000	404,341	-	75,659	84.2%	453,459
Miscellaneous	173,927	112,440	-	61,487	64.6%	10,418
Operating Transfers-In	350,000	350,000	-	-	100.0%	-
TOTAL REVENUES	<u>14,975,942</u>	<u>11,365,270</u>	<u>-</u>	<u>3,610,672</u>	<u>75.9%</u>	<u>10,525,373</u>
EXPENSES						
Salaries & Benefits	5,002,852	3,477,938	-	1,524,914	69.5%	3,381,292
Materials, Supplies & Services	5,651,183	3,670,916	946,266	1,034,001	81.7%	3,634,496
Special Projects	915,217	829,165	93,184	(7,133)	100.8%	513,707
Debt Service	1,355,548	390,277	-	965,271	28.8%	359,145
Capital Outlay Transfers	2,242,107	1,638,673	-	603,434	73.1%	1,551,464
Equipment	31,432	8,479	10,041	12,912	58.9%	33,771
Capitalized Fixed Assets	58,435	15,394	4,934	38,106	34.8%	27,632
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>15,406,773</u>	<u>10,030,844</u>	<u>1,054,425</u>	<u>4,321,505</u>	<u>72.0%</u>	<u>9,501,506</u>

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

DOWNTOWN PARKING

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Improvement Tax	880,000	652,033	-	227,967	74.1%	666,035
Parking Fees	6,145,000	4,041,586	-	2,103,414	65.8%	4,330,380
Investment Income	325,000	256,743	-	68,257	79.0%	279,874
Miscellaneous	91,480	77,463	-	14,017	84.7%	2,228
Operating Transfers-In	43,500	43,500	-	-	100.0%	36,420
TOTAL REVENUES	<u>7,484,980</u>	<u>5,071,325</u>	<u>-</u>	<u>2,413,655</u>	<u>67.8%</u>	<u>5,314,937</u>
EXPENSES						
Salaries & Benefits	3,624,380	2,624,487	-	999,893	72.4%	2,444,523
Materials, Supplies & Services	2,031,789	1,284,700	134,761	612,328	69.9%	1,325,574
Special Projects	886,504	483,177	384,255	19,072	97.8%	523,294
Capital Outlay Transfers	34,078	2,672	-	31,406	7.8%	9,523
Equipment	40,000	332	2,800	36,868	7.8%	-
Capitalized Fixed Assets	-	6,947	1,181,100	(1,188,047)	100.0%	315,228
Appropriated Reserve	60,000	-	-	60,000	0.0%	-
TOTAL EXPENSES	<u>6,676,751</u>	<u>4,402,315</u>	<u>1,702,916</u>	<u>571,521</u>	<u>91.4%</u>	<u>4,618,142</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)
AIRPORT OPERATING FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial / Industrial	4,071,450	3,213,138	-	858,312	78.9%	3,112,836
Leases - Terminal	5,029,702	3,529,587	-	1,500,115	70.2%	3,759,845
Leases - Non-Commerical Aviation	1,168,600	900,025	-	268,575	77.0%	912,290
Leases - Commerical Aviation	1,955,000	1,670,465	-	284,535	85.4%	1,697,331
Investment Income	413,000	390,135	-	22,865	94.5%	400,581
Miscellaneous	254,250	206,852	-	47,398	81.4%	122,259
TOTAL REVENUES	12,892,002	9,910,201	-	2,981,801	76.9%	10,005,142
EXPENSES						
Salaries & Benefits	4,880,629	3,390,215	-	1,490,414	69.5%	3,260,939
Materials, Supplies & Services	6,996,243	4,796,724	571,350	1,628,170	76.7%	4,628,456
Special Projects	770,150	380,364	-	389,786	49.4%	374,468
Transfers-Out	-	-	-	-	100.0%	70,561
Capital Outlay Transfers	2,447,427	1,954,037	-	493,390	79.8%	2,316,342
Equipment	128,728	35,715	19,977	73,037	43.3%	65,197
Capitalized Fixed Assets	38,900	38,909	-	(9)	100.0%	112,895
Appropriated Reserve	48,831	-	-	48,831	0.0%	-
TOTAL EXPENSES	15,310,907	10,595,963	591,326	4,123,618	73.1%	10,828,858

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

GOLF COURSE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Fees & Card Sales	2,003,600	1,336,638	-	666,962	66.7%	1,371,643
Investment Income	35,000	32,299	-	2,701	92.3%	42,554
Rents & Concessions	285,000	210,207	-	74,793	73.8%	218,296
Miscellaneous	371,970	375,132	-	(3,162)	100.8%	2,339
TOTAL REVENUES	<u>2,695,570</u>	<u>1,954,276</u>	<u>-</u>	<u>741,294</u>	<u>72.5%</u>	<u>1,634,832</u>
EXPENSES						
Salaries & Benefits	1,204,819	869,746	-	335,073	72.2%	833,745
Materials, Supplies & Services	704,468	507,126	125,399	71,943	89.8%	499,818
Special Projects	69,117	37,580	26,879	4,658	93.3%	6,345
Debt Service	184,379	184,212	-	167	99.9%	183,309
Capital Outlay Transfers	17,070	1,069	-	16,001	6.3%	4,416
Equipment	8,400	600	-	7,800	7.1%	1,364
Capitalized Fixed Assets	1,161,594	586,640	18,859	556,094	52.1%	51,817
TOTAL EXPENSES	<u>3,349,846</u>	<u>2,186,973</u>	<u>171,136</u>	<u>991,737</u>	<u>70.4%</u>	<u>1,580,814</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

INTRA-CITY SERVICE FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Work Orders - Bldg Maint.	3,840,056	2,628,666	-	1,211,390	68.5%	2,856,814
Service Charges	1,799,291	1,334,582	-	464,709	74.2%	1,311,298
Miscellaneous	64,794	66,204	-	(1,410)	102.2%	20,036
TOTAL REVENUES	<u>5,704,141</u>	<u>4,029,452</u>	<u>-</u>	<u>1,674,689</u>	<u>70.6%</u>	<u>4,188,148</u>
EXPENSES						
Salaries & Benefits	3,293,273	2,233,972	-	1,059,301	67.8%	2,946,650
Materials, Supplies & Services	867,212	648,551	232,855	(14,195)	101.6%	1,456,077
Special Projects	1,850,050	861,904	403,425	584,721	68.4%	882,970
Transfers-Out	114,425	-	-	114,425	0.0%	-
Capital Outlay Transfers	1,603	1,603	-	-	100.0%	2,389
Equipment	8,000	1,535	-	6,465	19.2%	48,090
Capitalized Fixed Assets	95,994	31,865	3,053	61,076	36.4%	151,526
Appropriated Reserve	10,000	-	-	10,000	0.0%	-
TOTAL EXPENSES	<u>6,240,557</u>	<u>3,779,429</u>	<u>639,333</u>	<u>1,821,794</u>	<u>70.8%</u>	<u>5,487,702</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

ICS EQUIPMENT REPLACEMENT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Vehicle Rental Charges	1,852,299	1,389,224	-	463,075	75.0%	1,562,768
Investment Income	225,000	217,301	-	7,699	96.6%	217,993
Rents & Concessions	268,241	201,181	-	67,060	75.0%	158,412
Miscellaneous	2,133	86,139	-	(84,006)	4038.4%	20,331
TOTAL REVENUES	<u>2,347,673</u>	<u>1,893,844</u>	<u>-</u>	<u>453,829</u>	<u>80.7%</u>	<u>1,959,504</u>
EXPENSES						
Salaries & Benefits	123,004	85,325	-	37,679	69.4%	77,455
Materials, Supplies & Services	1,097	1,573	-	(476)	143.4%	1,656
Transfers-Out	75,965	-	-	75,965	0.0%	-
Equipment	-	-	-	-	100.0%	309,780
Capitalized Fixed Assets	3,817,689	1,007,717	1,038,777	1,771,195	53.6%	450,836
TOTAL EXPENSES	<u>4,017,755</u>	<u>1,094,615</u>	<u>1,038,777</u>	<u>1,884,363</u>	<u>53.1%</u>	<u>839,727</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

SELF INSURANCE TRUST FUND

	** Annual Budget	YTD Actual	Encum- brances	Remaining Balance	Percent of Budget	Previous YTD
REVENUES						
Insurance Premiums	3,197,440	2,398,080	-	799,360	75.0%	2,355,120
Workers' Compensation Premiums	2,107,502	1,518,126	-	589,376	72.0%	1,680,793
OSH Charges	291,620	218,955	-	72,665	75.1%	190,387
Investment Income	361,434	361,231	-	203	99.9%	401,344
Miscellaneous	773	360,228	-	(359,455)	46601.3%	99,366
Accel - Return of Premium	-	750,000	-	(750,000)	100.0%	-
TOTAL REVENUES	5,958,769	5,606,620	-	352,149	94.1%	4,727,009
EXPENSES						
Salaries & Benefits	633,005	383,126	-	249,879	60.5%	361,782
Materials, Supplies & Services	5,831,537	3,131,399	211,882	2,488,256	57.3%	3,772,687
Special Projects	-	-	-	-	100.0%	6
Transfers-Out	2,589,851	1,589,853	-	999,998	61.4%	-
Capital Outlay Transfers	2,137	2,137	-	-	100.0%	3,185
Equipment	6,300	-	1,023	5,277	16.2%	240
TOTAL EXPENSES	9,062,830	5,106,515	212,904	3,743,410	58.7%	4,137,900

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

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

INFORMATION SYSTEMS ICS FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Service charges	2,542,887	1,939,058	-	603,829	76.3%	1,870,058
Miscellaneous	3,797	10,526	-	(6,729)	277.2%	-
TOTAL REVENUES	<u>2,546,684</u>	<u>1,949,584</u>	<u>-</u>	<u>597,100</u>	<u>76.6%</u>	<u>1,870,058</u>
EXPENSES						
Salaries & Benefits	1,734,048	1,197,402	-	536,646	69.1%	1,137,817
Materials, Supplies & Services	654,342	502,242	88,039	64,061	90.2%	458,163
Special Projects	4,979	(9,158)	-	14,137	-183.9%	3,750
Transfers-Out	107,983	55,000	-	52,983	50.9%	-
Capital Outlay Transfers	85,000	63,750	-	21,250	75.0%	-
Equipment	268,279	75,159	177,077	16,043	94.0%	274,509
Capitalized Fixed Assets	-	488	-	(488)	100.0%	511
Appropriated Reserve	13,433	-	-	13,433	0.0%	-
TOTAL EXPENSES	<u>2,868,065</u>	<u>1,884,885</u>	<u>265,116</u>	<u>718,064</u>	<u>75.0%</u>	<u>1,874,749</u>

CITY OF SANTA BARBARA
Interim Statement of Revenues and Expenses
For the Nine Months Ended March 31, 2009 (75% of Fiscal Year)

WATERFRONT FUND

	<u>Annual Budget</u>	<u>YTD Actual</u>	<u>Encum- brances</u>	<u>Remaining Balance</u>	<u>Percent of Budget</u>	<u>Previous YTD</u>
REVENUES						
Leases - Commercial	1,428,020	1,114,494	-	313,526	78.0%	1,108,758
Leases - Food Service	2,410,338	1,824,724	-	585,614	75.7%	1,874,614
Slip Rental Fees	3,535,370	2,644,270	-	891,100	74.8%	2,595,159
Visitors Fees	442,690	385,765	-	56,925	87.1%	384,719
Slip Transfer Fees	688,500	228,750	-	459,750	33.2%	451,775
Parking Revenue	1,588,639	1,178,477	-	410,162	74.2%	1,199,128
Wharf Parking	280,500	175,809	-	104,691	62.7%	176,431
Other Fees & Charges	361,786	279,071	-	82,715	77.1%	270,845
Investment Income	276,019	290,838	-	(14,819)	105.4%	324,475
Rents & Concessions	277,134	195,838	-	81,296	70.7%	199,555
Miscellaneous	259,880	180,760	-	79,120	69.6%	95,166
TOTAL REVENUES	<u>11,548,876</u>	<u>8,498,796</u>	<u>-</u>	<u>3,050,080</u>	<u>73.6%</u>	<u>8,680,626</u>
EXPENSES						
Salaries & Benefits	5,495,871	3,916,336	-	1,579,535	71.3%	3,660,738
Materials, Supplies & Services	3,748,738	2,397,344	452,546	898,848	76.0%	2,494,087
Special Projects	30,393	21,634	699	8,060	73.5%	25,022
Debt Service	1,592,262	1,198,749	-	393,513	75.3%	1,194,749
Capital Outlay Transfers	926,999	649,921	-	277,078	70.1%	1,439,803
Equipment	209,584	67,567	4,299	137,719	34.3%	109,461
Capitalized Fixed Assets	15,000	-	-	15,000	0.0%	-
Appropriated Reserve	150,000	-	-	150,000	0.0%	-
TOTAL EXPENSES	<u>12,168,847</u>	<u>8,251,550</u>	<u>457,543</u>	<u>3,459,753</u>	<u>71.6%</u>	<u>8,923,861</u>

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

**Fiscal Year 2009 Interim Financial Statements
For the Nine Months Ended March 31, 2009 (75% of Year Elapsed)**

General Fund Revenues

On March 3, 2009, as part of the mid-year budget review, City Council approved adjustments to the adopted revenue budget to reflect updated projections at that time. The adjustments included a reduction in "non-departmental" tax revenues, such as sales tax, transient occupancy tax and utility users' tax, of approximately \$2.3 million. However, at mid-year, the overall net reduction to General Fund revenues was only \$1.1 million, with the significantly lower estimates in the non-departmental tax revenues offset by increased estimates for mutual aid revenue and transfers in from other funds, namely the Self-Insurance and ICS funds.

Since March, revenues have deteriorated further as a result of the protracted economic downturn. The revised year-end estimates indicate an additional \$855,000 shortfall in relation to the amended mid-year budget as indicated in the table below.

On a cash basis, General Fund revenues received as of March 31st total \$73.2 million, or 67.6% of the YTD amended budget with 75% of the fiscal year elapsed. The three year average benchmark for percent of revenues received, which allows for a seasonally adjusted comparison, is 74.4%.

Summary of Revenues For the Nine Months Ended March 31, 2009 GENERAL FUND							
	Mid-Year Amended Budget	YTD Amended Budget *	YTD Actual	YTD Percent Rec'd	3-Yr Bench- mark	Revised Year-End Estimate	Variance to Mid-Year Budget
Sales & Use Tax	19,206,432	14,404,824	\$ 13,361,504	69.6%	67.0%	\$ 18,716,000	\$ (490,432)
Property Tax	23,165,295	17,373,971	12,892,638	55.7%	54.9%	23,165,295	-
UUT	7,129,923	5,347,442	5,176,339	72.6%	74.2%	7,066,000	(63,923)
TOT	12,785,113	9,588,835	9,658,201	75.5%	75.8%	12,296,000	(489,113)
Bus License	2,258,500	1,693,875	1,829,772	81.0%	80.9%	2,258,500	-
Prop Trans Tax	333,592	250,194	222,163	66.6%	80.5%	296,200	(37,392)
Total Taxes	<u>64,878,855</u>	<u>48,659,141</u>	<u>43,140,617</u>	<u>66.5%</u>	<u>65.8%</u>	<u>63,797,995</u>	<u>(1,080,860)</u>
License & Permits	128,995	96,746	136,007	105.4%	75.0%	128,995	-
Fines & Forfeitures	2,646,937	1,985,203	1,984,241	75.0%	75.0%	2,646,937	-
Franchise Fee	2,937,139	2,202,854	2,234,116	76.1%	72.5%	2,990,101	52,962
Use of Money & Prop	1,920,692	1,440,519	1,367,912	71.2%	75.0%	1,920,692	-
Intergovernmental	2,312,832	1,734,624	2,374,015	102.6%	75.0%	2,485,632	172,800
Fee & Charges	18,562,096	13,921,572	13,504,800	72.8%	75.0%	18,562,096	-
Miscellaneous	12,414,261	9,310,696	8,409,114	67.7%	75.0%	12,414,261	-
Budgeted Y-E var.	2,420,494	1,815,371	-	0.0%	75.0%	2,420,494	-
Total Other	<u>43,343,446</u>	<u>32,507,585</u>	<u>30,010,205</u>	<u>69.2%</u>	<u>74.8%</u>	<u>43,569,208</u>	<u>225,762</u>
Total Revenues	<u>\$ 108,222,301</u>	<u>\$ 81,166,726</u>	<u>\$ 73,150,822</u>	<u>67.6%</u>	<u>69.4%</u>	<u>\$ 107,367,203</u>	<u>\$ (855,099)</u>

* YTD Budget is calculated on a straight-line basis for all revenues based on the number of months elapsed.

***Fiscal Year 2009 Interim Financial Statements
For the Nine Months Ended March 31, 2009 (75% of Year Elapsed)***

General Fund major revenues are discussed below.

Sales and Use Taxes

Budgeted sales tax revenues were reduced by approximately \$1.6 million in March (mid-year) to reflect the impact of the recession on our revenues. This adjustment was made in anticipation of continued sales tax decline through the remainder of the year. Although sales tax revenues are above the year-to-date benchmark through the first nine months on a cash basis, staff projects that sales and use tax revenues will end the fiscal year \$490,000 below the amended budget.

Property Taxes

As shown in the table, property tax revenues are significantly under the YTD budget at March 31. However, this variance is not considered significant because the second major installment of property tax is received from the County in April and the revenue through March 31 is slightly ahead of the seasonally adjusted three-year benchmark. Staff expects property tax revenue will meet the amended budget. Within the property tax category, supplemental taxes will also meet the \$500,000 budget based on supplemental taxes received through March 31.

Utility Users Taxes

A utility users' tax (UUT) is applied to utilities, including water, cable television, telephone, electricity, refuse, and natural gas. By ordinance, 50% of all most UUT revenues are restricted for streets maintenance and capital and are reported directly in the Streets Fund. Budgeted UUT revenues were increased \$164,000 in March based on year-end projections. Due to third quarter growth realized in the telephone, cable and refuse sectors, revised staff projections indicate that UUT revenues will end the year approximately \$64,000 above the amended budget.

Transient Occupancy Taxes

At mid-year, the budget for Transient Occupancy tax (TOT) was reduced by \$549,000. As of March 31, 2009, \$9.7 million in TOT revenues have been received. After the mid-year adjustment, TOT revenue is tracking at 75.5% of the amended budget (on a cash basis) through the first 9 months of the fiscal year. However, with the recent declines in both tourist and business travel to the City, staff estimates that by year-end, TOT is projected to fall \$489,000 below the amended budget.

Intergovernmental

At March 31st, intergovernmental revenue is approximately \$639,000 ahead of the year-to-date budget, due entirely to Fire Department mutual aid revenue received in excess of the amount contained in the mid-year amended budget. By the end of the year, it is expected that mutual aid revenue will exceed the amended budget by approximately \$310,800.

Intergovernmental revenue also includes vehicle license fee (VLF) revenue which is expected to end the year approximately \$138,000 below the amended budget. This is due to lower VLF collections statewide with the declines in new car sales, as well as increases in the DMV

**Fiscal Year 2009 Interim Financial Statements
For the Nine Months Ended March 31, 2009 (75% of Year Elapsed)**

administrative costs, which are deducted from entirely from the cities' 25% share VLF revenues before apportionment.

Franchise Fees

Franchise fee revenues are received from companies that have a franchise agreement with the City. Franchise fees are slightly above the year-to-date budget at March 31 due to strong growth in franchise fees on cable and natural gas which was unanticipated at mid-year. The franchise fee revenue estimate was reduced by \$58,261 at mid year; however, staff expects franchise fees to come in approximately \$53,000 above the amended budget by year end due to the favorable increase seen in the third quarter.

Use of Money & Property

By far the largest component of this revenue category is investment income on the City's pooled investment portfolio. There has been a steep decline in market interest rates since the start of the fiscal year. Accordingly, interest income on the pooled investments is projected to end the year approximately \$155,000 under budget. This will be offset by interest earned on EMLAP and Inter-fund loans and, therefore, staff expects revenues will meet budget by year-end.

Fees & Service Charges

Fees and Service Charges General Fund For the Nine Months Ended March 31, 2009							
Department	Mid-Year Amended Budget	YTD Amended Budget	YTD Actual	Percent Received YTD	Prior Year YTD	Prior Year Variance	Percent Variance
Finance	\$ 858,930	\$ 644,198	\$ 617,074	71.8%	\$ 596,982	\$ 20,092	3.4%
Community Development	4,475,017	3,356,263	3,306,572	73.9%	3,439,730	(133,158)	-3.9%
Parks & Recreation	2,555,665	1,916,749	1,603,121	62.7%	1,529,361	73,760	4.8%
Public Safety	433,055	324,791	267,919	61.9%	219,085	48,834	22.3%
Public Works	4,220,897	3,165,673	3,209,037	76.0%	3,446,032	(236,995)	-6.9%
Library	782,082	586,562	738,951	94.5%	729,146	9,805	1.3%
Reimbursements	5,236,450	3,927,338	3,762,126	71.8%	3,683,901	78,225	2.1%
Total	\$ 18,562,096	\$ 13,921,572	\$ 13,504,800	72.8%	\$ 13,644,237	\$ (139,437)	-1.0%

Fee & Service Charge revenue is approximately \$417,000 below the year-to-date budget at March 31, 2009. As shown in the table above, most of this unfavorable variance relates to Parks & Recreation Department, Public Safety and Reimbursements.

Parks & Recreation fee revenues were approximately \$314,000 below the YTD budget at March 31. This is viewed as a temporary variance that will decrease in the next 60 days as registrations for summer camps begin. Staff projects that the year-end revenues will end the year approximately \$110,000 below budget; however, this shortfall will be completely offset by expenditure reductions.

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Reimbursements include reimbursement to the General Fund for expenditures made for the benefit of other funds such as the Redevelopment Agency (RDA), the Water Fund, and the Airport Fund, as well as some outside agencies. Reimbursement revenues were approximately \$165,000 below the YTD budget at March 31 primarily due to reimbursements from the RDA and outside law enforcement agencies for the CLETS system. RDA reimbursements are made based upon actual expenditures each month. Actual expenditures have been lower than the budgeted amount and, accordingly, the reimbursements are below the YTD budget. Additionally, not all of the reimbursable costs are incurred ratably so there are some temporary variances throughout the year. CLETS reimbursements are made once a year in June so there is a \$42,000 negative revenue variance at March 31.

Library fees are ahead of the YTD budget due to payments received from Santa Barbara County in January. These fees are usually received twice per year and result in temporary variances throughout the year.

General Fund Expenditures

The table below summarizes the General Fund budget and year-to-date expenditures through March 31, 2009. The Annual Budget column represents the amended budget, which includes appropriation carryovers from the prior year, as well as any supplemental appropriations approved by Council in the current year. As shown in the table below, a year-to-date budget (labeled "YTD Budget") column is included. This represents 75% of the annual budget to coincide with 9 out of 12 months in the fiscal year having elapsed. Unlike revenues, where the collection rate during the year is seasonally affected, most expenditures tend to be incurred fairly evenly throughout the year.

SUMMARY OF EXPENDITURES GENERAL FUND For the Nine Months Ended March 31, 2009							
Department	Annual Budget	YTD Budget	YTD Actual	Variance Without Encumbrance	Encum- brance	Variance With Encumb Favorable (Unfavorable)	
						\$	%
Mayor & Council	\$ 857,792	\$ 643,344	\$ 597,427	\$ 45,917	\$ 758	\$ 45,159	5.3%
City Attorney	2,230,025	1,672,519	1,579,788	92,731	-	92,731	4.2%
City Administrator	2,324,004	1,743,003	1,606,269	136,734	63,743	72,991	3.1%
Administrative Svs.	2,220,288	1,665,216	1,436,976	228,240	46,373	181,867	8.2%
Finance	5,239,090	3,929,318	3,570,513	358,805	85,330	273,475	5.2%
Police	33,462,918	25,097,189	25,061,729	35,459	151,567	(116,108)	-0.3%
Fire	21,271,213	15,953,410	15,640,151	313,259	129,636	183,623	0.9%
Public Works	7,234,204	5,425,653	4,916,581	509,072	146,184	362,888	5.0%
Parks & Recreation	16,055,940	12,041,955	11,188,548	853,407	480,110	373,297	2.3%
Library	4,617,285	3,462,964	3,273,376	189,588	41,239	148,349	3.2%
Community Dev.	11,496,500	8,622,375	8,126,120	496,255	333,043	163,212	1.4%
Non-Departmental	3,819,865	2,864,899	2,704,301	160,598	-	160,598	4.2%
Total	<u>\$ 110,829,125</u>	<u>\$ 83,121,844</u>	<u>\$ 79,701,780</u>	<u>\$ 3,420,064</u>	<u>\$ 1,477,984</u>	<u>\$ 1,942,080</u>	1.8%
% of annual budget		75.0%	71.9%	3.1%	1.3%	1.8%	

The amended annual budget totals approximately \$110.8 million, and the year-to-date budget is calculated at \$83.1 million (75%). Actual expenditures of \$79.7 million were \$3.4 million below the YTD budget at March 31. As shown in the schedule above, all departmental expenditures are within the YTD budget at March 31 with only Police exceeding the YTD budget when including encumbrances in the analysis. Actual expenditures, combined with almost \$1.5 million

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in encumbrances, resulted in an overall favorable YTD budget variance of \$1.9 million (1.8%) at March 31. Encumbrances consist of amounts carried forward from the prior year and current year encumbered contracts for materials and services, such as financial audits, maintenance, and attorney services that will be performed throughout the remainder of this fiscal year.

Due to the tough economic situation facing the City, all departments have been given an expenditure savings target for this fiscal year. The total savings target for the General Fund is \$3,500,000. This “reduction” will be accomplished through a combination of revenues in excess of budget and expenditures under budget. The \$3.4 million positive budget variance through three quarters reflects the departmental efforts to meet the reduction target as well as approximately \$1.6 million salary & benefit variance due to the timing of payrolls through March 31. Only 73% of pay dates (19 of 26) have occurred through nine months compared to 75% of the fiscal year having elapsed through March 31. Other salary & benefit cost savings are due to vacancies in key positions, under-filling certain positions, and positions held vacant under the City’s hiring freeze. All departments will be closely monitoring expenditures throughout the remainder of the year so that expenditures end the year under the targeted savings.

Police Department expenditures, including encumbrances, were approximately \$116,000 over the YTD budget at March 31. However, the negative variance would have been greater without the temporary positive variance due to the timing of payroll dates. The department had a \$542,000 temporary positive variance in salary & benefit expenditures at March 31. The department has over-hired this year to cover anticipated retirements and to provide increased police presence in the City. The Department will realize some salary saving in the final three months of the year but additional appropriations will likely be needed to cover the projected negative variance from salary & benefits before year-end. At March 31, staff is projecting a negative year-end expenditure variance of approximately \$310,000. Staff is projecting a positive revenue variance of approximately \$280,000 that will be used to offset a portion of the projected negative expenditure variance. Staff will continue to monitor the departmental expenditures for the next two months and, if necessary, request a supplemental appropriation.

Fire Department expenditures were almost \$184,000 (0.9%) under the YTD budget at March 31 with approximately \$171,000 of the variance due to the timing of payroll dates. Department staff is projecting that expenditures will end the year in line with budget and no additional appropriations will be required unless department personnel need to respond to any serious fire incidents before year end. The required savings for the department will be achieved primarily from mutual aid revenues that will exceed the budgeted amount.

Enterprise Fund Revenues

Unlike the General Fund, which relies primarily on taxes to subsidize programs and services, Enterprise Fund operations are primarily financed from user fees. The table below summarizes Enterprise Fund revenues through March 31, 2009, with a comparison to budget and prior year revenues. Note that the “YTD Budget” column has been calculated based on a 3-year average collection rate through March 31. This rate, which is shown as a percentage in the “3 Year Average Rec’d” column, has been applied to the annual budget amount to arrive at the YTD Budget. This approach is used in recognition that enterprise fund revenues are seasonally affected and are generally not received evenly throughout the year. Therefore, adjusting the budget for seasonal variations facilitates the comparison to YTD revenues.

**Fiscal Year 2009 Interim Financial Statements
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As shown in the table below, revenues of all funds except the Downtown Parking and Waterfront Funds exceeded the YTD budget at March 31. The more significant variances will be discussed below.

SUMMARY OF REVENUES & EXPENSES Nine Months Ended March 31, 2009 ENTERPRISE FUNDS								
	Current Year Analysis						Prior Year Analysis	
	Annual Budget	YTD Budget *	YTD Actual	YTD Variance	YTD Percent Rec'd	3 Year Average Rec'd	YTD Actual	% Variance
Water Fund								
Revenues	\$ 32,643,840	\$ 24,378,420	\$ 25,391,849	\$ 1,013,429	77.8%	74.7%	\$ 24,872,180	2.1%
Expenses **	36,343,207	27,257,405	26,971,397	286,008	74.2%	75.0%	24,515,191	10.0%
Wastewater Fund								
Revenues	14,975,942	11,258,913	11,365,270	106,357	75.9%	75.2%	10,525,373	8.0%
Expenses **	15,406,773	11,555,080	11,085,269	469,811	72.0%	75.0%	10,444,442	6.1%
Downtown Parking Fund								
Revenues	7,484,980	5,493,975	5,071,325	(422,650)	67.8%	73.4%	5,314,937	-4.6%
Expenses **	6,676,751	5,007,563	6,105,231	(1,097,668)	91.4%	75.0%	5,587,163	9.3%
Airport Fund								
Revenues	12,892,002	9,482,067	9,910,201	428,134	76.9%	73.6%	10,005,142	-0.9%
Expenses **	15,310,907	11,483,180	11,187,289	295,891	73.1%	75.0%	11,596,458	-3.5%
Golf Fund								
Revenues	2,695,570	1,926,254	1,954,276	28,022	72.5%	71.5%	1,634,832	19.5%
Expenses **	3,349,846	2,512,385	2,358,109	154,276	70.4%	75.0%	2,333,192	1.1%
Waterfront Fund								
Revenues	11,548,876	8,665,122	8,498,796	(166,326)	73.6%	75.0%	8,680,626	-2.1%
Expenses **	12,168,847	9,126,635	8,709,093	417,542	71.6%	75.0%	9,425,083	-7.6%
* Revenues in the YTD Budget column have been calculated based on a 3-year average collection rate through March 31, which has been applied to the annual budget.								
** Expenses include encumbrances at March 31.								

Water Fund revenues were 3.1% (\$1 million) above the YTD budget at March 31. Approximately \$487,000 (1.5%) of this variance is from metered water sales while the remaining variance is primarily due to reimbursements from our joint powers agreement partners. The City receives reimbursements from Montecito Water and Carpinteria Water for their respective share of operating the Cater Treatment Plant. Recent wildfires have caused increased treatment costs to the City which resulted in increased reimbursement from the other cities. The variance from metered water sales is due to usage in excess of the amounts that were estimated when the budget was prepared. A significant factor in this increased water usage is the warm, dry weather that we have been experiencing this year.

Downtown Parking Fund revenues were almost \$423,000 (5.6%) below the YTD budget at March 31, 2009. This is almost entirely due to hourly parking revenues falling below the original estimate. The actual number of hourly parking transactions is below the estimate and revenues

**Fiscal Year 2009 Interim Financial Statements
For the Nine Months Ended March 31, 2009 (75% of Year Elapsed)**

are expected to end the year approximately \$309,000 below the annual budget. Department staff projected revenues based on 4.7 million parking transactions for the year but actual transactions are estimated at slightly more than 4.1 million. Revenue shortfalls will be offset by expense savings, primarily by delaying the timing of capital projects.

Waterfront Fund revenues were \$166,326 (1.4%) below the YTD budget at March 31. This negative variance is primarily due to slip transfer fee revenue coming in almost 6.8% under budget. The current economic conditions, which include a tight credit market, have affected the sale/purchase of slips, and slips are not changing hands as much as anticipated when the budget was prepared. Revenue shortfalls will be offset by expense savings.

Enterprise Fund Expenses

Enterprise fund encumbrances and expenses through March 31, 2009, with a comparison to budget and actual, are summarized in the table above. The column labeled "YTD Budget" represents 75% of the annual budget column. Although many expenses tend to be incurred fairly evenly throughout the year, there are some expenses that do not occur evenly during the year. These expenses, such as debt service and capital projects can create significant temporary variances from the YTD budget during the year. The more significant expense variances will be discussed below.

Salary & benefit cost savings account for a significant portion of the positive expense variances in all of the enterprise funds. As previously noted, there is a temporary variance in salary & benefit costs at March 31; however, salary & benefit savings exceed the temporary variance in all enterprise funds. This variance is due to positions that have not been filled and positions that have been held open pursuant to the City's hiring freeze.

Downtown Parking Fund expenses are almost \$1.1 million (16.4%) above the year-to-date budget at March 31. This is a temporary negative variance that will be resolved in April. This relates to \$1.1 million that has been encumbered for several long-term capital projects that are budgeted and will be completed over the next few years. The budget and actual expenses for these capital projects were transferred to the newly created Downtown Parking Capital Fund in March 2009. The purchase orders and contracts that have been encumbered were not able to be moved to the new fund until April and resulted in this temporary variance. The fund will have expenditure savings in excess of the projected revenue shortfall.

Waterfront Fund expenses are almost \$418,000 (3.4%) below the YTD budget at March 31. Savings in salaries & benefits account for approximately \$206,000 of the variance. The remaining positive variance is due to the \$150,000 appropriated reserve that has not been spent and other small variances spread throughout several line items in the budget. Department personnel are reducing expenses where appropriate to offset the negative revenue variance that was previously discussed.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009
TO: Mayor and Councilmembers
FROM: Administration Division, Finance Department
SUBJECT: State Proposal To Borrow Local Government Property Taxes

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Finding a Fiscal Hardship will Exist if Additional Local Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California.

DISCUSSION:

With the State's budget crisis still unresolved and the May 19, 2009 budget-related ballot measures likely to be defeated, the State is facing a budget deficit of approximately \$21.3 billion. Even if the ballot measures pass, the State's budget deficit is estimated at approximately \$15.4 billion. The State's inability to directly address and responsibly solve the budget crisis has led the State Department of Finance to once again propose the time-honored tradition of raiding local government property taxes.

In response to past State raids on local government revenues, in 2004 California voters approved Proposition 1A by an overwhelming 84%. Proposition 1A prohibits the State from taking local government property taxes. It does, however, allow the State to borrow local government property taxes under very limited circumstances. Proposition 1A allows the State to borrow up to 8% of local government property taxes for up to a 3-year period. 8% of statewide local property taxes is approximately \$2 billion. The borrowed property taxes must be repaid, with interest, within three years. In order to do this, the Governor must declare a "severe fiscal hardship" and the Legislature then must approve the borrowing by passing urgency legislation by a two-thirds super-majority.

The State Department of Finance's proposal is for the State to borrow the full 8% allowed under Proposition 1A. For our city, that would be the loss of approximately \$2.3 million of our fiscal year 2010 property tax revenue. While not providing any meaningful solution to the State's structural budget deficit, the borrowing of local government property taxes will impose an additional fiscal hardship on local governments during a time when we are already dealing with our own severe fiscal problems as a result of the economic crisis.

As mentioned above, the State Department of Finance's proposal would result in the loss of property tax revenue of approximately \$2.3 million for up to three years. This is in addition to the ongoing impacts of the permanent ERAF shifts first implemented in the 1990's. Under those ongoing shifts, the City is already losing approximately \$2.9 million of property tax revenue each fiscal year. Since these ongoing ERAF shifts were first implemented in the 1990's, the City has cumulatively lost approximately \$27.8 million of property tax revenue to the State.

An additional concern is whether the State will be able to repay the funds within three years, despite the constitutional requirement to do so. There is ample evidence that the State does not always comply with constitutional requirements. For example, the State rarely, if ever, adopts its budget by the constitutionally mandated date. Also, the State is constitutionally mandated to reimburse local governments for the additional costs imposed by State mandates. Despite this, local governments have not been reimbursed for these costs in several years.

The attached resolution, prepared by the League of California Cities, will remind State officials that borrowing local government property taxes does not solve the State's budget problem and will have potentially devastating effects on local governments already dealing with their own severe fiscal problems.

SUBMITTED BY: Robert D. Peirson, Finance Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA FINDING A FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused city officials to reopen already adopted budgets to make painful cuts, including layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues;

WHEREAS, since the early 1990s the state government of California has taken over \$8.6 billion of city property tax revenues statewide to fund the state budget even after deducting public safety program payments to cities by the state;

WHEREAS, in Fiscal Year 2008 alone the state took \$895 million in city property taxes statewide to fund the state budget after deducting public safety program payments and an additional \$350 million in local redevelopment funds were seized in Fiscal Year 2009;

WHEREAS, the most significant impact of taking local property taxes has been to reduce the quality of public safety services cities can provide since public safety comprises the largest part of any city's general fund budget;

WHEREAS, in 2004 California voters, by an 84% vote margin, adopted substantial constitutional protections for local revenues, but the legislature can still borrow local property taxes to fund the state budget;

WHEREAS, on May 5 the Department of Finance announced it had proposed to the Governor that the state borrow over \$2 billion in local property taxes from cities, counties and special districts to balance the state budget, causing deeper cuts in local public safety and other vital services;

WHEREAS, in the past the Governor has called such borrowing proposals fiscally irresponsible because the state will find it virtually impossible to repay and it would only deepen the state's structural deficit, preventing the state from balancing its budget;

WHEREAS, the Legislature is currently considering hundreds bills, many of which would impose new costs on local governments that can neither be afforded nor sustained in this economic climate;

WHEREAS, state agencies are imposing, or considering, many regulations imposing unfunded mandates on local governments without regard to how local agencies will be able to comply with these mandates while meeting their other responsibilities;

WHEREAS, the combined effects of the seizure of the City's property taxes, increasing unfunded state mandates, and the revenue losses due to the economic downturn have placed the city's budget under serious fiscal pressure;

WHEREAS, the loss of any more property tax funds or any more state mandates will only deepen the financial challenge facing our city; and

WHEREAS, a number of the City's financial commitments arise from contracts, including long term capital leases and debt obligations which support securities in the public capital markets, that the City must honor in full.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SANTA BARBARA has determined that the City will experience a fiscal hardship if the recommendation of the Department of Finance to borrow \$2 billion of local property taxes is supported by the Governor and the Legislature; and

RESOLVED FURTHER, that the City Council strongly and unconditionally opposes the May 5 proposal of the Department of Finance and any other state government proposals to borrow or seize any additional local funds, including the property tax, redevelopment tax increment, and the city's share of the Prop. 42 transportation sales tax; and

RESOLVED FURTHER, that the City Council strongly urges the state legislature and Governor to suspend the enactment of any new mandates on local governments until such time as the economy has recovered and urges the state to provide complete funding for all existing and any new mandates; and

RESOLVED FURTHER, that the City Clerk shall send copies of this resolution to the Governor, our state senator(s), our state assembly member(s) and the League of California Cities.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Capital Improvement Projects Third Quarter Report For Fiscal Year 2009

RECOMMENDATION:

That Council receive, for information only, a report on the City's Capital Improvement Projects (CIP) for the Third Quarter of Fiscal Year 2009.

EXECUTIVE SUMMARY:

The Engineering Division of the Public Works Department will present a summary of design and construction for the CIP for the Third Quarter of Fiscal Year 2009.

DISCUSSION:

CONSTRUCTION HIGHLIGHTS

There were four construction projects completed in the Third Quarter of Fiscal Year 2009 totaling \$3,323,237.06 (Attachment 1).

In addition, 17 Capital Projects are currently in construction, with a value of \$61,141,567.97 (Attachment 2). The following are construction highlights:

Public Works Streets:

- Carrillo Sidewalk Infill (\$367,000) - Construction was completed for the Carrillo Hill Sidewalk Improvement Project in June 2008. This project is the next segment of the pedestrian link. The project includes connecting sidewalks on the north side of Carrillo Street between Miramonte Drive and Chino Street and south of Island View Drive. Construction began on April 6, 2009, and will continue for approximately three months.

Public Works Water:

- Installation of Magnetic Meters (\$103,448) - This project includes the installation of seven magnetic meters at various reservoir/pumping stations, including Tunnel Reservoir, Escondido Pump Station, Vic Trace Reservoir, La Mesa Reservoir, Reservoir #2, El Cielito Pump Station, and Bothin Pump Station. The magnetic meters vary in size from 8 to 16 inches.

Redevelopment Agency:

- Fire Station No. 1 (\$4,519,472.26) - The construction finishes and commissioning of the second floor living quarters are nearly complete. Partial occupancy approval by the Building and Safety Division, owner acceptance, and transition of the fire crew back to the second floor living quarters is targeted for mid-to-late May 2009. Construction of portions of the Emergency Operation Center/ Classroom have started with overall project completion anticipated in August 2009.

Waterfront:

- Breakwater Concrete Cap Repair (\$573,600) - This project's progress is on schedule. The demolition of the existing wall and walkway surface started in March 2009. This work is expected to be completed in June 2009.

DESIGN HIGHLIGHTS

There are currently 44 projects under design in the Public Works Engineering Division, with an estimated total project cost of \$159,346,710. They are categorized as follows:

PROJECT DESIGN IN PROGRESS

Project Category	No. of Projects	Total Value of Project
Airport	3	\$8,620,000
Creeks	2	\$3,500,000
Parks & Recreation	3	\$908,000
Public Works: Bridges	6	\$52,215,000
Public Works: Facilities	1	\$8,000,000
Public Works: Lower Mission Creek	2	\$3,900,000
Public Works: Street/Transportation/Parking	7	\$7,559,000
Public Works: Utility Undergrounding	1	\$4,500,000
Public Works: Water/Wastewater	12	\$47,872,967
Redevelopment Agency	6	\$19,841,593
Waterfront	1	\$2,430,150
TOTALS	44	\$159,346,710

These projects rely on guaranteed or anticipated funding and grants. Funding is scheduled over several years, as generally shown in the City's Six-Year Capital Improvement Program Report. The following are design highlights:

Public Works Bridges:

- Cabrillo Bridge (\$18,500,000) - Staff are engaged in right of way negotiations and the final plans and specifications are being reviewed. The California Department of Fish and Game is reviewing a permit application to alter the streambed.
- Mason Street Bridge (\$9,800,000) - This project involves the replacement of the existing bridge with a new structure to improve hydraulic conveyance of Mission Creek.
- Chapala/Yanonali Bridge Proposition 1B Seismic Retrofit (\$1,500,000) - This bridge has historic significance and is one of only four remaining of its type in California. The project will involve a seismic retrofit of this two lane seismically deficient bridge.
- Haley/De La Vina Bridge (\$12,140,000) - Staff has obtained Council approval for all right of way agreements required for this project. The Army Corps of Engineers and Regional Board Permits are in hand. The bid phase of the project is scheduled to begin in May 2009.
- Cota Street Bridge (\$4,275,000) - This project involves replacing the existing structurally deficient bridge with a new structure that will also improve hydraulic conveyance of Mission Creek.
- Ortega Street Bridge (\$6,000,000) - A Historical/Environmental Consultant has been assisting staff to complete the necessary cultural resource studies and agreements.

Public Works Facilities:

- Police Station Infrastructure Improvement Project (\$8,000,000) - The design of this project includes, new building-wide heating ventilation and air conditioning, electrical, and plumbing systems; remodeling of the men's and women's locker rooms, and asbestos abatement. Due to the asbestos abatement and extensive construction activities, the Police Department will need to be temporarily relocated during construction. A relocation team has been assembled and is working closely with the Police Department to assess their needs during the move. The next milestone is to seek Council's direction on the scope of the project, approve funding for relocation efforts, and provide a general project update. Bidding for the project is anticipated in October 2009.

Public Works Water:

- Ortega Ground Water Plant Rehabilitation (\$6,000,000) - This project will provide the City with another water supply, lessening our dependency on State Water, and augmenting our supplies during drought and high water demands. The Vic Trace Roof/Solar Panel project is a great opportunity for water facility improvements to be combined with a renewable energy project.

Redevelopment Agency:

- Carrillo Recreation Center (\$6,700,000) - The Carrillo Recreation Center is recognized as an important historical asset to the City. It has a long history as a recreation and meeting place in the community, and has been used as a shelter during disaster events. The plans are under review by Building and Safety. It is projected that the project will go to bid in May 2009, and the contract will be awarded in mid-July 2009.
- Santa Barbara Railroad Historic Railcar (\$405,381) - Construction has begun to lengthen a short stretch of historic rail track in the Santa Barbara Railroad Station. This historic rail track near the Moreton Bay Fig Tree is known as the Historic Rail Spur, and will be the future resting place for the restored 1914 Pullman rail car *Santa Barbara*.

ECONOMIC STIMULUS

In February 2009, the Santa Barbara County Association of Governments (SBCAG) Board approved programming \$8.3 million of American Recovery and Reinvestment Act (ARRA) funds to the agencies in Santa Barbara County. The City was approved for \$1,434,052 of the \$8.3 million. On March 27, 2009, the Governor signed Bill ABX3 20, authorizing additional ARRA funding to be made available to Caltrans and the regional agencies.

On April 16, 2009, SBCAG's Board approved programming an additional \$11.6 million of ARRA funds to local agencies. As a result of this action, the City will receive an additional \$2,340,744. This amount, combined with the \$1,434,052 approved in February 2009, totals \$3,774,796. The City projects proposed for these funds are as follows:

Pedestrian Countdown Timers Citywide	\$150,000
Traffic Control Battery Backups	\$150,000
Traffic Signal Upgrades	\$100,000
Traffic Counts Citywide to Update Traffic Synchronization	\$95,000
Access Ramps, Sidewalk Maintenance, and City Parking Lot Driveway Apron Replacement	\$800,000
Pavement Overlay and Maintenance	\$2,479,796
Grand total	\$3,774,796

ATTACHMENTS: 1. Completed Capital Projects - Third Quarter Fiscal Year 2009
2. Capital Projects with Construction in Progress

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

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

COMPLETED CAPITAL PROJECTS THIRD QUARTER FISCAL YEAR 2009

Project Name	Bohnett Park Expansion	Plaza Vera Cruz Park Improvements	Pavement Preparation Zone 2	Slurry Seal Zone 2	TOTALS
Design Costs	\$89,788.54	\$99,303.62	\$36,546.68	\$82,297.30	\$307,936.14
Construction Contract	\$306,082.80	\$392,556.00	\$333,776.00	\$1,364,239.00	\$2,396,653.80
Construction Change Order Costs	\$33,720.89	\$14,139.85	-\$3,161.00	\$126,115.58	\$170,815.32
Construction Management Costs	\$146,881.29	\$45,841.79	\$57,634.77	\$197,473.95	\$447,831.80
Total Project Costs	\$576,473.52	\$551,841.26	\$424,796.45	\$1,770,125.83	\$3,323,237.06

Capital Projects with Construction in Progress

PROJECT CATEGORY	CONSTRUCTION IN PROGRESS	
	No. of Projects	Construction Contract Costs
Airport	4	\$46,870,486.34
Public Works: State Transportation Improvement Program	1	\$2,175,495.00
Public Works: Streets/Transportation/Parking	3	\$1,020,240.00
Public Works: Water Resources	5	\$4,686,385.00
Redevelopment Agency	3	\$5,815,361.63
Waterfront	1	\$573,600.00
TOTAL	17	\$61,141,567.97



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 19, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of The Single Family Design Board Approval Of 3455 Marina Drive

RECOMMENDATION:

That Council deny the appeal of Ronald Green, Kitch Wilson, Michael Moore, and Donald Santee and uphold the Single Family Design Board final approval for the proposed single-family residence and associated development at 3455 Marina Drive.

DISCUSSION:

Project Description

The final revised project consists of the construction of a 4,698 square foot one-story, single-family residence, including a 574-square-foot, three-car attached garage on a vacant lot. The project includes a swimming pool, patio, a 26-square-foot half-bath structure, septic system, site walls, synthetic putting green, pool equipment enclosure, and landscaping with a view corridor along the eastern side of the property. Total grading would be 1,151 cubic yards to be balanced on site. The lot has street frontage on Marina Drive to the north and Cliff Drive to the south, with access to the house from Marina Drive. The lot is reduced from 1.34 to 1.2 acres by a public right-of-way easement along Cliff Drive. The southern portion of the development is located within the Appealable Jurisdiction of the Coastal Zone.

Appeal

On February 9, 2009 the Single Family Design Board granted Final Approval of the proposed new residence. Four neighbors have filed an appeal and request that Council deny the project (Attachment 1), asserting that the proposed landscape plan for the residence should not have been approved because:

- It fails to comply with the Single Family Design Board's condition of preliminary approval to limit plant heights within the view corridor.
- It could result in a reduction of the width of the view corridor because "minor encroachment" is not clearly defined.
- All restrictions on the view corridor must be maintained by future owners of the property.

Project History

The project required discretionary approvals of a Coastal Development Permit and design review. It was reviewed twice by the Architectural Board of Review for comments prior to the inception of the Single Family Design Board. A revised, lower and smaller project was reviewed by the Planning Commission. At the second Planning Commission hearing, with further reductions in size and a 30-foot view corridor along the eastern side of the property, a Coastal Development Permit was approved. This approval was upheld on appeal by the City Council on August 5, 2008 (Attachment 2). Council's approval was appealed to the California Coastal Commission, which considered the appeal on October 17, 2008, and found that no substantial issue existed with respect to the grounds on which the appeal was filed.

The project continued for design review approval to the Single Family Design Board with direction from Council that the landscape plan be reviewed with the intent of affording and maintaining a clear view of the ocean to pedestrians along Marina Drive with appropriate limits on the height of the landscaping. The Single Family Design Board granted preliminary approval making Neighborhood Preservation Ordinance findings (SBMC §22.69.050) at their first review on September 2, 2008, and gave direction that the landscaping in the 30-foot view corridor shall be between 3 and 4 feet finished height for the north half of the corridor, and 5 to 6 feet finished height for remaining portion, that landscaping should appear natural, and that minor encroachment of the tree canopies is not a detriment. On February 9, 2009, the Single Family Design Board granted final approval on the Consent Calendar with a condition to change two plants in order to comply with the height condition of preliminary approval (Attachment 3). On February 26, 2009, an appeal of the Single Family Design Board's final approval was filed.

Appeal issues

The appellants' position is that the Single Family Design Board's final approval is not consistent with their preliminary approval with regard to plant heights within the view corridor. The landscape plan that received final approval shows several plant species that, at mature height, can exceed the condition of preliminary approval that "landscaping in the 30 foot view corridor at the eastern property line shall be between 3 and 4 feet finished height for the north half of the corridor, and 5 to 6 feet finished height for the remaining portion."

The issue is whether the height limits on landscaping in the view corridor specified by the Single Family Design Board must be strictly adhered to, or whether those heights are intended as guidelines. Staff's position is that they are intended to be guidelines for plant selection for the landscape plan and for standard maintenance, not strict, measured limits. The intention is to create an aesthetically pleasing landscape design with a natural appearance, while providing a view corridor. While it is true that maximum heights of some of the selected plant species may slightly exceed the specified 3-4 foot and 5-6 foot heights, other species in the view corridor will be lower,

to achieve a varied, natural appearance. The appellants cite the Sunset Western Garden Book, while the project landscape architect cited the San Marcos Growers Nursery website. Both are highly reputable sources for plant information. Where there are discrepancies between these two sources, Sunset Western calls out higher mature plant sizes.

The appellants believe that the Single Family Design Board's final approval is not consistent with condition B.1 in Planning Commission Resolution 017-08 as amended by Council that the project "shall provide and maintain a view corridor at least 30 feet in width measured perpendicularly from the interior lot lines" (Attachment 2). The preliminary approval granted by the Single Family Design Board included a condition allowing undefined minor encroachments into the view corridor. Without a clear definition of "minor encroachment," the result could be a view corridor less than the required 30 feet in width.

Staff believes that the Single Family Design Board intended for the view corridor to have a natural appearance, as expressed in their condition of preliminary approval that "landscaping in the view corridor should appear natural and minor encroachment of tree canopies is not a detriment" (Attachment 3). Trees between the house and the view corridor soften the view of the house and add to the natural appearance of the view corridor. The extent of encroachment is defined to the degree that tree species and locations are specified on the approved landscape plan.

The appellants are concerned about maintenance by future owners of the property. The Covenants, Conditions and Restrictions that run with the property already address this issue with item 1, c., which states: "The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan" (Attachment 4).

RECOMMENDATION:

Staff believes that the Single Family Design Board considered the conditions given by the Planning Commission and City Council on appeal when they established parameters for the view corridor and granted preliminary approval. Staff also believes that the final approval is consistent with the preliminary approval and provides the required view corridor, and that the project complies with the Neighborhood Preservation Ordinance. Staff recommends Council deny the appeal and uphold the decision of the Single Family Design Board, making the Neighborhood Preservation Ordinance findings outlined below.

Neighborhood Preservation Ordinance Findings (SBMC §22.69.050)

1. **Consistency and Appearance.** The proposed development is consistent with the scenic character of the City and will enhance the appearance of the neighborhood by proposing an architectural style consistent with the area and the City.

2. **Compatibility.** The proposed one-story development with low finished floor height is compatible with the neighborhood, and its size, bulk, and scale are appropriate to the site and neighborhood.
3. **Quality Architecture and Materials.** The proposed residence is designed with quality architectural details. The proposed materials and colors are appropriate for the neighborhood.
4. **Trees.** The proposed project does not include the removal of, or significantly impact, any designated Specimen Tree, Historic Tree or Landmark Tree, or any other trees.
5. **Health, Safety, and Welfare.** The public health, safety, and welfare are appropriately protected and preserved.
6. **Good Neighbor Guidelines.** The project generally complies with the Good Neighbor Guidelines regarding privacy, landscaping, noise and lighting. The structure is generously set back from the property lines. The structure, landscaping, and walls are sensitive to neighbors' views.
7. **Public Views.** The development, with its one-story massing and proposed view corridor, preserves significant public scenic views of and from the hillside.

NOTE: The landscape plan has been separately delivered to the City Council for their review and is available for public review in the City Clerk's Office.

- ATTACHMENTS:**
1. Appellant's letter received February 26, 2009
 2. City Council minutes of August 5, 2008
 3. Single Family Design Board minutes of September 2, 2008 and February 9, 2009
 4. Covenants, Conditions, and Restrictions

PREPARED BY: Tony Boughman, Planning Technician II

SUBMITTED BY: Paul Casey, Community Development Director.

APPROVED BY: City Administrator's Office

ATTACHMENT I

To: Santa Barbara City Council

Subject: 3455 Marina Drive

FEB 26 2009
1:12 PM BA
CITY CLERK'S OFFICE
SANTA BARBARA, CA

We are appealing the final approval of 3455 Marina Dr. by the Single Family Design Board dated February 17, 2009 to the Santa Barbara City Council.

Reasons for appeal:

The approved landscape design for the 30 foot view corridor at the eastern property line is not in compliance with Planning Commission Resolution 017-08 dated May 8, 2008. Planning Commission Resolution 017-08 states "The project shall provide and maintain a view corridor at least 30 feet in width measured perpendicularly from the interior lot lines." However, the approval of the Single Family Design Board dated February 17, 2009, permits undefined minor encroachments into the view corridor. Since minor encroachment is not defined, this could result in reduction of the width of the view corridor in direct violation of Planning Commission Resolution 017-08.

Planning Commission Resolution 017-08 states that the landscaping plan for the project "shall afford and maintain a clear view of the ocean to pedestrians along Marina Drive by maintaining appropriate limits on the height of all approved landscaping." Single Family Design Board Minutes dated September 2, 2008, state that landscaping in the 30 foot view corridor at the eastern property line shall be between 3 and 4 feet finished height for the north half of the corridor, and 5 to 6 feet finished height for the remaining portion. Analysis of the landscape plan by Kenneth Knight, Certified Municipal Specialist Arborist identifies multiple plants in the view corridor which would exceed the specified height limits. Reference is the Sunset Western Garden Book, eighth edition, unless otherwise noted. See attachments.

We therefore request that the City Council bring this development into compliance with Planning Commission Resolution 017-08 and the height limitations imposed by the Single Family Design Board by eliminating any encroachment into the View Corridor and eliminating all specified plants in the view corridor which exceed the height limitations when fully grown.

The 3400 block of Marina Drive is an active pedestrian and equestrian path with a scenic ocean view, officially recognized by City Council Resolution 90-035. We are respectfully requesting that the City Council preserve and protect this valued neighborhood amenity. In order to maintain the view corridor as stated in Planning Commission Resolution 017-08, it is critical that the restrictions on the view corridor be entered in the deed to the property so that the view corridor must be maintained by future owners of the property.

Don Santee	Ronald Green	Michael Moore	Kitch Wilson
421 Calle Las Caleras	3424 Marina Dr.	414 Sea Ranch Rd.	415 Calle Las Caleras
S.B. CA 93109	S.B. CA 93110	S.B. CA 93109	S.B. CA 93109
805-682-2720	805-687-7150	805-569-2140	805-682-7247

the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.

2. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided, and maintained in accordance with said landscape plan.
4. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
- * 5. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 8, 2008, is limited to approximately 5,390 square feet of building and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The project shall provide and maintain a view corridor at least 30 feet in width measured perpendicularly from the interior lot lines. The landscaping plan for the project shall afford and maintain a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the Single Family Design Board by maintaining appropriate limits on the height of all approved landscaping. Structures, walls, and plants shall be installed and maintained consistent with the approved landscape plan within the view corridor. Trees are prohibited in the view corridor.
6. **Cliff Drive Sewer Connection Requirement.** As a condition of approval of this project, Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. If connected to City sewer, a sewer discharge outlet shall be provided for drainage of the swimming pool. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
7. **Swimming Pool Discharge.** In the event the pool is completely or partially drained, the owner shall truck out any water discharged from the swimming pool and properly dispose of the water to the sanitary sewer system. No water from

PRELIMINARY REVIEW

6. 3455 MARINA DR

A-1/SD-3 Zone

Assessor's Parcel Number: 047-022-004
Application Number: MST2007-00221
Owner: Silva Family Trust
Architect: Bryan Pollard
Landscape Architect: Sam Maphis

(Revised proposal to construct a 5,390 square foot one-story single-family residence including a 574 square foot three-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, fencing, synthetic putting green, solar panels, and landscaping. The project is located on a 1.2 acre lot in the Coastal Zone. The proposed total of 5,390 square feet is 102% of the maximum guideline FAR.)

(Project requires compliance with Planning Commission Resolution No. 017-08.)

Time: 6:45

Present: Bryan Pollard, Architect; Sam Maphis, Landscape Architect; Mike Silva, Owner.

Public comment opened at 7:09 p.m.

1. Don Santee for Kitch Wilson: would like to see the size reduced to the average FAR in neighborhood of 77%; prefers plantings and structures in view corridor restricted to less than 3 feet from ground; reduce ridge height to 17 feet.
2. Don Santee: project is noncompliant with Local Coastal Plan Policy (LCP) 5.3 and 9.1; prefers preserving view corridors; guidelines should be followed.
3. Ronald Green: project is under jurisdiction of LCP policies, and should be compatible with homes in the neighborhood and should protect ocean views.
4. Art Schwartz: concerned about night glow from exterior lighting and requested installation of shielded, low sodium lights.
5. Susan Zalon: concerned that other projects are held to FARs below 100% and this project should too; prefers attractive, low-growing ground covers instead of the hedge along the east property line.

Public comment closed at 7:22 p.m.

Motion: Preliminary Approval and continued to the Full Board for an in-progress review of the architecture and for landscaping plan:

- 1) Landscaping in the 30 foot view corridor at the eastern property line shall be between 3 and 4 feet finished height for the north half of the corridor, and 5 to 6 feet finished height for remaining portion.
- 2) Provide a section/drawing from Marina Drive to Cliff Drive with a variety of landscaping with mature height shown, include a silhouette of the structure.
- 3) Landscaping in the view corridor should appear natural and minor encroachment of the of tree canopies is not a detriment. Minimize the encroachment of the dwarf citrus tree canopies into the view corridor.
- 4) Study opportunities to reduce excess unused space and some very large rooms; any effort in reduction would be appreciated.

3455 Marina Dr.

Landscaping in the 30 foot view corridor at the eastern property line exceeding 3' to 4' finished height on north half of the corridor

Genus	Species	Cultivar	Max. Height	Comments
Rosmarinus	officinalis	Tuscan Blue	6'-7'	Smaller species available
Aloe	unknown			Some aloes grow 10' or taller-identify species
Pittosporum	crassifolia	Nana'	3'+	Not readily available- similar to 'compactum'?
Solanum	jasminoides		30'	Vine becomes woody and taller over time, requires ongoing pruning
Nandina	varieties		6'-8'	Identify cultivar- Smaller cultivars available
Ceanothus		Joan Mirov	6'	Yerba Buena Nursery description
Ceanothus		Joyce Coulter	2'-5'	
Berry vines	unknown			Unknown height
Raised Planter Beds	unknown			Unknown height of plants in planting beds

Landscaping in the 30 foot view corridor at the eastern property line exceeding 5' to 6' finished height on south half of the corridor

Genus	Species	Cultivar	Max. Height	Comments
Coprosma	repens	marginata	2'-3' or 10'	Variable height at maturity, may require pruning
Passiflora	vitifolia		20'-30'	Vine becomes woody and taller over time, requires ongoing pruning
Rhus	integrifolia		3'-10', to 30'	Shrub becomes woody and taller over time, requires ongoing pruning
Ficus	repens		30'	Shrub/Tree becomes woody and taller over time, requires ongoing pruning

Kenneth A. Knight

Certified Municipal Specialist Arborist WE 6394MA

Certified Urban Forester 126

69 Calaveras Avenue Goleta, CA 93117

H (805) 968-8523 W (805)252-1952 HYPERLINK "mailto:kennknight@aol.com" "kennethknight@cox.net"

January 25, 2009

PUBLIC HEARINGS

20. Subject: Appeal Of Planning Commission Approval Of 3455 Marina Drive (640.07)

Recommendation: That Council deny the appeals of Ronald Green, Kitch and Eva Wilson, and Michael Moore, and uphold the Planning Commission approval of the Coastal Development Permit for the single family residence and associated development at 3455 Marina Drive.

Documents:

- August 5, 2008, report from the Community Development Director.
- Affidavit of Publication.
- August 5, 2008, petition and map submitted by Ronald Green.
- August 1, 2008, letter from Sandra Schoolfield and Jon Kechejian.

Public Comment Opened:

3:35 p.m.

Speakers:

- Staff: Planning Technician Tony Boughman, City Planner Bettie Weiss, Senior Planner Jaime Limon, City Attorney Stephen Wiley.
- Planning Commission: Commissioner John Jostes.
- Architectural Board of Review: Board Member Paul Zink.
- Appellants: Kitch Wilson, Ronald Green.
- Applicant: Michael Silva, Sam Mathis, Steve Amerikaner.

Recess: 4:46 p.m. - 4:56 p.m.

Speakers (Cont'd):

Members of the Public: Beverly McCurdy, Don Santee, Susan Zalon, Hilary Santee, and James Higman.

Public Comment Closed:

5:08 p.m.

Motion:

Councilmembers Williams/Schneider to deny the appeal and amend the Conditions of Approval as follows:

1. Second sentence in Condition B.1 will be amended and repeated in Condition A.5 as follows:

The landscaping plan for the project shall be reviewed with the intent of affording and maintaining a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the Single Family Design Board by maintaining appropriate limits on the height of all approved landscaping; and

2. Last sentence in Condition B.1 will remain in Conditions of Approval.

Vote:

Unanimous voice vote (Absent: Councilmember Falcone, House).

PRELIMINARY REVIEW**6. 3455 MARINA DR****A-1/SD-3 Zone**

Assessor's Parcel Number: 047-022-004
 Application Number: MST2007-00221
 Owner: Silva Family Trust
 Architect: Bryan Pollard
 Landscape Architect: Sam Maphis

(Revised proposal to construct a 5,390 square foot one-story single-family residence including a 574 square foot three-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, fencing, synthetic putting green, solar panels, and landscaping. The project is located on a 1.2 acre lot in the Coastal Zone. The proposed total of 5,390 square feet is 102% of the maximum guideline FAR.)

(Project requires compliance with Planning Commission Resolution No. 017-08.)

Time: 6:45

Present: Bryan Pollard, Architect; Sam Maphis, Landscape Architect; Mike Silva, Owner.

Public comment opened at 7:09 p.m.

1. Don Santee for Kitch Wilson: would like to see the size reduced to the average FAR in neighborhood of 77%; prefers plantings and structures in view corridor restricted to less than 3 feet from ground; reduce ridge height to 17 feet.
2. Don Santee: project is noncompliant with Local Coastal Plan Policy (LCP) 5.3 and 9.1; prefers preserving view corridors; guidelines should be followed.
3. Ronald Green: project is under jurisdiction of LCP policies, and should be compatible with homes in the neighborhood and should protect ocean views.
4. Art Schwartz: concerned about night glow from exterior lighting and requested installation of shielded, low sodium lights.
5. Susan Zalon: concerned that other projects are held to FARs below 100% and this project should too; prefers attractive, low-growing ground covers instead of the hedge along the east property line.

Public comment closed at 7:22 p.m.

Motion: Preliminary Approval and continued to the Full Board for an in-progress review of the architecture and for landscaping plan:

- 1) Landscaping in the 30 foot view corridor at the eastern property line shall be between 3 and 4 feet finished height for the north half of the corridor, and 5 to 6 feet finished height for remaining portion.
- 2) Provide a section/drawing from Marina Drive to Cliff Drive with a variety of landscaping with mature height shown, include a silhouette of the structure.
- 3) Landscaping in the view corridor should appear natural and minor encroachment of the of tree canopies is not a detriment. Minimize the encroachment of the dwarf citrus tree canopies into the view corridor.
- 4) Study opportunities to reduce excess unused space and some very large rooms; any effort in reduction would be appreciated.
- 5) Provide additional details; preliminary colors are a good direction.
- 6) The architectural style and size are compatible with the neighborhood, the project provides quality materials.

Action: Woolery/Carroll, 4/0/0. Motion carried. (Bernstein, Mahan, Mosel absent.)

The ten-day appeal period was announced.

NEW ITEM**E. 352 CONEJO RD****A-1 Zone**

Assessor's Parcel Number: 019-061-030
Application Number: MST2009-00042
Owner: Tim McCollum
Architect: John Kincaide
Contractor: Donald Leitch

(Proposal to replace a 1,296 square foot single-family residence and attached 342 square foot two-car garage and 410 square foot deck destroyed in the Tea Fire. The project includes increasing the house to 1,500 square feet and garage to 400 square feet with total additions on all sides to be 250 square feet. Also proposed is an understory of approximately 250 square feet. The existing development was nonconforming to all setbacks and open yard requirements. Staff Hearing Officer approval is requested for modifications to allow encroachment into the front and interior setbacks, and to provide less than the required open yard area. The project is located on a 7,900 square foot lot in the Hillside Design District. The proposed total of approximately 2,150 square feet is 68% of the maximum floor to lot area ratio.)

(Comments only; project requires environmental assessment and Staff Hearing Officer approval of Modifications.)

Continued indefinitely to the Staff Hearing Officer with comments: 1) The Modification for a deck located over the property line or in the interior setback is not supportable. 2) The other Modification requests are supportable.

FINAL REVIEW**F. 3455 MARINA DR****A-1/SD-3 Zone**

Assessor's Parcel Number: 047-022-004
Application Number: MST2007-00221
Owner: Silva Family Trust
Architect: Bryan Pollard
Landscape Architect: Sam Maphis

(Revised proposal to construct a 5,390 square foot one-story single-family residence including a 574 square foot three-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, fencing, synthetic putting green, solar panels, and landscaping. The project is located on a 1.2 acre lot in the Coastal Zone. The proposed total of 5,390 square feet is 102% of the maximum guideline FAR.)

(Final review of architecture and landscaping.)

Final Approval with conditions: 1) Move the small window away from the faux chimney. 2) Color of windows to be Santa Barbara blue. 3) Change the two Ceanothus from Snow Flurry to Concha as noted on the landscape plan. 4) Include Water Compliance Statement on irrigation plans and show that irrigation complies.

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
City of Santa Barbara)
City Clerk, City Hall)
P.O. Box 1990)
Santa Barbara, CA 93102)

SPACE ABOVE FOR RECORDER'S USE

ADDRESS: 3455 Marina Drive

NO FEE PER GOV. CODE 6103

A.P.N.: 047-022-004

DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS IMPOSED ON REAL PROPERTY

THIS DECLARATION of covenants, conditions and restrictions is made for the benefit of the City of Santa Barbara (hereinafter "City") and the owners and occupants of other parcels of Real Property in the immediate vicinity of the Real Property, by _____(hereinafter "Owner"), as of this _____ day of _____, 200

RECITALS

1. Whereas, Owner is the owner of certain Real Property described in Exhibit A, attached hereto, incorporated herein by this reference and herein referred to as the "Real Property."

2. Whereas, Owner sought a discretionary development approval for the Real Property from City's Planning Commission.

3. Whereas, an application of Mike Silva, owner of 3455 Marina Drive, APN 047-022-004, A-1/SD-3, Single Family Residence and Coastal Overlay zones, and General Plan Designation: Residential, 1 Unit per Acre (MST2007-00221) was filed with the City. The proposed project involves construction of a 5,390 square foot one-story single-family residence including a 574 square foot three-car attached garage. The project includes a swimming pool, patio, a 27 square foot half-bath structure, septic system, site walls, synthetic putting green, and landscaping. The lot has street frontage on Marina Drive to the north and Cliff Drive to the south. The vacant lot is reduced from 1.34 to 1.2 acres by a public right-of-way easement along Cliff Drive. The southern portion of the development is located within the Appealable Jurisdiction of the Coastal Zone. The discretionary application required for this project is a Coastal Development Permit to allow the proposed development in the appealable jurisdiction of the Coastal Zone (SBMC § 28.44.050).

4. Whereas, on May 8, 2008 the Planning Commission approved the project; on August 5, 2008 the City Council approved the project on appeal; and on October 17, 2008 the California Coastal Commission, on appeal, granted Owner an approval subject to certain conditions which were imposed for the benefit of the public. Some of those conditions were required to be set forth in a recorded document, which runs with the

Real Property and imposes those conditions on the Real Property.

COVENANTS, CONDITIONS AND RESTRICTIONS

- I. In consideration of the issuance of said approval and the benefit conferred thereby on the Real Property, Owner hereby covenants and agrees with the City to impose the following terms, covenants, conditions, restrictions and limitations upon the possession, use and enjoyment of the Real Property:
- a. The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any *project related* drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 - b. No recreational vehicles, boats or trailers shall be stored on the Real Property unless enclosed or concealed from view as approved by the Single Family Design Board (SFDB).
 - c. The Owner shall comply with the Landscape Plan approved by the Single Family Design Board (SFDB). Such plan shall not be modified unless prior written approval is obtained from the SFDB. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 - d. Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance and most currently adopted Energy Code. No floodlights shall be allowed. Exterior lighting shall be shielded and directed toward the ground.
 - e. The development of the Real Property approved by the Planning Commission on May 8, 2008, is limited to approximately 5,390 square feet of building and the improvements shown on the plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara. The project shall provide and maintain a view corridor at least 30 feet in width measured perpendicularly from the interior lot lines. The landscaping plan for the project shall afford and maintain a clear view of the ocean to pedestrians along Marina Drive in a manner acceptable to the Single Family Design Board by maintaining appropriate limits on the height of all approved landscaping. Structures, walls, and plants shall be installed and maintained consistent with the approved landscape plan within the view corridor. Trees are prohibited in the view corridor.
 - f. As a condition of approval of this project, Owner agrees to connect to the City sewer system when a sewer main is constructed in Cliff Drive at a point adjacent to Owner's Real Property, per Santa Barbara Municipal Code Chapter 14.44. Owner shall, at Owner's sole expense, connect to the City sewer system within one year of being advised in writing that the City sewer main is operable and available for such a connection. If connected to City sewer, a sewer discharge outlet shall be provided for drainage of the swimming pool. In the event Owner fails to comply with this condition of approval, City may enter the Real Property and make such a sewer connection with the cost of the connection becoming a lien on the real property to be paid in connection with property taxes and assessments imposed on Owner's Real Property.
 - g. In the event the pool is completely or partially drained, the owner shall truck out any water discharged from the swimming pool and properly dispose of the water to the sanitary sewer

system. No water from the pool shall be discharged into a City storm drain or to the private septic system on the real property, as identified in SBMC §16.15.

- h. The property owner waives the right to object to the formation of an assessment district for the maintenance of stormwater improvements and agrees to participate in the assessment district upon its formation.

II. Owner hereby declares that the Real Property is held and hereafter shall only be held, conveyed, hypothecated, encumbered, leased, rented, used, and occupied subject to the above referenced covenants, conditions, restrictions and limitations, all of which are declared and agreed to be in furtherance of Owner's interest. All of the above stated covenants, conditions, restrictions and limitations are intended to constitute both equitable servitudes and covenants running with the land.

III. Any purchaser of the Real Property, by the acceptance of a deed therefore, whether from Owner or from any subsequent owner of the Real Property, or by the signing of a contract or agreement to purchase the same, shall, by the acceptance of such deed or by the signing of such contract or agreement, be deemed to have consented to and accepted the covenants, conditions, restrictions and limitations set forth herein.

IV. This Declaration runs with the Real Property and shall be binding upon the successors and assigns of Owner and the heirs, personal representatives, grantees, lessees, sub lessees, contract purchasers, and assignees of Owner and any subsequent owner of the Real Property.

V. It is further agreed that these covenants, conditions, and restrictions may not be amended or canceled in whole or in part without the prior written recorded approval of the City of Santa Barbara.

IN WITNESS WHEREOF, Owner has executed this Declaration on the day and year first above written.

APPROVED AS TO CONTENT:
Paul Casey
Community Development Director

OWNER (See instructions below)

By _____

APPROVED AS TO CONTENT:
Christine Andersen
Public Works Director

Street Address or Post Office Box

By _____

City, State and Zip Code

APPROVED AS TO FORM:
N. Scott Vincent
Assistant City Attorney

() _____
Telephone

By _____