

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

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



**James L. Armstrong**  
*City Administrator/  
Executive Director*

**Stephen P. Wiley**  
*City Attorney/Agency Counsel*

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

**APRIL 20, 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 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](http://www.citytv18.com) for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

## **ORDER OF BUSINESS**

- 12:30 p.m. - 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

### **FINANCE COMMITTEE MEETING - 12:30 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)**

**Subject: Finance Committee Review Of Fiscal Year 2011 Recommended Budget**

Recommendation: That Finance Committee consider and approve the proposed Finance Committee review schedule and topics related to the Fiscal Year 2011 Recommended Budget.

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

**Subject: Architectural Board Of Review 2010 Membership Provisions**

Recommendation: That the Ordinance Committee review proposed Santa Barbara Municipal Code (SBMC) Section 22.68.010 changes and recommend the changes to 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 April 20, 2010, As The 40th Anniversary Of UCSB Environmental Studies Program (120.04)**

**CHANGES TO THE AGENDA**

**PUBLIC COMMENT**

**CONSENT CALENDAR**

**CITY COUNCIL**

- 2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of March 22, and the regular meetings of March 23, March 30, and April 6, 2010 (cancelled).

- 3. Subject: State Revolving Fund Project Funding For The El Estero Wastewater Treatment Plant (540.13)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Wastewater Fund as the Dedicated Source of Revenue for Repayment of the Clean Water State Revolving Fund (CWSRF) Loan.

## CONSENT CALENDAR (CONT'D)

### CITY COUNCIL (CONT'D)

**4. Subject: Adoption Of Appeal Findings Resolution For 3714-3744 State Street – Sandman Inn Redevelopment Project (640.07)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the City Planning Commission to Certify the Final Environmental Impact Report for the Sandman Inn Redevelopment Project, and to Approve the Application of Brent Daniels, L&P Consultants, Agent for Kellogg Associates, for the Tentative Subdivision Map, a Development Plan Approval, and Certain Lot Area Modifications and Line Adjustments in Connection with the Redevelopment Project Proposed for 3714-3744 State Street Buffer (MST2007-00591) and Known as the "Sandman Inn Redevelopment Project."

**5. Subject: Introduction Of Ordinance For Lease Agreement With Doug Chessmore (330.04)**

Recommendation: That Council approve a lease agreement with Doug Chessmore, doing business as Ocean Aire Electronics, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement with Doug Chessmore, Doing Business As Ocean Aire Electronics, Effective May 27, 2010, for Lease of the Premises Located at 125 Harbor Way #7.

**6. Subject: Introduction Of Ordinance For Extension And Amendment Of Supervisors' Memorandum Of Understanding (440.02)**

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5484, the 2009-2011 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit (Supervisors' Unit).

**7. Subject: Approval Of An Emergency Purchase Order For The Modoc Road Storm Drain Repair Project (530.04)**

Recommendation: That Council retroactively approve the issuance of an emergency Purchase Order to Tierra Contracting, Inc. (Tierra), in the amount of \$87,718 for construction of the Modoc Road Storm Drain Repair, pursuant to Municipal Code Section 4.52.080.

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

### CITY COUNCIL (CONT'D)

**8. Subject: Purchase Order Contract For The Gibraltar Dam Concrete Maintenance Project (540.09)**

Recommendation: That Council waive formal bid procedures as authorized by Municipal Code Section 4.52.070(k) and authorize the General Services Manager to issue a Purchase Order to Santa Barbara Surfacing for the Gibraltar Dam Concrete Maintenance Project (Project) in the amount of \$87,290.31, and authorize the General Services Manager to approve expenditures of up to \$17,450 for extra services that may result from necessary changes in the scope of work.

### REDEVELOPMENT AGENCY

**9. Subject: Minutes**

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the special meeting of March 30, 2010.

### NOTICES

10. The City Clerk has on Thursday, April 15, 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.
11. The Recommended Fiscal Year 2011 Operating and Capital Budget was filed with the City Clerk's Office on April 20, 2010.
12. Received a letter of resignation from Creeks Advisory Committee Member Daniel Wilson; the vacancy will be part of the current City Advisory Groups recruitment.

**This concludes the Consent Calendar.**

## **REPORT FROM THE FINANCE COMMITTEE**

## **REPORT FROM THE ORDINANCE COMMITTEE**

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

### **FINANCE DEPARTMENT**

**13. Subject: Fiscal Year 2011 Recommended Operating And Capital Budget (230.05)**

Recommendation: That Council:

- A. Receive the Fiscal Year 2011 Recommended Operating and Capital Budget;
- B. Hear a report from staff in connection with the filing of the Fiscal Year 2011 Recommended Budget; and
- C. Approve the proposed Schedule of Council Budget Review Meetings for the presentation of the Fiscal Year 2011 Recommended Budget.

### **REDEVELOPMENT AGENCY REPORTS**

**14. Subject: Future Of The Redevelopment Agency (620.01)**

Recommendation: That Council and the Redevelopment Agency Board receive a report on the future of the Redevelopment Agency.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)**

### **PUBLIC WORKS DEPARTMENT**

**15. Subject: Cachuma Conservation Release Board Draft Budget (540.03)**

Recommendation: That Council review the draft Fiscal Year 2011 budget for the Cachuma Conservation Release Board (CCRB).

### **COUNCIL AND STAFF COMMUNICATIONS**

### **COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS**

## **CLOSED SESSIONS**

### **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. The pending litigation is Cynthia Ricci v. Isadora Gonzalez; City of Santa Barbara, SBSC Case Number 1337050.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

### **17. Subject: Conference With Real Property Negotiator (330.03)**

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible lease of property owned by the City of Santa Barbara, commonly described as a ten-acre parcel of real property located at the Santa Barbara Airport airfield, bounded by Taxiway A and Taxiway M. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with Tam Hunt. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; and Sarah Knecht, Assistant City Attorney. Negotiator for the potential lessee is Tam Hunt. Under negotiation: Price and terms of payment of a possible ground lease.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

## **ADJOURNMENT**

CITY OF SANTA BARBARA

**FINANCE COMMITTEE**

MEETING AGENDA

DATE: April 20, 2010

TIME: 12:30 p.m.

PLACE: David Gebhard Public Meeting Room  
630 Garden Street

Das Williams, Chair

Dale Francisco

Michael Self

James L. Armstrong  
City Administrator

Robert Samario  
Interim Finance Director

**ITEM TO BE CONSIDERED:**

**Subject: Finance Committee Review Of Fiscal Year 2011 Recommended Budget**

Recommendation: That Finance Committee consider and approve the proposed Finance Committee review schedule and topics related to the Fiscal Year 2011 Recommended Budget.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010  
**TO:** Finance Committee  
**FROM:** Administration Division, Finance Department  
**SUBJECT:** Finance Committee Review Of Fiscal Year 2011 Recommended Budget

### **RECOMMENDATION:**

That Finance Committee consider and approve the proposed Finance Committee review schedule and topics related to the Fiscal Year 2011 Recommended Budget.

### **DISCUSSION:**

In accordance with City Charter, the Fiscal Year 2011 Recommended Budget is being filed with the City Clerk's Office on Tuesday, April 20, 2010 and is being presented to Council on this same day.

City staff has scheduled special City Council budget work sessions over the next two months during which the details of the recommended budget will be presented and discussed. Over the course of the special meetings, each department will present their respective budgets to City Council, with the focus being on the budget adjustments required to respond to the overall impacts on all funds, in particular the General Fund.

In addition to the review by Council, staff is recommending that the Finance Committee review certain topics germane to the recommended budget. These elements include General Fund revenue assumptions and projections, General Fund reserves and citywide fees. The proposed Finance Committee review schedule is included as an attachment to this report.

**ATTACHMENT:** Proposed Finance Committee Review Schedule  
**SUBMITTED BY:** Robert Samario, Assistant Finance Director  
**APPROVED BY:** City Administrator's Office

**CITY OF SANTA BARBARA**  
**Finance Committee Review Schedule**  
**Fiscal Year 2011 Recommended Budget**

Meeting Date and Time	Department
<p><b>Tuesday, April 27, 2010</b> 11:00 a.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> <li>➤ General Fund balancing strategy (15 min)</li> <li>➤ General Fund non-departmental revenues and assumptions (20 min)</li> <li>➤ General Fund departmental proposed fee changes - Part 1 (1 hour)</li> <li>➤ Streets Program revenues (30 min)</li> </ul> <p>Note: The March 31, 2010 Investment Report will also be on the agenda (10 min)</p>
<p><b>Tuesday, May 4</b> 12:00 p.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> <li>➤ General Fund departmental proposed fee changes - Part 2 (45 minutes)</li> <li>➤ Downtown Parking – Discussion of PBIA proposed rate changes (30 min)</li> <li>➤ Golf Enterprise Fund proposed fees (20 min)</li> </ul>
<p><b>Tuesday, May 11</b> 12:00 p.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> <li>➤ General Fund departmental proposed fee changes – Part 3, if needed (30 min)</li> <li>➤ Enterprise fund proposed fee changes (1 hour 15 min) – Water, Wastewater, Waterfront, Solid Waste</li> </ul>
<p><b>Tuesday, May 25</b> 11:00 a.m. – 2:00 p.m.</p>	<ul style="list-style-type: none"> <li>➤ Review of Citywide reserve balances and policies (30 min)</li> </ul> <p>Note: The following items will also be on the agenda:</p> <ol style="list-style-type: none"> <li>1. Loan for New Housing Authority Project – Bradley Property (30 min)</li> <li>2. RDA Fiscal Year 2010 Interim Financial Statements – March 31, 2010 (5 min)</li> <li>3. 3<sup>rd</sup> Quarter Review – City Interim Financial Statements (30 min)</li> <li>4. Follow-up discussion of FY 2010 balancing options: (1) RDA funding of Downtown Parking Fund capital and (2) Pay back of Franchise Fees by Solid Waste Fund to General Fund</li> </ol>
<p><b>Tuesday, June 1</b> 1:00 p.m. – 3:00 p.m.</p>	<ul style="list-style-type: none"> <li>➤ Follow-up on items requested by Finance Committee (if necessary)</li> <li>➤ Recommendations presented to City Council</li> </ul>

CITY OF SANTA BARBARA

**ORDINANCE COMMITTEE MEETING**

MEETING AGENDA

DATE: April 20, 2010  
TIME: 12:30 p.m.  
PLACE: Council Chambers

Bendy White, Chair  
Grant House  
Frank Hotchkiss

Office of the City  
Administrator

Office of the City  
Attorney

Lori Pedersen  
Administrative Analyst

Stephen P. Wiley  
City Attorney

**ITEMS FOR CONSIDERATION**

**Subject: Architectural Board Of Review 2010 Membership Provisions**

Recommendation: That the Ordinance Committee review proposed Santa Barbara Municipal Code (SBMC) Section 22.68.010 changes and recommend the changes to Council for adoption.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010  
**TO:** Ordinance Committee  
**FROM:** Planning Division, Community Development Department  
**SUBJECT:** Architectural Board Of Review 2010 Membership Provisions

### **RECOMMENDATION:**

That the Ordinance Committee review proposed Santa Barbara Municipal Code (SBMC) Section 22.68.010 changes and recommend the changes to Council for adoption.

### **DISCUSSION:**

On November 3, 2009, City of Santa Barbara voters passed Measure E amending Section 814 of the City Charter to reduce the membership of the Architectural Board of Review (ABR) from nine members to seven members. Measure E also authorized the City Council to adopt an ordinance to properly transition the ABR from nine members to seven members. The revisions in the Attachment would make Title 22 consistent with the Charter regarding ABR membership and allow for an eight member transition period until the end of 2010. This is especially important to implement due to the need for two landscape architects to remain on the ABR in 2010.

### **BUDGET IMPACT:**

This proposal involves no significant expenditures or staff work to implement.

**ATTACHMENT:** Proposed Title 22 ordinance revisions and interim uncodified section.  
**PREPARED BY:** Jaime Limón, Senior Planner  
**SUBMITTED BY:** Paul Casey, Assistant City Administrator/Community Development  
**APPROVED BY:** City Administrator's Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 4/20/10  
SHOWING CHANGES FROM EXISTING CODE

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 22.68.010 OF CHAPTER 22.68 OF TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE ARCHITECTURAL BOARD OF REVIEW AND TRANSITIONING THE BOARD FROM NINE MEMBERS TO SEVEN MEMBERS

WHEREAS, on November 3, 2009, the voters passed Measure E amending Section 814 of the City Charter to reduce the membership of the Architectural Board of Review from nine (9) members to seven (7) members and to allow up to three (3) members of the Board to not be electors of the City, as long as they are electors of the County of Santa Barbara.

WHEREAS, Measure E authorized the City Council to adopt an ordinance to implement the provisions of the amended Charter Section 814, including those provisions deemed necessary to properly transition the Board from nine (9) members to seven (7) members.

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

**SECTION 1.** Section 22.68.010 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

**22.68.010 Architectural Board of Review.**

A. **PURPOSE.** Section 814 of the Santa Barbara City Charter creates and establishes an Architectural Board of Review for the City to promote the general public welfare of the City and to protect and preserve the natural and historical charm and beauty of the City and its aesthetic appeal and beauty.

B. **MEMBERSHIP.** The Architectural Board of Review shall be composed of ~~nin~~nin~~eseven~~ (97) members to be appointed as provided in the Charter. ~~At least two (2) members of the Board shall be licensed architects, at least two (2) members of the Board shall be licensed landscape architects, and at least three (3) other members shall possess professional qualifications in related fields, including, but not limited to, building design, structural engineering or industrial design. These members shall be electors of the City and shall hold office at the pleasure of the City Council.~~

C. **OFFICERS - QUORUM.** The members of the Architectural Board of Review shall elect from their own members a chair and vice-chair. The Community Development Director or his or her designee shall act as secretary and record Board actions and render written reports thereof for the Board as required by this Chapter. The Board shall adopt its own rules of procedure. Four (4) members shall constitute a quorum, one (1) of which shall be an architect.

**SECTION 2.** Pursuant to Measure E, approved by the voters on November 3, 2009, the City Council is authorized to adopt an ordinance implementing the provisions of the amended Charter Section 814, including those provisions deemed necessary to properly transition the Board from nine (9) members to seven (7) members. In order to properly administer the Board's functions and maintain the Board's effectiveness, the City Council chooses to have the Board transition from nine (9) members to seven (7) members incrementally, reaching a membership of seven (7) members upon the appointment of new members in

January 2011. From the effective date of this ordinance until the appointment of new members in January 2011, the Board shall have eight (8) members. This transition period is necessary to maintain a sufficient number of qualified landscape architects and to ensure proper landscape plan reviews.



## PROCLAMATION

40<sup>th</sup> Anniversary

### UCSB Environmental Studies Program

April 20, 2010

*WHEREAS, after the 1969 Santa Barbara Channel oil spill, members of the UCSB faculty, staff, student body, and larger community, sought to improve education, research and curriculum regarding the environment; and*

*WHEREAS, in 1970, a committee of 21 UCSB faculty and staff convinced Chancellor Vernon Cheadle, and the University of California Regents, to create a new, multi-disciplinary/inter-disciplinary, program to teach and research environmental issues; and*

*WHEREAS, since 1970, UCSB's Environmental Studies Program, has graduated over 4,700 students in the field, making it one of North America's largest and most successful programs; and*

*WHEREAS, UCSB Environmental Studies alumni have risen to positions of eminence and distinction in the public, private, academic, scientific, and non-profit sectors of California, the United States, and the world; such as President of the League of Conservation Voters, Ocean Resources Manager of California, and executive positions in corporations as diverse as Microsoft and Sunpower; and*

*WHEREAS, the Environmental Studies Program is now recognized as an innovation and research leader in 14 areas.*

*NOW, THEREFORE, I, HELENE SCHNEIDER, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, do hereby proclaim April 20, 2010 as 40th Anniversary UCSB Environmental Studies Program.*

*IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California, to be affixed this 20 day of April 2010.*

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**HELENE SCHNEIDER**  
Mayor





# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

## ADJOURNED REGULAR MEETING March 22, 2010 803 N. MILPAS STREET

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### CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:40 p.m.

### ROLL CALL

Councilmembers present: Dale Francisco, Grant House, Michael Self, Das Williams, Mayor Schneider.

Councilmembers absent: Frank Hotchkiss, Bendy White.

Staff present: Assistant City Administrator Paul Casey, City Attorney Stephen P. Wiley.

### PUBLIC COMMENT

No one wished to speak.

### NOTICES

The City Clerk has on Thursday, March 18, 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.

### SITE VISIT

#### **Subject: 803 North Milpas Street**

Recommendation: That Council make a site visit to the property located at 803 N. Milpas Street, which is the subject of an appeal hearing scheduled for March 23, 2010, at 2:00 p.m.

#### Discussion:

Staff presented an overview of the proposed mixed use development at this location. Focus was directed to the location and dimensions of the sidewalk and curb extension.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 2:00 p.m.

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 March 23, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

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### CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:02 p.m. (The Finance and Ordinance Committees, which ordinarily meet at 12:30 p.m., did not meet on this date.)

### PLEDGE OF ALLEGIANCE

Mayor Schneider.

### ROLL CALL

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

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 March 21-27, 2010, as National Land Surveyors Week (120.04)

Action: Proclamation presented to Roger Hemman and Joe Waters, California Land Surveyors Association, Channel Islands Chapter.

### PUBLIC COMMENT

Speakers: Darlena Moore; Ruth Wilson; Jeff Shaffer, The Turning Foundation; Alexis Wilson, The Turning Foundation; Kate Smith.

## **CONSENT CALENDAR (Item Nos. 2 – 5 and 8)**

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

Motion:

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

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of March 8, 2010, and the regular meeting of March 9, 2010.

Action: Approved the recommendation.

3. Subject: Adoption Of Ordinance Establishing Procedures For Appointment And Service Of Youth Member To Parks And Recreation Commission (570.08)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 2.08.020 of the Santa Barbara Municipal Code and Establishing Procedures for the Appointment and Service of a Youth Member to the Parks and Recreation Commission.

Speakers: Kate Smith.

Action: Approved the recommendation; Ordinance No. 5512.

4. Subject: Adoption Of Ordinance For Lease With Chuck's Waterfront Grill (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Amendment with Richones, Inc., Doing Business as Chuck's Waterfront Grill, Located at 113 Harbor Way, Effective April 22, 2010.

Action: Approved the recommendation; Ordinance No. 5513.

5. Subject: Fiscal Year 2010 Interim Financial Statements For The Seven Months Ended January 31, 2010 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Seven Months Ended January 31, 2010.

Action: Approved the recommendation (March 23, 2010, report from the Interim Finance Director).

Item Nos. 6 and 7 appear in the Redevelopment Agency minutes.

## NOTICES

8. The City Clerk has on Thursday, March 18, 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.

This concluded the Consent Calendar.

## **REDEVELOPMENT AGENCY REPORTS**

9. Subject: Increased Funding For Transition House Affordable Housing Project (660.04)

Recommendation: That Council and the Redevelopment Agency Board take the following actions regarding the "Mom's Place" affordable housing project at 421 East Cota Street:

- A. That Council approve and authorize the Community Development Director to negotiate and execute, subject to approval as to form by the City Attorney, an amendment to a loan agreement with Transition House to, among other things, increase the loan amount by \$170,000 in federal Home Investment Partnerships Program (HOME) funds for construction of new units on the property;
- B. That the Agency Board approve and authorize the Deputy Director to negotiate and execute, subject to approval as to form by Agency Counsel, a loan agreement with Transition House in the amount of \$39,391 for construction of new units on the property as a contingency in the event that Fiscal Year 2011 HOME funds are not awarded;
- C. That the Agency Board approve the appropriation of \$39,391 from the Redevelopment Agency Housing Set-Aside Fund unappropriated reserves to cover the \$39,391 loan to Transition House as a contingency in the event that Fiscal Year 2011 HOME funds are not awarded;

(Cont'd)

9. (Cont'd)

- D. That the Agency Board approve and authorize the Deputy Director to negotiate and execute, subject to approval as to form by Agency Counsel, a loan in the amount of \$150,000 to Mom's LP in Redevelopment Agency Housing Set-Aside funds for rehabilitation of existing units on the property;
- E. That the Agency Board approve the appropriation of \$150,000 from the Redevelopment Agency Housing Set-Aside Fund unappropriated reserves to cover the loan to Mom's LP; and
- F. That the Agency Board consent to the additional subordination of the replacement affordability control covenant to a new Montecito Bank and Trust permanent loan and find that that there is no reasonably available and economically feasible alternative for financing this project without the additional subordination, and authorize the Deputy Director to execute the subordination subject to approval as to form by Agency Counsel.

Documents:

- March 23, 2010, report from the Community Development Director/Deputy Director.
- March 23, 2010, PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Project Planner Simon Keifer.
- Transition House: Executive Director Kathleen Baushke.

Motion:

Council/Agency Members Williams/House to approve the recommendations; City Council Agreement No. 23,160.1.

Vote:

Unanimous voice vote.

## **PUBLIC HEARINGS**

10. Subject: Appeal Of The Planning Commission Approval Of 803 North Milpas Street (640.07)

Recommendation: That Council deny the appeal of Rick Feldman, uphold the Planning Commission approval and re-affirm the findings in Resolution 043-09 of the application of Jarrett Gorin, agent for Milpas Street LLC, for a Tentative Subdivision Map, the Development Plan, and the Modification for a 19,886 square-foot mixed-use development.

(Cont'd)

10. (Cont'd)

Documents:

- March 23, 2010, report from the Community Development Director.
- Affidavit of Publication.
- March 23, 2010, PowerPoint presentation prepared and made by staff.
- August 30 and November 5, 2009, Planning Commission Staff Reports.
- Draft Mitigated Negative Declaration for the project, dated June 2, 2009.
- March 22, 2010, email communication from Chair Mark Bradley, Transportation and Circulation Committee.
- March 23, 2010, petition from Rick Feldman.
- January 25, 2010, letter from Paula Westbury.
- February 16, 2010, letter from Russ Buford.
- March 12, 2010, letter from Jeffrey King.
- March 16, 2010, email communication from Elizabeth Hurley.
- March 16, 2010, email communication from Courtney Dietz, COAST.
- March 17, 2010, email communication from Ken Tompetrini.
- March 17, 2010, email communication from Scott Wenz.
- March 18, 2010, email communication from Ronald Hays.
- March 18, 2010, email communication from Roger Manasse.
- March 18, 2010, email communication from Jane Manasse.
- March 18, 2010, email communication from James Wagner.
- March 18, 2010, email communication from Kate Connell.
- March 18, 2010, letter from President Ralph Fertig, Santa Barbara Bicycle Coalition.
- March 18, 2010, email communication from George Relles.
- March 18, 2010, email communication from Energy Program Transportation Specialist Michael Chiacos, Community Environmental Council.
- March 18, 2010, email communication from President Ann Kale, Santa Barbara Junior High Parent Teacher Student Association.
- March 19, 2010, letter from Harold F. Hattier.
- March 21, 2010, email communication from Evan Kirkpatrick.
- March 22, 2010, email communication from Matt Dobberteen.
- March 22, 2010, email communication from Dennis Thompson, Thompson Naylor Architects, Inc.
- March 22, 2010, email communication from Bonnie Raisin.
- March 22, 2010, letter from Eva Kirkpatrick.
- March 22, 2010, email communication from Vijaya Jammalamadaka.
- March 22, 2010, email communication from Peter Basch.
- March 23, 2010, email communication from Courtney Dietz, COAST.
- March 23, 2010, email communication from James Kahan.
- March 23, 2010, email communication from J. Brian Sarvis, Superintendent, Santa Barbara School District.

(Cont'd)

10. (Cont'd)

Documents (Cont'd):

- March 23, 2010, email communication from Pamela Boehr.
- March 23, 2010, email communication from Sebastian Aldana Jr.
- March 23, 2010, email communication from Andy Saar.
- March 23, 2010, letter from Dennis Allen.

Public Comment Opened:

2:40 p.m.

Speakers:

- Staff: Associate Planner Peter Lawson, Principal Transportation Planner Rob Dayton.
- Planning Commission: Commissioners John Jostes, Sheila Lodge, Deborah Schwartz.
- Architectural Board of Review: Member Gary Mosel.
- Transportation and Circulation Committee: Members Mark Bradley and David Pritchett.
- Appellant: Rick Feldman, Jim Westby, Tom Dyer, Cynthia Napier.
- Applicant: Jarrett Gorin, Milpas Street LLC.
- Members of the Public: Shirley Force; Ralph Fertig, Santa Barbara Bicycle Coalition; Karen Feeney, Allen Associates; Nancy Tunnell; Ann Harkey; Kellam de Forest; Bill Mahan.

Recess:

4:33 p.m. - 4:38 p.m.

Speakers (Cont'd):

- Members of the Public (Cont'd): Alex Pujo; Greg Janee; Eva Inbar; Courtney Dietz, COAST; Dennis Thompson, Thompson Naylor Architects; Tom Becker; Bonnie Raisin; Lee Moldaver; Constantino Fracyos; Charlie Disparte; Roger Manasse; Steve Maas, Metropolitan Transit District; Mickey Flacks, SBCAN; Jim Kahan; Ann Kale, Santa Barbara Junior High School PTSA.

Public Comment Closed:

5:13 p.m.

Motion:

Councilmembers House/Williams to deny the appeal according to staff's recommendation and direct staff to address as many of the concerns heard as possible, including a condition to preserve three lanes in both directions.

Vote:

Majority voice vote (Noes: Councilmember Francisco, Hotchkiss, Self).

## RECESS

6:17 p.m. - 6:31 p.m. Councilmembers House and White, and City Administrator Armstrong were absent when the Council reconvened. Assistant City Administrator Paul Casey was present.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

### COMMUNITY DEVELOPMENT DEPARTMENT

12. Subject: Community Development And Human Services Committee Funding Recommendations For Fiscal Year 2011 And Housing And Urban Development Consolidated Action Plan (610.05)

Recommendation: That Council:

- A. Approve the funding recommendations of the Community Development and Human Services Committee for Fiscal Year 2011 Community Development Block Grant (CDBG) and Human Services funds;
- B. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney;
- C. Authorize the City Administrator to sign all necessary documents to submit the City's 2010-2014 Consolidated Plan and 2010 Action Plan to the Department of Housing and Urban Development (HUD); and
- D. Remove the Third Priority for Human Services funding applications (programs that seek to enhance the quality of life of persons whose basic needs are already met).

Documents:

March 23, 2010, report from the Assistant City Administrator/Community Development Director.

Speakers:

- Staff: Administrative Services Manager Sue Gray, Community Development Programs Specialist Elizabeth Stotts, Senior Planner I Renee Brooke.
- Community Development/Human Services Committee: Member Veronica Loza.
- Members of the Public: Randy Sunday, Sarah House; Jennifer Griffin, Independent Living Resource Center; Ellen Goodstein, Legal Aid Foundation; Michael Colton, Legal Aid Foundation; Jan Anderson, St. Vincent's PATH Program; Krista Colbry, St. Vincent's PATH Program; Deborah Holmes, CALM; Terri Allison, Storyteller Children's Center; Mauricio Mendez, Aha!; Megan Rheinschild, Sexual Assault Response

(Cont'd)

12. (Cont'd)

Team; Elsa Granados, Santa Barbara Rape Crisis Center; Leah Gonzales, Women's Economic Ventures; Mark Watson, Noah's Anchorage Youth Crisis Shelter; Heidi Holly, Friendship Center; Gary Linker, New Beginnings; Fran Forman, Community Action Commission; Joseph Velasco, City at Peace Santa Barbara; Charles Berquist, Project Recovery Detox Center; Magda Arroyo.

Councilmember House stated he would not vote on grants to the Community Action Commission due to a conflict of interest related to his membership on the Board of Directors.

Motion:

Councilmembers House/Williams to approve recommendations A and B for all grants with the exception of the Community Action Commission, and approve recommendations C and D; Agreement Nos. 23,329 - 23,351 and 23,353 - 23,382.

Vote:

Unanimous voice vote.

Motion:

Councilmembers Williams/White to approve recommendations A and B for the grant to the Community Action Commission; Agreement No. 23,352.

Vote:

Unanimous voice vote (Abstention: Councilmember House).

Based on the previous actions, the Council approved allocation of funding as follows:

FISCAL YEAR 2010-2011  
COMMUNITY DEVELOPMENT BLOCK GRANT AND HUMAN SERVICES COMMITTEE  
FUNDING AGREEMENTS

<u>PUBLIC/HUMAN SERVICE</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>First Priority</u>		
S.B. Neighborhood Clinics (Dental Care for the Homeless)	\$ 25,000	23,329
Transition House (Comprehensive Homeless Services)	43,000	23,330
Casa Esperanza Homeless Center (Community Kitchen)	50,000	23,331
AIDS Housing Santa Barbara (Sarah House)	25,000	23,332
S.B. Community Housing Corp. (Faulding Hotel Coordinator)	15,000	23,333
Pacific Pride Foundation (Necessities of Life)	19,000	23,334
Casa Esperanza Homeless Center (Homeless Day Program)	54,000	23,335
Santa Barbara Rape Crisis Center	25,000	23,336

(Cont'd)

12. (Cont'd)

<u>PUBLIC/HUMAN SERVICE</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>First Priority (Cont'd)</u>		
S.B. Co. DA - Victim Witness Assistance (S.A.R.T.)	8,000	23,337
Foodbank (Santa Barbara Warehouse)	25,000	23,338
CADA (Project Recovery Detox)	20,000	23,339
City At Peace	8,000	23,340
Domestic Violence Solutions (Second Stage)	7,000	23,341
S.B. Community Housing Corp. (Riviera Dual Diagnosis Prog.)	20,000	23,342
Domestic Violence Solutions (Emergency Shelter)	50,000	23,343 and 23,344
St. Vincent's (PATHS)	9,000	23,345
S.B. Police Activities League (After School Program)	18,000	23,346
Casa Serena (Scholarship Program)	15,000	23,347
New Beginnings Counseling Center (Homeless Outreach)	15,000	23,348
WillBridge	22,000	23,349
Foodbank (Brown Bag)	8,000	23,350
The PARC Foundation (Youth CineMedia)	10,000	23,351
Community Action Commission (Senior Nutrition)	9,000	23,352
Environmental Education Group (Esperanza)	8,000	23,353
People's Self-Help Housing (Supportive Housing Program)	9,000	23,354
Bringing Our Community Home (Homeless Jail Discharge)	15,000	23,355
Noah's Anchorage - CIYMCA (Youth Shelter)	22,000	23,356
United Boys & Girls Club - Westside (Teen Director)	14,000	23,357
People's Self-Help Housing (Gang Prevention)	5,000	23,358
Catholic Charities (Emergency Services)	12,000	23,359
Primo Boxing Club (Say Yes to Kids)	23,000	23,360
ySTRIVE for Youth (4REAL Project)	5,000	23,361
Legal Aid Foundation (Emergency Legal Services)	17,000	23,362
<u>Second Priority</u>		
Transition House (Homelessness Prevention)	\$ 8,000	23,363
Independent Living Resource Center	23,000	23,364
CALM (Bilingual Child Abuse Treatment)	21,000	23,365
Family Therapy Institute (AHA! Academy of Healing Arts)	10,000	23,366
Friendship Center (Adult Day Services)	22,000	23,367
Long Term Care Ombudsman	23,000	23,368
Storyteller Children's Center	30,000	23,369
Family Service Agency (Big Brothers/Big Sisters)	8,000	23,370
Mental Health Association (Fellowship Club)	10,500	23,371
S.B. Bicycle Coalition (Bici Centro Bicycle Repair)	9,500	23,372
Family Service Agency (2-1-1/HelpLine)	23,000	23,373
Planned Parenthood (Peer Advocates/ Prevention Ed.)	8,000	23,374
Rental Housing Mediation Task Force	23,000	

(Cont'd)

12. (Cont'd)

<u>PUBLIC/HUMAN SERVICE</u>	<u>AMOUNT</u>	<u>AGREEMENT NO.</u> (if applicable)
<u>Second Priority (Cont'd)</u>		
ySTRIVE for Youth (Project Excel)	8,000	23,375
Court Appointed Special Advocates (CASA)	8,000	23,376
Boys & Girls Club of SB (Power Hr Homework Club)	7,924	23,377
 SUBTOTAL	 \$ 872,924	
 <u>PUBLIC/HUMAN SERVICE</u>		
<u>AMOUNT</u>		
<u>AGREEMENT NO.</u> (if applicable)		
<u>CAPITAL</u>		
Noah's Anchorage – CIYMCA	\$ 94,945	23,378
SB Neighborhood Clinics (Westside Clinic Flooring)	47,330	23,379
United Boys & Girls Club - Westside (Notes for Notes Music Box)	26,603	23,380
Girls Incorporated of Greater SB (Exterior Paint)	26,590	23,381
City of SB Neighborhd Improvement Prog. (Access Ramps)	50,000	
City of SB Neighborhd Improvement Prog. (Davis, Westside Ctrs)	35,000	
City of SB - Community Development (Housing Rehabilitation)	203,000	
City of SB - Neighborhd Improvement Prog. (Ortega Park Restrooms)	203,326	
City of SB - Neighborhd Improvement Prog. (Franklin Teen Ctr Renov.)	25,000	
Women's Economic Ventures (Microenterprise Development)	25,000	23,382
City of SB - Neighborhd Improvement Prog. (Cabrillo Ballfield Fence)	25,000	
 SUBTOTAL	 \$ 761,794	
 <u>ADMINISTRATION</u>		
City of SB (Rental Housing Mediation Task Force)	\$ 97,407	
City of SB (CDBG Administration)	169,877	
City of SB (Fair Housing)	8,941	
 SUBTOTAL	 \$ 276,225	
 GRAND TOTAL	 \$1,910,943	

**RECESS**

Mayor Schneider recessed the meeting at 7:19 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 11, and stated that no reportable action is anticipated.

## CLOSED SESSIONS

11. 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, 15 minutes; anytime

Report: None anticipated

Documents:

March 23, 2010, report from the Assistant City Administrator.

Time:

7:20 p.m. - 8:30 p.m.

No report made.

## ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

ATTEST: \_\_\_\_\_  
CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER



# CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**REGULAR MEETING  
MARCH 30, 2010  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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## **CALL TO ORDER**

Mayor Helene Schneider called the joint meeting of the Council and Redevelopment Agency to order at 2:04 p.m. (The Ordinance Committee met at 11:00 a.m., and the Finance Committee met at 12:00 noon.)

## **PLEDGE OF ALLEGIANCE**

Mayor Schneider.

## **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White (2:11 p.m.), Das Williams, Mayor Schneider.

Councilmembers absent: None.

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

## **CEREMONIAL ITEMS**

1. Subject: Proclamation Declaring April 2010 As National Poetry Month (120.04)

Action: Proclamation presented to Ginny Brush, Executive Director of the Santa Barbara County Arts Commission. City Poet Laureate David Starkey recited a poem entitled "Poetry Month".

## **PUBLIC COMMENT**

Speakers: Tom Becker, Darlena Moore, John Mullen, Bob Hansen, Kenneth Loch, Nancy Tunnell, Andrea Roselinsky and Kate Smith.

## **CONSENT CALENDAR (Item Nos. 2 – 9 and 11 - 13)**

The titles of the resolutions related to Agenda Item No. 8 were read.

**Motion:**

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

**Vote:**

Unanimous roll call vote.

**2. Subject: Minutes**

**Recommendation:** That Council waive the reading and approve the minutes of the regular meeting of March 16, 2010.

**Action:** Approved the recommendation.

**3. Subject: February 2010 Investment Report (260.02)**

**Recommendation:** That Council accept the February 2010 Investment Report.

**Action:** Approved the recommendation (March 30, 2010, report from the Interim Finance Director).

**4. Subject: Human Services Contract Assignment For Homemaker Program (610.05)**

**Recommendation:** That Council authorize the assignment of Family Service Agency Human Services Contract No. 23,042 in the remaining amount of \$3,750 for the period of October 1, 2009, to June 30, 2010, to Visiting Nurse & Hospice Care of Santa Barbara for operation of the Homemaker Program.

**Action:** Approved the recommendation; Contract No. 23,042.1 (March 30, 2010, report from the Community Development Director/Assistant City Administrator).

**5. Subject: Increase In Change Order Authority For The Marilla Avenue Sidewalk Infill Project (530.04)**

**Recommendation:** That Council approve an increase in the change order authority for Contract No. 23,174 with Aguilera Brothers Construction, Inc. (Aguilera), for extra work for the Marilla Avenue Sidewalk Infill Project (Project), in the amount of \$7,000, for a total change order authority of \$17,500.

**Action:** Approved the recommendation (March 30, 2010, report from the Public Works Director).

6. Subject: Contract For Cultural Resources Studies For The Chapala, Cota, And Mason Street Bridge Replacement Projects (530.04)

Recommendation: That Council authorize the Public Works Director to execute a City professional services contract with Applied EarthWorks, Inc. (Applied EarthWorks), in the amount of \$218,585, for mandated cultural resource studies and analyses services during design of the Chapala, Cota, and Mason Street Bridge Replacement Projects (Bridge Projects), and authorize the Public Works Director to approve expenditures of up to \$21,858 for extra services of Applied EarthWorks that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,395 (March 30, 2010, report from the Public Works Director).

7. Subject: West Beach Dredging Project (570.03)

Recommendation: That Council:

- A. Appropriate \$175,000 out of the Waterfront Department's Harbor Preservation Fund unappropriated reserves for the West Beach maintenance dredging project; and
- B. Authorize the General Services Manager to issue a purchase order in an amount not to exceed \$175,000 to AIS Construction Company to dredge approximately 20,000 cubic yards of sand off West Beach.

Action: Approved the recommendations (March 30, 2010, report from the Waterfront Director).

8. Subject: Property Tax Exchange Agreements For Las Canoas Reorganization (680.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, an Annexation of Property Referred to as Parcel A Located at 2030 Las Canoas Road (APN 021-010-061) to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District and Detachment from County Service Areas 32 and 12; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara in the Matter of Providing for a Negotiated Exchange of Property Tax Revenues Pertaining to the Las Canoas Reorganization, a Concurrent Annexation of a Narrow Strip of Land Underlying Calle Real near Old Mill Road Referred to as Parcel B to the City of Santa Barbara, Detachment from the Santa Barbara County Fire Protection District, Detachment from the Goleta Water District and Detachment from County Service Areas 3 and 32.

Action: Approved the recommendations; Resolution Nos. 10-014 and 10-015 (March 30, 2010, report from the Interim Finance Director; proposed resolutions).

9. Subject: Set A Date For Public Hearing Regarding Single Family Design Board Preliminary Denial Of 1464 La Cima Road (640.07)

Recommendation: That Council:

- A. Set the date of May 18, 2010, at 2:00 p.m. for hearing the appeal filed by Scott McCosker of the denial of an application for property located at 1464 La Cima Road, Assessor's Parcel No. 041-022-032, R-1 Single Family Residence Zone, General Plan Designation: Residential-3 units per acre. The project proposes the removal of existing non-permitted Alan block retaining walls, minor grading and construction of concrete block and Alan block retaining walls. The project is located in the Hillside Design District; and
- B. Set the date of May 17, 2010, at 1:30 p.m. for a site visit to the property located at 1464 La Cima Road.

Action: Approved the recommendations (March 11, 2010, letter of appeal).

Item No. 10 appears in the Redevelopment Agency minutes.

## NOTICES

11. The City Clerk has on Thursday, March 25, 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.
12. Received a letter of resignation from Creeks Advisory Committee Member Roger Schlueter; the vacancy will be part of the next City Advisory Group recruitment.
13. Cancellation of the regular City Council and Redevelopment Agency meetings of April 6, 2010.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Bendy White reported that the Committee met to review and discuss proposed changes to the Municipal Code related to the Neighborhood Preservation Ordinance; the Committee recommended that the item be returned to the Historic Landmarks Commission for further review. The Committee also continued its discussion on the proposed revisions to the Medical Marijuana Dispensary Ordinance; the Committee continued this item to April 13, 2010.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Das Williams reported that the Committee met to review the Capital Improvement Program for Fiscal Years 2011 through 2016. They also met to discuss the proposed adjustments to balance the budget for Fiscal Year 2010, which will be presented to the Council and Redevelopment Agency Board as Agenda Item No. 15.

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

### **FINANCE DEPARTMENT**

14. Subject: Professional Services Contract For Survey On Single-Use Bag Tax (630.01)

Recommendation: That Council consider entering into a professional services agreement with Fairbank, Maslin, Maullin, Metz & Associates for an amount not to exceed \$23,319 to develop and conduct a voter survey regarding a possible tax on single-use bags.

#### Documents:

- March 30, 2010, report from the Interim Finance Director.
- March 30, 2010, PowerPoint presentation prepared and made by Staff.
- March 29, 2010, email communications from Betty Dickman, and Roger and Jane Manasse.

#### Speakers:

- Staff: Employee Relations Manager/Acting Environmental Services Manager Kristine Schmidt, Environmental Services Supervisor Stephen MacIntosh, City Attorney Stephen Wiley, City Administrator James Armstrong.
- Members of the Public: Nikolai Lambert; Hunter Flynn; Scott Walker; Stephanie Mutz; Chris Keet; Kathy King, Choose to ReUse; Penny Owens, Santa Barbara ChannelKeeper; Scott Bull, Surfrider Foundation; Nathan Alley, Environmental Defense Center; Sandy Lejeune, Surfrider Foundation; John Dixon, Tri-County Produce.

#### Motion:

Councilmembers Williams/House to table this item to June.

#### Substitute Motion:

Councilmembers Hotchkiss/Self to table this item to September.

#### Revised Substitute Motion:

Councilmembers Hotchkiss/White to table this item to July.

#### Vote on Revised Substitute Motion:

Unanimous voice vote.

The original motion was withdrawn.

## **RECESS**

4:05 p.m. - 4:14 p.m. Council/Agency Members White and Williams were absent when the Council/Agency reconvened.

## CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

### FINANCE DEPARTMENT

15. Subject: Fiscal Year 2010 Budget Balancing And Adjustments (230.05)

#### Recommendation:

- A. That Council hear a report from staff, as a follow-up to the special budget work session held on February 25, 2010, to continue the discussion of recommended measures to help offset projected General Fund revenue shortfalls in Fiscal Year 2010;
- B. That Council approve the transfer of \$480,000 from the Self-Insurance Fund to the General Fund, representing charges allocated to the General Fund above amounts needed to fund the General Fund's portion of the Fiscal Year 2010 workers' compensation and liability programs based on an analysis of claims paid to date;
- C. That Council approve the transfer of \$440,000 from the Solid Waste Fund to the General Fund, representing unrestricted funds intended to reimburse the City's General Fund for the use of the City's public right-of-way; and
- D. That the Redevelopment Agency Board allocate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease costs of the Fire Department's Administrative Staff due to the Agency-funded Fire Station No. 1 Annex Renovation Project.

#### Documents:

- March 30, 2010, report from the Interim Finance Director/Interim Fiscal Officer.
- March 30, 2010, PowerPoint presentation prepared and made by Staff.

#### Speakers:

- Staff: Interim Finance Director/Interim Fiscal Officer Robert Samario, City Administrator/Executive Director James Armstrong.
- Members of the Public: Bix Buckley.

Council/Agency Members White and Williams returned to the meeting at 4:18 p.m.

#### Motion:

Council/Agency Members House/Hotchkiss to approve the recommendations, including the Finance Committee's recommendations as presented to the Council.

#### Vote:

Unanimous voice vote.

## COMMUNITY DEVELOPMENT DEPARTMENT

16. Subject: Update On Strategies To Address Community Issues Related To Homelessness In The City Of Santa Barbara (660.04)

Recommendation: That Council receive an update on the twelve recommended strategies outlined in Strategies to Address Community Issues Related to Homelessness in the City of Santa Barbara.

### Documents:

- March 30, 2010, report from the Community Development Director/Assistant City Administrator.
- March 30, 2010, PowerPoint presentation prepared and made by Staff.
- March 14, 2010, Street Outreach Coordination Report, submitted by Bringing Our Community Home.

### Speakers:

- Staff: Administrative Services Manager Sue Gray, City Attorney Stephen Wiley, Police Lieutenant James Pfleging, Housing and Redevelopment Manager Brian Bosse.
- Members of the Public: John Buttny, Bringing Our Community Home; John Dixon, Tri-County Produce; Bob Hansen; Jack Wilson; Ruth Wilson; Mike Foley, Casa Esperanza; Kathleen Baushke, Transition House.

By consensus, the report was received. Staff responded to questions from the Councilmembers.

## CITY ADMINISTRATOR

17. Subject: Introduction Of Ordinance For Cancellation Of Management Salary Increase And Suspension Of Salary Increase For Supervisors (440.02)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5485, the 2008-2010 Salary Plan for Unrepresented Managers and Professional Attorneys.

### Documents:

- March 30, 2010, report from the Administrative Services Director/Assistant City Administrator.
- Proposed Ordinance.

The title of the ordinance was read.

(Cont'd)

17. (Cont'd)

Speakers:

Staff: Employee Relations Manager Kristine Schmidt.

Motion:

Councilmembers Williams/Francisco to approve the recommendation.

Vote:

Unanimous voice vote.

## **CHANGES TO AGENDA**

### Item Removed From Agenda

City Administrator James Armstrong stated that the following item was being removed from the Agenda and will be continued to April 13, 2010:

18. 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, 15 minutes; anytime

Report: None anticipated

## **RECESS**

Mayor Schneider recessed the meeting at 5:54 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 19 and 20, and stated that no reportable action is anticipated.

## **CLOSED SESSIONS**

19. 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: Juanita Doyle v. City of Santa Barbara, WCAB, Case Number ADJ142497.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

(Cont'd)

19. (Cont'd)

Documents:

March 30, 2010, report from the Interim Finance Director.

Time:

6:00 p.m. - 6:15 p.m.

No report made.

20. 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, 15 minutes; anytime

Report: None anticipated

Documents:

March 30, 2010, report from the Administrative Services Director/Assistant City Administrator.

Time:

6:15 p.m. - 7:30 p.m.

Councilmember Williams left the meeting at 7:20 p.m.

No report made.

## ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:30 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

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

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



**CITY OF SANTA BARBARA  
CITY COUNCIL MINUTES**

**REGULAR MEETING  
April 6, 2010  
COUNCIL CHAMBER, 735 ANACAPA STREET**

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The regular meeting of the City Council, scheduled for 2:00 p.m. on April 6, 2010, was cancelled by the Council on November 24, 2009.

The next regular meeting of the City Council is scheduled for April 13, 2010, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

\_\_\_\_\_ ATTEST: \_\_\_\_\_  
HELENE SCHNEIDER  
MAYOR  
BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** State Revolving Fund Project Funding For The El Estero Wastewater Treatment Plant

### **RECOMMENDATION:**

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Wastewater Fund as the Dedicated Source of Revenue for Repayment of the Clean Water State Revolving Fund (CWSRF) Loan.

### **DISCUSSION:**

#### PROJECT DESCRIPTIONS

Two projects scheduled to take place at the El Estero Wastewater Treatment Plant (EEWWTP) are proposed to be funded by the CWSRF loan: the Headworks Screening Replacement (Headworks) Project, and the Fats, Oils and Grease (FOG) Pilot Project.

The Headworks Project will improve the EEWWTP's existing preliminary treatment process by increasing the removal rate of non-organic solids. The resulting benefits will be reduced labor and energy costs, and improved overall treatment plant efficiencies. The project scope includes the installation of mechanical fine screening and cleaning equipment, replacement of the EEWWTP main inlet gate valve and other various isolation valves, and replacement of the process area's motor control center. This project will be ready to bid in early Fiscal Year 2011, with construction scheduled to begin in April 2011.

The FOG Pilot Project will introduce waste grease to the EEWWTP anaerobic digesters to increase biogas production, which is known to be a viable renewable fuel source for electrical power and process heat generation. The FOG Pilot Project was identified by Council as a priority. On February 2, 2010, Council approved the design and construction of a small-scale grease intake and digester injection facility for the EEWWTP. This project will provide important process information necessary to assess both the financial impacts and operational feasibility of long-term use of waste grease for energy conversion at the EEWWTP. This project will be ready to bid for construction in early Fiscal Year 2011.

## BACKGROUND

On March 17, 2009, Council authorized the City Administrator to apply for a grant for wastewater project stimulus funds. The estimated grant amounts were \$4,200,000 for the Headworks Project and \$1,600,000 for the FOG Project. The State Water Resources Control Board recently notified staff that these projects were not selected for Federal Stimulus Bill funds, but has provided the City of Santa Barbara an opportunity to convert the project applications to a CWSRF loan application. The CWSRF loan application requires adoption of a resolution of the City Council designating a revenue source for repayment of the CWSRF loan.

The original grant application for the FOG Project was substantially larger than the current FOG Pilot Project estimate of \$450,000. This is because the original FOG Project provided the capability to process larger volumes of FOG materials and food scraps, and also provided for significant improvements to the digester facility's gas piping and sludge heating systems. Securing the FOG Project's full CWSRF loan amount at this time will allow these digester system improvements to be undertaken now to support the FOG Pilot Project, the long-term FOG facility, and planned improvements for future electrical co-generation facility activities.

The CWSRF loan will cover 100% of the costs for both projects, which are scheduled to be bid and awarded in the same time frame. The actual loan amount and terms will be finalized after the projects are bid for construction and prior to award of the construction contracts. At that time, staff will return to City Council for approval of the actual CWSRF loan terms and amount.

To maintain its reservation of funds in the CWSRF account, it is necessary that City Council adopt this resolution at this time. Adopting the resolution does not constitute any obligation on the City's part to execute the loan contract; whereas, failure to proceed with adopting the resolution will result in withdrawal of the loan application for funding both the Headworks Project and the FOG Pilot Project.

**PREPARED BY:** Chris Toth, Wastewater System Manager/LC

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

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AUTHORIZING THE WASTEWATER  
FUND AS THE DEDICATED SOURCE OF REVENUE FOR  
REPAYMENT OF THE CLEAN WATER STATE  
REVOLVING FUND (CWSRF) LOAN

WHEREAS, an outside funding source has been identified by staff as an essential instrument to fund the Headworks Screening Replacement and Fats, Oils and Grease (FOG) Projects;

WHEREAS, the City Administrator was authorized by the City Council on March 17, 2009, to apply for Federal Stimulus Funds to pay for a substantial portion of the costs of such infrastructure and energy recovery projects;

WHEREAS, the State Water Resources Control Board has notified the City Administrator that the projects were not accepted for Federal Stimulus Funds but the projects qualified for low interest CWSRF loans in the amount of \$5,800,000 for both projects;

WHEREAS, the State Water Resources Control Board has notified the City Administrator that the loan applications require the City Council action dedicating a funding source for repayment of the CWSRF loan;

WHEREAS, upon acceptance of this resolution, City Staff will finalize the design plans and specifications for the construction of said projects, and competitively bid each project separately; and

WHEREAS, Council will make a separate final actions for acceptance of the loan and award of contract for construction of said projects;

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

1. Council approves the financial commitments necessary to fund the design, construction, and improvements of the Headworks Screening Replacement and FOG Projects through a California Department of Water Resources CWSRF loan.

2. The source of revenue for repayment of the loan shall exclusively be that portion of the Wastewater Fund necessary to make full and complete repayment of the loan. The City shall revise rates pursuant to California law as appropriate whenever necessary to satisfy debt service over the term of the loan.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Adoption Of Appeal Findings Resolution For 3714-3744 State Street  
– Sandman Inn Redevelopment Project

### RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Denying the Appeal and Upholding the Decision of the City Planning Commission to Certify the Final Environmental Impact Report for the Sandman Inn Redevelopment Project, and to Approve the Application of Brent Daniels, L&P Consultants, Agent for Kellogg Associates for the Tentative Subdivision Map, a Development Plan Approval, and Certain Lot Area Modifications and Line Adjustments in Connection with the Redevelopment Project Proposed for 3714-3744 State Street Buffer (MST2007-00591) and Known as the “Sandman Inn Redevelopment Project.”

### DISCUSSION:

On March 9, 2010, the City Council denied the appeal filed by the Citizens Planning Association/Allied Neighborhoods Associations and upheld the Planning Commission’s December 17, 2009, decision to certify a Final Project EIR for the Sandman Inn Redevelopment Project located a 3714-3744 State Street and to approve the Applicant’s requested project. In doing so, the Council certified the Final Project EIR and approved all of the City development permits necessary to construct what is now referred to as the Applicant’s “Approved Project” but only that Project.

In denying the appeal, the Council requested the Community Development staff and the City Attorney’s office to prepare the necessary state law and Zoning Ordinance findings and City approvals in the form of a resolution and to submit the draft resolution to the Council for review and approval. The attached resolution is the “findings” resolution recommended by staff and the City Attorney as being appropriate to support and properly document the Council’s March 9<sup>th</sup> decision on this appeal, particularly the Council’s CEQA findings with respect to the scope of the certification of the EIR as being only applicable to the “Approved Project” and to no other project alternative.

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

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

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE CITY PLANNING COMMISSION TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SANDMAN INN REDEVELOPMENT PROJECT, AND TO APPROVE THE APPLICATION OF BRENT DANIELS, L&P CONSULTANTS, AGENT FOR KELLOGG ASSOCIATES, FOR THE TENTATIVE SUBDIVISION MAP, A DEVELOPMENT PLAN APPROVAL, AND CERTAIN LOT AREA MODIFICATIONS AND LINE ADJUSTMENTS IN CONNECTION WITH THE REDEVELOPMENT PROJECT PROPOSED FOR 3714-3744 STATE STREET BUFFER (MST2007-00591) AND KNOWN AS THE "SANDMAN INN REDEVELOPMENT PROJECT"

WHEREAS, the Sandman Inn Redevelopment Project (the "Project") was originally proposed to the City and the preliminary development application were made in 2003. The Project consists of the proposed redevelopment of 4.58 acres on Upper State Street of the City. The existing improvements consist of a 113 room motel and a 216 seat restaurant. The Project originally proposed by the Applicant was a 112 room hotel (which was subsequently reduced to a 106 room hotel) and 73 residential units, eleven of which are affordable (hereinafter referred to as the "Proposed Project"). The Proposed Project's hotel was comprised of 63,455 square feet of improvements and a 112 space below ground parking lot;

WHEREAS, during the City's consideration of the Project and in partial response to the Project application, the City Community Development Department prepared, and the City Council considered, and eventually adopted the City's Upper State Street Study. In response to this study, the Project applicant proposed significant modifications to the Proposed Project. These modifications eliminated the proposed 63,455 square foot hotel and replaced it with a proposed 15,790 square foot office building. In addition, the Project Applicant kept the number of condominium residential units being proposed at seventy-three (73.) This version of the Project became known as the "Applicant's Alternative" and is hereinafter referred to as that. Since, the environmental review process began with the filing of an application for the Proposed Project, ultimately both the Proposed Project and the Applicant's Alternative were analyzed for CEQA purposes in detail in the Project EIR; thus, the City's consideration of the Sandman Inn Redevelopment Project EIR analyzed two distinct versions of the Project at a project-specific level: the "Proposed Project," which consisted of redevelopment of the site with a 106-room hotel and 73 residential condominium units, and the "Applicant's Alternative," which consisted of the redevelopment of the site with 14,254 net square feet of office space and 73 residential condominium units. The Project EIR also analyzed four other alternatives to the Proposed Project and Applicants Alternative.

WHEREAS, prior to the release of and hearing on the draft Project EIR, the Applicant presented the Applicant's Alternative to the City's Architectural Board of Review (ABR) and received comments. In conjunction with the Planning Commission hearing on the draft EIR, the Proposed Project and the Applicant's Alternative were also the subject of a Planning Commission "Concept Review" hearing. In response to the comments received at the ABR and the Concept Review hearing, the Applicant further refined the Applicant's Alternative to be responsive to the comments being received, both from the City and from members of the public. With respect to the refinements, the Applicant included a reduction in the size of the office building and the addition of two commercial condominiums for an increase of 358 net new square feet, and the reduction of the bedroom count in the residential condominium portions of the Project by 6 bedrooms (this iteration of the Project is hereinafter referred to as "December 2009 Project" or the "Approved Project");

WHEREAS, the Draft EIR for the Project was released by the City for a 30-day public review and comment period between April 22, 2009, and May 22, 2009, and a Draft EIR hearing was held by the Planning Commission on May 14, 2009. The City environmental review staff received sixteen (16) comment letters during the Draft EIR public review period, and comments were made by the Planning Commission and the public at the Draft EIR public hearing held by the Commission. The Final EIR includes staff and consultant responses to all comments received on the Draft EIR, and it concludes that the Applicant's Alternative Project would not result in any significant, unavoidable (Class I) impacts;

WHEREAS, the Final Project EIR concludes, after a thorough analysis of both the Proposed Project and the Applicant's Alternative, that there would likely be no significant and unavoidable environmental impacts from either of those two Project alternatives. In fact, the Planning Commission concluded that the EIR impact analysis shows that both the Proposed Project and the Applicant's Alternative have far fewer impacts than the long-existing baseline condition of the Sandman Inn hotel and restaurant uses presently being operated on the Project property;

WHEREAS, the lack of potentially significant adverse environmental impacts is only more true of the Approved Project, which is clearly a lesser size and lesser impact iteration of the Applicant's Alternative Project. In other words, the Project design ultimately approved by the Planning Commission was slightly revised from the "Applicant's Alternative" that was reviewed in the EIR (as described in more detail in Exhibit 4 of the December 10, 2009 Planning Commission staff report.) These project changes were analyzed by staff and were determined to be minor in nature because they did not change or clearly only lessened the potential scope or severity of any environmental impacts identified in the EIR for the "Applicant's Alternative." As such, the City and public review process involved in achieving a consensus of the Approved Project is exactly the sort of process which CEQA anticipates being part of the overall environmental review of a project and as being very appropriate. Therefore, the Planning Commission determined that the Final EIR addressed all potential project impacts, and all applicable mitigation measures were correctly applied to the Approved

Project – all as part of a full process of public knowledge and public participation;  
WHEREAS, the Final Project EIR indicates that any potential traffic impacts which could result from the Approved Project are reduced substantially for the existing baseline condition; it also concludes that other potential related impacts are reduced. For example, the Final Project EIR indicates that public views adjacent to the Project site, and the Project landscaping and architecture are all vastly improved over the existing baseline condition. Further, pedestrian circulation (both public and private) would also be improved and enhanced by the Approved Project;

WHEREAS, the December 2009 Project (the “Approved Project”) received unanimous positive comments from the Architectural Board of Review (the “ABR”) at a November 16, 2009, ABR hearing;

WHEREAS, the December 2009 Approved Project received unanimous (6-0) approval by the City Planning Commission at a noticed public hearing held on December 17, 2009. In issuing this approval for the Approved Project, the Planning Commission also unanimously certified the proper preparation of the Final Project EIR at its December 17 hearing;

WHEREAS, the Project approved by the Planning Commission as the Approved Project consists of the demolition of the existing 113-room Sandman Inn Hotel, Downtown Brewing Company restaurant building, and all site improvements, and the construction of a new office complex consisting of 13,075 square feet on Lot A, and two commercial condominiums totaling 1,537 square feet and 73 residential condominium units on Lot B. The Project includes a total of 242 parking spaces (71 parking spaces for the commercial component, 164 parking spaces for the residential component and 7 common/shared spaces.) The office development on Lot A of Project would be contained within a two-story building with a maximum height of approximately 31 feet. A majority of the parking (46 of 63 required spaces) would be provided in an at-grade parking lot located behind the building. The remaining required parking spaces would be located along the at-grade driveway (3 spaces), in the existing adjacent parking lot on-site (4 spaces) and in the underground parking garage located on Lot B (10 spaces). The commercial development on Lot B of the Project would have a maximum height of approximately 24 feet. Parking would be provided along the at-grade driveway (5 spaces) and in the underground parking garage (3 spaces). The residential development on Lot B would have a maximum height of 35 feet above finished grade, with parking provided in an underground parking garage. Of the 73 residential condominium units, two units would be one-bedroom units of approximately 873 square feet, 52 units would be two-bedroom units of between 1,080-1,350 square feet, and 19 units would be three bedroom units of between 1,425-1,520 square feet. Eleven of the 73 units (2 one-bedroom units, 5 two-bedroom unit and 4 three-bedroom units) would be provided at sales prices targeted to middle-income households, pursuant to the City of Santa Barbara’s Affordable Housing requirements. The residential development would also include a Community Center of approximately 1,200 square feet and common open space areas located east and west of the at-grade driveway turn-around;

WHEREAS, the Approved Project required the following discretionary approvals by the City Planning Commission: 1. Certification of the Final Environmental Impact Report (EIR) for the project; 2. a Lot Line Adjustment to transfer 2.22 acres from APN 053-300-031 to APN 053-300-023; 3. a Development Plan to allow construction of a non-residential building of 10,000 square feet or more of total floor area in the C-P Zone; 4. a Modification of the lot area requirements to allow one over-density unit on a lot in the C-P/S-D-2, R-3/S-D-2 and R-4/S-D-2 zone districts; and 5. a Tentative Subdivision Map for a one-lot subdivision to create 73 residential condominium units and two commercial condominium units;

WHEREAS, on January 7, 2010, the Citizens Planning Association and Allied Neighborhoods Association (hereinafter the "Appellants") appealed the Planning Commission certification of the Final EIR and the Commission's related approvals and permits issued for the Approved Project – known as the "Sandman Inn Redevelopment Project," citing, among other issues, a concern that the Final EIR did not identify the Applicant's Alternative or the Approved Project as the environmentally superior alternative and that the certification of the Final Project EIR was "overbroad";

WHEREAS, in response to the scheduling of the CPA appeal, on March 8, 2010, the City Council visited the Project site and spent considerable amount of time viewing the actual location and improvements at the Project site in terms of how it would be impacted by the Approved Project, particularly the possible aesthetic and public view impacts;

WHEREAS, on March 9, 2010, the City Council held a duly noticed public hearing on the CPA/Appellants' appeal, receiving a comprehensive staff and oral report from City staff as well as oral and written testimony from the Appellants, the Applicant's representatives, and from members of the public; and

WHEREAS, after consideration of all of the evidence presented (both written and verbal), (in particular the March 9, 2010 City staff report presented to the City Council and the March 8, 2010 site visit) as well as the public testimony received, and after extensive deliberation by the Council members, the City Council unanimously concluded and hereby concludes that the Sandman Inn Redevelopment Project Final EIR is adequate and was prepared in accordance with all of the requirements of the California Environmental Quality Act and the related state CEQA Guidelines, and that the Approved Project is acceptable and in keeping with the City's Zoning Ordinance and the General Plan, the City's Upper State Street Study, and that the Planning Commission's Approval should be upheld and the appeal should be denied.

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

**SECTION ONE. CEQA and Related Findings.** The City Council has read and fully considered the Sandman Inn Redevelopment Project's Final EIR and, in hereby adopting and approving the Final EIR, has found and determined, in the Council's independent judgment and analysis and on the basis of the whole record before the City Council, as

follows that:

**1. Compliance with CEQA Procedural and Substantive Mandates.** The Final EIR for the Sandman Inn Redevelopment Project has been completed in full compliance with the requirements of the California Environmental Quality Act and the CEQA Guidelines, both the procedural and substantive requirements; and

**2. The Complete and Good Faith Disclosure of Potential Environmental Impacts.** The Final EIR for the Project and related Council record documents were presented to the City Council and were fully reviewed and considered by the City Council prior to approving the Approving Project. The Final EIR for the Project constitutes a complete, accurate, and good faith effort toward full disclosure of the Approved Project's potential impacts, both environmental and otherwise, and is an adequate environmental analysis of the Approved Project; and

**3. The Project EIR's Alternatives Analysis:** In particular, the City Council reviewed in detail and fully considered the Alternatives Analysis of the Final Project EIR [Section 9.0 (pages 9.0-1 through 9.0-18) of the Final EIR] and was provided with a revised version of Table 9.0-1 (at page 18) in order to clarify a point being asserted by the Appellants. Based on this review and the Council appeal hearing, the City Council concludes that the Final Project EIR does not support the Appellants' assertion that the "No Project Alternative" is an environmentally superior alternative or that the Final Project EIR failed to conduct and explain a full and appropriate "Alternatives Analysis"; More specifically, the Council concludes that the Appellants have apparently misread Table 9.0-1 since this Table clearly shows that both the Applicant's Alternative (i.e., with the "Approved Project" which is a lesser impact iteration of the "Applicant's Alternative") and the Proposed Project will have less potential impact than the status quo – i.e., less impact than the "No Project" alternative. Consequently, the Final Project EIR clearly indicates that, of all the alternatives analyzed, the Approved Project was clearly the environmentally superior project and the project alternative which achieves most of the Applicant's project objectives with the least potential for adverse environmental impacts, significant or otherwise. The City Planning Commission also reached this same conclusion and the City Council concurs.

This analysis is true and appropriate despite that CEQA does not actually require an environmentally superior project alternative to be specifically identified when, as in this instance, the complete environmental analysis of specific potential environmental impacts indicates that all of the Project alternatives proposed (as well as all of those analyzed) would not be likely to cause any potentially unmitigated significant adverse environmental impacts, particularly compared to the existing status quo or "baseline" situation. The Council finds that CEQA Guideline sections 15126.2 and 15151 make it clear that the purpose of an EIR is not to dictate whether a particular project or project alternative must be approved or disapproved; instead, an EIR is to provide appropriate decision-makers within the lead agency detailed impact information and impact analysis which allows those decision-makers to make land-use decisions in a manner which intelligently take into account potentially adverse environmental consequences and, where necessary and appropriate, to condition a project approval in ways which should adequately mitigate potentially adverse environmental impacts.

In addition, the purpose of an environmental document (such as an EIR) is to identify potentially significant impacts of a proposed project and to explore feasible mitigation measures and project alternatives which could avoid or lessen any identified significant impacts. Thus, Council notes that CEQA Guidelines section 15126.6(a) requires the consideration of alternatives to a project that could “feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project... .” However, in this instance of the Sandman Inn Redevelopment Project, the EIR indicates that all potentially significant environmental impacts identified for all of the alternatives examined can be reduced to a less than significant level through appropriate mitigation measures as conditions of approval or fundamental aspects of a revised project description. Therefore, no unavoidable, significant impacts (i.e., “Class One” impacts) were identified in the Final Project EIR for the Approved Project.

As such, the Council finds that the preparers of the Project EIR appropriately elected to present alternatives to the project that could further lessen impacts already considered less than significant after mitigation, as well as to consider alternatives which are more consistent with or more supportive of City goals and policies than either the “Proposed Project” or the “Applicant’s Alternative.”

More specifically, the Project EIR’s “alternative analysis” included an analysis of two projects: the “Proposed Project” and the “Applicant’s Alternative,” and four other related alternatives. At the time that the Notice of Preparation was issued, the applicant began to seriously consider potentially changing their project to the “Applicant’s Alternative” to be more consistent with identified City goals and policies, especially the City’s newly completed “Upper State Street Guidelines.” Consequently, as with the original hotel and condominium project, the “Applicant’s Alternative” was analyzed at a project-specific level in the EIR so that, if the applicant chose to modify the project description to reflect the project identified as the “Applicant’s Alternative,” it would be less likely that additional and delayed environmental review would be necessary. The Council believes that this is precisely the sort of efficient and responsive process anticipated and encouraged by CEQA.

Finally, in this case, EIR Table 9.0-1 and the Alternatives analysis clearly indicates that the “No Project” is not the environmentally superior alternative. In fact, the Alternatives analysis of the EIR showed the No Project alternative to be the least environmentally superior project alternative and the Approved Project to be the environmentally superior alternative.

#### **4. Certification and Use of the Project EIR is Applicable only to the City Council’s Approval of the Approved Project.**

**A.** The Appellants also objected to the City Council’s certification of the Project EIR in this case because they asserted this certification would be “overbroad” and that by certifying the EIR, the City would leave “the door ... open for the applicant or a subsequent landowner to contend that CEQA does not allow additional environmental

review once the FEIR is certified.” Thus, according to the Appellants, the City certification of the Final Project EIR might allow an owner of the Sandman Inn property to pull a “bait and switch” – that is, to later revise their application to seek land-use approval for a hotel project (such as the “Proposed Project” as discussed and reviewed in the EIR) and then to insist to the City that CEQA (Public Resources) section 21166 prohibits the City from mandating any further environmental review of the Final EIR for this possible future approval of a hotel project.

**B.** However, despite these assertions, the Council finds that this is an incorrect reading of CEQA for two substantial reasons: First, Section 21166 would not apply to this situation in the way the Appellants asserts it would and CEQA Guideline Section 15153 (“Use of an EIR from an Earlier Project”) would clearly apply. Section 15153 would require a new certification of the EIR for that EIR to be used for the approval of a different project, especially one as different as the Proposed Project. Second, Appellants’ assertion misunderstands the meaning of the “certification” of an EIR by the Planning Commission or the City Council.

**C.** CEQA Section 21166 is clearly an expressly conditional statutory “mandate” which precludes “subsequent” or “supplemental” EIRs only under expressly limited circumstances – circumstances which would not be applicable to a situation where the owner of the Sandman property might later attempt to change the project back to a hotel project (“i.e., such as the Proposed Project.”) This is because, in the Council’s opinion, subparagraphs (a) and (b) of section 21166 would clearly be applicable – these subparagraphs make it express that, if is a “substantial change” to an approved project is proposed or if a change to the circumstances of an approved project occurs, revisions to and re-circulation and re-certification of an final EIR are always necessary.

**D.** Moreover, the Council’s action in “certifying” this or any EIR in the manner required by CEQA Guideline section 15090, only and merely establishes that the EIR was prepared and “completed in compliance with CEQA” and that the Council has “read and considered the information contained in the final EIR” and that, in the final analysis, when the EIR is used by the City Council to review a proposed project, the EIR reflects the City Council’s independent judgment. This “certification” and the use of a certified EIR to approve a particular project, does not constitute certification of that EIR for the environmental review of another different project nor does it bind the City Council to use the certified EIR in an unmodified form for the review of another and different project if a subsequent application is made for a different project. Further, certification of the EIR in one instance, does in any way preclude the City from requiring further environmental review for a different project nor does it in any way mandate that the City Council approve a different project, especially a project as different, in this case, as the Approved Project is from the Proposed Project.

**E.** CEQA Guideline section 15153, while expressly allowing a single EIR to describe more than one project, provides that an EIR may only be used to approve a “later project” if “the circumstances of the projects are essentially the same.” In this instance, the Council finds that the environmental and land-use circumstances of the Approved Project and the Proposed Project are and would always be very different and that, before the Project EIR in this case could be used to review a hotel project on the Sandman Inn site, full compliance with section 15153 would be required by the City

before this EIR could be used for a subsequent approval. Thus, for example, among other things, section 15153(b)(2) would mandate a new round of public noticing and public comments (i.e., re-circulation) on the Project EIR particularly with respect to whether new mitigation measures or different project alternatives should be reviewed and considered. Moreover, section 15153(b)(4) would require the City Council to fully re-certify the Final Project EIR before that EIR could be used to approve a later project. Finally, section 15153(d) is quite express that nothing would allow the use of a existing certified EIR as a basis to approve a later project if the conditions described in CEQA Guideline section 15162 would require the preparation of a subsequent or supplemental EIR.

F. In short, the City Council believes that for the Applicant or a subsequent property owner of the Sandman Inn site to change this Project to a hotel project would trigger the need to prepare a subsequent or supplemental EIR under section 15162 and that the Council would require a new and full review of the later project in accordance with CEQA and would require this new environmental review to be re-certified. Finally, the Council finds and determines that this particular certification of the Final EIR only applies to this specific approval of the Approved Project and to no other project.

**5. Design Revisions to the Approved Project.** The Council understands and acknowledges that, as part of the City design review process, design revisions to projects often occur after Planning Commission or City Council's land use approval, typically the result of direction received from the City HLC or ABR as part of the process of completing the City's final design review and plan check process. On the other hand, without question, land use changes to a project after Planning Commission approval clearly require the review and approval of either a revised application by the Planning Commission or, for non-substantial and minor "land use" changes, a "Substantial Conformance Determination (SCD)" issued by the Community Development Director in accordance with the Planning Commission Guidelines (as approved by the Council in 1997.) If the land-use changes are deemed minor, the Guidelines provide that they may be approved on an SCD basis. However, as a non-ministerial discretionary and subjective determination, an SCD approval also always requires full environmental review under CEQA. If a determination of substantial conformance cannot be made because the changes go beyond the scope of the prior project approval or because the changes might trigger potential environmental impacts which had not previously been fully considered, then a revised project submittal would be required. The Council finds that should this Project be revised to become a hotel project in the future, such a revision would trigger complete new review by City staff and the need to file a revised master City development plan application. This application would undergo full new environmental review of any revised project.

**6. Public Location of Environmental Review Documents.** The location of documents and materials that constitute the environmental record of proceedings upon which this Council's decision to approve the Approved Project is based is at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California, in the custody of Allison DeBusk, Project Planner, which is also the Lead Agency.

**7. Mitigation Monitoring Program.** A mitigation monitoring and reporting program (MMRP) for the Approved Project is hereby adopted, and mitigation measures have been imposed and made enforceable both by incorporation into the Approved Project description and by their inclusion as express and recorded conditions of the Project's approval.

**8. Approval for the Approved Project Only.** The City Council accepts the assurances from the Applicant that the Applicant has expressly withdrawn the Original Proposed Project from any further consideration because it has been superseded by the Approved Project. The required land-use approvals being issued by this Resolution and in the Council decision of March 9, 2010 are only for the Approved Project. The City will not consider nor will the City approve a proposal (whether from this Applicant or a subsequent applicant) for approval of the original Proposed Project unless and until the City has first conducted further environmental review as required for the Original Proposed Project pursuant to CEQA Guidelines section 15153(b).

**9. Lack of Substantial Evidence of Impact Concerns.** The Council is of the view that the appeal of the Planning Commission's Approval of the Approved Project filed by Citizens Planning Association and Allied Neighborhoods Association did not actually present or attempt to present any real evidence, in particular "substantial evidence based on expert testimony" (as required by CEQA), of any possible inadequacy of the Final Project EIR or of any potentially significant adverse impact on the environment which might be caused by or result from the Approved Project and, as a result, the appeal of the Planning Commission certification of the Final EIR is denied and the use of that EIR for a City approval of the Sandman Inn Redevelopment Project is fully appropriate. In this regard, the Council believes that the City staff report dated March 9, 2010 (along with the staff presentation presented during the appeal hearing on March 9, 2010) and the letter provided by Applicant's counsel dated February 25, 2010 in particular are fully responsive to the limited non-expert evidentiary assertions made by the Appellants in the appeal letters and other materials provided to the City.

As a result, the Council incorporates by reference the March 9, 2010 staff report and the February 25, 2010 Applicant's letter into these findings as though they are fully set forth herein and hereby determines that the evidence provided in those documents explaining the lack of any impact concerns to be convincing and to constitute adequate substantial evidence as that term is used in CEQA to support the Council's action of approval and denying the appeal.

**10. Specific City Development Approvals and Approval of Recitals.** The City Council determines that each of the above-stated recitals are true and correct and they fully and accurately reflect the record of the City's proceedings concerning this Project and the determinations and considerations which went into the Planning Commission's and ABR's and, thereafter, the City Council's decision to conditionally approve the Approved Project. These recitals also appropriately describe the scope of the City's review of the Sandman Inn Redevelopment Project Application and Project, in particular, the detailed review by the Planning Commission and the City Council (both with respect to individual

Commission and Council members and the City collectively) which has been conducted with respect to the Project since the time its original Application was filed with the City.

The City Council approves the requested Lot Line Adjustment pursuant to Santa Barbara Municipal Code Section 27.40, making the same findings contained in Planning Commission Resolution No. 046-09 for that Adjustment to the effect that the re-configured lots are fully consistent with the City's General Plan and Zoning Ordinance and, additionally, finding that this Adjustment approval is fully consistent with the limited authority allowed by the State Subdivision Map Act with respect to the approval or disapproval of a lot line adjustments to two legal parcels of land.

The City Council also approves the granting of the Sandman Inn Redevelopment Project request for a Development Plan approval pursuant to Santa Barbara Municipal Code Section 28.54.120, making the same findings in support of that Development Plan as the Planning Commission as described in Planning Commission Resolution No. 046-09 that the Approved Project development is fully consistent with the City's General Plan and City Zoning Ordinance and is compatible with adjacent development and provides adequate access and parking.

The City Council also approves the requested Lot Area Modification for the Approved Project pursuant to Santa Barbara Municipal Code Section 28.92.110, making the same findings in support of that Modification as the Planning Commission and as described in Planning Commission Resolution No. 046-09 that the modification is consistent with the purposes and intent of the City Zoning Ordinance and is necessary in order to construct an additional condominium housing unit that is affordable to a middle-income household.

The City Council also approves the Tentative Subdivision Map pursuant to Santa Barbara Municipal Code Section 27.07.100, making the same findings in support of that Map as are necessary and as described in Planning Commission Resolution No. 046-09 that the Map is fully consistent with the City's General Plan and Zoning Ordinance.

The Council also approves the New Condominium Development for the Approved Project pursuant to Santa Barbara Municipal Code Section 27.13.080 making the same findings in support of that development as are necessary and as that described in Planning Commission Resolution No. 046-09 that the condominium development is fully consistent with the City's General Plan and Zoning Ordinance, is an in-fill residential development that is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities.

**11. Conditions of Approval and Mitigation Measures.** The City Council also adopts the Sandman Inn Redevelopment Project Conditions of Approval dated December 17, 2009, as attached hereto as Exhibit A and imposes them as conditions of approval on the Approved Project in accordance with their terms.

EXHIBIT A  
TO THE CITY COUNCIL FINDINGS RESOLUTION APPROVING  
THE SANDMAN INN REDEVELOPMENT PROJECT  
ADOPTED ON APRIL 20, 2010

**PLANNING COMMISSION CONDITIONS OF APPROVAL**

3714-3744 STATE STREET  
*LOT LINE ADJUSTMENT, DEVELOPMENT PLAN, TENTATIVE SUBDIVISION MAP, LOT AREA*  
*MODIFICATION*  
DECEMBER 17, 2009

In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fees required are \$2,768.25 for projects with Environmental Impact Reports and \$1,993.00 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- B. **Design Review.** The project is subject to the review and approval of the Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied.

**Exterior Residential Areas.** Usable residential exterior areas (patios, balconies, courtyards) shall be oriented away from State Street to the extent feasible, and preferably shielded from roadways by the structures themselves. (N-3)

**Pavement.** The residential parking lot driveway shall be paved with a coating to reduce tire squeal. This coating would consist of granulate rubber made from used tires as its aggregate and urethane resin as its binder, or similar current industry standard. (N-4)

**Tree Removal and Relocation.** Prior to removal of any trees, a landscape plan accommodating the relocation of existing mature palm trees to the maximum extent reasonably feasible, particularly those considered "skyline trees" (tall [55 to 65 foot] Mexican Fan palms [Washingtonia robusta]), shall be submitted to and approved

by the ABR. This plan shall include planter design specifications to ensure the long-term growth and survival of the relocated trees. (VA-1)

**Tree Removal.** The landscape plan approved by the ABR shall include one significant replacement tree for each major mature (as determined by the City arborist) tree that is to be removed. (VA-2)

**Storm Water Management Plan.** An approved drainage plan, consistent with the City's Storm Water Management Plan, that utilizes natural Best Management Practices to the maximum extent feasible, as determined by the Creeks Division and Community Development Department, shall be incorporated into the project plans.

**Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.

**Trash Enclosure Provision and Design.** A trash enclosure with adequate area for recycling containers shall be provided on each property and screened from view from surrounding properties and the street. Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within 5 feet of combustible walls, openings, or roofs unless protected with fire sprinklers. Project trash container areas shall incorporate approved long-term structural storm water best management practices (BMPs) to protect water quality. The applicant shall submit project plans to the satisfaction of Public Works Engineering and Solid Waste Department that incorporate long-term structural BMPs for trash storage areas to protect storm water quality. The owners shall maintain these structural storm water quality protections in working order for the life of the project, and shall inspect them at least annually and report to the City annually. (PS-2)

C. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

**Approved Development.** The development of the Real Property approved by the Planning Commission on December 17, 2009 is limited to the following:

- a. A lot line adjustment creating Lot A (1.00 acre) and Lot B (3.58 acres).
- b. A Tentative Subdivision Map for a one-lot subdivision of Lot B for 73 dwelling units (2 one-bedroom units, 52 two-bedroom units and

19 three bedroom units; 11 of the units are affordable to middle-income homebuyers) totaling approximately 91,081 net square feet (including a 1,185 net square foot community room), and two commercial condominiums totaling approximately 1,686 square feet.

- c. A development plan approval for approximately 14,104 square feet of commercial building area on Lot A.
- d. Lots A and B will also be developed with a total of 241 parking spaces and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

The proposed left-turn access from eastbound State Street into Lot B, as described in the Applicant Letter, is not included as part of the approved project in order to reduce potential conflicts with opposing traffic on State Street, reduce the potential for queuing left-turn vehicles to block through traffic and reduce potential impacts on pedestrians and bicyclists. (T-3)

**Lot Line Adjustment – Non-residential Development (Measure E).** As part of the lot line adjustment approval, all existing non-residential development rights for the real property (113 hotel rooms and accessory non-residential space, totaling approximately 52,000 square feet) are allocated to Lot A. Lot A and Lot B will each retain their respective minor and small addition allowances. A formal Agreement to this effect shall be recorded in the Office of the County Recorder as part of the Lot Line Adjustment.

**Lot Line Adjustment – Residential Density.** As part of the lot line adjustment approval, all rights to residential development on the real property are allocated to Lot B. A formal Agreement to this effect shall be recorded in the Office of the County Recorder as part of the Lot Line Adjustment.

**Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

**Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

**Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.

**Storm Water Pollution Control and Drainage Systems Maintenance.**

Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc. ) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project’s surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.

**Ownership Unit Affordability Restrictions.** The eleven dwelling units identified as Affordable on the Site Plan shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City’s adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

- a. Unit Type H (2 units) (1-bedroom units @ 130%AMI)  
= \$247,200
- b. Unit Type A (1 unit) (2-bedroom unit @ 130% AMI) =  
\$309,500
- c. Unit Type D (1 unit) (2-bedroom unit @ 120% AMI) =  
\$280,800
- d. Unit Type E (3 units) (2-bedroom units @ 120% AMI)  
= \$280,800
- e. Unit Type C, C-1 (2 units) (3-bedroom units @ 130%  
AMI) = \$350,800
- f. Unit Type G (2 units) (3-bedroom units @ 120% AMI)  
= \$319,100

The Affordable Units shall be sold and occupied in conformance with the City’s adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure

continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

**Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:

- g. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
- h. **Garages Available for Parking.** A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
- i. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
- j. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- k. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

**Off-Site Parking Agreement.** The Owner shall provide evidence of off-site parking agreements for the four parking spaces on the adjacent property to the west and for the 13 office spaces on Lot B for the benefit of the uses on Lot A. Said agreements shall be prepared consistent with the provisions outlined in SBMC Sub-Section 28.90.001.18.

**Parking Access Drive and Ramp.** Due to potential vehicle queuing conflicts with State Street circulation, gates or similar obstructions shall not be permitted on the driveway or underground access ramp.

- D. **Community Development Requirements Prior to Lot Line Adjustment.** The following shall be submitted as a part of processing the Lot Line Adjustment:

**Existing Building Inventory.** An accounting of all existing building square footage and hotel rooms shall be provided prior to demolition of the existing structures and prior to recordation of the Lot Line Adjustment. The Inventory shall be reviewed and approved by the Planning Division. This Inventory shall be reflected in all agreements related to the Lot Line Adjustment for proper accounting relative to the City's Non-residential Development (Measure E) regulations.

- E. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits for the project:

**Lot Line Adjustment Required.** The Owner shall submit an executed *Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof* to the Public Works Department, including the legal description of the existing subject properties, and the legal description of the adjusted parcels as a part of processing the Lot Line Adjustment. A licensed surveyor shall prepare the legal description and said Agreement shall be recorded in the Office of the County Recorder. *The Lot Line Adjustment shall be recorded prior to recordation of the Final Map.*

**Water Rights Assignment Agreement.** As a condition of recording the Lot Line Adjustment, the Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.

**Final Map for One-lot Subdivision on Lot B (Designated on Tentative Map as Lot 1).** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.

**Dedication(s).** Easements as shown on the approved Tentative Subdivision Map or the Lot Line Adjustment and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

- a. All street purposes along State Street across Lots A and B in order to establish four additional feet of public right-of-way in order to establish a minimum of a twelve-foot wide strip for sidewalk, parkway and all street purposes.

- b. An Easement in Gross to the City of Santa Barbara for Water Meter Reading Purposes, as shown on the approved Tentative Map.
- c. An Easement in Gross to the City of Santa Barbara for Public Utility Purposes as shown on the approved Tentative Map.
- d. A variable width easement across Lot B for ingress, egress, parking, private storm drainage, public and private utilities (sewer and water) purposes, and emergency access for the benefit of Lot A as shown on the approved Tentative Map.

**Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.

**Hydrology Report.** The Owner shall submit a final hydrology report prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.

**Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

**State Street Public Improvement Plans.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage for both the condominium site (Lot B), and the site for the office buildings (Lot A) on State Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or

remove and replace to City standards, the following: *an extension of the State Street center median by approximately 75 linear feet, an MTD approved lighted bus stop with trash receptacle, eight-foot sidewalk, four-foot parkway, curb and gutter, two commercial style driveway aprons modified to meet Title 24 requirements, right-turn only striping and signage, replace two existing Cobra Head street lights with two commercial Dome Style street lights, slurry seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limits of all trenching, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations or hydrology report for installation of on-site drainage improvements, on-site detention, and connection to City storm drain, preserve and/or reset survey monuments and contractor stamps, on-site retention sized per drainage calculations, supply and install directional/regulatory traffic control signs per 2006 CA MUTCD, new street trees species (Lophostemon Conferta) and box size (36-inch) as determined by the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.*

9. **Hitchcock Way Improvement Plans.** Flow calculations modeling the existing capacity and proposed impacts on the existing sewer main shall be required prior to issuance of any permits. If current flow is found to exceed design capacity, *and* project contribution adds more than 10% to the existing flow, then an upgrade to the existing sewer system shall be required. If the existing flow is found to be less than the design capacity, but the new flow exceeds the design capacity by more than 10%, then an upgrade to the existing sewer system shall be required. Analysis and design for a *+/-420 linear foot extension of 18 inch sewer main, and construct a City standard manhole at the intersection of Hitchcock and State Street shall be prepared, subject to the most current version of the City of Santa Barbara Engineering Design Guidelines.* In the event of a required upgrade of existing infrastructure, the Owner shall submit new C-1 public improvement plans. Any work in the public right-of-way requires a Public Works Permit.
10. **State Street Median.** The Owner shall submit C-1 public improvement plans for construction of extending the existing raised median in front of the site on State Street identified in condition D.8 above, *which shall be extended to the east, to restrict left-turns into the site. The applicant shall work with City Transportation staff to determine what modifications to the existing raised median are required to adequately accommodate the extended median, and shall confer with the City Arborist to see if new street trees are appropriate for the median. A new “No U Turn” sign shall be provided at the new eastern end of the raised median. The revised median design shall be reviewed and approved by the City’s Transportation Division and the City Engineer. (T-5)*

**Storm Drain System Stenciling and Signage.** Within the project area, the applicant shall implement stenciling of all storm drain inlets and catch basins, and posting of signs at all public access points along channels and creeks, with language in English and Spanish and graphic icons prohibiting dumping, per approved plans. The applicant shall submit project plans to the satisfaction of Public Works Engineering that identify storm drain inlet locations throughout the project area, and specified wording and design treatment for stenciling of storm drain inlets and signage for public access points that prohibit dumping. The owners association shall maintain ongoing legibility of the stenciling and signage for the life of the project, and shall inspect at least annually and submit report annually. (W-3)

**Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.

**Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.

- F. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.

**Recordation of Final Map and Agreements.** After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department.

**Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building permit.

**Bicycle Parking.** At least 10 bicycle parking spaces shall be provided in close proximity to the non-residential development, subject to approval by the Transportation Division.

Commercial Parking Spaces.

- a. Commercial parking spaces located in the residential parking garage should be assigned to specific users to ensure greater use of the spaces. (T-8)
- b. Spaces located along the office access driveway that are included in the total number of spaces required to meet the parking code requirement for the office use, should be marked as "for office use only" during business hours. (T-9)

- c. The underground off-site commercial parking spaces shall be constructed and available for use, or an off-site parking agreement must be accepted by the City and recorded with the County Recorder, prior to Certificate of Occupancy of the commercial building.

**Traffic Control Plan.** A traffic control plan for project construction shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

**Construction Parking/Storage/Staging.** Prior to issuance of building permits, the applicant shall prepare a management plan for review and approval by City staff for employee parking to eliminate intrusion into area on-street parking spaces and maximize use of available on-site parking.

Construction parking and storage shall be provided as follows:

- During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined below.
- Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
- Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

(T-12)

**Construction Management Plan.** Prior to issuance of building permits, the applicant shall prepare a construction management plan for review and approval by City staff. Prior to beginning the next phase of construction, review the plan with City Engineering staff and modify as needed to ensure coordination with other area construction projects to minimize any lane closures or traffic intensive activities.

The construction management plan shall provide for:

- No hauling of bulk materials and waste shall occur during peak traffic hours.
- Hauling of materials shall be limited along streets that have fronting residential land uses or near school sites.
- Flagmen shall be provided at the project's truck entrance to expedite movements into and out of the site.
- Access of all but essential construction traffic on San Remo Drive shall be limited.
- Any lane closures required along State Street for construction should be done during off-peak hours and all lanes should be open for travel during the peak commute hours and on weekends.

(T-11)

**Solid Waste Management Plan.** To reduce trips associated with export of site debris, prior to issuance of grading and/or demolition permits, the applicant shall develop and implement a solid waste management plan for review and approval by the City to reduce waste generated by construction and demolition activities (see condition H.3 for additional information). In addition, the applicant shall work with other development projects in the area to minimize the distance that export material is hauled from the site and manage the hours during which that hauling occurs to minimize the effects on area traffic. (T-10)

**Minimization of Storm Water Pollutants of Concern.** The applicant shall implement approved plans incorporating long-term storm water best management practices (BMPs) to minimize identified storm water pollutants of concern including automobile oil, grease and metals. The applicant shall submit project plans incorporating long-term BMPs to minimize storm water pollutants of concern to the extent feasible, and obtain approval from Public Works Engineering. The owners association shall maintain approved facilities in working order for the life of the project, and shall inspect annually and submit report to City annually. (W-2)

G. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

**Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:

- a. The frequency and/or schedule of the monitoring of the mitigation measures.
- b. A method for monitoring the mitigation measures.
- c. A list of reporting procedures, including the responsible party, and frequency.
- d. A list of other monitors to be hired, if applicable, and their qualifications.
- e. Submittal of weekly reports during demolition, grading and excavation, and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/Case Planner.
- f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.

**Neighborhood Notification Prior to Construction.** At least thirty (30) days prior to commencement of construction, the contractor shall provide written notice to all property owners and building occupants within 450 feet of the project area that proposed construction activities could substantially affect outdoor or indoor living areas. The notice shall contain a description of the project, a construction schedule including days and hours of construction, a description of noise-reduction measures, and the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions and provide additional information or address problems that may arise associated with construction noise. A 24-hour construction hot line shall be provided. Any noise complaints received shall be documented, and, as appropriate, construction activities shall be modified to the extent feasible to address such complaints. Informational signs with the PEC's name and telephone number shall also be posted at the site and shall be easily viewed from adjacent public areas. (N-6)

The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.

**Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.

**Window Replacement.** The applicant shall offer to have a minimum 4-millimeter-thick, double-paned glass installed in the first- and

second-story windows of the residences that face the project site.  
(N-11)

Evidence of the offer shall be provided to the Planning Division, and any residences that accepted the offer shall have their replacement windows installed prior to issuance of a building permit. Evidence of any window replacements shall be provided to the Planning Division.

**Air Conditioning.** The applicant shall offer to install temporary air conditioning in those residential units adjacent to the project site that do not already have this feature to allow residents to keep their windows closed during construction activities. (N-12)

Evidence of the offer shall be provided to the Planning Division, and any residences that accepted the offer shall have their temporary air conditioning installed prior to issuance of a building permit. Evidence of compliance shall be provided to the Planning Division.

**Parks and Recreation Commission Tree Removal Approval.** Submit to the Planning Division verification of approval from the Parks and Recreation Commission for the removal of all trees located within the required front setback and street trees.

**Geotechnical Recommendations.** Site preparation and project construction related to soil conditions and seismic hazards shall be in accordance with the recommendations contained in the Soils Engineering Report, prepared by Earth Systems Pacific, dated September 25, 2003. Compliance shall be demonstrated on plans submitted for grading and building permits. (G-1)

**Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:

g. **Initial Sale Price Restrictions.** The eleven (11) dwelling units identified as Affordable on the Site Plan shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:

(1) Unit Type H (2 units) (1-bedroom units @ 130% AMI) = \$247,200

(2) Unit Type A (1 unit) (2-bedroom unit @ 130% AMI) = \$309,500

(3) D (1 unit) (2-bedroom unit @ 120% AMI) = \$280,800

(4) Unit Type E (3 units) (2-bedroom units @ 120% AMI) = \$280,800

(5) Unit Type C, C-1 (2 units) (3-bedroom units @ 130% AMI) = \$350,800

(6) Unit Type G (2 units) (3-bedroom units @ 120 % AMI) = \$319,100

- h. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

**Letter of Commitment for Pre-Construction Conference.** The Owner shall submit to the Planning Division a letter of commitment that states that, prior to disturbing any part of the project site for any reason and after the Building permit has been issued, the General Contractor shall schedule a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, the assigned Building Inspector, the Planning Division, the Property Owner, the Architect, the Landscape Architect, the Biologist, the Project Engineer, the Project Environmental Coordinator, the Contractor and each subcontractor.

- H. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:

**Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section B above.

**Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Environmental Impact Report for the project.

**Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may

include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

**Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

**Construction Erosion/Sedimentation Control Plan.** Project grading and construction shall be conducted in accordance with an approved erosion control plan to protect water quality throughout the duration of site preparation, earthwork, and construction process. Prior to the issuance of a demolition or building permit for the proposed project, the applicant or project developer shall prepare an erosion control plan that is consistent with the requirements outlined in the Procedures for the Control of Runoff into Storm Drains and Watercourses and the Building and Safety

Division Erosion/Sedimentation Control Policy (2003). The erosion control/water quality protection plan shall specify how the required water quality protection procedures are to be designed, implemented, and maintained over the duration of the development project. A copy of the plan shall be submitted to the Community Development and Public Works Departments for review and approval, and a copy of the approved plan shall be kept at the project site.

At a minimum, the erosion control/water quality protection plan prepared for the proposed project shall address the implementation, installation, and/or maintenance of each of the following water resource protection strategies: paving and grinding, sandbag barriers, spill prevention/control, solid waste management, storm drain inlet protection, stabilize site entrances and exits, illicit connections and illegal discharges, water conservation, stockpile management, liquid wastes, street sweeping and vacuuming, concrete waste management, sanitary/septic waste management, vehicle and equipment maintenance, vehicle and equipment cleaning, and vehicle and equipment fueling. (W-1)

**Dust Mitigation - Plan Specifications.** Prior to grading permit clearance, the applicant shall include all dust control requirements as notes on construction grading and building plans. (AQ-9)

**Interior Noise Reduction for Office and Residential Units Near State Street.** The walls, doors, and windows of office units adjacent to State Street shall be constructed to include sufficient noise attenuation to reduce interior levels to a CNEL of 50 dB(A). (N-15) The walls, doors, and windows of residential units closest to State Street shall be constructed to include sufficient noise attenuation to reduce interior noise levels to a CNEL of 45 dB(A). (N-14)

The applicant shall submit an updated Noise Report demonstrating that the project satisfies the above-referenced noise levels. Said Report shall identify any noise attenuation measures needed to satisfy the noise requirement, which may include:

- a. Windows shall have a minimum Standard Transmission Class (STC) of 35 and be properly installed, weather-stripped, and insulated.
- b. Doors with a minimum STC of 35 shall be used for doorways facing State Street and shall be insulated in conformance with California Title 24 requirements.
- c. Roof or attic vents facing State Street shall be baffled.
- d. Air conditioning or a mechanical ventilation system shall be installed in any dwelling units outside the 60 dB noise corridor so

that windows and doors may remain closed. Ventilation systems shall be installed and operable prior to Certificate of Occupancy.

**Left Turns.** Prohibit left turns onto State Street from the residential parking lot to eliminate sudden car accelerations that could otherwise occur when making this turn. (N-5)

**Stop Sign.** A "STOP" sign and a painted stop bar and legend shall be provided at each driveway exit.

**Street/Traffic Control Sign.** The Owner must furnish and install traffic control sign(s) to Public Works Department construction standards, as determined by the Transportation Division.

**Project Directory.** A project directory, (including map and parking directional signs) listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

**Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

<hr/>		
Property Owner	Date	
<hr/>		
Contractor	Date	License No.
<hr/>		
Architect	Date	License No.
<hr/>		
Engineer	Date	License No.

I. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

**Pre-Construction Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to

review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Landscape Architect, Biologist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.

**Seasonal Restriction.** Removal of trees during initial site development should be limited to the time period between September 1 and January 31. If tree removal or construction is to occur during the bird nesting season (February 1 through August 31), a City-approved biologist shall conduct a survey at the site for active nests two weeks prior to any scheduled tree removal, tree pruning, development, or grading. If active nests are located, setbacks for construction work would be required until the nest is no longer active or the young have fledged. If no active nests are found, the construction, tree removal, or grading restrictions specified in this section shall not apply. (BIO-1)

**Waste Management Plan.** The applicant shall develop and implement a solid waste management plan to reduce waste generated by construction and demolition activities. Consistent with City of Santa Barbara ordinances, and in order to achieve the waste diversion goals required by state law, the contractor may choose to separate waste and recyclables on site or use a combination of source separation and a construction and demolition (C&D) sorting facility. The solid waste management plan shall include the following:

- a. Contact information: The name and contact information of who will be responsible for implementing the solid waste management plan.
- b. Waste assessment: A brief description of the proposed project wastes to be generated, including types and estimated quantities during the construction phase of this project. Demolition and construction materials shall be recycled or reused, consistent with ordinance Chapter 7
- c. Recycling and waste collection areas: Waste sorting and/or collection and/or recycling areas shall be clearly indicated on the project plans and approved by the City Solid Waste Specialist.
- d. Transportation: A description of the means of transportation of recyclable materials and waste (whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler and removed from the site to be processed) and destination of materials.

- e. Landfill information: The name of the landfill(s) where trash will be disposed of and a projected amount of material that will be landfilled.
- f. Meetings: A description of meetings to be held between applicant and contractor to ensure compliance with the site solid waste management plan.
- g. Alternatives to landfilling: A list of each material proposed to be salvaged, reused, or recycled during the course of the project.
- h. Contingency Plan: An alternate location to recycle and/or stockpile C&D in the event of local recycling facilities becoming unable to accept material (for example: all local recycling facilities reaching the maximum tons per day due to a time period of unusually large volume).
- i. Implementation and documentation of solid waste management plan:
  - (1) Manager: The permit applicant or contractor shall designate an on-site party (or parties) responsible for instructing workers and overseeing and documenting results of the solid waste management plan for the project site foreman. The contact will notify the Public Works Department immediately should any deviance from the solid waste management plan be necessary.
  - (2) Distribution: The contractor shall distribute copies of the solid waste management Plan to the job site foremen, impacted subcontractors, and the architect.
  - (3) Instruction: The permit applicant or contractor shall provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of project development.
  - (4) Separation and/or collection areas: The permit applicant or contractor shall ensure that the approved recycling and waste collection areas are designated on site.
  - (5) Construction of recycling and waste container facilities: Inspection shall be made by Public Works to ensure the appropriate storage facilities are created in accordance with AB 2176, California State Public Resources Code 42911 and City of Santa Barbara Zoning Ordinances.
  - (6) Hazardous wastes: Hazardous wastes shall be separated, stored, and disposed of according to federal, state, and local regulations.
  - (7) Documentation: The contractor shall submit evidence at each inspection to show that recycling and/or reuse goals are being met and a summary of waste generated by the project shall be submitted on a monthly basis. Failure to submit this information

shall be grounds for a stop work order. The summary shall be submitted on a form acceptable to the Public Works Department and shall contain the following information:

- Disposal information: amount (in tons or cubic yards) of material landfilled; identity of the landfill; total amount of tipping fees paid at the landfill; weight tickets, manifests, receipts, and invoices (attach copies).
  - Recycling information: amount and type of material (in tons or cubic yards); receiving party; manifests, weight tickets, receipts, and invoices (attach copies).
  - Reuse and salvage information: list of items salvaged for reuse on project or campus (if any); amount (in tons or cubic yards); receiving party or storage location.
- (8) Contingency Plan: The permit applicant or contractor shall detail the location and recycling of stockpiled material in the event of the implementation of a contingency plan.

**Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.

**Construction Related Traffic Routes.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager

**Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.

**Traffic Control Plan.** All elements of the approved Traffic Control Plan and Construction Management Plan shall be carried out by the Contractor.

**Construction Hours.** Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 AM and 5:00 PM, excluding holidays observed by the City of Santa Barbara as legal holidays, as shown below:

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

Occasional night work may be approved for the hours between 8:00 PM and 7:00 AM weekdays by the Chief of Building and Zoning (per Section 9.16.015 of the Municipal Code). These occasional work efforts may include concrete pours for the underground garage footings, floor and deck, if approved by the Chief of Building and Zoning. In the event of such night work approval, the applicant shall provide written notice to all property owners and occupants within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of night work. Night work shall not be permitted on weekends or holidays. (N-7)

**Construction Equipment Sound Barrier.** Stationary construction equipment that generates noise that exceeds 50 dB(A) at the property boundaries shall be shielded with a barrier that meets a STC rating of 25. (N-8)

**Construction Equipment Sound Control.** All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited. (N-9)

**Construction Noise Barrier.** Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools. (N-10)

**Construction Sound Barrier Wall.** Install a temporary construction sound barrier wall along the northern half of the western edge of the project site, the entire northern end of the site, and the northern half of the eastern edge of the project site. The barrier should be made of sound-attenuating material (not landscaping). The noise barrier can be constructed from concrete, masonry, wood, metal, or other materials determined to be appropriate by the City. To effectively reduce sound transmission through the barrier, the

material chosen must be rigid and sufficiently dense (at least 20 kilograms/square meter). All noise barrier material types are equally effective, acoustically, if they have this density. The barrier shall be of sufficient height to block direct line of sight to the first story of adjacent residential uses. It is estimated that a noise barrier of the prescribed density would reduce average noise levels to sensitive receptors by up to 5 dB if the barrier blocks direct line of sight, and an additional 1.5 dB for each meter of barrier height for those uses blocked from direct line of sight. (N-13)

**Dust Mitigation - Site Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur, using reclaimed water whenever the Public Works Director determines that it is reasonably available. Water trucks or sprinkler systems shall be used in the late morning; during clearing, grading, earth moving, or transportation of cut and fill materials; and after work is completed for the day to prevent dust from leaving the project site and to create a crust after each day's activities cease. Reclaimed water shall be used if available. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Frequency of construction site watering shall be increased when wind speeds exceed 15 miles per hour (mph) to reduce PM10 emissions. (AQ-1)

**Dust Mitigation - Speed Limit.** An on-site speed limit of 15 miles per hour shall be imposed for operation of construction vehicles on dirt surfaces. (AQ-2)

**Dust Mitigation - Gravel Pad/Street Sweepings.** Gravel pads shall be installed at all access points prior to beginning construction to prevent tracking of mud onto public roads.

Streets adjacent to the project site shall be inspected daily for accumulation of mud, dirt, or silt on streets. Affected road segments shall be cleaned daily. (AQ-3)

**Dust Mitigation - Stockpile Treatment.** All stockpiled soil materials shall be watered regularly as needed to inhibit dust generation. Excavated material and stockpiled soil shall be covered if not being used within the next 48 hours. (AQ-4)

**Dust Mitigation - Grading Suspension.** Grading and scraping operations will be suspended when wind speeds exceed 20 mph to reduce PM10 emissions. (AQ-5)

**Dust Mitigation - Site Stabilization.** Disturbed areas will be permanently stabilized with landscaping ground cover or site improvements as soon as practicable following the completion of earthwork.

After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by

- a. seeding and watering until grass cover is grown;
- b. spreading soil binders;
- c. sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
- d. other methods approved in advance by the Air Pollution Control District.

All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)

**Dust Mitigation - Truck Covering.** All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) section 23114 (“freeboard” means vertical space between the top of the load and top of the trailer). (AQ-7)

**Dust Mitigation - Monitor.** The contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the City and SBCAPCD prior to permit clearance for grading. (AQ-8)

**Diesel Vehicle Emissions Control.** Operators of diesel-powered vehicles should turn off the engine after 5 minutes when the vehicle is not in motion, keep the vehicles well-tuned and maintained, and retrofit engines with pollution-control devices. Consideration should be given to purchasing trucks and buses that meet new US EPA standards ahead of schedule. Vehicle owners should use ultra-low-sulfur fuel in combination with pollution control equipment such as particulate matter filters. (AQ-10)

**Construction Equipment Emissions.** As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel particulate matter and criteria pollutant

emissions from in-use off-road diesel-fueled vehicles. The following shall be adhered to during project grading and construction to reduce NOX and PM2.5 emissions from construction equipment:

- All portable construction equipment shall be registered with the state's portable equipment registration program OR permitted by the district by September 18, 2008.
- Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating on site shall be equipped with two- to four-degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by US EPA or California shall be installed on equipment operating on site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

(AQ-11)

**Construction Equipment Operations.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number of equipment is operating at any one time. The construction contractor shall ensure that work crews shut off equipment when not in use. In addition, California's more recent anti idling regulations (with some exemptions) require that drivers of diesel fueled commercial vehicles weighing more than

10,000 pounds (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, and (2) shall not use diesel fueled auxiliary power units for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle equipped with a sleeper berth, at any location. (AQ-12)

**Architectural Coating Emissions.** Compliance with the SBCAPCD Rules and Regulations on the use of architectural coatings shall be implemented as applicable, including using pre-coated/natural-colored building materials, using water-based or low-ROC coating, and using coating transfer or spray equipment with high transfer efficiency. (AQ-13)

**Asbestos.** The project applicant shall complete and submit a SBAPCD Asbestos Demolition and Renovation Compliance Checklist at least 10 days prior to the commencement of any demolition activities. (AQ-14)

**Construction Worker Trips.** Construction worker trips should be minimized by requiring carpooling and by providing for lunch on site. (AQ-15)

**Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.

**Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.

**Mitigation Monitoring Compliance Reports.** The PEC shall submit weekly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.

**Town and Country Apartment Access.** Vehicular access to the Town and Country Apartment parking spaces, located at 3730 State Street, shall be provided throughout construction, if alternative access to San Remo Road has not already been obtained.

**Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC's) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not

exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

**Tree Relocation.** All trees identified for relocation on-site shall be appropriately protected following removal to ensure their replacement and future survival.

**Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.

**Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.

**Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization. (CR-1)

J. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

**Repair Damaged Public Improvements.** Repair any damaged public improvements *caused by construction* (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

**Complete Public Improvements.** Public improvements, as shown in the improvement plans, including utility service undergrounding and installation of street trees, shall be completed.

**Fire Hydrant Replacement.** Replace existing nonconforming type fire hydrant(s) with commercial-type hydrant(s) described in Standard Detail 6-003.1 Paragraph 2 of the Public Works Department Standard Details.

**Manholes.** Raise all sewer and water manholes on easement to final finished grade.

**Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).

**Existing Street Trees.** Submit a letter from a qualified arborist, verifying that the existing street tree(s) have been properly pruned and trimmed.

**Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions, obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.

**New Construction Photographs.** Photographs of the new construction, taken from the same locations as those used for the photosimulations contained in the Sandman Inn Redevelopment Project EIR shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.

**Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.

**Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section D have been recorded.

- K. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

#### **NOTICE OF APPROVAL TIME LIMITS:**

In general, Development Plan approvals have a time limit of four (4) years pursuant to Municipal Code section 28.87.350. Tentative Map approvals have an initial time limit of two (2) years in accordance with Municipal Code section 27.07.110 (but such initial period may be extended up to three (3) years by local ordinance pursuant to Government Code section 66452.6). When the Planning Commission approves multiple discretionary approvals, Municipal Code section 28.87.370 extends the term of each discretionary approval to correspond to longest approval, unless such an extension would conflict with state law. Therefore, the time limits for the Planning Commission approvals are as follows:

1. **LOT LINE ADJUSTMENT AND TENTATIVE MAP.** The Planning Commission approval of the Lot Line Adjustment and the Tentative Subdivision Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

2. **DEVELOPMENT PLAN APPROVAL.** The approval of the Development Plan shall expire four (4) years from the date of approval. The developer may request an extension of the Development Plan approval for one additional year pursuant to Municipal Code section 28.87.350.

3. MODIFICATION APPROVAL. The approval of the lot area modification is coterminous with the approval of the Tentative Subdivision Map.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

**FROM:** Business Division, Waterfront Department

**SUBJECT:** Introduction Of Ordinance For Lease Agreement With Doug Chessmore

### RECOMMENDATION:

That Council approve a lease agreement with Doug Chessmore, doing business as Ocean Aire Electronics, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement with Doug Chessmore, Doing Business As Ocean Aire Electronics, Effective May 27, 2010, for Lease of the Premises Located at 125 Harbor Way #7.

### DISCUSSION:

Doug Chessmore has operated the 339 square foot retail business Ocean Aire Electronics at 125 Harbor Way, #7, since November 1986. The current lease expired on March 31, 2010. The base rent is currently \$980 per month, (\$2.89 per square foot) subject to annual increases based on the Consumer Price Index (CPI) each May.

Ocean Aire Electronics is a specialty store that provides sales, installation and repairs of marine electronic equipment such as radar, global positioning systems, sonar (fish finders & depth finders), marine radios, autopilots, navigation and safety equipment.

The basic lease terms of the proposed lease are as follows:

- **Term:** One year with six (6) one-year options
- **Base rent:** \$980 per month, subject to annual CPI increases (no change)
- **Percentage rent:**
  - (1) One percent (1%) of sales of marine motors and electronics;
  - (2) Four percent (4%) of sales of marine hardware;
  - (3) Ten percent (10%) of all Gross Receipts from service for marine motors, electronics and labor; and
  - (4) Ten percent (10%) of all other Gross Receipts which are not specifically motors, electronics, hardware, sales or service.

- **Permitted uses:** Sale and service of marine electronics, and for no other use without the prior written approval of the Waterfront Director

All other terms of the lease remain unchanged. The Harbor Commission recommended approval of the lease agreement at the March 18, 2010, meeting.

**ATTACHMENT:** Site Plan

**PREPARED BY:** Scott Riedman, Waterfront Business Manager

**SUBMITTED BY:** John N. Bridley, Waterfront Director

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



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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A LEASE AGREEMENT WITH DOUG CHESSMORE, DOING BUSINESS AS OCEAN AIRE ELECTRONICS, EFFECTIVE MAY 27, 2010, FOR LEASE OF THE PREMISES LOCATED AT 125 HARBOR WAY #7

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, An Ordinance of the Council of the City of Santa Barbara Approving a Lease Agreement with Doug Chessmore, Doing Business As Ocean Aire Electronics, Effective May 27, 2010, is hereby approved.



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

**FROM:** City Administrator's Office

**SUBJECT:** Introduction Of Ordinance For Extension And Amendment Of Supervisors Memorandum Of Understanding

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Ordinance No. 5484, the 2009-2011 Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara City Supervisory Employees' Bargaining Unit (Supervisors' Unit).

### **DISCUSSION:**

The Santa Barbara City Employee Supervisors Association (Association) membership has ratified a tentative agreement with the City, reached in March, to amend the existing labor agreement. The new agreement extends the term of the existing labor agreement until June 30, 2011 and provides for up to 10% in labor concessions including:

One-time/temporary concessions:

- A 6.5% unpaid furlough in Fiscal Year 2011, and
- Suspension of the vacation cash out benefit in Fiscal Year 2011.

Ongoing/permanent concessions:

- Permanent relinquishment of the negotiated 1.5% salary increase Association members were scheduled to receive in April 2010, and
- A permanent reduction of \$95 per month to the City cafeteria plan allowance for Association members.

The agreement affects 80 first- and second- line supervisors throughout the City.

### Equity Clause

The agreement contains an "equity clause" which reduces the required labor concessions retroactively if the City ultimately agrees to a significantly lesser percent of labor concessions with the Police Union.

The equity clause addresses concerns from Supervisors regarding fairness. Negotiations with Supervisors were all but complete in fall of 2008 when the economic crisis hit. Supervisors, managers, and the SEIU General Unit agreed to a 5% unpaid furlough and suspension of vacation cash outs in Fiscal Year 2010 to help deal with the crisis. The police and fire bargaining units ultimately did not participate in concessions equally in Fiscal Year 2010, and this caused concerns about fairness when the City again approached the other employee groups asking for further salary and benefit concessions in Fiscal Year 2011. The equity clause contained in this agreement allows the Association to be the first labor organization to offer significant concessions, while still ensuring that its membership will not ultimately be asked to do more than the police employees this time.

From City negotiators' point of view, this clause allows the City to reach early commitment to needed labor concessions, while maintaining the flexibility the City needs to be able to agree to different concessions with other bargaining units, including the Police Association. Agreeing to lesser concessions with the Police Association will impact budget savings achieved under this agreement, but it remains an option.

Under the equity clause, if the City agrees to lesser ongoing concessions during its current negotiations with the Police Association, ongoing concessions for Supervisors will be reduced retroactively. Likewise, if the City agrees to lesser one-time/temporary concessions with the Police Association, one-time concessions for Supervisors will be reduced retroactively. Differences of less than a half percent will not trigger an adjustment. A table of examples of how this would work is attached (See Attachment).

As management identifies other options to fill the estimated \$8.9 million budget gap, the amount of labor concessions needed to avoid layoffs and unacceptable service cuts is changing. This will impact what the City asks from its other bargaining units, including the Police Association. It is likely, therefore, that concessions under this agreement will ultimately be less than the full 10%.

**BUDGET/FINANCIAL INFORMATION:**

Concessions under this agreement, if implemented at the full 10% level, would generate \$889,983 in labor cost savings Citywide in Fiscal Year 2011, with \$430,242 of these savings accruing to the General Fund. Actual budget savings under this agreement will not be able to be determined until negotiations with the Police Officers Association are complete.

**ATTACHMENT:** Equity Clause Examples

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

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

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

**Supervisors Agreement- Fiscal Year 2011**

Equity Clause Examples

Police Concessions		Adjustment		Supervisor Concessions		Comment on Adjustment
One Time	Ongoing	One Time	Ongoing	One Time	Ongoing	
7.5%	2.5%	0.0%	0.0%	7.5%	2.5%	Status Quo
7.3%	2.1%	0.0%	0.0%	7.5%	2.5%	Differences are deminimis (<.5%)
8.0%	3.0%	0.0%	0.0%	7.5%	2.5%	No adjustment upward
7.0%	2.0%	-0.5%	-0.5%	7.0%	2.0%	Reduce both one-time and ongoing
5.0%	0.0%	-2.5%	-2.5%	5.0%	0.0%	Reduce both one-time and ongoing
7.4%	1.0%	0.0%	-1.5%	7.5%	1.0%	Reduce ongoing (one-time is deminimis)
10.0%	0.0%	+2.5%	-2.5%	10.0%	0.0%	Convert ongoing to one-time
8.0%	0.5%	+0.5%	-2.0%	8.0%	0.5%	Convert part of ongoing to one-time
0.0%	0.0%	-7.5%	-2.5%	0.0%	0.0%	No concessions

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING ORDINANCE NO. 5484, THE 2009-2011 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA BARBARA AND THE SANTA BARBARA CITY SUPERVISORY EMPLOYEES' BARGAINING UNIT (SUPERVISORS' UNIT)

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

**SECTION ONE.** The 2009-2011 Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara City Supervisory Employees Bargaining Unit, adopted by Ordinance No. 5484, is hereby amended to include the supplemental agreement dated as of April 20, 2010 and (hereinafter the "Supervisors' Supplemental Agreement") attached hereto and incorporated herein by reference as Exhibit A.

**SECTION TWO.** The City Administrator is authorized to apply the changes to salaries and benefits contained in the Supplemental Agreement to the City's confidential supervisors.

**SUPPLEMENTAL AGREEMENT BETWEEN THE CITY AND THE SUPERVISORY EMPLOYEES' BARGAINING UNIT REGARDING FURLOUGH AND OTHER LAYOFF AVOIDANCE MEASURES**

Pursuant to Section 3.12 of the Municipal Code of the City of Santa Barbara and Section 3500 et seq. of the Government Code, the duly authorized representatives of the City of Santa Barbara ("The City") and the Santa Barbara City Employee Supervisor Association ("The Association"), having met and conferred in good faith, agree that the existing 2009-2011 Memorandum of Understanding (MOU) shall be supplemented with the following agreement:

1. **MODIFIED TERM:** The term of the existing Memorandum of Understanding reflected in Article 50 will be extended by approximately six months, through June 30, 2011.
2. **SALARY AND BENEFIT CHANGES:** Subject to the requirements of Equity Clause, below, the Association agrees to all of the following measures:
  - a. Measures to Achieve One-time (or "Temporary") Budget Savings
    - i. **Furlough:** During Fiscal Year 2010-2011, each Supervisory Unit employee will be subject to an unpaid furlough of 136 hours (6.5% value, prorated for part-time employees) on the terms included in the attached Mandatory Unpaid Furlough Plan (Attachment A), and
    - ii. **Vacation Cash Out:** The vacation cash-out provision of the MOU (1% value), referenced in Article 54 of the MOU, will be suspended during the July 2010-June 2011 Fiscal Year (i.e., the fall 2010 cash-out) on the same terms outlined in Article 54, subsection "c" of the MOU.
  - b. Measures to Achieve Ongoing (or "Permanent") Budget Savings
    - i. **Relinquish Salary Increase:** The Association agrees to relinquish the Fiscal Year 2010 salary increase of 1.5%, which was scheduled for April 10, 2010. This increase will not go into effect, and
    - ii. **Reduction in Cafeteria Allowance:** Effective July 1, 2010, the Association agrees to a reduction in the cafeteria plan allowance, by \$95 per month, to \$800 per month.
3. **ONE-TIME PERSONAL LEAVE EXTENSION:** There will be a one-time exception to the general rule that personal leave days must be taken by the end of each fiscal year or lost. Personal leave days awarded in July 2010 may be used over a period of two fiscal years, but must be taken by the end of fiscal year 2011-2012 (i.e., no later than June 30, 2012). In no case shall employees be entitled to cash payment for personal leave days not taken.

4. **EQUITY (“ME TOO”) CLAUSE** The parties acknowledge that the Association is willing to concede to the extended MOU term and salary and benefit changes listed above on the condition that the City achieves similar concessions from the Police Officers Association (hereinafter the “POA”).
- a. **Similar Concessions:** For purposes of this section “similar concessions” from the POA means an agreement (or extension to the agreement, or a unilateral adoption of a last, best, and final offer, etc.) beyond the existing labor agreement terms and conditions which achieves:
    - i. One-time/temporary net budget savings in Fiscal Year 2010-2011 at least equivalent to 7.5% (7.5 times the 1% Number With Roll-Up for the POA, listed on Attachment B), and
    - ii. Ongoing/permanent net budget savings in Fiscal Year 2010-2011 at least equivalent to 2.5% (two and one-half times the 1% Number With Roll-Up for the POA, listed on Attachment B).
  - b. **Adjustment Methodology:** In the event that the City does not achieve similar concessions from the POA, concessions from the Association will be adjusted as follows:
    - i. If the one-time/temporary net budget savings in Fiscal Year 2010-2011 are not at least equivalent to 7.5% (7.5 times the 1% Number With Roll-Up for the POA, listed on Attachment B), the one-time/temporary budget measures listed above will be reduced by an equivalent factor of the 1% Number for the Association, listed on Attachment B, as follows:
      - 1. First, through reinstatement of a portion of the vacation cash-out.
      - 2. Second, through reduction in the unpaid furlough
    - ii. If the ongoing/permanent net budget savings are not at least equivalent to 2.5% (2.5 times the 1% Number With Roll-Up for the POA, listed on Attachment B), the ongoing/permanent budget measures listed above will be reduced by an equivalent factor of the 1% Number for the Association, listed on Attachment B, as follows:
      - 1. First, through restoration of the April 10, 2010 salary increase,
      - 2. Second, through restoration of the cafeteria plan allowance.
      - 3. If, however, the POA’s one-time/temporary net budget savings as a function of the POA’s one percent number exceeds the corresponding percent of temporary net budget savings under this agreement, ongoing savings measures will be converted to temporary savings measures rather than being

completely discharged. This will be achieved through the addition of a June 18, 2011 reinstatement date for the concession.

- iii. Notwithstanding the above, a variance in one-time or ongoing budget savings during FY 2010-2011 of less than 0.5% of salary (0.5 times the police 1% number with roll-up) will be considered de minimis and will not trigger an adjustment to this agreement.
  - iv. For variances in one-time or ongoing budget savings of greater than or equal to 0.5%, adjustments to concessions will be made by 0.5% for each full 0.5% difference between the Association's Concessions and the POA Concessions.
  - v. Given that labor negotiations with the POA may extend beyond the effective date of concessions under this Agreement, the budget savings measures under this Agreement will be implemented as planned, and will be adjusted retroactively, as appropriate, when negotiations with the POA are concluded.
- c. Effect of Position Eliminations: The one percent numbers in Attachment B are based on existing budgeted staffing levels as of the date of this agreement. If one or more positions in the POA or the Association are eliminated from the FY 2010-2011 budget as it is adopted by the City Council in June 2010, the 1% numbers reflected in Attachment B will be equitably adjusted downward by 1% of the salary plus roll-up cost of those eliminated positions and any equitable adjustments under this agreement will be based on the adjusted 1% numbers.
- d. The comparability of "net budget savings" from various labor concessions will be determined by the Finance Director who will provide a detailed explanation of his findings, upon request, to the Association. If the Association disagrees with the Finance Director's determination, the Association may appeal this decision in writing to the City Administrator, citing the specific bases of disagreement. The City Administrator will respond within 20 days and his decision will be final.
5. **REOPENER IN THE EVENT OF LAYOFFS:** Nothing in this Supplemental Agreement shall restrict the right of the City Council to make permanent reductions in workforce for economic reasons if the City's financial position has significantly changed, as authorized under the Santa Barbara City Charter, including but not limited to Sections 1007 and 1008, and the Santa Barbara Municipal Code. However, prior to the implementation of any layoffs proposed during the remaining term of the MOU, the City will provide the Association with a minimum of 60 days notice and the immediate opportunity to meet and confer over any negotiable impacts of such layoffs not contained in the current MOU.

6. **SEVERABILITY**- If any provision of this Supplemental Agreement is held unenforceable, then such provision will be modified to reflect the intention of the parties. All remaining provisions of the Supplemental Agreement shall remain in full force and effect.

Dated: **April 20, 2010**

**FOR THE CITY**

**FOR THE ASSOCIATION**

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Kristine Schmidt  
Employee Relations Manager

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Victor Garza  
President

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Barbara Barker  
Human Resources Manager

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Rob Badger  
Information Systems Supervisor

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Judd Conley  
Waterfront Maintenance Superintendent

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Araceli Esparza  
Purchasing Supervisor

**CITY OF SANTA BARBARA  
FISCAL YEAR 2011  
MANDATORY UNPAID FURLOUGH PLAN  
Supervisors  
(Dated April 20, 2010)**

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**I. Purpose**

The purpose of this mandatory unpaid work furlough plan is to:

- Allow the City to address anticipated revenue shortfalls and increased expenses in Fiscal Year 2011 while minimizing the need for service cuts and staff layoffs; and
- Establish, in advance, a clear and understandable method to mitigate the impacts of a work furlough on affected employees.

**II. Definitions**

"Work furlough" refers to one or more hours of required unpaid leave taken on a consecutive or intermittent basis.

**III. Application**

1. This policy applies to employees in the Supervisory Employees Bargaining Unit.
2. Nothing in this plan shall restrict the right of the City to make bonafide permanent reductions in workforce, nor to otherwise reduce work hours for economic reasons, as authorized under the Santa Barbara City Charter, including but not limited to Sections 1007 and 1008, and the Santa Barbara Municipal Code. However, the City acknowledges that such alternate work reductions may trigger a separate duty to meet and confer with the City's recognized labor organizations about such decision(s) and/or the effects of such decisions on employees.

#### **IV. Declaration and Scheduling of Mandatory Work Furlough**

1. Implementation: This Mandatory Furlough Plan will be implemented at the level of 136 hours (6.5%), prorated for part-time employees, or such lesser amount as may result from the Equity (“me too”) Clause contained in the Agreement between the City and the Association..
2. Scheduling of Furlough: The City will have the sole authority to schedule the furlough periods, and such decisions shall not be subject to grievance or appeal.
  - a) General Furlough Closure: The City will observe a General Furlough Closure, during which many City offices and operations will be closed.

Many employees in operations that are subject to the General Furlough Closure, and in other operations, will be scheduled to take furlough time off during these furlough closure dates. However, some employees will be scheduled to work during such closure periods based on City operational needs, or by mutual agreement between the employee and the employee’s supervisor.
  - b) Furlough Time Off Bank: Any furlough hours not scheduled to be taken as part of a General Furlough Closure shall become part of an employee’s furlough time off bank. Employees will be scheduled to take the furlough time off at another time after July 1, 2010 but before June 18, 2011. Such time off shall be scheduled on the same terms as vacation under the applicable Memorandum of Understanding or other City policy.
  - c) Rescheduling Furlough Time Off: If an employee is not able to take furlough time off as originally scheduled, the furlough hours will become part of the employee’s Furlough Time Off Bank and will be rescheduled as provided in subsection “b”, above. Supervisors will be encouraged, where practicable, to make reasonable efforts to avoid disruption to employees if scheduled furlough time off must be rescheduled (e.g. by finding qualified volunteers). However, this may not always be possible.
3. Application to Work Groups and Positions:
  - a) Although this plan may be applied uniformly to all supervisory employees Citywide, the City may also apply this policy differentially to all or some work groups or positions at its discretion. Such decisions shall not be subject to grievance or appeal. For example:

- (1) The City may decide not to furlough certain work groups or positions because they are performing essential or contracted functions, because compensation is paid from restricted funding sources, or for any other business reason.
  - (2) The City may also decide to furlough some work groups or positions at different times or for different durations than other work groups or positions for any business reason.
4. Application to Voluntary Hours Reduction Requests: Once a mandatory furlough is declared for Fiscal Year 2011 under this plan, employees who offered to voluntarily reduce their hours to part-time under the "Part-Time Work" Policy or to take an unpaid leave of absence under the "Leave of Absence Without Pay, Non-Medical Reasons" Policy during Fiscal Year 2011 will be provided an opportunity to rescind their voluntary part-time schedule or unpaid leave request.
5. Work During Furlough: No employee may perform work for the City during the furlough period unless authorized by management.

**V. Effect of Mandatory Work Furlough on Employee Pay**

1. Pay Reduction: The period of furlough time off will be unpaid. Furlough time off will be tracked under a separate unpaid hours code.
2. Non Exempt Employees- Pay Mitigation Plan:
  - a) For non-exempt employees, the wage loss from the mandatory furlough will be distributed evenly over the full fiscal year. Effective the first full pay period in Fiscal Year 2011, beginning on June 19, 2010, a bi-weekly deduction will be made from employee compensation in an amount equivalent to 1/26<sup>th</sup> of the total unpaid mandatory furloughed time through the end of the last pay period of Fiscal Year 2011, ending on June 17, 2011.
  - b) Mutual Reimbursement:
    - (1) For employees in active paid status as of the beginning of the fiscal year who terminate employment within the fiscal year:
      - (a) If, at the time of termination, the reduction in pay exceeds the furlough time off taken, the employee will be entitled to pay for the difference.

- (b) If, at the time of termination, furlough time off taken exceeds the reduction in pay, the employee will need to reimburse the City for the difference in pay.
- (2) An employee who is hired or otherwise enters active paid status after the beginning of the fiscal year will be scheduled for furlough time off and will have his or her pay reduced by an amount equivalent to 1/26<sup>th</sup> of the total furloughed time for the first 26 pay periods of employment. The employee will be subject to the same mutual reimbursement provisions in Section (1) above, if the employee terminates employment before the 26 pay periods are complete.
- (3) An employee who is on unpaid status for any other reason at any point during the fiscal year will, upon return to active paid status, be scheduled to make up any furlough hours not taken and will continue to have his or her pay reduced by an amount equivalent to 1/26<sup>th</sup> of the total furloughed time until 26 full pay periods of reduction have been achieved. The employee will be subject to the same mutual reimbursement provisions in Section (a) above, if the employee terminates employment before the 26 pay periods are complete.

3. Exempt Employees

- a) Exempt employees will be considered non-exempt employees under the Fair Labor Standards Act (FLSA) guidelines in any FLSA workweek in which one or more hours of unpaid furlough time off occurs (See 29 CFR 541.710(b)). Such employees will be eligible for hourly pay for any work performed during that FLSA workweek, just as non-exempt employees would be. Such employees may also be eligible for overtime compensation during any such FLSA workweek according to applicable FLSA guidelines. For purposes of this provision only, the FLSA workweek of an otherwise exempt employee will be the City's standard FLSA workweek, beginning and ending at midnight on Friday night, regardless of the employee's regular work schedule.
- b) Exempt Employees- Pay Mitigation Plan: Exempt employee pay will be reduced under the same Pay Mitigation Plan outlined for non-exempt employees in Section V.2, above.

- (a) The City and the affected bargaining units agree that is our mutual good faith interpretation of 29 CFR 541.710(b) that the City may implement a pay mitigation plan for exempt employees without affecting the exempt status of such employees under the FLSA to a greater degree than expressed in Section V.3(a), above.
- (b) If the City receives an opinion from the U.S. Department of Labor or other binding legal authority that indicates that the pay mitigation plan for exempt employees further affects the exempt status of such employees, the City will promptly notify the affected represented bargaining units and the parties will reopen negotiations within 30 days of such notice to determine an alternate method of furlough pay deductions that will preserve such employees' exempt status.
- (c) Management employees must sign an agreement to participate in the Pay Mitigation Plan, otherwise the full pay deductions will be taken in the pay period(s) in which the furlough time off actually occurs.

## **VI. Benefits During a Mandatory Work Furlough**

1. Health, Life, and Cafeteria Plan Benefits: An employee shall receive continued medical, dental, vision, life insurance, and cafeteria plan benefits, including any City contribution, at the level the employee would have received absent the work furlough. Employees will be responsible for the same employee contributions to these benefits that they would have made absent the work furlough.
2. Retirement: To the extent allowable by CalPERS, and in compliance with any restrictions imposed by CalPERS, the City will ensure that retirement benefits will not be adversely impacted as a result of the furlough and related reduction in hours and/or salary.
3. Other Benefits: Other benefits may be reduced as required under normal benefit rules related to work schedule or unpaid leave. Such benefits include, but are not limited to: disability insurance or SDI/PFL contributions, Medicare contributions, etc.
4. Paid Leave Accrual: Employees will receive the same vacation, sick leave, personal leave, and management leave accruals they would have received absent the work furlough.

5. Legal Holidays: Employees on a work furlough shall receive legal holiday pay as follows:
  - a) Employees in classifications entitled to accrue holiday credit will continue to receive the same holiday credit.
  - b) For employees who do not accrue credit, where a legal holiday is observed during a period of work furlough, the employee will be paid hours for that holiday at the same level employee would have received absent the work furlough. In other words, that holiday will not count as an unpaid furlough day. For employees on a 9/80 or 4/10 schedule, the employee may be required to use accrued paid leave banks to make up the full paid holiday, as usual.
6. Use of Paid Leave: An employee will not be permitted to use accrued paid leave banks (vacation, sick leave, compensatory time, personal or management leave) during the unpaid furloughed hours.
7. Vacation Accruals: Management will make every reasonable effort to work with employees to avoid loss of vacation accruals or personal leave due to encroachment on accrual caps or time limits for use.
8. Standby and Call-back: An employee may be assigned to call-back or standby during a work furlough as provided under the applicable labor agreement or City policy. An employee called-back to active paid work during the unpaid furlough period will be required to take equivalent additional unpaid furlough during the remainder of the fiscal year.
9. Service & Seniority: Furlough shall not count as a break in City service and shall not affect seniority or eligibility for merit increases.
10. Schedule Changes: While an employee is on a furlough, schedule changes will be subject to the requirements of the applicable labor agreement
11. Overtime: Employees will only be eligible for overtime premium that they would have received absent the reduction in work hours (i.e., for over 40 hours in a workweek).
12. Probationary Period: Probationary periods shall not be affected by a mandatory furlough.
13. Limits on Benefit Continuation: Special benefit continuation under this furlough plan is available only to employees during their mandatory unpaid furlough period(s). Otherwise, employees are covered by benefit continuation under other City policies, including the City's applicable Leave Without Pay policies.

Exhibit A- Attachment B

1% number with roll-up effective July 2010, at current budgeted staffing levels, assuming no labor concessions from existing agreements.

<b>Unit</b>	<b>1% With Roll-Up ALL Funds</b>
Police Officers Association	203,960
Supervisors Association	88,588



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Approval Of An Emergency Purchase Order For The Modoc Road Storm Drain Repair Project

### RECOMMENDATION:

That Council retroactively approve the issuance of an emergency Purchase Order to Tierra Contracting, Inc. (Tierra), in the amount of \$87,718, for construction of the Modoc Road Storm Drain Repair pursuant to Municipal Code Section 4.52.080.

### DISCUSSION:

#### PROJECT DESCRIPTION

On February 8, 2010, Public Works staff was notified of a significant sinkhole on the shoulder of Modoc Road adjacent to Veronica Springs Road. Staff determined there was a 48-inch storm drain pipe buried about 20 feet under Modoc Road, conveying water from the Union Pacific Railroad (UPRR) property and US Highway 101. Further research determined that the pipe was 50 years old and made of corrugated metal, a material prone to corrosion after many years in service.

A video inspection on February 12, 2010, found that the majority of the deterioration was directly below the sinkhole. The entire bottom of the pipe at this location was completely corroded. In addition, large holes were observed on the last 120 feet of pipe. The pipe's deterioration reduced its ability to carry the substantial weight of the soil above it and could have caused the pipe's total collapse. This could have caused flooding to the UPRR and 101 corridors, and expansion of the sinkhole into Modoc Road. The condition was a significant concern because of possible impacts from more rain predicted for the coming week.

Staff discussed the situation with the General Services Manager and determined that the situation justified issuing an emergency Purchase Order. On February 13, 2010, Tierra mobilized and began initial construction. The work consisted of replacing 120 feet of corrugated metal pipe with reinforced concrete pipe beneath the eastbound lane and within the shoulder of Modoc Road. All the work was completed by February 19, 2010, just prior to the next rain event.

Issuance of the emergency Purchase Order was necessary to get the project delivered in a timely manner. The work required staff to waive the competitive bid process to allow the contractor to expeditiously pursue and finish the work prior to the next predicted rain event. Issuance of an emergency Purchase Order, with after-the-fact approval by Council, is allowed under the City's Municipal Code Section 4.52.080. The City was invoiced with a final cost of \$87,718 for time and materials.

Prior to construction of the repair, Public Works staff determined that a portion of the storm drain extended onto private property south of the Modoc Road right of way. The pipe existed in this alignment prior to the annexation of Modoc Road by the City and there is no public easement for the repair. As a result, a temporary right of entry was obtained to complete the repair. Pending negotiations with the private owner, staff will return to Council to formally adopt a permanent public easement for the repair and maintenance of the pipe.

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

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Purchase Order Contract For The Gibraltar Dam Concrete Maintenance Project

### **RECOMMENDATION:**

That Council waive formal bid procedures as authorized by Municipal Code Section 4.52.070(k) and authorize the General Services Manager to issue a Purchase Order to Santa Barbara Surfacing for the Gibraltar Dam Concrete Maintenance Project (Project) in the amount of \$87,290.31, and authorize the General Services Manager to approve expenditures of up to \$17,450 for extra services that may result from necessary changes in the scope of work.

### **DISCUSSION:**

Gibraltar Dam (Dam), located on the Santa Ynez River in Santa Barbara County, is owned and operated by the City of Santa Barbara. It creates the reservoir that is the source of approximately one-third of the City's water supply. The Dam was constructed in 1920 and has undergone several upgrades that have increased its height and improved its seismic stability.

This Project is part of the ongoing maintenance required at the Dam. The Project involves waterproofing locations on the concrete Dam where water has gradually seeped through the existing concrete. Similar concrete waterproofing maintenance was performed in the past. This Project will reduce long-term damage that may arise from continued water seepage.

Staff recommends the use of a particular waterproofing product manufactured by Kryton International above other waterproofing products and methods. This product meets the technical requirements of the proposed Project, while demonstrating success in similar applications. Kryton International has authorized Santa Barbara Surfacing as the only applicator of their product for this type of waterproofing application within the State of California.

Staff recommends that Council authorize the General Services Manager to issue a Purchase Order to Santa Barbara Surfacing in the amount of \$87,290.31 to complete this work, and approve expenditures of up to \$17,450 for extra services that may result from necessary changes in the scope of work. Municipal Code Section 4.52.070(k) authorizes Council to purchase supplies, equipment and services without complying with the formal bid procedure when, in the opinion of Council, it is in the best interest of the City.

**BUDGET/FINANCIAL INFORMATION:**

There are sufficient funds in the Water Fund for this proposed maintenance work.

**PREPARED BY:** Joshua Haggmark, Principal Civil Engineer/EM/mj

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

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

**CITY OF SANTA BARBARA**  
**REDEVELOPMENT AGENCY MINUTES**

**Special Meeting**  
**March 30, 2010**  
**Council Chamber, 735 Anacapa Street**

**CALL TO ORDER**

Chair Helene Schneider called the joint meeting of the Agency and the City Council to order at 2:04 p.m.

**ROLL CALL**

Agency members present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White (2:11 p.m.), Das Williams, Chair Schneider.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Brenda Alcazar.

**PUBLIC COMMENT**

No one wished to speak.

**CONSENT CALENDAR**

Motion:

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

Vote:

Unanimous roll call vote.

1. Subject: License Agreement Regarding Public Art In Jardin de las Granadas (10)

Recommendation: That the Redevelopment Agency Board approve and authorize the Executive Director to execute, subject to approval by Agency Counsel, a License Agreement with the Santa Barbara County Arts Commission regarding Installation, Use, Maintenance and Removal of Art on Redevelopment Agency (RDA)-owned property at 21 East Anapamu Street commonly known as Jardin de las Granadas.

Action: Approved the recommendation; Agreement No. 524 (March 30, 2010, report from the Deputy Director/Assistant City Administrator).

## RECESS

4:05 p.m. – 4:14 p.m. Agency/Council Members White and Williams were absent when the Agency/Council reconvened.

## REDEVELOPMENT AGENCY REPORTS

2. Subject: Fiscal Year 2010 Budget Balancing And Adjustments (230.05/15)

### Recommendation:

- A. That Council hear a report from staff, as a follow-up to the special budget work session held on February 25, 2010, to continue the discussion of recommended measures to help offset projected General Fund revenue shortfalls in Fiscal Year 2010;
- B. That Council approve the transfer of \$480,000 from the Self-Insurance Fund to the General Fund, representing charges allocated to the General Fund above amounts needed to fund the General Fund's portion of the Fiscal Year 2010 workers' compensation and liability programs based on an analysis of claims paid to date;
- C. That Council approve the transfer of \$440,000 from the Solid Waste Fund to the General Fund, representing unrestricted funds intended to reimburse the City's General Fund for the use of the City's public right-of-way; and
- D. That the Redevelopment Agency Board allocate and authorize the expenditure of up to \$480,000 from the Agency's Project Contingency Account to fund the required relocation lease costs of the Fire Department's Administrative Staff due to the Agency-funded Fire Station No. 1 Annex Renovation Project.

### Documents:

- March 30, 2010, report from the Interim Fiscal Officer/Interim Finance Director.
- March 30, 2010, PowerPoint presentation prepared and made by Staff.

### Speakers:

- Staff: Interim Fiscal Officer/Interim Finance Director Robert Samario, Executive Director/City Administrator James Armstrong.
- Members of the Public: Bix Buckley.

Agency/Council Members White and Williams returned to the meeting at 4:18 p.m.

(Cont'd)

2. (Cont'd)

Motion:

Agency/Council Members House/Hotchkiss to approve the recommendations, including the Finance Committee's recommendations as presented to the Agency and Council.

Vote:

Unanimous voice vote.

## **ADJOURNMENT**

Chair Schneider adjourned the meeting at 7:30 p.m.

SANTA BARBARA  
REDEVELOPMENT AGENCY

SANTA BARBARA  
CITY CLERK'S OFFICE

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HELENE SCHNEIDER  
CHAIR

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BRENDA ALCAZAR, CMC  
DEPUTY CITY CLERK



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010  
**TO:** Mayor and Councilmembers  
**FROM:** Administration Division, Finance Department  
**SUBJECT:** Fiscal Year 2011 Recommended Operating And Capital Budget

**RECOMMENDATION:** That Council:

- A. Receive the Fiscal Year 2011 Recommended Operating and Capital Budget;
- B. Hear a report from staff in connection with the filing of the Fiscal Year 2011 Recommended Budget; and
- C. Approve the proposed Schedule of Council Budget Review Meetings for the presentation of the Fiscal Year 2011 Recommended Budget.

### **DISCUSSION:**

In accordance with City Charter, the Fiscal Year 2011 Recommended Budget has been filed with the City Clerk's Office and is being submitted to Council.

The recommended budget includes a number of measures that address the projected \$8.9 million General Fund budget shortfall caused by the ongoing impacts of revenue declines and increasing costs. Staff has been in discussions with all City labor groups regarding potential wage and benefit concessions. To the extent concessions from labor groups are not realized, the recommended budget includes a list of budget options for Council consideration to close the budget shortfall.

City staff has scheduled special budget work sessions over the next two months during which the details of the recommended budget will be presented and discussed. Over the course of the special meetings, each department will present their respective budget to City Council, focusing on the budget adjustments included in the recommended budget as well as the budget options presented in the budget relating to their department. Enterprise Funds will also discuss any impacts of the current economic downturn on their operations and the measures recommended in response to those impacts.

The first of these special budget work sessions will be held on Thursday, April 22, from 1:30 to 4:30 p.m. The budget work sessions are scheduled at different times of the day and evening to encourage public participation. The proposed public hearing and budget review schedule is included as an attachment to this report.

In addition to the review by Council, staff is recommending that the Finance Committee review certain elements of the recommended budget in more detail. The proposed Finance Committee review schedule will be presented to the Finance Committee on April 20, just prior to the City Council meeting for approval.

A copy of the recommended budget will be available for review in the City Clerk's Office and the Public Library's main and eastside branches. It can also be found on the City's website at [www.SantaBarbaraCa.gov](http://www.SantaBarbaraCa.gov).

**ATTACHMENT:** Schedule of Council Budget Review Meetings

**PREPARED BY:** Robert Samario, Interim Finance Director

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

**CITY OF SANTA BARBARA**  
**Fiscal Year 2011 Annual Budget**

## Schedule of Council Budget Review Meetings

*Please Note: Meeting dates and times are subject to change on short notice*

MEETING	DATE	BUDGET AGENDA ITEM(S)
CITY COUNCIL	Tues, April 20, 2010 Afternoon session Council Chambers	<ul style="list-style-type: none"> <li>➤ Filing of the Recommended Budget for Fiscal Year 2011</li> <li>➤ Schedule of Special Budget Worksessions and Public Hearings Approved</li> <li>➤ Overview of Recommended Budget</li> <li>➤ General Fund Balancing Strategy and Departmental Adjustments</li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Thurs, April 22, 2010 1:30 – 4:30 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ <u>Department Budget Presentations for:</u> <ul style="list-style-type: none"> <li>- Mayor &amp; Council</li> <li>- CAO</li> <li>- Administrative Services</li> <li>- Finance</li> <li>- Non-Departmental</li> </ul> </li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Thurs, April 29, 2010 9:00 am – 12:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ <u>Department Budget Presentations for:</u> <ul style="list-style-type: none"> <li>- City Attorney</li> <li>- Public Works</li> </ul> </li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Wed, May 5, 2010 10:00 am – 1:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ <u>Department Budget Presentations for:</u> <ul style="list-style-type: none"> <li>- Community Development / RDA</li> <li>- Library</li> </ul> </li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Mon, May 10, 2010 6:00 – 9:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ <u>Department Budget Presentations for:</u> <ul style="list-style-type: none"> <li>- Parks &amp; Recreation</li> </ul> </li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Wed, May 12, 2010 1:30 – 4:30 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ <u>Department Budget Presentations for:</u> <ul style="list-style-type: none"> <li>- Airport</li> <li>- Waterfront</li> <li>- Solid Waste</li> </ul> </li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Thurs, May 13, 2010 6:00 – 9:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ <u>Department Budget Presentations for:</u> <ul style="list-style-type: none"> <li>- Police</li> </ul> </li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Thurs, May 27, 2010 6:00 – 9:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ <u>Department Budget Presentations for:</u> <ul style="list-style-type: none"> <li>- Fire</li> </ul> </li> </ul>

**Schedule of Council Budget Review Meetings**  
**Fiscal Year 2011 Annual Budget**  
**Page 2**

<b>MEETING</b>	<b>DATE</b>	<b>BUDGET AGENDA ITEM(S)</b>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Thurs, June 3, 2010 9:00 am – 12:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ Finance Committee Recommendations to Council</li> <li>➤ Budget Deliberations</li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Mon, June 14, 2010 2:00 – 5:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ Budget Deliberations</li> </ul>
CITY COUNCIL	Tues, June 15, 2010 Afternoon session Council Chambers	<ul style="list-style-type: none"> <li>➤ Prop. 218 Hearing on Proposed Increases to Water, Wastewater and Solid Waste Rates</li> </ul>
CITY COUNCIL (Public Hearing) SPECIAL WORKSESSION	Wed, June 16, 2010 2:00 – 5:00 pm Council Chambers	<ul style="list-style-type: none"> <li>➤ Budget Deliberations</li> <li>➤ Final Council Budget Direction to Staff</li> </ul>
CITY COUNCIL	Tues, June 29, 2010 Afternoon session Council Chambers	<ul style="list-style-type: none"> <li>➤ Budget Adoption</li> </ul>



# CITY OF SANTA BARBARA

## JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers  
Chairperson and Agency Boardmembers

**FROM:** Housing and Redevelopment Division, Community Development  
Department

**SUBJECT:** Future Of The Redevelopment Agency

### **RECOMMENDATION:**

That Council and the Redevelopment Agency Board receive a report on the future of the Redevelopment Agency.

### **DISCUSSION:**

Redevelopment is the primary tool used by cities and counties in California to revitalize their downtown core and assist in the provision of affordable housing. The City of Santa Barbara's Redevelopment Agency was formed in 1972 and began receiving property tax increment in 1977.. In August 2015, in accordance with State law, the Central City Redevelopment Project Area will expire. At expiration, the Agency will lose its ability to undertake new housing or capital projects. Since its inception, the Redevelopment Agency of the City of Santa Barbara has played a major role in the revitalization of the City's downtown core as well as the production of affordable housing. To date, the Redevelopment Agency has:

- ◆ Received more than \$255 million in tax increment revenue through Fiscal Year 2009 with Fiscal Year 2010 estimated annual revenues in excess of \$20 million.
- ◆ Invested approximately \$204 million in Downtown Santa Barbara – including over \$52 million since 2000.
- ◆ Invested approximately \$51 million in Affordable Housing resulting in an affordable housing stock of nearly 8% of the housing units in City.
- ◆ Provided over \$13 million in grants to community organizations.

Major capital projects funded in whole or part by the Redevelopment Agency have included: Paseo Nuevo, the Historic Train Depot, Chase Palm Park Expansion, the Granada Garage, State Street Sidewalks (400-1200 blocks), Fire Station #1 Renovation, Parking Garages #2, 9, 10, etc. Affordable housing projects either fully- or partially-funded by the Redevelopment Agency have included: Milagro de Ladera, St. Vincent's, Casa De Las Fuentes, Garden Court, Mental Health Association, El Carrillo, etc.

The impact of expiration of the Redevelopment Agency Project Area will be felt throughout the City and the South Coast and raises many questions. With an aging infrastructure, how will major capital improvements be funded in the downtown and the rest of the project area? How will much-needed affordable housing opportunities be funded in the City of Santa Barbara? How will the arts community continue to stay vibrant without one of its primary funding sources?

In the Fall of 2009 an interdepartmental team presented a report to the City Administrator and Department Directors that evaluated the purpose of the Redevelopment Agency, the current status of the Central City Redevelopment Project Area, the implications of the expiration of the Redevelopment Agency Project Area, and possible opportunities to continue the success of the Redevelopment Agency, albeit on a significantly smaller scale. Copies of the report have been made available to Council in the Council reading file. Copies available for public review have been provided at the Housing and Redevelopment Division Offices at 630 Garden Street, and the City Clerk's Office (City Hall). Members of this interdepartmental team presented the report to the Planning Commission on February 11, 2010.

**PREPARED BY:** Brian Bosse, Housing and Redevelopment Manager

**SUBMITTED BY:** Paul Casey, Deputy Director

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Cachuma Conservation Release Board Draft Budget

### **RECOMMENDATION:**

That Council review the draft Fiscal Year 2011 budget for the Cachuma Conservation Release Board (CCRB).

### **DISCUSSION:**

The CCRB is a joint powers agency formed to represent the water rights of the four South Coast members of the Cachuma Project: the City of Santa Barbara, the Goleta Water District, the Montecito Water District, and the Carpinteria Valley Water District. Councilmember Williams represents the City on the CCRB. The draft Fiscal Year 2011 CCRB budget is being presented to Council for review and discussion. It is scheduled to be finalized and adopted by CCRB later this month, and will be resubmitted to Council for ratification in June 2010.

The State Water Resources Control Board (SWRCB) regulates water rights in California. Currently, the water rights order for the Cachuma Project is being reviewed by the SWRCB, which will likely modify the order to address the multiple objectives of Cachuma Project water supply, downstream water rights, and steelhead habitat needs. Changes to the water rights order have the potential to significantly affect Santa Barbara's water supply, so CCRB monitors and actively participates in the process.

The CCRB also spends a significant portion of its efforts on improving habitat for steelhead trout. The framework for CCRB's work is the Cachuma Project Biological Opinion, issued by the National Marine Fisheries Service and the Lower Santa Ynez River Fish Management Plan (FMP). The FMP was adopted by CCRB in 2000 and is the basis for the projects undertaken by CCRB to meet federal requirements of the Biological Opinion. Specific actions include surcharging Lake Cachuma during spill years to provide additional water for fish releases, summer releases for fish rearing, winter-spring releases to support migration, fish passage restoration and barrier removal, and a long-term fish monitoring program.

Because the fisheries programs are related to the Cachuma Project, Improvement District No. 1 of the Santa Ynez River Water Conservation District (ID No.1) participates with CCRB on decisions and funding for activities required by the Biological Opinion.

In recent months, two members of CCRB (Carpinteria Valley Water District and Montecito Water District) have given notice of withdrawal from CCRB, citing concerns about the cost of CCRB activities. This has created uncertainty about the existence of CCRB after January 1, 2011. However, the CCRB Finance Committee acknowledged that the work planned for the second half of the year still needs to be funded, whether through CCRB/ID No.1 or otherwise. Therefore, the budget has been prepared in two six-month segments. The first segment assumes participation by all four members of CCRB and ID No.1, as in the past. Cost allocations for the second half of the year have not yet been determined.

The proposed Fiscal Year 2011 CCRB budget is summarized below and discussed in more detail in the attached CCRB budget memorandum and draft budget itemization.

Operations & Maintenance	\$ 57,000
General & Administrative (salaries, benefits, materials and supplies)	710,749
Special Projects and Habitat Restoration (Biological Opinion/Fish Mgmt. Plan, legal, oak tree restoration, fish passage project)	<u>1,124,000</u>
Total Budget	<u>\$1,891,749</u>
Less Funding from Other Sources	<u>-347,283</u>
Net Funding Required from Members	<u><u>\$1,544,466</u></u>

In general, costs are apportioned on the basis of each member's share of the Cachuma Project yield. Funding for the fisheries projects comes in part from fees paid to store non-project water in Lake Cachuma. These fees, along with a contribution from Santa Barbara County, will offset \$347,283 of the 2011 budget, leaving net anticipated assessments of \$1,544,466. The City's proportionate share is approximately 32%, and is equal to \$497,164. The annual budget varies depending on the level of activity related to fishery projects and the SWRCB process. This fiscal year's draft budget is about 15% lower than last year. Funds are included in the recommended Fiscal Year 2011 Water Fund Operating Budget to pay the City's estimated portion.

A second joint powers agency, the Cachuma Operation and Maintenance Board (COMB), administers the Cachuma Project's water entitlement, and operates and maintains the substantial infrastructure and facilities associated with delivery of project water. Councilmember Williams also represents the City on COMB and will participate in review of COMB's proposed Fiscal Year 2011 budget. Separate ratification of the COMB budget by its members is not required.

The Water Commission reviewed the draft budget at its April 12, 2010 meeting.

**ATTACHMENT:** CCRB Budget Memorandum and Proposal Budget

**PREPARED BY:** Rebecca Bjork, Water Resources Manager/BF/nrs

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

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

CACHUMA CONSERVATION RELEASE BOARD

MEMORANDUM

DATE: March 22, 2010  
TO: CCRB Board of Directors  
Santa Ynez River Water Conservation District, ID No. 1 Board of Trustees  
FROM: Kate Rees, CCRB General Manager  
RE: CCRB/ID No. 1 FY 2010-11 Preliminary Budget

**RECOMMENDATION:**

None at this time. For review and discussion only.

**DISCUSSION:**

Attached is the proposed CCRB/ID No. 1 Preliminary Budget for FY 2010-11 for your review and consideration. This memo provides an overview of the preliminary budget and changes from the FY 2009-10. Staff will present the preliminary FY 2010 -11 Budget at the March 22, 2010 Board meeting.

The Finance Committee requested that two 6 month budgets be prepared due to the uncertainty of CCRB's existence after Jan 1, 2011. It was acknowledged that the budgeted work in the second half of the year still needs to be funded, but that it may or may not be through CCRB/ID1. The preliminary FY 2010-11 budget is, therefore, shown in two columns - July through Dec 2010 and Jan through June 2011. They are not equally divided as some expenses will be incurred during the first half of the fiscal year. This includes construction of a Quiota Creek fish passage project in late summer 2010 if we are awarded a grant. Therefore, the full \$300,000 assessment for that project is shown in the first half of the year. A consolidated total proposed FY 2010-11 budget is also shown, and then compared to the total FY 2009-10 budget. The total FY 2010-11 proposed budget is \$1,891,749 compared to the FY 2009-10 budget of \$2,235,827. This reflects a 15.4% decrease compared to FY 2009-10.

There are two scenarios for the January – June 2011 half of the year; one with full participation of all CCRB Member Units with ID No. 1's projected modified amount, and the second without Carpinteria Valley Water District and Montecito Water District, as both agencies have given notice of their withdrawal from CCRB. The proposed budget assumes similar reductions in ID No.1's share as was calculated for the FY 2009-10 budget, which will result in a budget shortfall as has been the case for the last three years. The shortfall would increase by approximately \$130,000 if CVWD and MWD do not participate in funding CCRB in the second half of the fiscal year. The CCRB Member Units will be assessed per their normal CCRB percentage shares for the first half of the fiscal year. The cost allocation and assessments for the second half of the year have not yet been determined.

The General & Administrative category remained essentially flat with a projected 1% increase. Operation and Maintenance expenses will decrease by about 9.6%. Special Projects will also

decrease by about 24.73%, however does include an increase in legal expenses in anticipation of the work that will be needed during reconsultation on the Cachuma Biological Opinion and SWRCB Cachuma EIR and water rights decision process, both of which are expected to conclude during the next fiscal year.

The proposed budget includes \$300,000 for one fish passage project on Quiota Creek for \$300,000. The actual estimated cost of the project is about \$800,000. However, an alternative budgeting approach for this project is being recommended. Rather than request the Member Units to provide the entire construction cost of the project up front and then get reimbursed after grant proceeds are received at a later time, only \$300,000 would be assessed to be used as "float money". Invoices will be submitted for reimbursement during the construction period on a monthly basis (rather than after the project is completed) to maintain sufficient cash flow to pay the contractor during construction. This would achieve less of a financial impact to the Member Units, and result in a net zero outlay at the end of the fiscal year. This is dependent on the granting agency promptly processing the reimbursement submittals. The FY 2010-11 budget also reflects elimination or reduction of budgeted funds for Public Outreach, Conservation Easements, and the NMFS Recovery Plan activities. This resulted in an overall reduction in the FY 2010-11 budget of about \$344,078 or 15.4%. If we do not get a grant award, we will not construct a fish project on Quiota Creek during next fiscal year, in which case the initial \$300,000 assessment would be returned.

Renewal Fund/Trust Fund revenue available in FY 2010-11 will be \$272,283, which is about \$8,500 less than last year due to a smaller amount of State Water Project water delivered to Lake Cachuma in calendar year 2008. The Renewal Fund/Trust Fund Committee will not meet until mid April to authorize how the funds will be distributed. Therefore, there may be some adjustment in the Final CCRB/ID No. 1 Budget. \$75,000 from the County's Cachuma Project Betterment contribution will offset some of the expenses for FY 2010-11. The County has preliminarily requested that the remainder of the \$100,000 (\$25,000) be used for hydrologic support for the Cachuma Project. Final disposition of that money will also be determined at the April meeting.

The preliminary budget has been reviewed by the CCRB Finance Committee and the Cachuma Member Unit General Managers, and was revised based on their suggested changes. Because the CCRB Budget must be approved 60 days prior to the end of the fiscal year (June 30, 2010 per the CCRB JPA), the Final 2010-11 Budget will come before you for approval at the April 26, 2010 Board meeting. It must then be ratified by the CCRB Member Units' governing boards prior to the end of the fiscal year. Neither of these approvals requires a unanimous vote. **I request that each of the Member Units place this item on your respective Board or Council agendas during the month of April for discussion, if your Board so desires, or during May or June for ratification of the final budget.** Ms. Gingras, Mr. Robinson, or I am available, if requested, to come to your Board or Council meetings to present the proposed CCRB/ID No. 1 FY 2010 -11 Budget and to answer any questions.

Respectfully submitted,



Kate Rees  
General Manager

Attachments

kr\ccrb admin\budget \032210\_proposed FY 10-11 CCRB-ID1 budget.mmo

Cachuma Conservation Release Board / SYR Water Conservation District ID No. 1

Proposed Draft Budget

Fiscal Year 2010 / 11

3/22/2010

Account No.	Account Name	FY 2010 / 11 July - Dec 2010	FY 2010 / 11 Jan - June 2011	FY 2010 / 11 Consolidated Budget	FY 2009 / 10 Final Budget	Change	Percentage Change
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**OPERATIONS AND MAINTENANCE EXPENSES**

<b><u>VEHICLES &amp; EQUIPMENT</u></b>							
3270	VEHICLES MAINT	6,500	6,500	13,000	13,000	0	0.00%
3280	FIXED CAPITAL	7,500	7,500	15,000	15,000	0	0.00%
3290	MISC	1,250	1,250	2,500	2,500	0	0.00%
<b>TOTAL</b>		<b>15,250</b>	<b>15,250</b>	<b>30,500</b>	<b>30,500</b>	<b>0</b>	<b>0.00%</b>
<b><u>CONTRACT LABOR</u></b>							
4220	METERS & VALVES	1,500	1,500	3,000	3,000	0	0.00%
4221	FISH PROJECTS (Monitoring & Reporting)	7,500	7,500	15,000	10,000	5,000	50.00%
<b>TOTAL</b>		<b>9,000</b>	<b>9,000</b>	<b>18,000</b>	<b>13,000</b>	<b>5,000</b>	<b>38.46%</b>
<b><u>MATERIALS &amp; SUPPLIES</u></b>							
3390	MISC	3,000	3,000	6,000	6,000	0	0.00%
<b>TOTAL</b>		<b>3,000</b>	<b>3,000</b>	<b>6,000</b>	<b>6,000</b>	<b>0</b>	<b>0.00%</b>
<b><u>OTHER EXPENSES</u></b>							
3520	UNIFORMS	1,250	1,250	2,500	2,500	0	0.00%
<b>TOTAL</b>		<b>1,250</b>	<b>1,250</b>	<b>2,500</b>	<b>2,500</b>	<b>0</b>	<b>0.00%</b>
<b>TOTAL O &amp; M EXPENSE</b>		<b>28,500</b>	<b>28,500</b>	<b>57,000</b>	<b>52,000</b>	<b>5,000</b>	<b>9.62%</b>

**GENERAL & ADMINISTRATIVE**

5100	AUDIT	12,000	0	12,000	12,000	0	0.00%
5150	UNEMPLOYMENT TAX	2,021	2,021	4,041	4,031	10	0.25%
5200	LIABILITY INSURANCE	10,000	0	10,000	10,000	0	0.00%
5201	HEALTH & WC	49,582	49,582	99,164	95,269	3,895	4.09%
5250	PERS	32,998	32,998	65,995	64,485	1,510	2.34%
5339	FICA / MEDICARE	15,969	15,969	31,937	31,430	507	1.61%
5300	SALARIES	186,656	186,656	373,312	372,312	1,000	0.27%
5308	SEASONAL TEMPS	15,400	15,400	30,800	30,800	0	0.00%
5310	POSTAGE / OFFICE SUPPLIES	5,000	5,000	10,000	10,000	0	0.00%
5311	Office Equip / Leases etc.	3,250	3,250	6,500	6,500	0	0.00%
5312	Misc. Admin. Exp.	5,000	5,000	10,000	10,000	0	0.00%
5313	Communications	5,000	5,000	10,000	10,000	0	0.00%
5314	Utilities	3,500	3,500	7,000	7,000	0	0.00%
5315	Membership Dues	2,000	2,000	4,000	4,000	0	0.00%
5316	Admin. Fixed Assets	2,500	2,500	5,000	5,000	0	0.00%
5317	Computer Consultant / Software Licenses	10,000	10,000	20,000	16,000	4,000	25.00%
5325	Employee Training / Subscriptions	2,000	2,000	4,000	6,000	(2,000)	-33.33%
5330	Admin. Travel & Conferences	3,000	3,000	6,000	8,000	(2,000)	-25.00%
5332	Transportation	500	500	1,000	1,000	0	0.00%
<b>TOTAL G &amp; A</b>		<b>366,375</b>	<b>344,375</b>	<b>710,749</b>	<b>703,827</b>	<b>6,922</b>	<b>0.98%</b>
<b>CCRB/ID1 TOTAL OPS/MTCE &amp; G &amp; A</b>		<b>394,875</b>	<b>372,875</b>	<b>767,749</b>	<b>755,827</b>	<b>11,922</b>	<b>1.58%</b>

**Cachuma Conservation Release Board / SYR Water Conservation District ID No. 1  
Proposed Draft Budget**

Fiscal Year 2010 / 11

3/22/2010

<b>Account No.</b>	<b>Account Name</b>	<b>FY 2010 / 11 July - Dec 2010</b>	<b>FY 2010 / 11 Jan - June 2011</b>	<b>FY 2010/11 Consolidated Budget</b>	<b>FY 2009 / 10 Final Budget</b>	<b>Change</b>	<b>Percentage Change</b>
<b>SPECIAL PROJECTS</b>							
6001	Biological Opinion/FMP Implementation	147,000	147,000	294,000	297,000	(3,000)	-1.01%
6097	GIS and mapping	11,500	11,500	23,000	25,000	(2,000)	-8.00%
6098	Grants Technical Support	5,000	5,000	10,000	10,000	0	0.00%
6100	Integrated Regional Water Management Plan	2,500	2,500	5,000	20,000	(15,000)	-75.00%
7000	Legal	62,500	62,500	125,000	100,000	25,000	25.00%
7200	SWRCB Proceedings Support	30,000	30,000	60,000	60,000	0	0.00%
7501	SYR Hydrology Technical Support	20,500	20,500	41,000	40,000	1,000	2.50%
8100	NMFS Steelhead Recovery Plan Activities	0	0	0	100,000	(100,000)	-100.00%
8150	USGS Stream Gauge Program	73,000	0	73,000	0	73,000	100.00%
8200	Tri County Fish Team Funding	2,500	2,500	5,000	5,000	0	0.00%
8502	Oak Tree Restoration Program	75,000	75,000	150,000	150,000	0	0.00%
9001	Legislative & Steelhead Funding Support	4,000	4,000	8,000	8,000	0	0.00%
9500	Habitat Enhancements	315,000	15,000	330,000	665,000	(335,000)	-50.38%
<b>TOTAL SPECIAL PROJECTS</b>		<b>748,500</b>	<b>375,500</b>	<b>1,124,000</b>	<b>1,480,000</b>	<b>(356,000)</b>	<b>-24.05%</b>
<b>TOTALS</b>		<b>1,143,375</b>	<b>748,375</b>	<b>1,891,749</b>	<b>2,235,827</b>	<b>(344,078)</b>	<b>-15.39%</b>

**Revenues:**

SB County Cachuma Betterment Fund*	75,000	0	75,000
Renewal Fund/Warren Act Trust Fund	136,142	136,142	272,283
Member Units Assessments	632,233	612,233	1,244,466
M/U Assessments - if project grant funded	300,000	0	300,000
<b>TOTAL</b>	<b>1,143,375</b>	<b>748,375</b>	<b>1,891,749</b>

**Notes:**

COLA = 0%

Health / Dental increases = 9 % in January 2011

PERS EE expense = 7%

PERS ER expense = 10.671%

\*SB County Betterment Fund Reimbursement for FY 10-11 subject to further discussion

**Cachuma Conservation Release Board / SYR Water Conservation District ID No. 1**  
**Special Projects Worksheet**

*Fiscal Year 2010 / 11 Proposed Draft Budget*  
 June - December 2010

03/22/10

<i>Account Number</i>	<i>Account Name</i>	<i>Totals</i>	
6001	<b>Biological Opinion/FMP Implementation</b>	<b>147,000</b>	
	Entrix, Inc.	59,500	AMC/FMP/BO/Reconsultation work
	Stetson Engineers	30,000	AMC/FMP/BO/Reconsultation work
	Hanson Environmental	40,000	AMC/FMP/BO/Reconsultation work
	HDR FishPro	10,000	Technical Support
	NOAA Science Center	7,500	Sample Analysis and Reporting:genetics
6097	<b>GIS and mapping</b>	<b>11,500</b>	
		11,500	GIS Tech support, materials, equip, software
6098	<b>Grants Technical Support</b>	<b>5,000</b>	
		5,000	Technical support for grants research and management
6100	<b>Integrated Regional Water Management Plan Dev.</b>	<b>2,500</b>	
		2,500	Prop 84 Funding Administration
7000	<b>Legal</b>	<b>62,500</b>	
	Best, Best & Kreiger	62,500	SWRCB Proceedings; NMFS,ESA
7200	<b>SWRCB Proceedings Support</b>	<b>30,000</b>	
	Entrix, Inc.	10,000	SWB Water Rights Decision
	Stetson Engineers	10,000	SWB Water Rights Decision
	Hanson Environmental	10,000	SWB Water Rights Decision
7501	<b>SYR Hydrology Technical Support</b>	<b>20,500</b>	
	Stetson Engineers	20,500	Riverware Model Development
8100	<b>NMFS Steelhead Recovery Plan Activities</b>	<b>0</b>	
	Entrix	0	Recovery support
	Stetson	0	Recovery support
	Hanson	0	Recovery support
	HDR FishPro	0	Recovery support
8150	<b>USGS Stream Gauge Program</b>	<b>73,000</b>	
		73,000	
8200	<b>Tri County Fish Team Funding</b>	<b>2,500</b>	
	Tri County Fish Team	2,500	Tri County Fish Team participation
8502	<b>Oak Tree Restoration Program</b>	<b>75,000</b>	
	Fournier	75,000	Oak Tree Mitigation for Surcharge; Maintenance
9001	<b>Legislative &amp; Steelhead Funding Support</b>	<b>4,000</b>	
	Price, Postel & Parma - Van Ness Feldman	4,000	Federal & State legislative assistance
<b>TOTAL Special Projects</b>		<b><u>433,500</u></b>	

**Cachuma Conservation Release Board / SYR Water Conservation District ID No. 1**

**Special Projects Worksheet**

Fiscal Year 2010 / 11 Proposed Draft Budget

January - June 2011

03/22/10

<i>Account Number</i>	<i>Account Name</i>	<i>Totals</i>	
6001	<b>Biological Opinion/FMP Implementation</b>	<b>147,000</b>	
	Entrix, Inc.	59,500	AMC/FMP/BO/Reconsultation work
	Stetson Engineers	30,000	AMC/FMP/BO/Reconsultation work
	Hanson Environmental	40,000	AMC/FMP/BO/Reconsultation work
	HDR FishPro	10,000	Technical Support
	NOAA Science Center	7,500	Sample Analysis and Reporting:genetics
6097	<b>GIS and mapping</b>	<b>11,500</b>	
		11,500	GIS Tech support, materials, equip, software
6098	<b>Grants Technical Support</b>	<b>5,000</b>	
		5,000	Technical support for grants research and management
6100	<b>Integrated Regional Water Management Plan Dev.</b>	<b>2,500</b>	
		2,500	Prop 84 Funding Administration
7000	<b>Legal</b>	<b>62,500</b>	
	Best, Best & Kreiger	62,500	SWRCB Proceedings; NMFS,ESA
7200	<b>SWRCB Proceedings Support</b>	<b>30,000</b>	
	Entrix, Inc.	10,000	SWB Water Rights Decision
	Stetson Engineers	10,000	SWB Water Rights Decision
	Hanson Environmental	10,000	SWB Water Rights Decision
7501	<b>SYR Hydrology Technical Support</b>	<b>20,500</b>	
	Stetson Engineers	20,500	Riverware Model Development
8100	<b>NMFS Steelhead Recovery Plan Activities</b>	<b>0</b>	
	Entrix	0	Recovery support
	Stetson	0	Recovery support
	Hanson	0	Recovery support
	HDR FishPro	0	Recovery support
8150	<b>USGS Stream Gauge Program</b>	<b>0</b>	
		0	
8200	<b>Tri County Fish Team Funding</b>	<b>2,500</b>	
	Tri County Fish Team	2,500	Tri County Fish Team participation
8502	<b>Oak Tree Restoration Program</b>	<b>75,000</b>	
	Fournier	75,000	Oak Tree Mitigation for Surcharge; Maintenance
9001	<b>Legislative &amp; Steelhead Funding Support</b>	<b>4,000</b>	
	Price, Postel & Parma - Van Ness Feldman	4,000	Federal & State legislative assistance
<b>TOTAL Special Projects</b>		<b><u>360,500</u></b>	

**Cachuma Conservation Release Board / SYR Water Conservation District ID No. 1**  
**Habitat Enhancements - 9500**  
*Fiscal Year 2010 / 11 Proposed Draft Budget*  
**June - December 2010**

03/22/10



9501	Conservation Easements Staff / Land Trust	5,000	5,000	Landowner negotiations, grant research, planning
9512	Hilton Creek Channel Enhancement Study Consultant	5,000	5,000	Feasibility Analysis
9515	Tributary Projects Support Consultant HDR FishPro	5,000	5,000	Technical support
9517	Quiota Creek Design support - 1-5 and 7-9 HDR FishPro	0	40,000 (40,000)	UF approved from FY 08-09 audit
9520	Quiota Creek Fish Passage* Revenue for construction float if project is grant funded	300,000	300,000	
<b>TOTAL Habitat Enhancements</b>		<b><u>315,000</u></b>		

\* Quiota Creek Crossing 2, 7 or 8

Grants applied for:

CDFG - Crossing #2	\$ 827,010
NOAA Fisheries Open River Grant - Crossing #7	\$ 780,300
NOAA Fisheries Open River Grant - Crossing #8	\$ 711,380

**Cachuma Conservation Release Board / SYR Water Conservation District ID No. 1**  
**Habitat Enhancements - 9500**  
*Fiscal Year 2010 / 11 Proposed Draft Budget*  
**January - June 2011**

03/22/10



9501	Conservation Easements Staff / Land Trust	5,000	5,000	Landowner negotiations, grant research, planning
9512	Hilton Creek Channel Enhancement Study Consultant	5,000	5,000	Feasibility Analysis
9515	Tributary Projects Support Consultant HDR FishPro	5,000	5,000	Technical support
<b>TOTAL Habitat Enhancements</b>		<b><u>15,000</u></b>		

CCRB / ID#1 Proposed Draft Budget Cost Share

1st half FY 2010 / 2011

3/22/2010

Note: These are estimates only - this spreadsheet has not been reviewed or approved by the ID#1 Board of Directors.

O&M

CCRB ACCT #	BUDGET ITEM	BUDGET AMOUNT	SC MU DBA CCRB	ADJUSTED BUDGET AMT	CCRB SC MU 89.69%	ID#1 10.31%	Total Expected Revenues	Budget Shortfall
3270	Vehicles Maintenance/Fuel	6,500	-	6,500	5,830	670		
3280	Fixed Capital	7,500	-	-	6,727	-		
3290	Misc	1,250	-	1,250	1,121	129		
4220	Meters/Valves (repair/calibration)	1,500	-	1,500	1,345	155		
4221	Fish Projects Maint Work	7,500	-	7,500	6,727	773		
3390	Misc	3,000	-	3,000	2,691	309		
3520	Uniforms	1,250	-	1,250	1,121	129		
		<b>28,500</b>			<b>25,562</b>	<b>2,165</b>	<b>27,727</b>	<b>(773)</b>

G&A

5100	Audit	12,000	-	-	10,763	-		
5200	Liability Insurance	10,000	(2,000)	8,000	8,969	825		
5150	Unemploy tax	2,021	(327)	1,695	1,813	175		
5201	Health & W/C	49,582	(7,669)	41,913	44,470	4,321		
5250	PERS	32,998	(5,194)	27,804	29,596	2,867		
5260	FICA-Medicare	15,969	(2,531)	13,438	14,323	1,385		
5300	Salaries	186,656	(17,228)	169,428	167,412	17,468		
5308	Seasonal temps	15,400	-	15,400	13,812	1,588		
5310	Postage/Office supplies	5,000	(1,000)	4,000	4,485	412		
5311	Office Equip/Leases, etc	3,250	(650)	2,600	2,915	268		
5312	Misc. Admin. Expenses	5,000	(2,500)	2,500	4,485	258		
5313	Communications	5,000	(1,000)	4,000	4,485	412		
5314	Utilities	3,500	(700)	2,800	3,139	289		
5315	Membership Dues	2,000	-	-	1,794	-		
5316	Admin. Fixed Assets	2,500	-	-	2,242	-		
5317	Computer Consultant/Software Licenses	8,000	-	-	7,175	-		
5325	Employee Trainings/Subscriptions	3,000	-	-	2,691	-		
5330	Admin. Travel & Conferences	4,000	-	-	3,588	-		
5332	Transportation	500	-	500	448	52		
		<b>366,376</b>			<b>328,604</b>	<b>30,320</b>	<b>358,923</b>	<b>(7,453)</b>

Special Projects

6001	Biological Opinion/FMP Implementation	147,000	-	147,000	131,844	15,980		
6097	GIS & Mapping	11,500	-	11,500	10,314	593		
6098	Grants Technical Support	5,000	-	5,000	4,485	516		
6100	IRWMP	2,500	-	-	2,242	-		
7000	Legal	62,500	-	62,500	56,056	6,444		
7200	SWRCB Proceedings Support	30,000	-	30,000	26,907	2,062		
7501	SYR Hydrology Support for Fisheries Program	20,500	(4,100)	16,400	18,386	1,691		
8150	USGS Stream Gauge Program	73,000	-	-	65,474	-		
8200	Tri-County Fish Team Funding	2,500	-	-	2,242	-		
8502	Oak Tree Restoration Program	75,000	-	75,000	67,268	7,733		
9001	Legislative & Steelhead Funding Support	4,000	-	-	3,588	-		
		<b>433,500</b>			<b>388,806</b>	<b>35,017</b>	<b>423,824</b>	<b>(9,676)</b>

Habitat Enhancements

9500	Habitat Enhancements	315,000						
9501	Conservation Easements	5,000	-	-	4,485	-		
9512	Hilton Creek Channel Extension	5,000	-	-	4,485	-		
9515	Tributary Projects Support Consultant	5,000	-	5,000	4,485	516		
9520	Quiota Creek Project	300,000	-	300,000	269,070	30,930		
		<b>315,000</b>			<b>282,524</b>	<b>31,446</b>	<b>313,969</b>	<b>(1,031)</b>

Total Special Projects/Habitat Enhancements

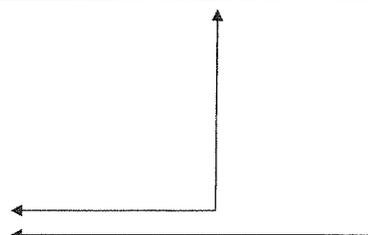
748,500

Less:	Total 1st 6mo period FY 2010 -11	1,143,376
	County Betterment Fund Offset	(75,000)
	RF/TF Offset	(136,142)
	Remaining 1st 6 mo period Budget	<u>932,234</u>

SC M/U 89.69%	ID#1 10.31%	Total Expected Revenues	Expected Shortfall
1,025,495	98,948	1,124,442	
(67,268)	(7,733)	(75,000)	
(122,106)	(14,036)	(136,142)	
<b>836,122</b>	<b>77,179</b>	<b>913,300</b>	<b>(18,934)</b>

Budget Distribution including float for funding project

MEMBER UNIT	PERCENT %	DOLLARS \$
Goleta Water District	0.3625	337,935
City of Santa Barbara	0.3219	300,086
Carpinteria Valley Water District	0.1094	101,986
Montecito Water District	0.1031	96,113
		836,121
Santa Ynez River Wtr Conserv Dist, ID#1		77,179
		<b>913,300</b>



CCRB / ID#1 Proposed Draft Budget Cost Share

1st half FY 2010 / 2011

cont'd

3/22/2010

<b>Revenue float</b>		
<b>MEMBER UNIT</b>	<b>PERCENT %</b>	<b>DOLLARS \$</b>
Goleta Water District	0.3625	108,750
City of Santa Barbara	0.3219	96,570
Carpinteria Valley Water District	0.1094	32,820
Montecito Water District	0.1031	30,930
		269,070
Santa Ynez River Wtr Consv Dist, ID#1	0.1031	30,930
		<b>300,000</b>

<b>Budget Distribution without funding project - no grant awarded</b>		
<b>MEMBER UNIT</b>	<b>PERCENT %</b>	<b>DOLLARS \$</b>
Goleta Water District		229,185
City of Santa Barbara		203,516
Carpinteria Valley Water District		69,166
Montecito Water District		65,183
		567,051
Santa Ynez River Wtr Consv Dist, ID#1		46,249
		<b>613,300</b>

**CCRB / ID#1 Proposed Draft Budget Cost Share**

2nd half FY 2010 / 2011

3/22/2010

Note: These are estimates only - this spreadsheet has not been reviewed or approved by the ID#1 Board of Directors.

O&M

CCRB ACCT #	BUDGET ITEM	BUDGET AMOUNT	SC MU DBA CCRB	ADJUSTED BUDGET AMT	CCRB SC MU 89.69%	ID#1 10.31%	Total Expected Revenues	Budget Shortfall
3270	Vehicles Maintenance/Fuel	6,500	-	6,500	5,830	670		
3280	Fixed Capital	7,500	-	-	6,727	-		
3290	Misc	1,250	-	1,250	1,121	129		
4220	Meters/Valves (repair/calibration)	1,500	-	1,500	1,345	155		
4221	Fish Projects Maint Work	7,500	-	7,500	6,727	773		
3390	Misc	3,000	-	3,000	2,691	309		
3520	Uniforms	1,250	-	1,250	1,121	129		
		<b>28,500</b>			<b>25,562</b>	<b>2,165</b>	<b>27,727</b>	<b>(773)</b>

G&A

5100	Audit	-	-	-	-	-		
5200	Liability Insurance	-	-	-	-	-		
5150	Unemploy tax	2,021	(327)	1,695	1,813	175		
5201	Health & W/C	49,582	(7,669)	41,913	44,470	4,321		
5250	PERS	32,998	(5,194)	27,804	29,596	2,867		
5260	FICA-Medicare	15,969	(2,531)	13,438	14,323	1,385		
5300	Salaries	186,656	(17,228)	169,428	167,412	17,468		
5308	Seasonal temps	15,400	-	15,400	13,812	1,588		
5310	Postage/Office supplies	5,000	(1,000)	4,000	4,485	412		
5311	Office Equip/Leases, etc	3,250	(650)	2,600	2,915	268		
5312	Misc. Admin. Expenses	5,000	(2,500)	2,500	4,485	258		
5313	Communications	5,000	(1,000)	4,000	4,485	412		
5314	Utilities	3,500	(700)	2,800	3,139	289		
5315	Membership Dues	2,000	-	-	1,794	-		
5316	Admin. Fixed Assets	2,500	-	-	2,242	-		
5317	Computer Consultant/Software Licenses	10,000	-	-	8,969	-		
5325	Employee Trainings/Subscriptions	2,000	-	-	1,794	-		
5330	Admin. Travel & Conferences	3,000	-	-	2,691	-		
5332	Transportation	500	-	500	448	52		
		<b>344,376</b>			<b>308,872</b>	<b>29,495</b>	<b>338,366</b>	<b>(6,010)</b>

Special Projects

6001	Biological Opinion/FMP Implementation	147,000	-	147,000	131,844	15,980		
6097	GIS & Mapping	11,500	-	11,500	10,314	593		
6098	Grants Technical Support	5,000	-	5,000	4,485	516		
6100	IRWMP	2,500	-	-	2,242	-		
7000	Legal	62,500	-	62,500	56,056	6,444		
7200	SWRCB Proceedings Support	30,000	-	30,000	26,907	2,062		
7501	SYR Hydrology Support for Fisheries Program	20,500	(4,100)	16,400	18,386	1,691		
8150	USGS Stream Gauge Program	-	-	-	-	-		
8200	Tri-County Fish Team Funding	2,500	-	-	2,242	-		
8502	Oak Tree Restoration Program	75,000	-	75,000	67,268	7,733		
9001	Legislative & Steelhead Funding Support	4,000	-	-	3,588	-		
		<b>360,500</b>			<b>323,332</b>	<b>35,017</b>	<b>358,350</b>	<b>(2,150)</b>

Habitat Enhancements

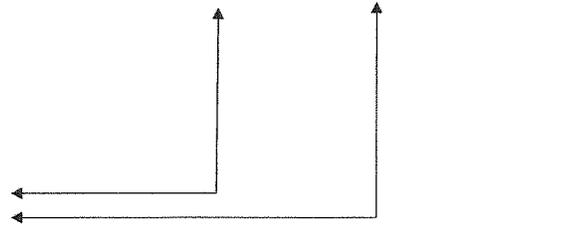
9500	Habitat Enhancements	15,000	-	-	-	-		
9501	Conservation Easements	5,000	-	5,000	4,485	-		
9512	Hilton Creek Channel Extension	5,000	-	-	4,485	-		
9515	Tributary Projects Support Consultant	5,000	-	5,000	4,485	516		
9520	Quiota Creek Project	-	-	-	-	-		
		<b>15,000</b>			<b>13,454</b>	<b>516</b>	<b>13,969</b>	<b>(1,031)</b>

Total Special Projects/Habitat Enhancements

	BUDGET AMOUNT	SC M/U 89.69%	ID#1 10.31%	Total Expected Revenues	Expected Shortfall
Total 2nd 6mo period FY 2010 -11	748,376	671,219	67,193	738,412	
Less: County Betterment Fund Offset	-	-	-	-	
RF/TF Offset	(136,142)	(122,106)	(14,036)	(136,142)	
Remaining 2nd 6 mo period Budget	<u>612,234</u>	<u>549,114</u>	<u>53,156</u>	<u>602,270</u>	(9,964)

**Budget Distribution**

MEMBER UNIT	PERCENT %	DOLLARS \$
Goleta Water District	0.3625	221,935
City of Santa Barbara	0.3219	197,078
Carpinteria Valley Water District	0.1094	66,978
Montecito Water District	0.1031	63,121
		549,113
Santa Ynez River Wtr Consrv Dist, ID#1		53,156
		<b>602,269</b>



**CCRB / ID#1 Proposed Draft Budget Cost Share**  
**2nd half FY 2010 / 2011**

3/22/2010

*cont'd*

**Assumption:**

CVWD and MWD no longer members of CCRB

<b>Budget Distribution</b>		
<b>MEMBER UNIT</b>	<b>PERCENT %</b>	<b>DOLLARS \$</b>
Goleta Water District	0.3625	221,935
City of Santa Barbara	0.3219	197,078
Carpinteria Valley Water District	0.0000	0
Montecito Water District	0.0000	0
		419,013
Santa Ynez River Wtr Conserv Dist, ID#1		53,156
		<b>472,169</b>

(140,065)



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 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 *Cynthia Ricci v. Isadora Gonzalez; City Of Santa Barbara, SBSC Case Number 1337050*.

**SCHEDULING:**

Duration: 15 minutes - Anytime

**REPORT:**

None anticipated

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

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



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** April 20, 2010

**TO:** Mayor and Councilmembers

**FROM:** Airport Administration, Airport Department  
City Attorney's Office

**SUBJECT:** Conference With Real Property Negotiator

### RECOMMENDATION:

That Council hold a closed session to consider instructions to its negotiators regarding the possible lease of property owned by the City of Santa Barbara, commonly described as a ten-acre parcel of real property located at the Santa Barbara Airport airfield, bounded by Taxiway A and Taxiway M. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with Tam Hunt. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; and Sarah Knecht, Assistant City Attorney. Negotiator for the potential lessee is Tam Hunt.

Under negotiation: Price and terms of payment of a possible ground lease.

### SCHEDULE:

Duration, 20 Minutes; anytime

### REPORT:

None anticipated

**SUBMITTED BY:** Karen Ramsdell, Airport Director  
Stephen P. Wiley, City Attorney

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