

# CITY OF SANTA BARBARA CITY COUNCIL

**Helene Schneider**  
*Mayor*  
**Grant House**  
*Mayor Pro Tempore*  
**Bendy White**  
*Ordinance Committee Chair*  
**Das Williams**  
*Finance Committee Chair*  
**Dale Francisco**  
**Frank Hotchkiss**  
**Michael Self**



**James L. Armstrong**  
*City Administrator*

**Stephen P. Wiley**  
*City Attorney*

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

## FEBRUARY 2, 2010 AGENDA

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

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

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

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

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

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

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

## **ORDER OF BUSINESS**

2:00 p.m. - City Council Meeting

### **REGULAR CITY COUNCIL MEETING**

#### **CALL TO ORDER**

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

#### **CEREMONIAL ITEMS**

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through February 28, 2010.

#### **CHANGES TO THE AGENDA**

#### **PUBLIC COMMENT**

#### **CONSENT CALENDAR**

**2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of January 5, 2010 (cancelled), and the regular meeting of January 12, 2010.

## CONSENT CALENDAR (CONT'D)

### 3. **Subject: Adoption Of Medical Marijuana Suspension Ordinance (520.04)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Extending a Temporary Suspension of the Right to Apply for or to Obtain a Permit for the Opening or Operation of Medical Marijuana Dispensaries Otherwise Permitted by Santa Barbara Municipal Code Chapter 28.80 on an Interim Basis.

### 4. **Subject: Introduction Of Ordinance For Renewal Of Recycled Water User Agreements (540.13)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Three Twenty-Year Agreements to Use Recycled Water Between the City of Santa Barbara and 1. Santa Barbara Community College District; 2. El Escorial Owners' Association; and 3. California Department of Transportation, Each Dated as of February 2, 2010.

### 5. **Subject: Adoption Of South Coast Energy Efficiency Partnership Agreement (630.06)**

Recommendation: That Council authorize the Public Works Director to execute the 2010-2012 Energy Partnership Agreement between Southern California Edison (SCE), Southern California Gas Company (Gas Company) and the City of Santa Barbara.

### 6. **Subject: Contract For Final Design Of Elings Park Landfill Gas Collection And Control System (570.05)**

Recommendation: That Council:

- A. Authorize the Public Works Director to execute a professional services contract with Geosyntec Consultants (Geosyntec) in the amount of \$63,267 for design services for the Elings Park Landfill Gas Collection and Control System, and authorize the General Services Manager to approve expenditures of up to \$6,327 for extra services of Geosyntec that may result from necessary changes in the scope of work; and
- B. Increase appropriations by \$87,000 in the Solid Waste Fund from reserves for final design of the Elings Park Landfill Gas Collection and Control System.

## CONSENT CALENDAR (CONT'D)

**7. Subject: Support Of The Highway 101 High Occupancy Vehicle Widening Project (670.05)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Supporting the Highway 101 High Occupancy Vehicle Widening Project as Santa Barbara County's Highest Regional Transportation Priority for Federal Funding.

**8. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 3714-3744 State Street (640.07)**

Recommendation: That Council:

- A. Set the date of March 9, 2010, at 2:00 p.m. for hearing the appeal filed by Citizens Planning Association of Santa Barbara County and the Allied Neighborhoods Association of the Planning Commission approval of an application for property owned by Kellogg Associates and located at 3714-3744 State Street, Assessor's Parcel Nos. 053-300-023 and -031, C-P Restricted Commercial/S-D-2 Special District and C-P/R-3 Limited Multiple-Family/R-4 Hotel-Motel-Multiple Residential/S-D-2 Zones, General Plan Designation: General Commerce, Office, Residential - 12 Units per Acre, and Buffer. The project consists of the demolition of the existing 113-room Sandman Inn Hotel, Downtown Brewing Co. restaurant building, and all site improvements, and the construction of a new office complex on Lot A, and two commercial condominiums and 73 residential condominium units on Lot B. The discretionary applications required for this project are a Lot Line Adjustment, a Development Plan, a Modification, and a Tentative Subdivision Map; and
- B. Set the date of March 8, 2010, at 1:30 p.m. for a site visit to the property located at 3714-3744 State Street.

## NOTICES

9. The City Clerk has on Thursday, January 28, 2010, 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. A City Council site visit is scheduled for Monday, February 8, 2010, at 1:30 p.m. to the property located at 922 State Street, which is the subject of an appeal hearing set for February 9, 2010, at 2:00 p.m.

**This concludes the Consent Calendar.**

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

### **PARKS AND RECREATION DEPARTMENT**

#### **11. Subject: Restoration Of Parma Park And Appropriation Of Parma Park Trust Funds (570.05)**

Recommendation: That Council:

- A. Receive a report on the post-Tea Fire recovery and restoration of Parma Park; and
- B. Increase appropriations and estimated revenues by \$71,288 in the Fiscal Year 2010 Miscellaneous Grants Fund for restoration and maintenance work at Parma Park to be funded by the Parma Park Trust.

### **PUBLIC WORKS DEPARTMENT**

#### **12. Subject: Pilot Program For Digestion Of Fats, Oil, And Grease At The El Estero Wastewater Treatment Plant (540.13)**

Recommendation: That Council:

- A. Approve a professional services agreement with AECOM for engineering and design services relating to the Fats, Oils and Grease (FOG) injection system at El Estero Wastewater Treatment Plant (El Estero) for the amount \$59,400 and authorize the Public Works Director change order authority of up to \$5,940 for extra services of AECOM that may result from necessary changes in the scope of work; and
- B. Authorize the Public Works Director to negotiate and execute upon review and approval by the City Attorney's office, an agreement with Marborg Industries for hauling, pretreatment and delivery of FOG to El Estero during the FOG Pilot Project.

## **COUNCIL AND STAFF COMMUNICATIONS**

## **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## **CLOSED SESSIONS**

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Rudy Munoz v. City of Santa Barbara, et al., SBSC Case Number: 1302638

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

## **CLOSED SESSIONS (CONT'D)**

### **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 Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, the Hourly Bargaining Unit, and the Supervisory Employees Association, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 60 minutes; anytime

Report: None anticipated

## **ADJOURNMENT**

To Monday, February 8, 2010, at 1:30 p.m. at 922 State Street. (See Agenda Item No. 9)



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Employee Recognition – Service Award Pins

**RECOMMENDATION:**

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through February 28, 2010.

**DISCUSSION:**

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

Attached is a list of those employees who will be awarded pins for their service through February 28, 2010.

**ATTACHMENT(S):** February 2010 Service Awards

**SUBMITTED BY:** Marcelo A. López, Administrative Services Director

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

**FEBRUARY 2010 SERVICE AWARDS**

February 2, 2010 Council Meeting

**5 YEARS**

Joe Gonzales, Facilities Maintenance Supervisor, Public Works  
Luciano Nungaray, Ground Maintenance Worker I, Parks and Recreation  
Mary Lou Chavez Sanabria, Waterfront Maintenance Worker I, Waterfront

**10 YEARS**

Adrian Gutierrez, Police Officer, Police  
Linda West, Senior Public Works Inspector, Public Works  
Shawn Martin, Water Treatment Plant Operator, Public Works

**20 YEARS**

Randy Webb, Survey Technician II, Public Works

**25 YEARS**

Douglas Kresky, Police Lieutenant, Police

**30 YEARS**

Jose Marquez, Water Distribution Supervisor, Public Works  
Sarah Dunn, Senior Library Technician, Library



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
January 5, 2010  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on January 5, 2010, was cancelled by the Council on November 18, 2008.

The next regular meeting of the City Council is scheduled for January 12, 2010, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

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



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## REGULAR MEETING January 12, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 p.m. (The Finance and Ordinance Committees, which are ordinarily scheduled to meet 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.

### CEREMONIAL ITEMS

1. Subject: Comments By Outgoing Mayor Blum And Councilmembers Falcone And Horton

Councilmember Falcone thanked Staff and supporters for giving her the opportunity to serve the community. Councilmember Horton thanked everyone who has helped him and expressed his appreciation to former Mayor Harriet Miller who had asked him to consider running for Council. He also commented on how rewarding this experience has been. Mayor Blum spoke about the various issues that the Council has worked on and thanked Staff for their hard work and support. She also thanked the residents of the City for the honor of serving as Mayor.

2. Subject: Recognition Of Outgoing Mayor Blum And Councilmembers Falcone And Horton

Action: Mayor-Elect Schneider thanked Councilmembers Falcone, Horton and Mayor Blum for their service and presented them with letters of recognition on behalf of the citizens of the City of Santa Barbara.

3. Subject: Comments By The Public

Speakers: Tony Romasanto; Ruth Wilson; Bob Hansen; Kathy Janega-Dykes, Santa Barbara Conference and Visitors Bureau; Hal Conklin; Kate Smith.

4. Subject: Affirmation Of Allegiance By Mayor-Elect Helene Schneider, Councilmember Grant House, And Councilmembers-Elect Frank Hotchkiss, Michael Self, And Harwood A. "Bendy" White

Action: Affirmations administered.

5. Subject: Presentation Of Certificates Of Election

Action: Presented.

6. Subject: Seating Of Newly-Installed Mayor And Councilmembers

Action: Mayor and Councilmembers were seated.

7. Subject: Comments By Mayor Schneider And Councilmembers Hotchkiss, House, Self, And White

Mayor Schneider spoke about what an honor it is to be seated as Mayor, remembered and honored former Mayor Harriet Miller, and acknowledged former Mayors Hal Conklin and Marty Blum. She also acknowledged Councilmembers Falcone and Horton and wished them well, and congratulated Councilmembers House, Frank Hotchkiss, Michael Self and Bendy White. She recognized and thanked other elected officials who were present for this event and everyone who assisted with her campaign. She also remarked upon the many challenges facing the Council this year.

Councilmember House commented about the opportunities that everyone has to participate in community service and expressed his gratitude to the voters who participated in this election. He thanked Councilmembers Falcone, Horton and Mayor Blum and said that it was an honor to serve with them. He also thanked the new Councilmembers and Mayor Schneider.

(Cont'd)

7. (Cont'd)

Councilmember White thanked Councilmembers Falcone, Horton and Mayor Blum for their many years of service. He also thanked all of his supporters and family members and spoke about the numerous issues the Council will face.

Councilmember Hotchkiss thanked his supporters and his family.

Councilmember Self thanked Staff for the orientation they provided. She also thanked her family and residents of the City for their support.

8. Subject: Presentation Of Poem By City Of Santa Barbara Poet Laureate

Action: Poet Laureate David Starkey read a poem entitled "Swearing In."

9. Subject: Comments By The Public

Speakers: David Pritchett, Monica Jones, AIE the person (Kate Smith) and Ruth Wilson.

## **RECESS**

3:04 p.m. – 3:26 p.m.

## **ROLL CALL OF NEW COUNCIL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Helene Schneider.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Alcazar.

## **CEREMONIAL ITEMS (CONT'D)**

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

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through January 31, 2010.

Speakers:

Staff: James L. Armstrong and award recipient James Bryden.

Action: By consensus, the Council recognized the following employees:

(Cont'd)

10. (Cont'd)

5-Year Pin

Cynthia Rodriguez, City Clerk Services Manager, Administrative Services  
Lauren Nocis, Senior Building Inspector, Community Development  
David Miles, Senior Plans Examiner, Community Development  
Cory Cloud, Fire Engineer, Fire  
Richard Griguoli, Firefighter, Fire  
Dean Millan, Firefighter, Fire  
Brandon Paige, Firefighter, Fire  
Spencer Simonds, Firefighter, Fire  
Chelsey Swanson, Associate Transportation Planner, Public Works  
Salvador Cornejo, Grounds Maintenance Worker, Parks and Recreation  
Gabriel Caratachea Vil, Grounds Maintenance Worker II, Parks and Recreation  
Juan Olmedo, Grounds Maintenance Worker II, Parks and Recreation  
Donald Meehan, Airport Operations Assistant, Airport  
William Petrini, Harbor Patrol Officer, Waterfront  
Jeremy Denton, Firefighter, Fire

10-Year Pin

Matthew Gritt, Firefighter, Fire  
John Thompson, Police Officer, Police

15-Year Pin

Penelope Tinker, Records Technician, Community Development  
Dana Orr, Senior Waterfront Maintenance Worker, Waterfront

20-Year Pin

Jacquelyn Hill, Library Assistant I, Library  
Glenn Oman, Custodian, Airport

30-Year Pin

James Bryden, Fire Battalion Chief, Fire  
Marc Hawkins, Senior Grounds Maintenance Worker, Parks and Recreation

**PUBLIC COMMENT**

Speakers: Angela Bell and Billi Jo Starr.

## **ITEM REMOVED FROM CONSENT CALENDAR**

### 11. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of November 16, 2009, the regular meetings of November 17, November 24, and December 1, 2009 (cancelled), the special meetings of December 1 and December 7, 2009, and the regular meeting of December 8, 2009.

#### Speakers:

Staff: City Attorney Stephen Wiley, who stated that per Robert's Rules of Order it would be appropriate for the new Councilmembers to abstain from voting on this item.

#### Motion:

Councilmembers Williams/Francisco to approve the recommendation.

#### Vote:

Unanimous voice vote (Abstentions: Councilmembers Hotchkiss, Self, White).

## **CONSENT CALENDAR (Item Nos. 12 - 28)**

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

#### Motion:

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

#### Vote:

Unanimous roll call vote.

### 12. Subject: Records Destruction For Finance 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 Finance Department in the Administration, Accounting, Risk Management, and Treasury Divisions.

Action: Approved the recommendation; Resolution No. 10-001 (January 12, 2010, report from the Interim Finance Director; proposed resolution; January 12, 2010, letter from Norbert H. Dall).

13. Subject: Introduction Of Ordinance Granting Drainage Easement To Caltrans On A Portion Of Parma Park Adjacent To State Route 192 (150.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Accepting a Contract Offer in the Amount of \$1,200 for a Grant of Highway Easement to the State of California, Acting by and Through the Department of Transportation, for a Drainage Easement Adjacent to State Route 192, to be Located on a Portion of City-Owned Property Known as Parma Park (APN 021-120-005).

Action: Approved the recommendation (January 12, 2010, report from the Public Works Director; proposed ordinance).

14. Subject: Adoption Of Ordinance For Amendment Of The Police Officers Association Labor Agreement (440.02)

Recommendation: That Council ratify an amendment to the Memorandum of Understanding between the City and the Santa Barbara Police Officers Association (Ordinance No. 5409) by adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the July 1, 2006, Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers Association Extending the Agreement Until June 30, 2010, and Suspending Cash-Out Provisions.

Action: Approved the recommendation; Ordinance No. 5507; Agreement No. 22,300.1.

15. Subject: Wetland Mitigation Monitoring Biological Services Annual Contract (560.04)

Recommendation: That Council approve and authorize the Airport Director to execute an annual contract with URS Corporation for post-construction biological monitoring associated with the Airfield Safety Projects and other small projects at the Santa Barbara Airport in an amount not to exceed \$110,371.08, and authorize the Airport Director to approve expenditures up to \$11,037 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,258 (January 12, 2010, report from the Airport Director).

16. Subject: Agreement With The Council On Alcoholism And Drug Abuse For The Criminal Justice Early Identification Specialist (520.04)

Recommendation: That Council appropriate \$47,000 in the Police Asset Forfeiture Fund from accumulated reserves to fund the Council on Alcoholism and Drug Abuse Criminal Justice Early Identification Specialist position as part of a three-year funding agreement.

Action: Approved the recommendation (January 12, 2010, report from the Police Chief).

17. Subject: Parking Lot Use Agreement With Santa Barbara Montessori School (550.05)

Recommendation: That Council approve a nine-month Use Agreement with Santa Barbara Montessori School regarding a school bus stop in the Palm Park parking lot.

Action: Approved the recommendation; Agreement No. 23,259 (January 12, 2010, report from the Waterfront Director).

18. Subject: Five-Year Lease Agreement With Jacques Bertrand, Doing Business As Harbor Mail Center (330.04)

Recommendation: That Council approve a five-year lease agreement with Jacques Bertrand for a 140 square-foot mail center office located at 125 Harbor Way #6, at a monthly rent of \$425, subject to annual adjustments based on the Consumer Price Index.

Action: Approved the recommendation; Agreement No. 23,260 (January 12, 2010, report from the Waterfront Director).

19. Subject: Five-Year Lease Agreement With Robert Meyer (330.04)

Recommendation: That Council approve a five-year lease agreement with Robert Meyer for a 218 square-foot office located on the second floor at 125 Harbor Way, #12, at a rate of \$492 per month, subject to annual adjustment based on the Consumer Price Index.

Action: Approved the recommendation; Agreement No. 23,261 (January 12, 2010, report from the Waterfront Director).

20. Subject: Introduction Of Ordinance For Five-Year Lease With One Five-Year Option With Boat Launch Mini Mart, L.L.C. (330.04)

Recommendation: That Council approve a lease with Boat Launch Mini Mart, L.L.C., and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease with One Five-Year Option with Boat Launch Mini Mart, L.L.C., Effective February 11, 2010, for a 536 Square-Foot Convenience Store at 305 West Cabrillo Boulevard.

Action: Approved the recommendation (January 12, 2010, report from the Waterfront Director; proposed ordinance).

21. Subject: Animal Control Donation (520.05)

Recommendation: That Council:

- A. Authorize the acceptance of a \$7,641 donation from the Deborah K. Oldham Trust of 2001 to the Santa Barbara Police Department's Animal Control Program for maintenance of an Animal Control vehicle for one year; and
- B. Increase estimated Fiscal Year 2010 General Fund revenues by \$7,641 and appropriate the funds to the Police Department's Animal Control Program budget.

Action: Approved the recommendations (January 12, 2010, report from the Police Chief).

22. Subject: Appropriation Of K-9 And Vending Machine Revenues (520.04)

Recommendation: That Council:

- A. Increase appropriations by \$17,000 in the Police K-9 Trust Fund from revenues received for the "On Patrol with Santa Barbara PD" television program to be used in the Santa Barbara Police Department K-9 program; and
- B. Increase appropriations by \$7,049 in the General Fund Police Department budget from vending machine revenues received by the Police Department to be used to pay for a Police Department employee recognition event.

Action: Approved the recommendations (January 12, 2010, report from the Police Chief).

23. Subject: Set A Date For Public Hearing Regarding Appeal Of Parks And Recreation Commission Decision For 922 State Street (640.07)

Recommendation: That Council set the date of February 9, 2009, at 2:00 p.m. for hearing the appeal filed by Mary Rose, Agent for Ron Hays, of the Parks and Recreation Commission's Conditions of Approval for the removal of a tree situated in front of property located at 922 State Street.

Action: Approved the recommendation (November 30, 2009, letter from the appellant).

## NOTICES

24. The City Clerk has on Thursday, January 7, 2010, 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.
25. Cancellation of the regular Redevelopment Agency meeting of January 12, 2010, due to lack of business.
26. The City Council Public Hearing scheduled for Tuesday, January 12, 2010, at 2:00 p.m. to consider the introduction of an ordinance that would extend the Medical Marijuana Dispensary Suspension Ordinance Extension has been continued to Tuesday, January 26, 2010, at 2:00 p.m.
27. Resignation of Creeks Advisory Committee member Michael Jordan; the vacancy will be included in the next advisory group recruitment.
28. Cancellation of the regular City Council and Redevelopment Agency meetings of January 19, 2010.

This concluded the Consent Calendar.

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

### PUBLIC WORKS DEPARTMENT

29. Subject: Annual Water Supply Management Report (540.08)

Recommendation: That Council approve and adopt the City of Santa Barbara Water Supply Management Report for the 2009 water year, finding that groundwater resources are in long-term balance, in accordance with the conjunctive management element of the City's Long-Term Water Supply Program.

(Cont'd)

29. (Cont'd)

Documents:

- January 12, 2010, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Water Resources Manager Rebecca Bjork, Water Resources Specialist Alison Jordan.
- Members of the Public: David Pritchett, Robert Burke.

Motion:

Councilmembers House/Francisco to approve the recommendation.

Vote:

Unanimous voice vote.

### **MAYOR AND COUNCIL REPORTS**

30. Subject: Appointment Of Mayor Pro Tempore, Ordinance Committee, Finance Committee, And Santa Barbara County Association Of Governments (130.01)

Recommendation: That Council consider the appointment of a Mayor Pro Tempore, Chairs and Members of the Ordinance and Finance Committees, and Santa Barbara County Association of Governments (SBCAG).

Motion:

Councilmembers Williams/Francisco to appoint Councilmember House as Mayor Pro Tempore.

Vote:

Unanimous voice vote.

Motion:

Councilmembers House/Francisco to appoint Councilmembers House and Hotchkiss to the Ordinance Committee, and Councilmember White as the Ordinance Committee Chair.

Vote:

Unanimous voice vote.

Motion:

Councilmembers House/Hotchkiss to appoint Councilmembers Francisco and Self to the Finance Committee and Councilmember Williams as the Finance Committee Chair.

Vote:

Unanimous voice vote.

(Cont'd)

30. (Cont'd)

Motion:

Councilmembers Williams/Francisco to appoint Mayor Schneider to the Santa Barbara County Association of Governments.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Francisco/House to appoint Councilmember Williams as the alternate representative to the Santa Barbara County Association of Governments.

Vote:

Unanimous voice vote.

### **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 4:55 p.m. in honor and in memory of former Mayor Harriet Miller.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

ATTEST:

\_\_\_\_\_  
MARTY BLUM  
MAYOR

\_\_\_\_\_  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK

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

AN ORDINANCE OF THE COUNCIL OF THE  
CITY OF SANTA BARBARA EXTENDING A  
TEMPORARY SUSPENSION OF THE RIGHT TO  
APPLY FOR OR TO OBTAIN A PERMIT FOR  
THE OPENING OR OPERATION OF MEDICAL  
MARIJUANA DISPENSARIES OTHERWISE  
PERMITTED BY SANTA BARBARA MUNICIPAL  
CODE CHAPTER 28.80 ON AN INTERIM  
BASIS.

WHEREAS, in 1996, California voters approved Proposition 215, (hereinafter referred to as "The Compassionate Use Act") which Act legalized the limited use of marijuana for medical purposes and allowed persons to grow and possess medicinal marijuana based on the recommendation of a licensed physician; and

WHEREAS, in 2003 the California State Legislature enacted supplemental medical marijuana legislation in order to fully implement the Compassionate Use Act (Senate Bill 420 effective January 1, 2004) which was also intended to clarify the application and scope of the Compassionate Use Act and enhance the access of "qualified patients" and "primary caregivers" to medical marijuana through collective or cooperative group cultivation projects; and

WHEREAS, neither the Compassionate Use Act nor Senate Bill 420 expressly allows medical marijuana dispensaries, particularly those that operate on a "for profit" or retail storefront basis and which, while purporting to operate within the SB 420 definition of a "primary caregiver," actually often only provide marijuana on an over-the-counter or "retail" basis; and

WHEREAS, a proliferation of dispensaries within California has followed the passage of the Compassionate Use Act in 1996 and the enactment of the SB 420 statutes and, in some instances, the spirit and intent of the Compassionate Use Act has apparently been and is being exploited and abused both for profit motivation reasons and for recreational drug abuse by many individuals who improperly obtain marijuana from medical marijuana dispensaries; and

WHEREAS, as pointed out in the Compassionate Use Act Guidelines adopted by the state Attorney General's Office in August 2008, (the California Attorney General's "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use") state law does not specifically or expressly permit Medical Marijuana Dispensaries to operate. According to these Guidelines, the lack of statewide regulations or guidelines has created confusion and hampered the ability of local police and other law enforcement to investigate and prosecute Medical Marijuana Dispensary operators that have been linked to criminal activity, such as selling marijuana for recreational use and distributing marijuana to individuals who re-sell the marijuana to persons who are not qualified patients or primary caregivers under the Compassionate Use Act; and

WHEREAS, in several recent published decisions issued by the courts, such as *People v. Hochenadel* (98 Cal.Rprt.3d 347 - decided in August 2009) and *People v. Mentch* (85 Cal.Rptr.3d 480 - decided in November 2008), the courts of this state have indicated that Medical Marijuana Dispensaries may only be allowed or permitted by the Compassionate Use Act and the SB 420 statutes under very limited circumstances and they have indicated that cities may regulate medical marijuana dispensaries and enforce the Compassionate Use Act using their local police and enforcement powers; and

WHEREAS, Medical Marijuana Dispensaries have been known to operate and advertise in and or close to schools, to unlawfully sell marijuana for profit, to lack the medical expertise and security to be able to properly dispense marijuana, and to regularly sell marijuana to individuals without any of the required legal medical documentation; and

WHEREAS, The Santa Barbara City Council believes that it should immediately evaluate the impacts of Medical Marijuana Dispensaries on its residents, neighborhoods, and on adjacent legally operated businesses; and

WHEREAS, this interim City ordinance is designed to prevent new Medical Marijuana Dispensaries from opening or operating while an inter-departmental staff group, led by the Community Development Department, the Police Department, and the City Attorney's office, meets with the Council Ordinance Committee in public hearings and the Committee crafts a draft ordinance intended to regulate the operation of medical marijuana

dispensaries and establish viable regulations for consideration by the full City Council, all in the manner allowed under the Compassionate Use Act and the SB 420 statutes; and

WHEREAS, December 15, 2009, this City Council adopted an ordinance of the City (as City Ordinance No. 5506) imposing a temporary suspension on applications or City permits for the opening or operation of new medical marijuana dispensaries within the City with the intention that this interim suspension ordinance would allow the City staff and the City Council the time it needs to undertake the critically important task of developing a comprehensive strategy for regulating Medical Marijuana Dispensaries and for possibly revising Santa Barbara Municipal Code Chapter 28,80, thus ensuring that this important legislative opportunity is fully examined in depth while not permitting new Medical Marijuana Dispensaries to be established throughout the City;

NOW THEREFORE, the City Council of the City of Santa Barbara does ordain as follows:

**Section One.** Required Findings for the Extension of City Ordinance No. 5506.

The City Council continues to find and to declare that an interim suspension ordinance suspending the application of Santa Barbara Municipal Code Chapter 28.80 is required in order for the City Council to address a current and immediate threat to the public peace, health, safety and welfare of the residents of the City for all of the reasons stated in the above-recitals as well as for the following reasons:

1. This ordinance will extend the City's temporary limitation on the opening or operation of new Medical Marijuana Dispensaries and thus it will prevent an insufficiently regulated increase in medical marijuana dispensaries pending the City Council due consideration and possible adoption of a long-term and more comprehensive City ordinance regulating the distribution of medical marijuana within the City. Such a long-term ordinance is likely to be more consistent with the City's General Plan (including the proposed new General Plan currently being prepared and known as Plan Santa Barbara) and the City's Zoning Ordinance, SBMC Title 28, such that the legal distribution of medical marijuana within Santa Barbara will

be more consistent with the City's zoning regulations and with the requirements of state law.

2. The City staff recommendation that Santa Barbara have a long-term City medical marijuana ordinance truly reflective of the spirit and intent of the Compassionate Use Act and the SB 420 statutes would probably be substantially undermined if new dispensaries are allowed to open or operate pending the public consideration and City Council review of the proposed long-term City ordinance on medical marijuana.

3. The number of medical marijuana dispensaries operating within the City (both legal and illegal) is apparently increasing (as is the number of new of dispensary applications) and the City Police and City Community Development Departments have received complaints from neighbors, business owners, and concerned citizens regarding the potential negative criminal impacts of some of these dispensaries. Without interim City restrictions on the opening of new dispensaries and on the appropriate location of a dispensary and its hours of operation (including whether such dispensaries are allowed by state law), the result may be the establishment of dispensaries in close proximity to sensitive uses operating at all hours.

4. This extension of the City original December 15, 2009 interim suspension ordinance will prevent an insufficiently regulated increase in the number of new dispensaries and will provide the public and the City Council with the appropriate time it needs to determine if the dispensary model of providing access to medical marijuana is allowed by state law and, if so, under what circumstances it is allowed. This interim ordinance will also permit the City to develop appropriate regulations relative to the distances permitted dispensaries should be from sensitive uses, and to determine appropriate methods of operation, as well as the circumstance of when and where dispensaries would be compatible with the surrounding uses, and other related land use issues.

**Section Two. Extension of the Interim Prohibition on the Opening or Operation of New Medical Marijuana Dispensaries.** Having been advised that the duly required public noticing for this ordinance has been accomplished by the City staff, City Ordinance No. 5506 is hereby extended for a period of ten months and fifteen (15) days or until this Council adopts a new City ordinance codifying amendments to Santa Barbara Municipal Code Chapter 28.80, whichever is sooner, all as required by subparagraph (a) of state Government Code section 65858.

Swiley/ord/medical.marijuana/suspension-extension-adoption version  
January 28, 2010



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

File Code No. 540.13

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Introduction Of Ordinance For Renewal Of Recycled Water User Agreements

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara approving Three Twenty-Year Agreements to use Recycled Water between the City of Santa Barbara and; 1. Santa Barbara Community College District; 2. El Escorial Owners' Association; and; 3. California Department of Transportation, each dated as of February 2, 2010.

### **DISCUSSION:**

The Central Coast Regional Water Quality Control Board requires that the City of Santa Barbara have a recycled water user agreement with each site that uses the City's recycled water. Santa Barbara City College, El Escorial Owners' Association and California Department of Transportation entered into separate recycled water user agreements with the City twenty years ago. These agreements have now expired and new twenty-year recycled water user agreements are needed. If approved, the agreements will be recorded in the Official Records of the County of Santa Barbara to give notice of their existence to any interested party.

Staff has reviewed the three user agreements and recommends that Council adopt the subject Ordinance approving the three user agreements as required by the City Charter.

### **SUSTAINABILITY IMPACT:**

For all sites in the City of Santa Barbara currently using recycled water for irrigation and toilet flushing, instead of potable water, approximately 800 acre feet per year of potable water is saved.

**PREPARED BY:** Rebecca Bjork, Water Resources Manager/AJ/mh

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

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

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THREE TWENTY-YEAR AGREEMENTS TO USE RECYCLED WATER BETWEEN THE CITY OF SANTA BARBARA AND; 1. SANTA BARBARA COMMUNITY COLLEGE DISTRICT; 2. EL ESCORIAL OWNERS' ASSOCIATION, AND; 3. CALIFORNIA DEPARTMENT OF TRANSPORTATION, EACH DATED AS OF FEBRUARY 2, 2010

WHEREAS, the amount of potable water supply of the City of Santa Barbara (City) is limited, and therefore, water conservation is a major concern of the City;

WHEREAS, the City operates additional wastewater treatment facilities at its El Estero Wastewater Treatment Plant, which produces recycled water of satisfactory quality for safe use in irrigating landscape areas within the City;

WHEREAS, Santa Barbara Community College District, El Escorial Owners' Association and California Department of Transportation own, operate, and maintain approximately on 116 acres of landscaped area to be irrigated, using recycled water, at their sites located at 721 Cliff Drive, El Escorial Condominium, Por La Mar Circle, Units 1-261; and State Route 101 and 154, Santa Barbara, California, respectively;

WHEREAS, Santa Barbara Community College District, El Escorial Owners' Association and California Department of Transportation each desire to irrigate their respective areas with recycled water delivered by the City, thereby maximizing efforts to conserve the potable water supply; and

WHEREAS, Santa Barbara Community College District, El Escorial Owners' Association and California Department of Transportation have each agreed to accept recycled water for irrigation of their respective landscaped areas, and the City has agreed to deliver recycled water to Santa Barbara Community College District, El Escorial Owners' Association and California Department of Transportation under the terms and conditions set forth in each respective User Agreement between the City and; 1. Santa Barbara Community College District; 2. El Escorial Owners' Association and; 3. California Department of Transportation.

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

SECTION 1. That the three twenty-year Agreements to Use Recycled Water between the City of Santa Barbara and; 1. Santa Barbara Community College District; 2. El Escorial Owners' Association and; 3. California Department of

Transportation, each dated February 2, 2010, for delivery of the City's recycled water to the Santa Barbara Community College District, El Escorial Owners' Association and California Department of Transportation are approved.

SECTION 2. That the Public Works Director is authorized to execute the agreements.

SECTION 3. Following the effective date of this ordinance, the City Clerk is hereby authorized to cause the recordation of each agreement in the Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California.



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

File Code No. 630.06

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Adoption Of South Coast Energy Efficiency Partnership Agreement

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute the 2010-2012 Energy Partnership Agreement between Southern California Edison (SCE), Southern California Gas Company (Gas Company) and the City of Santa Barbara.

### **DISCUSSION:**

The California Public Utilities Commission (CPUC) and the California Energy Commission have made energy conservation and reduction a major goal for public utilities in the State of California. In 2006, the CPUC directed public utilities to form energy partnerships with local governments to help achieve this goal. Recognizing the need for increased energy efficiency, the CPUC formed the South Coast Energy Efficiency Partnership (SCEEP) Program, which completed its first funding cycle at the end of 2009.

The SCEEP Program is a partnership between the City of Carpinteria, the City of Goleta, the City of Santa Barbara, the County of Santa Barbara, the Southern California Edison Company and the Southern California Gas Company. The Program has been designed to assist local governments with effectively leading their communities to increase energy efficiency, reduce greenhouse gas emissions, and protect air quality.

The Partnership is now being renewed for the 2010-2012 cycle. SCE is budgeting \$2,096,767 and the Gas Company is budgeting \$84,900 for both incentive and non-incentive funding for projects completed by SCEEP partners. Incentive funding is provided in relation to energy reductions achieved through projects and non-incentive funding is reimbursement for partner participation and time.

The Program provides access to all SCE and Gas Company core programs as well as additional enhanced incentives for the City to demonstrate energy efficiency leadership in its community. As part of its core programs, SCE offers an incentive for projects with quantifiable energy reduction of \$0.05 per kWh reduced through energy retrofit projects. To SCEEP partners it offers an enhanced incentive of an additional \$0.03 per kWh for a

total of \$0.08 per kWh reduced. As we continue to improve our energy efficiency, our enhanced incentive can increase up to an additional \$0.09 per kWh for a total of \$0.14 per kWh reduced. The Gas Company incentive level is up to \$1.00 per therm for gas usage reduction.

Through the SCEEP the City has received almost \$205,000 in incentive dollars since 2006, making it possible to pursue a greater number of energy efficiency projects throughout City facilities. Examples of projects completed in the last cycle are listed in the table below.

<b>Project</b>	<b>Incentive Funding Received</b>	<b>Electricity Saved</b>	<b>Annual City Savings</b>
Lighting Retrofits in Parking Structures – Lots 2, 7, 9, 10	\$96,363	490,586 kWh	\$55,529
San Roque Well Refurbishment	\$6,584	82,301 kWh	\$10,365
630 Garden St. Offices - Heating, Ventilation, Air Conditioning (HVAC) Upgrade	\$4,344	34,285 kWh	\$4,609
EI Estero Influent Pump Biosolid Process Upgrade	\$27,122	904,077 kWh	\$76,096

There is \$2,181,667 planned for SCEEP partners to use in the 2010 – 2012 funding cycle. The tables below show how those funds will be allocated by both SCE and the Gas Company.

The three-year budget for SCE is divided as follows:

<b>Purpose of Funds</b>	<b>Funds Available</b>
<u>Incentive</u> : Funds available to partners based on energy reduction	\$1,012,251
<u>Administration</u> : Funds to reimburse partners for time spent on SCEEP administrative activities	\$224,087
<u>Marketing</u> : Funds for marketing firm to produce promotional materials and provide public relations services	\$224,087
<u>Strategic Planning</u> : Funds to reimburse partners for time spent on strategic planning activities such as Reach Codes and On-Bill Financing	\$51,510
<u>Direct Implementation</u> : Funds to reimburse partners on time spent working on projects with SCE or other utility representative	\$159,091
<u>Implementer</u> : Funds for Partnership to hire a contractor to perform energy audits and savings calculations and identify project opportunities	\$425,741
<b>Total Partnership Funding from SCE</b>	<b>\$2,096,767</b>

The three-year budget for the Gas Company is divided as follows:

<b>Purpose of Funds</b>	<b>Funds Available</b>
<u>Incentive</u> : Funds available to partners based on gas reduction	\$42,000
<u>Administration</u> : Funds to reimburse partners for time spent on SCEEP administrative activities	\$18,900
<u>Marketing</u> : Funds for marketing firm to produce promotional materials and provide public relations services	\$24,000
<b>Total Partnership Funding from the Gas Company</b>	<b>\$84,900</b>

There is no explicit division of funds between the various partners and funds are awarded on a "first come, first serve" basis.

Staff plans to use incentive funds for a large number of projects, including those funded by the American Recovery and Reinvestment Act for energy efficiency projects. The projects listed below are eligible to receive SCEEP incentives.

<b>Project Location</b>	<b>Project Eligible for Incentives</b>
City Hall	HVAC upgrades, Building Automation System installation
Central Library	HVAC upgrades, Building Automation System installation
Eastside Library	HVAC upgrades, Building Automation System installation
Franklin Center	HVAC upgrades, Building Automation System installation
Westside Community Center	HVAC upgrades, Building Automation System installation
1235 Teen Center	HVAC upgrades, Building Automation System installation
Parks and Recreation Administration Buildings	HVAC upgrades, Building Automation System installation
Fire Station 1	Building Automation System installation
Dwight Murphy Ball Field	Sport Lighting Upgrades
Pershing Park Ball Field	Sport Lighting Upgrades
Cabrillo Ball Field	Sport Lighting Upgrades

**BUDGET/FINANCIAL INFORMATION:**

The 2010-2012 Program is funded by a Public Goods charge paid by California utility ratepayers and is administered by SCE and the Gas Company under the auspices of the Public Utilities Commission.

**SUSTAINABILITY IMPACT:**

Adopting the 2010-2012 Partnership Agreement will provide services to the community in the form of energy education and outreach programs to residences, businesses, and schools as well as other energy incentive programs. This Agreement will continue the Program's documented electricity savings in the City of Santa Barbara, and provide incentives for municipal energy conservation retrofits.

**PREPARED BY:** James Dewey, Facilities Manager/AP/cc

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Contract For Final Design Of Elings Park Landfill Gas Collection And Control System

**RECOMMENDATION:** That Council:

- A. Authorize the Public Works Director to execute a professional services contract with Geosyntec Consultants (Geosyntec) in the amount of \$63,267 for design services for the Elings Park Landfill Gas Collection and Control System, and authorize the General Services Manager to approve expenditures of up to \$6,327 for extra services of Geosyntec that may result from necessary changes in the scope of work; and
- B. Increase appropriations by \$87,000 in the Solid Waste Fund from reserves for final design of the Elings Park Landfill Gas Collection and Control System.

### **DISCUSSION:**

#### **BACKGROUND**

Landfill gas has been detected in some gas monitoring probes that serve the former City Las Positas Landfill. The Landfill was closed prior to the construction of Las Positas (now Elings) Park. The City contracted with Geosyntec to provide a preliminary plan to mitigate the landfill gas. After receiving approvals from the Santa Barbara County Environmental Health Department, which functions as the Local Enforcement Agency, and the California Integrated Waste Management Board for the preliminary plan, the City approved the plan and began working with Geosyntec on a design.

Geosyntec was selected for this project due to the firm's extensive knowledge and experience with the site and landfill gas extraction systems. They have evaluated or designed landfill gas extraction systems at more than 50 sites around the country. Staff from Geosyntec's local office has worked at the Elings Park site since 2003, assisting the Elings Park Foundation in developing the conceptual design for an engineered cover system for its proposed lower park project.

**PROJECT DESCRIPTION**

The work consists of the final design of a gas collection and control system for the closed landfill at Elings Park. The collection system includes the installation of four vertical wells and piping to collect and transport landfill gases and condensate to a centralized point. The project will also construct a centralized collection and treatment system for the gases and condensate. The landfill gas collected will be filtered or destroyed in a chamber. All work for the project will occur at Elings Park.

**DESIGN PHASE ENGINEERING SERVICES**

Staff recommends that Council authorize the Public Works Director to execute a contract with Geosyntec in the amount of \$63,267 for final design and \$6,327 for potential extra services for a total of \$69,594. Geosyntec is a national firm that specializes in the design and construction of solid waste disposal facilities, and has prior experience working on local landfill projects, including those at Elings Park. Geosyntec has performed the preliminary design for the project.

**PUBLIC OUTREACH**

The Public Works Department, in conjunction with the Environmental Services Division, will work closely with the Elings Park staff for all public outreach. Through workshops and written communications with Elings Park staff, Public Works will ensure the information about the design and subsequent construction is readily available to the public. All outreach efforts will ensure the City keeps residents and park users appropriately informed.

**FUNDING**

The following summarizes all estimated total Project cost:

**ESTIMATED TOTAL PROJECT COST**

Design (by Contract)	\$69,594
Other Design Costs - City staff (if contract), Environmental (Assessments, etc.)	\$46,972
<b>Subtotal</b>	<b>\$116,566</b>
Estimated Construction Contract w/Change Order Allowance	\$588,500
Estimated Construction Management/Inspection (by Contract or City)	\$53,500
<b>Subtotal</b>	<b>\$642,000</b>
<b>TOTAL PROJECT COST</b>	<b>\$758,566</b>

The Solid Waste Fund currently has approximately \$30,000 budgeted for this project. Therefore, an additional \$87,000 is needed in appropriations to cover the design costs estimated at \$116,566. Following the receipt of construction bids, staff will return to Council to request approval of the construction contract and appropriation authority to cover these costs, utilizing Solid Waste Fund reserves.

**PREPARED BY:** John Ewasiuk, Principal Civil Engineer/PS/mj

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

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



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

File Code No. 670.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Support Of The Highway 101 High Occupancy Vehicle Widening Project

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Supporting the Highway 101 High Occupancy Vehicle Widening Project as Santa Barbara County's Highest Regional Transportation Priority for Federal Funding.

### **DISCUSSION:**

On January 21, 2010, the Santa Barbara County Association of Governments (SBCAG) Board of Directors voted unanimously to request that all local agencies support the Highway 101 High Occupancy Vehicle (HOV) Widening Project as Santa Barbara County's (County) highest regional transportation priority for federal funding.

The Highway 101 HOV Widening Project was presented to the public as the region's highest priority in the Measure A Investment Plan which was approved by nearly 80% of County voters in November 2008. Development of the Measure A Strategic Plan, which outlines how the projects in Measure A will be completed over the next 30 years, has underscored the critical need to obtain new sources of federal and State funding to construct the Highway 101 HOV Widening Project.

SBCAG has hired a federal lobbyist to assist the agency in obtaining federal funding. This lobbyist has developed a legislative strategy to guide SBCAG's federal advocacy efforts. The single most important aspect of the proposed legislative strategy from a regional perspective is the need for all the local agencies in Santa Barbara County to have a united position regarding the Highway 101 HOV Widening Project as the region's highest transportation priority. Members of Congress receive numerous worthy project requests from their constituents, including the City of Santa Barbara. As they weigh these many requests for support, one of the major factors they consider is the

extent and degree of support for the project from other entities in the local region and the State. Identifying the Highway 101 HOV Widening Project as the highest regional priority does not preclude local agencies from seeking earmark funding for local priorities.

**BUDGET/FINANCIAL INFORMATION:**

Funding from federal and state sources will be necessary to implement local and regional transportation project priorities. The proposed resolution is part of an aggressive legislative strategy to achieve the funding for those needs.

**ATTACHMENT:** Letter from SBCAG, dated January 25, 2010

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

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

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



January 25, 2010

Mayor Helene Schneider  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Subject: Support for 101 HOV Widening Project

Dear Mayor Siminski:

The Santa Barbara County Association of Governments Board of Directors voted unanimously on January 21<sup>st</sup> to request that all local agencies support the 101 High Occupancy Vehicle lane widening project as Santa Barbara County's highest regional transportation priority for federal funding.

The 101 HOV widening project was presented to the public as the region's highest priority in the Measure A Investment Plan which was approved by nearly 80% of county voters in November 2008. Development of the Measure A Strategic Plan, which outlines how the projects promised to the voters in Measure A will be completed over the next 30 years, has underscored the critical need to obtain new sources of federal and state funding to construct the 101 HOV widening project. To the extent that we are successful in securing other outside discretionary funding such as federal earmarks, the delivery of the 101 project may be accelerated.

SBCAG has hired a federal lobbyist to assist the agency in obtaining federal funding. Our lobbyist has developed a legislative strategy to guide our federal advocacy efforts. The single most important aspect of the proposed legislative strategy is the need for all the local agencies in Santa Barbara County to have a united position regarding the 101 HOV Widening project as the region's highest transportation priority. Members of Congress and Senators receive numerous worthy project requests from their constituents. As they weigh these many requests for support, one of the major factors they will take into account is the extent and degree of support for the project from other entities in the region and the State.

Regional support for the 101 project could come in the form of letters or adopted resolutions from the cities and county. For maximum impact, however, local jurisdictions should also submit the project as part of their 2010 federal legislative agendas and indicate specifically that it is their highest regional transportation priority. They should also discuss the project as part of their federal legislative agenda when they meet with members of our Congressional delegation. Identifying the 101 HOV Widening Project as the highest regional priority does not preclude local agencies from seeking earmark funding for local priorities.

## ATTACHMENT

A delegation of SBCAG board members will be meeting in Washington, D.C. with our congressional representatives, committee staff and Department of Transportation staff to communicate our priorities. These meetings are scheduled for Feb 10-12 and, if possible we would like to have your city council act on this request prior to these meetings so that we can demonstrate the countywide support for the 101 HOV project in our region.

U.S. 101 is one of only two north-south interregional highways between Los Angeles and San Francisco. When Interstate 5 is closed because of accidents, fires, snow, or other inclement weather, all north-south traffic in California is diverted to the 101 freeway. It is the primary artery along the Central Coast and is vital to statewide commerce; this is reflected by its designation as a state Focus Route and High Emphasis Route. The corridor is a principal arterial on the National Highway System. It serves as a Strategic Highway Network Route, as well as a State Highway Extra Legal Load Route and is part of the National Truck Network. The corridor provides access from California's Central Coast agricultural operations to markets around the country.

The 101 HOV widening project provides numerous benefits including increased capacity for reduced congestion and interregional goods movement, improved safety and multi-modal access and jobs creation. The freeway widening will help protect the economic viability of the entire region by reducing travel delays.

SBCAG respectfully requests that the City of Guadalupe approve a resolution supporting the 101 HOV widening project as Santa Barbara County's highest regional transportation priority for federal funding. Attached is a sample resolution that you may wish to use. Please feel free to contact me if you have any questions about this important project.

Sincerely,



Salud Carbajal  
SBCAG Chair

Attachment

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY  
OF SANTA BARBARA SUPPORTING THE  
HIGHWAY 101 HIGH OCCUPANCY VEHICLE  
WIDENING PROJECT AS SANTA BARBARA  
COUNTY'S HIGHEST REGIONAL  
TRANSPORTATION PRIORITY FOR FEDERAL  
FUNDING

WHEREAS, Highway 101 is one of only two north-south interregional highways between Los Angeles and San Francisco and serves all traffic when Interstate 5 is closed during periods of inclement weather and other emergencies;

WHEREAS, Highway 101 is the primary arterial for the Central Coast region of California and is vital to the local, state and national economy;

WHEREAS, Highway 101 is part of the Strategic Highway Network System for National Defense and the National Truck Network System for the movement of goods and freight;

WHEREAS, the four-lane segment of Highway 101 south of the City of Santa Barbara creates a traffic bottleneck connecting two six lane segments to the north and south;

WHEREAS, the four-lane segment of Highway 101 carries more than 100,000 daily vehicle trips resulting in recurring traffic congestion and hundreds of hours of daily trip delays for the movement of people and goods, lost productivity, and high traffic collision rates;

WHEREAS, the Santa Barbara County Association of Governments Board of Directors has designated the widening of Highway 101 six-lanes to add northbound and southbound High Occupancy Vehicle (HOV) lanes to be the highest regional priority for transportation funding;

WHEREAS, the voters of Santa Barbara County overwhelmingly approved Measure A by a 79% margin in November 2008 to continue a countywide ½ cent sales tax for transportation infrastructure improvements;

WHEREAS, the Measure A investment plan commits \$140 million in local tax funds towards the Highway 101 HOV Widening Project; and

WHEREAS, completing the Highway 101 HOV Widening Project is in the national interest and requires the financial partnership of the Federal Government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the City supports the Highway 101 HOV Widening Project as Santa Barbara County's Highest Regional Transportation Priority for Federal Funding.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

**FROM:** Administration Division, Parks and Recreation Department

**SUBJECT:** Restoration Of Parma Park And Appropriation Of Parma Park Trust Funds

**RECOMMENDATION:** That Council:

- A. Receive a report on the post-Tea Fire recovery and restoration of Parma Park; and
- B. Increase appropriations and estimated revenues by \$71,288 in the Fiscal Year 2010 Miscellaneous Grants Fund for restoration and maintenance work at Parma Park to be funded by the Parma Park Trust.

### **DISCUSSION:**

Parma Park, one of the City's 11 open space parks, comprises 200 acres. Located in the upper Sycamore Creek watershed and generally bounded by Sycamore Canyon Road, Mountain Drive, and Montecito, Parma Park provides passive recreation opportunities to hikers and equestrians. Mountain biking is limited to fire roads within the park. Harold Parma, along with his family, deeded Parma Park to the City in November 1973. The park is managed by the Parks and Recreation Department (Department). The Parma Park Trust, established in 2000, provides funds on an annual basis to support the preservation and maintenance of the park.

Parma Park suffered significant damage as a result of the November 2008 Tea Fire. Over 95 percent of the native riparian, oak woodland and grassland habitats within the park were destroyed. Soon after the immediate hazards were addressed, the Department developed a rehabilitation and restoration plan for the park.

### Parma Park Rehabilitation and Restoration Plan

The recovery and restoration plan addressed short-term objectives (first six months) that would allow the Department to re-open the park to the public, and long-term objectives that would enhance and preserve the park's habitats and recreation opportunities. Short-term objectives included the removal of dead trees, brush, and exposed wire, as well as soil stabilization and trail restoration. Longer-term objectives

(over two years) included the eradication of invasive non-native vegetation, enhancement of native tree and grassland areas, park signage, fencing and trail improvements, development of volunteer projects, and rehabilitation of the park's olive grove, among others.

Since the Tea Fire area was designated a natural disaster area, funding for many of the short-term objectives was secured from the Federal Emergency Management Agency (FEMA) and the California Office of Emergency Services (OES). In early 2009, the Department received approval for funding the longer-term objectives from the Parma Park Trust. Concurrent with these efforts, the Department also secured National Emergency Grant (NEG) funding in the amount of \$186,190 with the assistance of the County of Santa Barbara Workforce Investment Board (WIB). The NEG funding was made available through the Department of Labor under the Workforce Investment Act (WIA). The purpose of the NEG funding was to create temporary jobs for unemployed workers focused on the rehabilitation of wildfire disaster areas in Southern California. Council appropriated the NEG funds on June 9, 2009.

#### Achievements to Date

In the first 6 months of 2009, the Department addressed many of the immediate safety hazards and re-opened portions of the park to the public. From July through mid-December, the Department had an 11-member ground maintenance crew dedicated to trail improvements, erosion control, brush removal, habitat restoration, removal of exotic natives (such as fennel and castor bean), fence construction, and sign installation. The maintenance crew was funded through the NEG.

In addition to the temporary job creation, the rehabilitation of the park's habitats led to other opportunities. Craig Makela, of Santa Barbara Olives, provided technical assistance at no cost in the salvage and rejuvenation efforts for the Parma olive grove. Mr. Makela provided strategies that allowed the Department to salvage the burnt wood for reuse as park signs and benches, and techniques to foster re-growth of the remaining trees. Similarly, in the development of the restoration plan, the Department consulted with Dr. Bob Muller of the Santa Barbara Botanic Garden, regarding fire impact, native habitats and exotic invasive species at the park. Over time, restoration of the trails in Parma Park will also demonstrate more sustainable trail building and maintenance strategies.

#### Restoration Plans for 2010

Continuation of the restoration efforts in 2010, in accordance with the Parma Park Restoration Plan, will be funded by the Parma Park Trust and the NEG. Although there has been significant progress in the rehabilitation of the park, wet weather may cause significant erosion and trail damage, non-native plants will continue to emerge, and areas designated for restoration need to be planted with trees and other native shrubs. In 2010 the Department will also expand its restoration efforts with volunteer projects focused on native plant habitats.

**BUDGET/FINANCIAL INFORMATION:**

The Department reports expenditures for Parma Park to the Parma Park Trustee on a calendar year basis, concurrent with the Trust disbursement of funds in December each year.

As outlined in the table below, expenditures for Parma Park restoration efforts in Calendar Year 2009 totaled \$296,664. This includes \$93,173 from FEMA, \$31,058 from the State OES, \$130,426 of the NEG funds, and \$42,007 in Parma Park Trust Funds. The Department estimates \$139,000 in expenditures for Calendar Year 2010. Funding for 2010 includes \$55,764 of NEG funds, with the remaining funding of \$83,236 from the Parma Park maintenance account.

<b>Source</b>	<b>2009</b>	<b>2010</b>	<b>Total</b>
FEMA	\$93,173	\$0	\$93,173
State OES	\$31,058	\$0	\$31,058
NEG	\$130,426	\$55,764	\$186,190
Parma Park Trust	\$42,007	\$83,236	\$125,243
<b>Total</b>	<b>\$296,664</b>	<b>\$139,000</b>	<b>\$435,664</b>

The Parma Park maintenance account currently has a balance of \$146,119 in budgeted appropriations. Of the \$71,288 in new funds distributed from the Trust, the Parma Park Trustee has designated \$32,282 for implementation of the restoration plan, which would bring the balance in the Parma Park Maintenance account to \$178,401 (\$146,116 + \$32,282). Of this total, \$83,236 will be used for the calendar year 2010 restoration efforts at Parma Park. The remaining portion of the new funds (\$39,006) will be dedicated to a future capital improvement project at the Stanwood entrance to the park.

**SUSTAINABILITY IMPACT:**

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

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

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Pilot Program For Digestion Of Fats, Oil, And Grease At The El Estero Wastewater Treatment Plant

**RECOMMENDATION:** That Council:

- A. Approve a professional services agreement with AECOM for engineering and design services relating to the Fats, Oils and Grease (FOG) injection system at El Estero Wastewater Treatment Plant (El Estero) for the amount \$59,400 and authorize the Public Works Director change order authority of up to \$5,940 for extra services of AECOM that may result from necessary changes in the scope of work; and
- B. Authorize the Public Works Director to negotiate and execute upon review and approval by the City Attorney's office, an agreement with Marborg Industries for hauling, pretreatment and delivery of FOG to El Estero during the FOG Pilot Project.

**DISCUSSION:**

El Estero has two anaerobic digesters which produce methane as a by-product of the treatment process. The methane can be used as a fuel source to generate electricity and heat for El Estero. Several wastewater treatment plants in California have implemented programs to accept grease from restaurant grease traps directly into their digesters. Direct injection of FOG into the digester can increase gas production while reducing the need to haul the grease for disposal. Some studies have shown that grease injection also results in more complete digestion reducing the total volume of biosolids produced.

FOG in the wastewater collection system can coat the lines, eventually causing blockages and spills. The City's Municipal Code requires that restaurants install grease traps to remove grease prior to discharge of wastewater to the sewer system. There are roughly 350 restaurants within the City's sewer system service area that produce an

estimated 20,000 gallons of FOG daily that is collected and hauled to Fresno, Bakersfield or Watsonville for processing or disposal. The pilot project will be sized for 5,000 gallons of FOG daily.

The proposed pilot project will divert FOG from disposal facilities to El Estero for digestion in the anaerobic digesters. Although it is anticipated injection of FOG into the digesters will increase methane gas production, the pilot project does not include additional equipment to generate electricity. There are two existing fuel cells at El Estero that produce electricity from methane gas and additional gas will augment their fuel supply. During the pilot project, however, it is anticipated that more gas will be produced than can be used by the fuel cells.

An important reason to do a pilot project prior to designing a full scale grease injection program is that it will allow staff to generate data on the amount of additional gas produced as it relates to the volume of FOG injected, the quality and heat value of the gas, and other performance criteria that will allow for the design of a full scale FOG digestion project. It is anticipated that a full scale FOG digestion project would include additional electricity generation equipment.

If approved, the design of the pilot project is anticipated to be completed by June 2010 with the construction projected for completion by June 2011.

### **Contractor Selection**

Staff selected AECOM for the design of the FOG Pilot Project based on their expertise designing grease injection and digestion systems. AECOM is very familiar with this project and the project site, as they previously conducted an air quality study to address the impacts of pilot FOG implementation. They have also been instrumental in designing and providing engineering support for FOG and food co-digestion programs at several other jurisdictions, including East Bay Municipal Utility District, which is one of the model programs the City is referencing for design of its program.

AECOM's scope of work includes a technical memorandum identifying the process and equipment recommendations, plans and specifications, bid phase services, and support services through the construction phase of the FOG Pilot Project. Staff will need to return to Council at a later date with a Request for Proposal to select a contractor to construct the grease injection system.

Marborg has been identified as a suitable partner for the FOG Pilot Project based on their proximity to the delivery location, their pre-existing FOG hauling services, and their willingness to invest in the infrastructure needed to implement the FOG Pilot Project. Additionally, Marborg has a septage and portable toilet waste receiving station in Santa Barbara and operates pre-treatment equipment similar to what will be required for the FOG. The term of the contract for the pilot project is proposed to be two years with a two-year extension. Marborg will pay the City a negotiated tipping fee for hauling fats, oil, and grease to El Estero.

If the FOG Pilot Project study is successful and the City transitions to a full-scale project, staff anticipates that information and knowledge developed during the pilot study will be used to write a request for proposals from FOG haulers to deliver FOG for the full scale project. A full scale project is also anticipated to have additional electrical generation capacity.

**BUDGET/FINANCIAL INFORMATION:**

AECOM has estimated the design of the FOG Pilot Project and construction support services to cost approximately \$60,000. Construction costs are estimated at \$350,000. Staff anticipates that revenue from hauling fats, oil, and grease will generate up to \$100,000 per year which equates to a payback period of approximately four years. However, if the FOG Pilot Project is successful it is anticipated that it will result in the installation of additional electricity generation equipment and offsets to the electrical costs at El Estero. Full scale project financing will be analyzed based on the results of the FOG Pilot Project.

**SUSTAINABILITY IMPACT:**

Implementing the FOG Pilot Program will allow El Estero to convert a waste stream of fats, oils and grease in El Estero's digester units into an increased amount of biogas production which can then be used as a renewable energy source, yielding up to approximately 4,500 kWh per day. Additional electrical generation equipment will be required to fully benefit from the increased gas production.

**PREPARED BY:** Chris Toth, Wastewater System Manager/AP/cc

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** City Attorney's Office  
**SUBJECT:** Conference With Legal Counsel – Pending Litigation

### RECOMMENDATION:

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

The pending litigation is *Rudy Munoz v. City of Santa Barbara, et al.*, SBSC Case Number: 1302638

### SCHEDULING:

Duration: 15 minutes - Anytime

### REPORT:

None anticipated

**SUBMITTED BY:** Stephen P. Wiley, City Attorney

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



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

File Code No. 440.05

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 2, 2010

**TO:** Mayor and Councilmembers

**FROM:** Employee Relations, Administrative Services

**SUBJECT:** Closed Session – Conference With Labor Negotiator

**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 Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, the Hourly Bargaining Unit, and the Supervisory Employees Association, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

**SCHEDULING:**

Duration: 60 minutes; anytime

**REPORT:**

None anticipated

**PREPARED BY:** Kristy Schmidt, Employee Relations Manager

**SUBMITTED BY:** Marcelo Lopez, Assistant City Administrator

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