

**CITY OF SANTA BARBARA
CITY COUNCIL**

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



James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**JUNE 15, 2010
AGENDA**

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

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

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

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

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

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

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com 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
- 2:00 p.m. - City Council Meeting Begins
- 5:00 p.m. - Recess
- 6:00 p.m. - City Council Meeting Reconvenes
- 6:00 p.m. - Interviews for City Advisory Groups

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

1. Subject: Loan For New Housing Authority Project - Bradley Studios

Recommendation: That the Finance Committee consider and recommend that the Agency Board and Council:

- A. Approve and appropriate \$1.6 million from the unappropriated reserves of the Redevelopment Agency (Agency) Affordable Housing Setaside Fund for a loan to Bradley Studios L.P. to assist in the development of a 54-unit low income rental housing project at 512-518 Bath Street and, if required, approve subordination of the loan to construction financing and tax credit regulatory agreements; and
- B. Approve amending the terms of the Agency's 2008 site acquisition loan of \$4.8 million to the Housing Authority to make terms of the existing Agency loan consistent with the terms of the new Agency loan, and, if required, approve subordination of the existing loan to construction financing and tax credit regulatory agreements.

2. Subject: Grant To City Housing Authority For Rental Assistance Program For The Homeless

Recommendation: That the Finance Committee consider and recommend that the City Council approve a \$200,000 grant to the Housing Authority of the City of Santa Barbara in federal HOME Investment Partnerships Program funds to establish a rental assistance program targeted to homeless persons.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.
AFTERNOON SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of May 10, 2010, the regular meeting of May 11, 2010, the adjourned regular meeting of May 17, 2010, the regular meetings of May 18 and May 25, 2010, the special meeting of May 27, 2010, the regular meeting of June 1, 2010 (cancelled), and the special meeting of June 3, 2010.

2. Subject: Cachuma Conservation Release Board Budget Ratification (540.03)

Recommendation: That Council ratify the Fiscal Year 2011 Cachuma Conservation Release Board Budget in the amount of \$1,615,749, with an estimated City of Santa Barbara share of \$400,138.

3. Subject: Acceptance Of A Street Easement At 931 Anacapa Street (330.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Public Street Purposes on a Portion of the Real Property Commonly Known as 931 Anacapa Street, Santa Barbara County Assessor's Parcel Number 039-322-047.

CONSENT CALENDAR (CONT'D)

4. Subject: Introduction Of Medical Marijuana Storefront Collective Dispensary Ordinance (520.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Storefront Collective Dispensaries.

5. Subject: Introduction Of Ordinances For Agreements For Airport Food And Beverage And Retail Concessions (330.04)

Recommendation: That Council:

- A. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a ten-year concession agreement, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with First Class Concessions, Inc., for Operation of a Food and Beverage Concession at the Airport; and
- B. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a ten-year concession agreement, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with M/E, Inc., for Operation of a Retail News and Gift Concession at the Airport.

6. Subject: Introduction Of Ordinance For A 25-Year Lease With The Santa Barbara Yacht Club (330.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 25-Year Lease With the Santa Barbara Yacht Club on Premises Located Within the Santa Barbara Harbor, Effective July 22, 2010.

7. Subject: One-Year Lease Agreement With Marine Surveyor Mike Pyzel (330.04)

Recommendation: That Council approve a one-year lease agreement with a one-year option with Mike Pyzel, at a monthly rent of \$408.65 or six percent of gross sales, whichever is greater, for a marine surveyor's office at 125 Harbor Way, Suite 23.

CONSENT CALENDAR (CONT'D)

8. Subject: Purchase Order For UCP/Work, Incorporated (570.03)

Recommendation: That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080 (k), and authorize the General Services Manager to issue a purchase order to UCP/Work, Incorporated, for janitorial services at the Waterfront Department for Fiscal Year 2011 in an amount not to exceed \$220,000.

9. Subject: Five-Year Co-Sponsorship Agreement With Outdoors Santa Barbara Visitor Center (570.03)

Recommendation: That Council approve a five-year Co-Sponsorship Agreement with the National Oceanic and Atmospheric Administration, the National Park Service, and the Santa Barbara Maritime Museum, for the continued operation of the Outdoors Santa Barbara Visitor Center located on the fourth floor of the Waterfront Center Building.

10. Subject: Approval Of Map And Execution Of Agreements For 319 N. Milpas Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,773 for a subdivision at 319 N. Milpas Street, (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision.

11. Subject: Contract For Construction For The Mission Creek Restoration And Fish Passage Project At Tallant Road (530.03)

Recommendation: That Council:

- A. Award a contract with Shaw Contracting, Inc. (Shaw), in their low bid amount of \$576,706, for construction of the Mission Creek Restoration and Fish Passage Project at Tallant Road (Project), Bid No. 3580;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$57,670 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Questa Engineering Corporation (Questa), in the amount of \$48,670, for construction support services, and approve expenditures of up to \$4,867 for extra services of Questa that may result from necessary changes in the scope of work.

CONSENT CALENDAR (CONT'D)

12. Subject: Change Order For Grant-Funded Airport Noise Monitoring And Flight Tracking System (560.14)

Recommendation: That Council authorize the General Services Manager to increase the purchase order authority with ERA Corporation by \$211,921 to \$411,284 to upgrade the Airport Noise Monitoring and Flight Tracking System.

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Architectural Board Of Review Approval For BevMo! Project, 3052 State Street (640.07)

Recommendation: That Council:

- A. Set the date of July 27, 2010, at 2:00 p.m. for hearing the appeal filed by Marc Chytilo, Agent for Breathe Easy Santa Barbara, of the Architectural Board of Review Final Approval of an application for property owned by Timothy and Claudia Garrett and located at 3052 State Street, Assessor's Parcel No. 053 342-033, C-2/SD-2 Commercial/Special District Zone, General Plan Designation: General Commerce. The project proposes an exterior façade remodel, demolition of a detached 1,500 square-foot warehouse building to expand parking, and the partial demolition of an existing 10,757 square-foot commercial building, to result in an 8,991 square-foot commercial building. The project includes site alterations to parking and landscaping; and
- B. Set the date of July 26, 2010, at 1:30 p.m. for a site visit to the property located at 3052 State Street.

NOTICES

14. The City Clerk has on Thursday, June 10, 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.
15. Received a memorandum advising of a vacancy created on the Lower Westside Center Advisory Committee with the departure of Member Teresa Wentz; the vacancy will be part of the next City Advisory Group recruitment.

This concludes the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

16. Subject: Public Hearing Regarding Proposed Utility Rate Increases (230.05)

Recommendation: That Council:

- A. Hold a Public Hearing, as required by State law, regarding proposed utility rate increases for water, wastewater, and solid waste collection services for Fiscal Year 2011; and
- B. Provide direction to staff regarding any changes to proposed Fiscal Year 2011 utility rates.

COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Introduction Of Ordinance Amendments Related To Construction Prohibited In The Vicinity Of The Conejo Landslide (640.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code in Order to Amend Chapter 22.90 Pertaining to the Extent of the Revised Slide Mass C Area Covered by the City's 1997 Conejo Slide Area Ordinance in Order to Reduce the Area of Slide Mass C in Accordance with New Geological Information and to Allow Certain Limited New Non-Habitable Improvements and Historic Resources to be Built Under Certain Circumstances.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

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

Recommendation: That Council:

- A. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease of City-owned property consisting of a fifteen-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608] in the City of Santa Barbara). Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with Target Corporation, a Minnesota corporation. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Sarah Knecht, Assistant City Attorney. Negotiator for the potential lessee is Dietrich Haar, Real Estate Manager; and
- B. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease, purchase or exchange of City-owned property consisting of a fifteen-acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608] in the City of Santa Barbara). Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease, purchase or exchange of the City-owned property located at 6100 Hollister Avenue with the California Army National Guard for the National Guard Armory property located at 730 E. Canon Perdido (APN 031-041-001) in the City of Santa Barbara. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney. Negotiator for the potential lessee, seller or exchange is Colonel Michael L. Herman. Under negotiation: Price and terms of payment of a possible ground lease, purchase or exchange.
Scheduling: Duration, 30 minutes; anytime
Report: None anticipated

CLOSED SESSIONS (CONT'D)

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

RECESS

EVENING SESSION

RECONVENE

ROLL CALL

PUBLIC COMMENT

MAYOR AND COUNCIL REPORTS

20. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups;
- B. Continue interviews of applicants to June 8, 2010; and
- C. Continue interviews of applicants to June 15, 2010.
(Continued from June 8, 2010, Item No. 11)

ADJOURNMENT

CITY OF SANTA BARBARA

FINANCE COMMITTEE

MEETING AGENDA

DATE: June 15, 2010

Das Williams, Chair

TIME: 12:30 p.m.

Dale Francisco

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Michael Self

James L. Armstrong
City Administrator

Robert Samario
Interim Finance Director

ITEMS TO BE CONSIDERED:

1. Subject: Loan For New Housing Authority Project - Bradley Studios

Recommendation: That the Finance Committee consider and recommend that the Agency Board and Council:

- A. Approve and appropriate \$1.6 million from the unappropriated reserves of the Redevelopment Agency (Agency) Affordable Housing Setaside Fund for a loan to Bradley Studios L.P. to assist in the development of a 54-unit low income rental housing project at 512-518 Bath Street and, if required, approve subordination of the loan to construction financing and tax credit regulatory agreements; and
- B. Approve amending the terms of the Agency's 2008 site acquisition loan of \$4.8 million to the Housing Authority to make terms of the existing Agency loan consistent with the terms of the new Agency loan, and, if required, approve subordination of the existing loan to construction financing and tax credit regulatory agreements.

2. Subject: Grant To City Housing Authority For Rental Assistance Program For The Homeless

Recommendation: That the Finance Committee consider and recommend that the City Council approve a \$200,000 grant to the Housing Authority of the City of Santa Barbara in federal HOME Investment Partnerships Program funds to establish a rental assistance program targeted to homeless persons.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Finance Committee

FROM: Community Development Department

SUBJECT: Loan For New Housing Authority Project – Bradley Studios

RECOMMENDATION:

That the Finance Committee consider and recommend that Agency Board and Council:

- A. Approve and appropriate \$1.6 million from the unappropriated reserves of the Redevelopment Agency (Agency) Affordable Housing Setaside Fund for a loan to Bradley Studios L.P. to assist in the development of a 54-unit low income rental housing project at 512-518 Bath Street and, if required, approve subordination of the loan to construction financing and tax credit regulatory agreements; and
- B. Approve amending the terms of the Agency's 2008 site acquisition loan of \$4.8 million to the Housing Authority to make terms of the existing Agency loan consistent with the terms of the new Agency loan, and, if required, approve subordination of the existing loan to construction financing and tax credit regulatory agreements.

EXECUTIVE SUMMARY:

The City Housing Authority has requested a new Agency loan of \$1.6 million to assist in the development of a 54-unit low income housing project (53 studio units plus one manager's unit). The Bradley Studios project will be built on the site that the Housing Authority acquired and landbanked for this purpose in 2008 with a \$4.8 million loan from the Agency.

The target population for the proposed new units includes low income downtown workers and special needs/homeless persons. The site borders directly on Mission Creek. In accordance with the Lower Mission Creek Flood Control Project, the new project will be set back 25 feet from the new top of bank. Moreover, the Housing Authority will dedicate an access easement along the top of bank in favor of the City and County and will make a monetary contribution to future creek improvements planned for the property.

The majority of funding for the project is expected to come from low income housing tax credits, for which the Housing Authority is preparing an application for \$8.7 million that is due July 7, 2010. Total Agency assistance to the project would equal the sum of \$6.4 million, which represents a per unit subsidy of \$118,519 – an amount consistent with other recent affordable housing projects. Staff supports this request for Agency funding.

BACKGROUND:

On April 22, 2008, the Agency approved a loan of \$4.8 million to the City Housing Authority to acquire and “landbank” a site located in the Agency’s project area at 512-518 Bath Street for future housing development. The site, previously owned by the Bradley family, covers 1.06 acres and, at the time of acquisition, the site included a 10-unit apartment building (circa 1960), carports, swimming pool, and four, small dilapidated houses that had been previously yellow-tagged by the City. The Housing Authority has since demolished the dilapidated houses and has maintained as part of their stock of affordable housing the 10-unit apartment building that sits at the rear of the lot and encroaches into the 25-foot setback currently established for Mission Creek. The apartments will be demolished in order to create a new affordable housing project and make improvements to Mission Creek.

As rental income has exceeded operating costs for the existing apartments, the Housing Authority uses this net operating income to help cover predevelopment costs for the new project. The new project is planned to be very similar to the Housing Authority’s Artisan Court project at 416-424 East Cota (currently in construction) in terms of ownership, financing, target population, and number of units.

DISCUSSION:

Project Design

The Housing Authority selected the architecture firm of Peikert Group Associates (PGA) to design Bradley Studios. The project consists of seven structures of two and three stories totaling 27,688 gross square feet. There will be 53 studio apartments of 321-445 net square feet each, a two-bedroom unit for the on-site manager, a 1,400 square foot community center, and 700 square foot recreation room. For parking, there will be 30 spaces for cars (13 enclosed single car garages tucked under the residential structures and 17 uncovered spaces) and 38 spaces for bicycles (32 covered spaces and 6 uncovered spaces).

The structures are configured around a central courtyard which serves as common open space. From there, pathways lead to additional open space at the rear of the property adjacent to Mission Creek. The craftsman style of the architecture and the height, bulk and scale of the project are all compatible with the neighborhood.

The project was conceptually reviewed by the Architectural Board of Review and is scheduled to appear before the City’s Staff Hearing Officer on June 16. The Housing Authority seeks a density bonus (lot area modification) to permit 54 units on a site zoned for 29 units and parking modification (30 spaces to be provided instead of 69). As with previous Housing Authority projects like Artisan Court and El Carrillo, staff expects the density bonus will be approved based on the substantial public benefit, attractive design, small unit sizes, acceptable building size and neighborhood compatibility. Staff expects the parking modification to be approved based on several findings, including that the project will serve a population that typically does not own cars, is in a downtown

location with good access to bus routes, and will be managed by the Housing Authority which has the ability to restrict and monitor tenants' vehicle ownership. The proposed new Agency loan would be contingent upon the project securing all site plan and design approvals.

Mission Creek

The rear of the site is located within the Lower Mission Creek Flood Control Project area. This project is designed to increase flood water conveyance capacity and enhance recreational opportunities and riparian habitat. The creek will be widened shifting the new top of bank farther west into the site. The new construction will be situated so as to ensure a 25-foot setback from the new top of bank. The Housing Authority has agreed to dedicate an access easement along the top of bank in favor of the City and County at no cost. Moreover, the project will make a monetary contribution of approximately \$200,000 to future creek improvements planned by the City and County that include a new containment wall and restoration activities like removing non-native vegetation and replanting in the setback area.

Affordability

All 53 units will be affordable to low, very low, and extremely low income persons. The range of rents includes the following levels targeted to Area Median Income (AMI):

<u>Unit Count</u>	<u>Income Target</u>	<u>Income Limit</u>	<u>Initial Rent Level</u>
16	30% AMI	\$15,540 (extremely low)	\$388
27	40% AMI	\$20,720 (very low)	\$518
10	60% AMI	\$31,080 (low)	\$777

This schedule of rents and incomes is required under the tax credit regulations, is lower than the City's required restrictions for affordable low income housing, and is far below the market rent for studios (\$1,095). Like the City's restrictions, the rents and income limits may vary in accordance with the AMI, as established annually by the U.S. Department of Housing and Urban Development. The City will require that an affordability control covenant be recorded against the property with a term of 90 years.

Proposed Project Financing

The development cost of the project (excluding land) is budgeted at \$10,344,532. The sources of this amount will be:

New Agency Loan:	\$1,600,000
Tax Credit Equity from Sale of Tax Credits:	8,677,600
Deferred Housing Authority Developer Fee:	10,932
Deferred Interest on Agency Loan:	<u>56,000</u>
Total:	<u>\$10,344,532</u>

The amount of the proposed new Agency loan will not exceed \$1.6 million. By the time the loan closes, after the anticipated award of tax credits, the loan amount will likely be slightly less. This is due to a provision in the existing 2008 Agency loan regarding the operation of the existing 10-unit apartment building. As mentioned above in the

Background discussion, the rental income from these units exceeds their operating costs, resulting in net operating income (NOI). Pursuant to the 2008 Agency loan, the Housing Authority is required to use this NOI on predevelopment expenses for the new affordable housing project. To date, NOI accruals have reached \$77,000, and NOI will continue to accrue until the 10-unit apartment building is demolished. At that point, the total NOI will be calculated and this amount will be subtracted from the \$1.6 million loan amount.

When the new Agency loan amount of \$1.6 million is added to the existing 2008 Agency loan amount of \$4.8 million, the total Agency subsidy for the project equals \$6.4 million, or \$118,519 per unit. This subsidy level is slightly higher than the total per unit subsidy provided for Artisan Court, the Housing Authority project awarded tax credits last year and currently under construction. The total subsidy for Artisan Court was \$93,000 per unit. The biggest reason for the difference in subsidy levels is due to the reduced amount of tax credits expected for Bradley Studios. The tax credit award for Artisan Court was augmented with \$1.7 million in American Recovery and Reinvestment Act of 2009 (ARRA) funds that will not be available to Bradley Studios. The ARRA funds accounted for a per unit subsidy of roughly \$30,000. Additionally, the Bradley Studios project is less dense than Artisan Court, and the units are slightly larger. Thus, staff considers the subsidy requested for Bradley Studios to be reasonable and consistent with other recent affordable housing projects.

Terms and Security of the New Agency Loan

The proposed new Agency loan will bear interest at 3% per year with payments due on a “residual receipts” basis. This means that no payments will be due until the net income of the project, after payment of necessary operating expenses, is sufficient to support such payments. Any unpaid balance which remains after 55 years will be due and payable at that time. These terms are typical of the Agency’s affordable housing loans.

The loan will be secured by a trust deed recorded against the property. Because of the large amount of cash equity obtained from the sale of the low income housing tax credits, the new Agency loan will be well secured by the project’s equity after completion of the project. However, as is often the case, the loan would not be fully secured during the construction phase, so the Agency is assuming some risk should the project not go forward to completion. Staff believes this risk is low and is acceptable, given the solid track record of the Housing Authority.

The award of tax credits is critical to the project going forward and is a condition of the proposed new Agency loan. The borrower on the new Agency loan will be Bradley Studios L.P., the limited partnership established for the purpose of securing the tax credits. The project’s ownership structure would resemble that of Artisan Court. The land is owned by the Housing Authority and would be leased to Bradley Studios L.P. The new buildings would be owned by Bradley Studios L.P. and master-leased to the Housing Authority who would manage the project. Upon conclusion of the 15-year tax credit period, the Housing Authority would acquire the buildings, and Bradley Studios L.P. would be dissolved.

As an implementation strategy for the “Ten-Year Plan to End Chronic Homelessness Throughout Santa Barbara County, Bringing Our Community Home,” the City, working in conjunction with the Housing Authority and the Ten-Year Plan organization, will determine a specific number of units in the Bradley Studios project that will be targeted to serve the chronically homeless within the City, as identified by a possible City-sponsored outreach program. The agreement that results from this discussion will be incorporated into the loan agreements and the covenant, as appropriate, and implemented on behalf of the City by the Housing Authority working together with the Ten-Year Plan organization.

Revisions to the 2008 Agency Loan

The Agency’s \$4.8 million land acquisition loan made to the Housing Authority in 2008 was designed for landbanking of the site. The loan anticipates that a new affordable housing project would be approved by the year 2011, and that during this predevelopment period, the loan bears no interest and does not require any interim payments. If no new project is approved by the year 2011, then the repayment terms would convert to a fully amortized 3 percent interest loan with a 10-year term. However, with the approval of the new project and as recommended in this report, the loan’s repayment terms should be amended to convert to those of standard Agency loans, i.e. 3 percent interest rate, payments on a residual receipt basis, all due in 55 years from the date of the loan amendment. Also, the construction lender and tax credit regulations may require that the 2008 Agency loan be made subordinate to their liens.

Replacement Housing and Relocation Plans

The Replacement Housing Plan approved by the Agency Board on April 22, 2008 covers all residential structures on the site that will and were already demolished. No changes to the plan will be necessary. Existing tenants will be provided relocation benefits in accordance with State and Federal law and pursuant to a relocation plan prepared by the Housing Authority.

Project Timing

The Housing Authority’s application for low income housing tax credits is due July 7. If awarded the tax credits, they expect to close on the project financing before the end of calendar year 2010 and commence construction no later than February 2011.

BUDGET/FINANCIAL INFORMATION:

The Agency has sufficient reserve funds available in the Agency’s Fiscal Year 2011 Affordable Housing Set-aside Fund budget for this project. The use of these funds for this project will conform to all applicable state and federal laws and regulations. With the anticipated award of federal tax credits, the total sum of \$6.4 million in Agency funds would leverage \$8.7 million in private capital brought to the Santa Barbara community by outside tax credit investors.

SUSTAINABILITY IMPACT:

Bradley Studios encourages alternate forms of transportation through its downtown location, proximity to jobs, public transportation and services. Moreover, members of the project's target population often do not own cars.

Bradley Studios has been designed to include many environmentally friendly features, including photovoltaic panels on the roofs that will provide a significant portion of the project's electrical needs, energy efficient insulation and glazing systems, on-demand water heating and energy efficient space heating systems to reduce energy consumption. The units are small; they allow for maximal use of the site and have been designed to maximize cross ventilation and natural day lighting. To the maximum feasible extent, construction materials will be high in recycled content and produced regionally. Finish materials will be selected to minimize the off-gassing of volatile organic compounds.

Bradley Studios also features bioswales for site drainage, landscaping with drought-tolerant plants throughout the site, and creek improvements made in accordance with the Lower Mission Creek Flood Control Project.

ATTACHMENT: Letter from City Housing Authority

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

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office



HOUSING

AUTHORITY OF THE
CITY OF SANTA BARBARA808 Laguna Street / Santa Barbara
California / 93101Tel (805) 965-1071
Fax (805) 564-7041

May 17, 2010

Mr. Brian Bosse, Housing and Redevelopment Manager
Housing & Redevelopment Division
City of Santa Barbara
630 Garden St.
Santa Barbara, CA 93101

**RE: FUNDING REQUEST FOR ADDITIONAL CITY/RDA SUBSIDY FOR THE DEVELOPMENT OF
512 BATH STREET AS A 54 UNIT AFFORDABLE RENTAL HOUSING COMPLEX—BRADLEY
STUDIOS**

Dear Brian:

The Housing Authority has submitted a development application for above referenced property to the City of Santa Barbara. This important development will consist of 54 affordable housing units (53 studios and one two-bedroom manager's apartment) and is intended to serve a combination of low-income downtown workers, and special needs/homeless persons. Once development entitlements are obtained, we plan to submit an application to the State for Low-Income Housing Tax Credits (LIHTC) in this year's second funding round, which has a due date of July 7, 2010. Construction is planned to begin early next year. Although the Tax Credits will provide funding for the bulk of the project's needed equity capital, we will require additional local funding for the project to be financially viable. To this end, we are submitting this letter to request funding in the amount of \$1.6 million.

As you know, the property was purchased by the Housing Authority for \$4.8 million in July 2008. The City Redevelopment Agency provided a residual receipts loan in the full amount to cover the acquisition cost. The \$1.6 million that is the subject of this request will be used to cover a portion of the development's construction costs.

Enclosed for your review is the project's development pro-forma (Exhibit A). It shows total development costs (not including land) of \$10,344,532. Please note that for purposes of the LIHTC application, this pro-forma shows the anticipated land value appraised at \$4,000,000. The Tax Credit Allocation Committee is requiring us to show the current value of the land lease in the source of funds.

Mr. Brian Bosse
Letter – Funding Request for Bradley Studios
May 17, 2010
Page 2

In order to fully quantify City/RDA subsidy for the project (inclusive of land costs), one would add the initial land purchase loan of \$4.8 million and the \$1.6 million for construction for a total of \$6.4 million or \$118,518 per unit in City/RDA subsidy. The Housing Authority believes that this level of local subsidy is in line with other recent affordable housing projects in the City.

It is further understood that our request is for a loan of up to \$1.6 million and if approved, this amount will be reduced at closing by the amount of the Net Operating Income from the existing 10 unit apartment complex generated since July 2008.

We thank you in advance for your consideration of this request and would greatly appreciate if this matter could be placed before the City Council/RDA in the next 30 days

Sincerely,

HOUSING AUTHORITY OF THE
CITY OF SANTA BARBARA



ROB L. FREDERICKS
Deputy Executive Director/CAO

cc: Housing Authority Commission
R. Pearson Executive Director/CEO
S. Szymanski, Deputy Executive Director/COO
R. Maccianti, Property & Development Director



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Finance Committee

FROM: Community Development Department

SUBJECT: Grant To City Housing Authority For Rental Assistance Program For The Homeless

RECOMMENDATION:

That the Finance Committee consider and recommend that the City Council approve a \$200,000 grant to the Housing Authority of the City of Santa Barbara in federal HOME Investment Partnerships Program funds to establish a rental assistance program targeted to homeless persons.

BACKGROUND:

Santa Barbara has one of the most expensive housing markets in the country. The median rent for studios is \$1,095 per month and \$1,250 per month for one-bedroom apartments. These high rents exacerbate efforts to move people out of homelessness and into housing. It is estimated that every year more than 6,300 people experience homelessness in Santa Barbara County, with over 4,000 people homeless on any given night.

Several existing programs provide temporary shelter assistance. The proposed rental assistance program would provide immediate rental housing assistance for chronically homeless persons until arrangements for more permanent housing can be made. The program would be implemented as a strategy to meet goals established in the Ten-Year Plan to End Chronic Homelessness Throughout Santa Barbara County, Bringing Our Community Home (Ten-Year Plan).

DISCUSSION:

Overview of Proposed Program

The proposed rental assistance program would be administered by the City's Housing Authority and paid for with federal Home Investment Partnerships (HOME) program funds awarded to the City. The proposed program would conform to guidelines established by the U.S. Department of Housing and Urban Development (HUD) for running tenant based rental assistance programs (TBRA). The guidelines are very similar to those for the Section 8 Program, a rental assistance program also funded by HUD and administered locally by the City's Housing Authority.

The proposed TBRA program is designed to provide rental assistance to chronically homeless persons while they are on the Section 8 waiting list. The program would be nearly identical to the Section 8 Program in that participants would receive a rental subsidy that could be used to rent apartments they choose so long as the apartments meet specified requirements. The Housing Authority would help participants find suitable apartments, inspect the apartments to ensure that they are decent and appropriately sized, and determine a reasonable amount for the rent in conjunction with the landlord. Participants would contribute 30 percent of their income to their rent. Federal HOME funds would be used to make up the difference, with payments going directly to the landlord.

Several California housing authorities operate HOME-funded TBRA programs, and some also target them exclusively to the homeless, such as Sonoma County, and Santa Clara County in conjunction with the City of San Jose.

Section 8 Program

The City's Housing Authority operates the Section 8 Program – a successful program that brings to the City an infusion of \$22 million of federal funds that are used to provide rental assistance to 1,980 low income households annually. The program is available to the general public, and demand far outstrips available funding. The current waiting list has approximately 4,800 households, which results in a waiting time of two to five years depending on whether applicants meet qualifications for preferences (such as those for veterans, the homeless, disabled persons, etc.). The waiting time is far too long for someone who is homeless. The proposed TBRA Program would enable homeless persons to receive temporary rental assistance and live in housing while they wait for their Section 8 assistance.

Targeting, Eligibility Requirements and Time Limits

As an implementation strategy for the Ten-Year Plan, the City, working in conjunction with the Housing Authority and the Ten-Year Plan organization, will target the TBRA program to serve the chronically homeless within the City, as identified by a possible City-sponsored outreach program. The TBRA program will be implemented on behalf of the City by the Housing Authority working together with the Ten-Year Plan organization.

Participants must be very low income persons, with incomes at no more than 50 percent of Area Median Income – an amount determined annually by HUD. For 2010, the income limit would be \$25,900. Tenants must also participate in a supportive services plan that is designed at intake to address individual needs. Tenants must also maintain an active application for Section 8.

The Housing Authority would help participants find eligible units, negotiate rents, and ensure units meet housing and occupancy standards. Units would have to be located within the City of Santa Barbara. Tenants would pay 30 percent of their adjusted monthly gross income or \$50, whichever is higher. In cases of hardship, an exemption would be available for up to 3 months. The Housing Authority estimates it would be able to assist 18 chronically homeless individuals per year. However, this number would depend on tenant income and rent levels.

The proposed TBRA program is designed to be of limited duration. The Housing Authority expects to move participants from the TBRA program to Section 8, or one of the Housing Authority's other programs, or in the best scenario, off housing assistance completely should circumstances like employment and increased income result from self-sufficiency efforts.

Capacity of the Housing Authority

The Housing Authority already operates the Section 8 Program. Existing staff would be used to operate the nearly identical TBRA program, and the Housing Authority has offered to operate the program without charging for administrative expenses.

Two existing programs in the City provide rental assistance targeted to homeless subpopulations that are slightly different than the subpopulation targeted here. Given the overwhelming demand for homeless assistance, the proposed TBRA program is a much needed addition. The Housing Authority is uniquely positioned to coordinate the TBRA program with the existing programs in order to ensure that benefits are not duplicated and that homeless individuals are referred to the program best suited to their needs.

Based on direct experience with their El Carrillo homeless housing project, the Housing Authority understands the importance of providing social services along with the housing assistance. The Housing Authority has had long-term working relationships with nearly every social service provider in the City. This will help ensure that participants will be accurately assessed and that supportive service plans will be tailored to individual needs.

BUDGET/FINANCIAL INFORMATION AND PROGRAM TIMING:

The City receives a grant of approximately \$800-900,000 in federal HOME funds every year. Congress determines the amount appropriated to the HOME program nationally, and HUD distributes the funds according to formulas established in the legislation. The City is allowed to use up to ten percent of the HOME funds for administrative expenses; the balance can only be used for creating affordable housing. The proposed TBRA program is an allowable use of HOME funds, and the design of the program meets specific HOME regulations established for administering rental assistance programs.

The \$200,000 amount requested here would cover two years of TBRA operation in order to accommodate one-year agreements with participant tenants plus one-year renewal periods. Staff envisions that future requests for additional HOME funds would come annually in order to continue the program, depending on its success.

HOME funds for Fiscal Year 2010 and all previous fiscal years have already been committed to affordable housing projects. HUD announced in a letter dated April 9, 2010 that the City would receive \$864,061 for Fiscal Year 2011. HOME regulations allow the City to make commitments for the use of new HOME funds based on the announcement letter, however, new HOME funds cannot be spent until the City executes the funding agreement that HUD typically sends out in August. Once the City signs the funding agreement, the City's Community Development Director and the City's Housing Authority would then execute a subrecipient agreement approved by the City Attorney, and the proposed TBRA program would commence.

ATTACHMENT: Letter from City Housing Authority
PREPARED BY: Brian Bosse, Housing and Redevelopment Manager/SK
SUBMITTED BY: Paul Casey, Community Development Director
APPROVED BY: City Administrator's Office



HOUSING

AUTHORITY OF THE
CITY OF SANTA BARBARA808 Laguna Street / Santa Barbara
California / 93101Tel (805) 965-1071
Fax (805) 564-7041

April 7, 2010

HAND DELIVERED
RECEIVED
 APR 08 2010
 CITY OF SANTA BARBARA
 PLANNING DIVISION

Mr. Brian Bosse, Housing & Redevelopment Manager
 Community Development Department
 City of Santa Barbara
 630 Garden St.
 Santa Barbara, CA 93101

RE: REQUEST FOR CITY HOME GRANT FOR THE OPERATION OF A TENANT
 BASED RENTAL ASSISTANCE PROGRAM

Dear Brian:

The Housing Authority continues to experience extremely high demand for its Housing Choice Voucher program (aka Section 8) from low income renters in Santa Barbara. As you know, the cost of housing relative to wages earned or income received by low income seniors, disabled and working families in Santa Barbara is very high. Adding to this demand factor for rental assistance is the community's effort to end homelessness—and ending homelessness requires housing at affordable rents.

Section 8 is the federal government's deep subsidy program for housing the poorest of the poor. We are proud of our success in administering a Section 8 program of 1,980 vouchers for the community. It alone brings over \$22 million in needed federal housing subsidies to the city each year. Unfortunately, demand for the program outstrips the available dollars...and with the community's desire for us to help end homelessness, we have been looking at other program models that get homeless persons and families off the street and into housing.

Our current waiting list for Section 8 has in excess of 2,800 households. It includes many senior and disabled households that are struggling to pay their rent (many pay rents in excess of 50% of their income) and are waiting patiently for a Section 8 Voucher. To the extent possible, we have been establishing and implementing certain preferences for eligible homeless persons and families to receive Section 8 assistance; but we must be careful not to do so to the exclusion of other needy households. This reality, coupled with being 100% leased-up in our current universe of 1,980 Section 8 Vouchers and a low turnover rate of only 10 Vouchers per month, has led us to the following conclusion/request:

We would like to establish and manage a HOME funded Tenant Based Rental Assistance (TBRA) program targeted to eligible homeless individuals and families participating in or agreeing to a supportive services plan.

To this end, this letter requests a City grant of federal HOME dollars in the amount of \$200,000 for a two year period to run a TBRA program. This program, while targeting

Mr. Brian Bosse
April 7, 2010
Page 2

the chronic homeless, will, for all practical purposes, mirror the Housing Authority's Section 8 Voucher program. Under the program, we will qualify applicants, determine tenant share of rent, issue the HOME funded Vouchers to eligible applicants, inspect the units to be rented for housing quality, make monthly payments of the TBRA subsidy to participating landlords, and review income and continued eligibility of the participants on an annual basis. In doing so, we agree to absorb 100% of the administrative cost.

This program has the potential of housing approximately 18 chronically homeless persons per year—and if successful—can be easily expanded. We also hope to move certain participants from the HOME funded TBRA program to Section 8 or one of our other housing programs, or off of housing assistance all together should circumstances like employment, increased income result through self-sufficiency efforts. This will allow us to increase the number of folks who access the program.

Attached to this letter is a summary page of the proposed TBRA program that we have developed in conjunction with your staff. It provides an excellent outline of the program's parameters. It is a proven approach for using federal HOME dollars to address homelessness. It is been highly successful in other California communities, Sonoma County being one.

We hope that City staff and the Council agree that the proposed program is a worthy use of HOME dollars for it does help address what is perhaps the community's most perplexing and difficult social issue—homelessness. We look forward to your support of this request as well as the City Council's favorable consideration. Please let me know if you require any additional information from us to move this funding request forward.

Sincerely,

HOUSING AUTHORITY OF THE
CITY OF SANTA BARBARA



ROBERT G. PEARSON
Executive Director/CEO

cc: S. Szymanski, Deputy Executive Director
R. Fredericks, Deputy Executive Director
R. Lawrence, Finance Director
V. Loza, Housing Management Director



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING MAY 10, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Dale Francisco.

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

PUBLIC COMMENT

Speakers: Robert Miles; Service Employees International Union Local 620: Stanley Macias, Garrett Reynolds, Dave Harris and George Green.

NOTICES

The City Clerk has on Thursday, May 6, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

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

Recommendation: That Council hear presentations from the Parks and Recreation Department on their recommended Fiscal Year 2011 budget.

Documents:

- May 10, 2010, report from the Interim Finance Director.
- May 10, 2010, PowerPoint presentation prepared and made by Staff.

Public Comment Opened:

6:12 p.m.

Speakers:

- Staff: Parks and Recreation Director Nancy Rapp, Creeks Restoration/Clean Water Manager Cameron Benson, Interim Finance Director Robert Samario, Golf Manager Mike Reed, Assistant Parks and Recreation Director Jill Zachary, Recreation Programs Manager Sarah Hanna, Recreation Programs Manager Judith McCaffrey, City Administrator James Armstrong.
- Parks and Recreation Commission: Commissioners Beebe Longstreet and W. Scott Burns.
- Members of the Public: Monica Jones.

Discussion:

Staff presented the Parks and Recreation Department recommended Fiscal Year 2011 budget, including outlines of the Creeks Fund, Golf Fund and General Fund programs, proposed budget reduction measures and associated service level impacts, additional possible budget reductions not included in the proposed budget, and key performance objectives.

The public hearing was continued to May 12, 2010, at 1:30 p.m.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:41 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 11, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:00 noon, and the Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

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

Councilmembers absent: Dale Francisco.

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

PUBLIC COMMENT

Speakers: Ruth Wilson; Kate Smith; Mike Jordan, Santa Barbara High School Theatre Program; Otto Layman, Santa Barbara High School Theatre Program; Geoff Hahn, Santa Barbara High School Theatre Program; Jana MacIntyre, Santa Barbara High School Theatre Program; Paul Zink.

CONSENT CALENDAR (Item Nos. 1 – 8)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

1. Subject: Adoption Of Ordinance For Architectural Board Of Review 2010 Membership Provisions (640.03)

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

Action: Approved the recommendation; Ordinance No. 5519.

2. Subject: Grant Funding For Construction Of Tallant Road Bridge Steelhead Migration Barrier Removal And Mission Creek Restoration (540.14)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Accept Grant Funds from, and Execute a Grant Agreement for \$397,000 with, the California Department of Fish and Game Fisheries Restoration Grant Program for the Mission Creek Fish Passage Project at the Tallant Road Bridge;
- B. Accept \$250,000 in grant funds from the National Oceanic and Atmospheric Administration Open Rivers Initiative Grant Program for the Mission Creek Fish Passage and Creek Restoration Project at the Tallant Road Bridge; and
- C. Increase the appropriation and estimated revenue by \$647,000 in the Creeks Division Capital Fund for the Mission Creek Fish Passage and Creek Restoration Project at the Tallant Road Bridge.

Action: Approved the recommendations; Resolution No. 10-027 (May 11, 2010, report from the Parks and Recreation Director; proposed resolution; May 10, 2010, letter from Paula Westbury).

3. Subject: Contract For Construction Of The Santa Barbara Airport Airline Terminal Baggage Handling System (560.04)

Recommendation: That Council:

- A. Reject the bid of the apparent low bidder, Automatic Systems, Inc. (ASI), for the Santa Barbara Airport Airline Terminal Baggage Handling System Project (Project), Bid No. 3610, as non-responsive due to bid irregularities;
- B. Award a contract with The Horsley Company, LLC (Horsley), in their low bid amount of \$810,507.86, for construction of the Project; and

(Cont'd)

3. (Cont'd)

- C. Authorize the Public Works Director to approve expenditures up to \$121,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendations; Contract No. 23,418 (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

4. Subject: Purchase Order For Bathymetric Survey Of Gibraltar Reservoir (540.09)

Recommendation: That Council authorize the General Services Manager to issue a Purchase Order to MNS Engineers, Inc. (MNS), in the amount of \$28,535 for professional services to perform a bathymetric survey of Gibraltar Reservoir (Reservoir), and approve expenditures of \$2,850 for extra services that may result from necessary changes in the scope of work for a total of \$31,385.

Action: Approved the recommendation (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

5. Subject: Capital Improvement Projects Third Quarter Report For Fiscal Year 2010 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects (CIP) for the Third Quarter of Fiscal Year 2010.

Action: Approved the recommendation (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

NOTICES

6. The City Clerk has on Thursday, May 6, 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.
7. A City Council site visit is scheduled for Monday May 17, 2010, at 1:30 p.m. to the property located at 1464 La Cima Road, which is the subject of an appeal hearing set for May 18, 2010, at 2:00 p.m.
8. Received a letter of resignation from Rental Housing Mediation Task Force Member Joshua Allen; the vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to review the Fiscal Year 2011 Recommended Budget where they discussed proposed rate increases for a number of departments.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to review two items related to the Conejo Landslide. These items included an expansion of the area that can be developed as a result of a more-detailed study and some minor changes to the ordinance outlining the types of projects that can be developed near the slide, which were approved unanimously. The Committee also recommended approval of an ordinance to allow a historic structure of merit to be redeveloped in the area, which was approved on a split vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

9. Subject: Parking And Business Improvement Area Annual Assessment Report, Fiscal Year 2011 - Intention To Levy (550.10)

Recommendation: That Council:

- A. Approve the Fiscal Year 2011 Parking and Business Improvement Area (PBIA) Annual Assessment Report;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for the 2011 Fiscal Year, at a Public Hearing to be Held on May 25, 2010, at 2:00 p.m.; and
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.37 of the Santa Barbara Municipal Code by Establishing New Business Categories and Revising Rates of Assessment for Specified Categories of Business of the Downtown Parking and Business Improvement Assessment District Established by City Ordinance No. 4179, Adopted on September 3, 1991, Pursuant to the Requirements of Parking and Business Improvement Area Law of the 1989 California Streets and Highways Code Sections 36500-36551.

Documents:

- May 11, 2010, report from the Public Works Director.
- May 11, 2010, proposed Resolution.
- May 11, 2010, proposed Ordinance.
- May 11, 2010, PowerPoint presentation prepared and made by staff.
- May 10, 2010, letter from Paula Westbury.

(Cont'd)

9. (Cont'd)

Speakers:

- Staff: Transportation Manager Browning Allen.
- Downtown Parking Committee: Chair Randy Rowse.

Motion:

Councilmembers White/House to approve the recommendations A and B, and to introduce the Ordinance with amendments to Section 1, Group D relating to theaters; Resolution No. 10-028.

Vote:

Majority roll call vote (Noes: Councilmember Self; Absent: Councilmember Francisco).

City Administrator Armstrong left the meeting at 2:52 p.m. Assistant City Administrator Paul Casey was present at the meeting.

PUBLIC HEARINGS

10. Subject: Appeal Of The Planning Commission Approval Of 825 De La Vina Street (640.07)

Recommendation: That Council deny the appeal of Donald Sharpe and uphold the Planning Commission decision to approve the Tentative Subdivision Map for a mixed-use development of seven condominiums, making the findings and subject to the Conditions of Approval in Planning Commission Resolution 002-010.

Documents:

- May 11, 2010, report from the Assistant City Administrator/Community Development Director.
- Affidavit of Publication.
- May 11, 2010, PowerPoint presentation prepared and made by staff.
- May 10, 2010, letter from Paula Westbury.

Public Comment Opened:

2:53 p.m.

Speakers:

- Staff: Assistant Planner Kelly Brodison, Associate Transportation Planner Chelsey Swanson, Supervising Transportation Planner Steven Foley, Senior Planner II Danny Kato.
- Planning Commission: Commissioner John Jostes.
- Architectural Board of Review: Member Paul Zink.
- Appellant: Donald Sharpe, Susan Basham, Jim Westby.
- Applicant: Keith Rivera, Acme Architecture; Derek Westen.

(Cont'd)

10. (Cont'd)

Recess: 4:15 p.m. - 4:25 p.m.

Speakers (Cont'd):

- Members of the Public: Judy Lawrence; Bill Mahan; Kellam de Forest; Don Elconin; Scott Miners, Melchori Investments; Norm Popp, property owner; Jeff Radebe, co-owner.

Public Comment Closed:

4:45 p.m.

Motion:

Councilmembers Williams/House to deny the appeal with the following conditions:

1. Require the Architectural Board of Review to review the parapet to ensure that it is high enough to screen the solar; and
2. Require the applicant to work with City staff to develop a questionnaire for the residents at the three-year mark to determine if the lifts are being used, and the pros and cons; and

Request the Architectural Board of Review to review the curbing to protect the landscaping of the project.

Vote:

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

RECESS

Mayor Schneider recessed the meeting at 6:03 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 11 - 14, and stated that no reportable action is anticipated. City Administrator Armstrong was present when the Council reconvened in closed session. Assistant City Administrator Casey was absent.

CLOSED SESSIONS

14. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

14. (Cont'd)

Documents:

May 11, 2010, report from the Assistant City Administrator.

Time:

6:10 p.m. - 7:07 p.m. Councilmember Francisco was absent.

Councilmember Williams left the meeting at 6:55 p.m.

No report made.

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

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is City of Santa Barbara v. Melchiori Construction Company, et al., SBSC Case No. 1340583.

Scheduling: Duration, 5 minutes; anytime

Report: None anticipated

Documents:

May 11, 2010, report from the City Attorney.

Time:

7:10 p.m. - 7:35 p.m. Councilmembers Francisco and Williams were absent.

No report made.

11. Subject: Conference With Real Property Negotiators - Lower Westside Center (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible purchase of real property located at 508 Coronel Place, Santa Barbara, California, Assessor's Parcel No. 037-144-002. The owner of the real property is the Della B. Mitchell Trust dated February 12, 2003. Negotiations are held pursuant to the authority of California Government Code Section 54956.8. The City's negotiators are Nancy Rapp, Parks and Recreation Director, and representatives of the City Attorney's Office. The negotiator for the owner is Lee Rousseau. Under negotiation: Price and terms of sale of a possible purchase of real property.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

(Cont'd)

11. (Cont'd)

Documents:

- May 11, 2010, report from the Parks and Recreation Director and City Attorney.
- May 10, 2010, letter from Paula Westbury.

Time:

7:35 p.m. - 7:55 p.m. Councilmembers Francisco and Williams were absent.

No report made.

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

Recommendation: That Council hold a closed session to consider initiation of litigation pursuant to Subsection (c) of Section 54956.9 of the Government Code (one potential case).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

May 11, 2010, report from the City Attorney.

Time:

7:55 p.m. - 8:50 p.m. Councilmembers Francisco and Williams were absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:50 p.m. to Monday, May 17, 2010, at 1:30 p.m. at 1464 La Cima Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER
MAYOR

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

**ADJOURNED REGULAR MEETING
May 17, 2010
1464 LA CIMA ROAD**

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 1:45 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Mayor Schneider.

Councilmembers absent: Dale Francisco, Grant House, Michael Self, Bendy White, Das Williams.

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

Note: While there was not a quorum of the Council in attendance, those that were present continued with the scheduled site visit.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, May 13, 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: 1464 La Cima Road

Recommendation: That Council make a site visit to the property located at 1464 La Cima Road, which is the subject of an appeal hearing set for May 18, 2010, at 2:00 p.m.

Speakers:

Staff: Senior Planner Jaime Limón.

Discussion:

Staff gave an overview of the proposed project, including building code concerns and tree sensitivity.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 2:05 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

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



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING May 18, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Finance Committee and Ordinance Committee, which are ordinarily scheduled to meet at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Bendy White, Das Williams (2:06 p.m.), Mayor Schneider.

Councilmembers absent: Dale Francisco, Michael Self.

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

CHANGES TO THE AGENDA

City Administrator/Executive Director James Armstrong stated that a notice of public hearing for Agenda Item No. 7 was not published. Staff will go forward with their presentation today but no action will be taken. This item will be brought back to the Council/Agency on June 8, 2010.

PUBLIC COMMENT

Speakers: Ruth Wilson; Kent Epperson, Traffic Solutions; Karena Jew and Ismael Lino, City at Peace; Robert Burke, Veterans; Alan Williams, ServiceMaster of Santa Barbara.

CONSENT CALENDAR (Item Nos. 1 – 4 and 6)

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

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmembers Francisco, Self).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of April 20, 2010, and the special meeting of April 23, 2010.

Action: Approved the recommendation.

2. Subject: Youth Watershed Education Program Contract With Art From Scrap (540.14)

Recommendation: That Council authorize the Parks and Recreation Director to execute a 12-month professional services contract with Art From Scrap in the amount of \$56,299.25 for the provision of Creeks Program youth and community watershed education programs in Fiscal Year 2011.

Action: Approved the recommendation; Contract No. 23,421 (May 18, 2010, report from the Parks and Recreation Director).

3. Subject: Used Oil Payment Program Grant - Sixteenth Cycle (630.01)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Submit an Application to the California Department of Resources Recycling and Recovery (CalRecycle) for Fiscal Year 2011 Used Oil Payment Program Grant (OPP Grant), Formerly Known as the Used Oil Block Grant - Sixteenth Cycle, in the Amount of \$12,190; and
- B. If the grant is awarded, accept the OPP Grant - Sixteenth Cycle, and increase appropriations and estimated revenues in the Waterfront Fund for an amount of \$12,190 for Fiscal Year 2011.

Action: Approved the recommendations; Resolution No. 10-029; Agreement No. 23,422 (May 18, 2010, report from the Waterfront Director; proposed resolution).

4. Subject: Introduction Of Ordinance Amending Municipal Code Section 3.16.073 Regarding Registered Domestic Partners (800.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Three of the Santa Barbara Municipal Code to Revise Section 3.16.073 of Chapter 3.16 Pertaining to the Employment by the City of Domestic Partnerships in the Same City Department or Division.

Action: Approved the recommendation (May 18, 2010, report from the Assistant City Administrator/Administrative Services Director; proposed ordinance).

Item No. 5 appears in the Redevelopment Agency minutes.

NOTICES

6. The City Clerk has on Thursday, May 13, 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

7. Subject: Contract For Professional Services For The Police Station Seismic And Structural Analysis Services Project (700.08)

Recommendation:

- A. That the City Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445.1 for Redevelopment Agency Funding of Capital Improvements for the Police Station Renovation Located Outside and Not Contiguous to the Central City Redevelopment Project Area and Authorizing Certain Other Actions; and
- B. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$151,246 for seismic and structural analysis of the Police Station by Coffman Engineers, building assessment services by Paul Poirier and Associates Architects, and related project management services by Public Works Department staff.

(Cont'd)

7. (Cont'd)

Documents:

- May 18, 2010, joint report from the Public Works Director, Assistant City Administrator/Community Development Director/Deputy Director and the Police Chief.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

Staff: Principal Engineer Joshua Haggmark, Housing and Redevelopment Manager Brian Bosse.

Discussion:

Staff presented a status report on the Police Station Seismic Renovation Project, including challenges and next steps. This item will be brought back to the Council/Agency on June 8, 2010.

Councilmember Williams left the meeting at 2:26 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

8. Subject: Public Hearing To Acquire Property Interests At 306 West Ortega Street By Eminent Domain For The Ortega Street Bridge Replacement Project (330.03)

Recommendation: That Council:

- Accept the Addendum to the Certified Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project (State Clearing House SCH No. 1998101061, dated March 10, 2008), prepared by the City's Environmental Analyst for the Ortega Street Bridge (Bridge) Replacement Project; and
- Adopt, by reading of title only, A Resolution of Necessity by the Council of the City of Santa Barbara for the Real Property at 306 West Ortega Street, Adjacent Access Easement, and Adjacent Parking Easement, all Located on Portions of Santa Barbara County Assessor's Parcel Number 037-073-011.

Documents:

- May 18, 2010, report from the Public Works Director.
- Proposed Resolution.
- May 18, 2010, PowerPoint presentation prepared and made by Staff.

(Cont'd)

8. (Cont'd)

The title of the resolution was read.

Public Comment Opened:
2:28 p.m.

Councilmember Williams returned to the meeting at 2:29 p.m.

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

Public Comment Closed:
2:33 p.m.

Motion:
Councilmembers Hotchkiss/White to approve the recommendations;
Resolution No. 10-030.

Vote:
Unanimous roll call vote (Absent: Councilmembers Self, Francisco).

Councilmember House left the meeting at 2:33 p.m. Councilmember White stated that he would not participate in the discussion or action of Agenda Item No. 9 due to a potential conflict of interest related to his business relationship with John Cook, neighbor of the applicant/appellant, and left the meeting at 2:34 p.m.

RECESS

2:34 p.m. - 2:36 p.m. Councilmember White and City Administrator James Armstrong were absent when the Council reconvened. Assistant City Administrator Paul Casey was present.

PUBLIC HEARINGS

9. Subject: Appeal Of Single Family Design Board Denial Of Retaining Walls For 1464 La Cima Road (640.07)

Recommendation: That Council:

- A. Grant the appeal of Scott McCosker with direction on a modified design and grant the project preliminary approval, making the findings contained in the staff report; and
- B. Refer the project back to the Single Family Design Board Consent Calendar for final approval consistent with Council's direction on a modified design.

(Cont'd)

9. (Cont'd)

Documents:

- May 18, 2010, report from the Assistant City Administrator/Community Development Director.
- May 18, 2010, PowerPoint presentation prepared and made by Staff.
- May 11, 2010, letter from David C. Fainer, Jr., Attorney representing the Appellant/Applicant.
- May 16, 2010, letter, photos and drawings submitted by Tony Fischer.
- May 17, 2010, email communication and attachments submitted by Tony Fischer.
- May 18, 2010, email communication submitted by Tony Fischer.

Public Comment Opened:

2:36 p.m.

Speakers:

- Staff: Senior Planner Jaime Limón, City Attorney Stephen Wiley.
- Single Family Design Board: Member Bill Mahan.
- Appellant/Applicant: David Fainer, Attorney; Margie Grace.
- Members of the Public: Tony Fischer, John Cook, Don Swann.

Public Comment Closed:

3:36 p.m.

Motion:

Councilmembers House/Hotchkiss to grant the appeal, and grant the project preliminary and final approvals with the following conditions: 1) protection of the oak trees to prevail over Wall A; 2) project construction shall stay outside the setbacks; and 3) any new landscape designs shall ensure the protection of views.

Amendment Motion:

Councilmembers House/Hotchkiss to grant the appeal, and grant the project preliminary and final approvals with the following conditions: 1) the project design, installation and maintenance shall comply with the arborist's recommendations submitted to the Single Family Design Board in a letter dated January 26, 2010; 2) project construction shall stay outside the setbacks; and 3) the project design and installation shall comply with the landscape plan dated February 22, 2010.

Vote on Amendment Motion:

Unanimous voice vote (Absent: Councilmembers Francisco, Self, White).

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Hotchkiss mentioned the Looking Good Santa Barbara Event held last Saturday.
- Councilmember Williams spoke about Bike to Bike Station Day last Wednesday, and about his and Mayor Schneider's attendance at a retirement event for Naomi Kovacs, Executive Director of the Citizens Planning Association.

RECESS

4:08 p.m. - 6:05 p.m.

Mayor Schneider presiding.

Councilmembers present: Francisco, Hotchkiss, House, Self, White, Williams, Mayor Schneider.

Councilmembers absent: None.

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

PUBLIC COMMENT

No one wished to speak.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

10. Subject: Introduction Of Medical Marijuana Storefront Collective Dispensary Ordinance (520.04)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Storefront Collective Dispensaries.

Documents:

- May 18, 2010, report from the Assistant City Administrator/Community Development Director.
- Proposed Ordinance.
- Affidavit of Publication.
- May 18, 2010, PowerPoint presentation prepared and made by Staff.
- May 17, 2010, email communications from Janet Rowse, Joshua Braun and John Delgado.

(Cont'd)

10. (Cont'd)

- May 18, 2010, document entitled "Facts About Crime & Medical Marijuana Dispensaries," submitted by Heather Crosson.
- May 18, 2010, email communications from Geoff Roland, Dr. John D. Wrench, William S. (Tom) Thomas, Alan Lagermann, Hans Edwards, and Celeste Barber.
- May 18, 2010, letters from Derek A. Westen and Assemblymember Pedro Nava.
- Undated Petition from various citizens.

The title of the ordinance was read.

Public Comment Opened:
6:06 p.m.

Speakers:

- Staff: Senior Planner Daniel Kato, City Attorney Stephen Wiley.
- Planning Commission: Commissioners Charmaine Jacobs, Michael Jordan.
- Members of the Public: Tom Thomas, Fighting Back; John Dee; JoAnna LaForce; Hathor Hammett; Brian Sarvis, Santa Barbara School Districts; Eugene Wirkus; Donna Fisher Yates; Valerie Harrison; Penny Jenkins, Fighting Back and Council on Alcoholism and Drug Abuse (CADA); Robert Green; Jen Lemberger, Fighting Back; Geoff Roland; Greg Hons; Jaycee Hunter, Santa Barbara Police Officers Association; Monica Spear, Executive Director, Girls Inc.; Melissa Wilkins, CADA and Fighting Back; Marge Schwartz; Bob Bryant, Daniel Bryant Youth & Family Treatment Center; Kate Ford; Tony Vassallo, Neighborhood Advocate; Bonnie Raisin; Derek Westen, Santa Barbara Patients Group.

Recess: 7:43 p.m. - 7:55 p.m. Councilmembers House and Williams were absent when the Council reconvened; they returned to the meeting at 7:57 p.m.

Speakers (Cont'd):

Members of the Public (Cont'd): Heather Poet; Denice Fellows; Randy Rowse; Janet Rowse; Karen Wheeler; Mari Mender; Carl Quinn; Norris Goss; Beverly Brott, M.D.; Jamison Merrick; Lucas Travanti; C. Hugh Marsh; Seamus Ethridge; Heather Crosson; Robert Striegel; Mark Russell, Grass Roots Research Inc.; Ryan Ebeling.

Public Comment Closed:
8:34 p.m.

(Cont'd)

10. (Cont'd)

Motion:

Councilmembers Hotchkiss/Francisco to refer the proposal of a ban on medical marijuana dispensaries to the Ordinance Committee.

Vote:

Failed to carry by voice vote (Ayes: Councilmembers Francisco, Hotchkiss, Self; Noes: Councilmembers House, White, Williams, Mayor Schneider).

Motion:

Mayor Schneider/Councilmember Hotchkiss to introduce the ordinance as presented with the following amendments: 1) Prohibit storefront dispensaries within 600' of schools, rather than 500'; 2) Restrict storefront collective dispensary membership to residents of Santa Barbara County, instead of the tri-county area; 3) Appeals of Staff Hearing Officer decisions to go to the Planning Commission and then to City Council; and 4) Hours of dispensary operation to be from 8:00 a.m. - 6:00 p.m., Monday through Saturday.

Amendment Motion:

Mayor Schneider/Councilmember Hotchkiss to re-introduce the ordinance as presented with the following amendments: 1) Prohibit storefront dispensaries within 600' of schools, rather than 500'; 2) Restrict storefront collective dispensary membership to residents of Santa Barbara County, instead of the tri-county area; 3) Appeals of Staff Hearing Officer decisions to go to the Planning Commission and then to City Council; and 4) Hours of dispensary operation to be from 8:00 a.m. - 6:00 p.m., Monday through Saturday; 5) Omit the Downtown West and Downtown East from areas allowed for siting of dispensaries; and 6) Required a 24-hour waiting period to join a collective.

Vote on Amendment Motion:

Majority voice vote (Noes: Councilmembers Francisco, Self).

ADJOURNMENT

Mayor Schneider adjourned the meeting at 10:10 p.m. in memory of Grover Barnes.

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
May 25, 2010
COUNCIL CHAMBER, 735 ANACAPA STREET**

CALL TO ORDER

Mayor Helene Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Finance Committee met at 11:00 a.m. The Ordinance Committee, which ordinarily meets 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, Acting City Attorney N. Scott Vincent, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

Speakers: Matthew Kramer, Jack Wilson, Robert Burke.

Councilmember Williams left the meeting at 2:06 p.m.

CONSENT CALENDAR (Item Nos. 1 – 6, 9, and 10)

The title of the ordinance related to Item No. 2 was read.

Motion:

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

Vote:

Unanimous roll call vote (Absent: Councilmember Williams).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of April 22, 2010, the regular meeting of April 27, 2010, the special meeting of April 29, 2010, the regular meeting of May 4, 2010, the special meeting of May 5, 2010, and the regular meeting of May 11, 2010.

Action: Approved the recommendation.

2. Subject: Adoption Of Ordinance Amending Municipal Code Section 3.16.073 Regarding Registered Domestic Partners (800.05)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Three of the Santa Barbara Municipal Code to Revise Section 3.16.073 of Chapter 3.16 Pertaining to the Employment by the City of Domestic Partnerships in the Same City Department or Division.

Action: Approved the recommendation; Ordinance No. 5520.

3. Subject: April 2010 Investment Report (260.02)

Recommendation: That Council accept the April 2010 Investment Report.

Action: Approved the recommendation (May 25, 2010, report from the Interim Finance Director; May 22, 2010, letter from Paula Westbury).

4. Subject: Professional Services Contract With Art From Scrap (630.01)

Recommendation: That Council approve a professional services agreement with Art From Scrap for an amount not to exceed \$29,970 for the implementation of waste reduction, recycling, and composting education for K-12 students in City schools.

Action: Approved the recommendation; Agreement No. 23,426 (May 25, 2010, report from the Interim Finance Director).

5. Subject: Contract For Construction Of American Recovery And Reinvestment Act Access Ramp And Sidewalk Maintenance Project (530.04)

Recommendation: That Council:

- A. Award a contract with Toro Enterprises, Inc. (Toro), in the amount of \$603,170, for construction of the American Recovery and Reinvestment Act Access Ramp and Sidewalk Maintenance Project (Project), Bid No. 3593; and

(Cont'd)

5. (Cont'd)

- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$86,830 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendations; Contract No. 23,427 (May 25, 2010, report from the Public Works Director; May 22, 2010, letter from Paula Westbury).

6. Subject: Agreement Between The City Of Santa Barbara And The Santa Barbara County Sheriff's Department For Hourly Law Enforcement Services At Special Events (520.04)

Recommendation: That Council approve and authorize the City Administrator to execute an agreement between the City of Santa Barbara and the Santa Barbara County Sheriff's Department for hourly law enforcement services at Special Events with an expiration date of June 30, 2013.

Action: Approved the recommendation; Agreement No. 23,428 (May 25, 2010, report from the Chief of Police).

Agenda Item Nos. 7 and 8 appear in the Redevelopment Agency minutes.

NOTICES

9. The City Clerk has on Thursday, May 20, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
10. Cancellation of the regular City Council and Redevelopment Agency meetings of June 1, 2010.

This concluded the Consent Calendar.

Councilmember Williams returned to the meeting at 2:07 p.m.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to discuss the following items:

- 1) A proposed restated and amended cooperation agreement with the City Housing Authority, which will be submitted to Council for its consideration on June 8, 2010;

(Cont'd)

REPORT FROM THE FINANCE COMMITTEE (CONT'D)

- 2) Redevelopment Agency Interim Financial Statements for the Nine Months Ended March 31, 2010 (these statements were approved by the Agency as Item No. 8 of this Agenda's Consent Calendar);
- 3) The status of revenues and expenditures as of the end of the third quarter of Fiscal Year 2010 (this presentation will be made to the full Council as Agenda Item No. 11);
- 4) Fiscal Year 2010 budget balancing options; and
- 5) Fiscal Year 2011 Recommended Budget.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

11. Subject: Fiscal Year 2010 Third Quarter Review (230.04)

Recommendation: That Council:

- A. Hear a report from staff on the status of revenues and expenditures in relation to budget as of March 31, 2010;
- B. Accept the Fiscal Year 2010 Interim Financial Statements for the Nine Months Ended March 31, 2010; and
- C. Approve the adjustments to the Fiscal Year 2010 budget as shown in the attached Schedule of Recommended Third Quarter Adjustments.

Documents:

- May 25, 2010, report from the Interim Finance Director.
- May 22, 2010, letters from Paula Westbury.

Speakers:

Staff: Accounting Manager Rudolf Livingston.

Motion:

Councilmembers House/Williams to approve recommendations B and C.

Vote:

Majority voice vote (Noes: Councilmember Self).

FIRE DEPARTMENT

Councilmembers Hotchkiss, House, and White stated they would not vote on the following item due to conflicts of interest related to their ownership of or residence at properties located within the subject assessment district, and they left the meeting at 2:31 p.m.

12. Subject: Renewal Of Levy For Fiscal Year 2011 For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2011.

Documents:

- May 25, 2010, report from the Fire Chief.
- Proposed Resolution.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- May 22, 2010, letter from Paula Westbury.

The title of the resolution was read.

Public Comment Opened:
2:32 p.m.

Speakers:

- Staff: Fire Marshal Joe Poire.
- SCI Consulting Group (City Consultant): John Bliss.
- Members of the Public: Father Patrick Mullin, St. Mary's Seminary; Jim Knight, Riviera Association; Paul Cashman, Fire Safe Council.

Public Comment Closed:
2:56 p.m.

Motion:

Councilmembers Francisco/Williams to approve the recommendation; Resolution No. 10-031.

Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, House, White).

Councilmembers Hotchkiss, House, and White returned to the meeting at 3:03 p.m.

PUBLIC WORKS DEPARTMENT

13. Subject: Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2011 (550.10)

Recommendation: That Council:

- A. Consider appropriate protests to the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011, as required under the California Parking and Business Improvement Area Law of 1989;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2011, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2011; and
- C. Adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.37 of the Santa Barbara Municipal Code by Establishing New Business Categories and Revising Rates of Assessment for Specified Categories of Businesses of the Downtown Parking and Business Improvement Assessment District Established by City Ordinance No. 4179, Adopted on September 3, 1991, Pursuant to the Requirements of Parking and Business Improvement Area Law of the 1989 California Streets and Highways Code Sections 36500-36551.

Documents:

- May 25, 2010, report from the Public Works Director.
- Proposed Resolution and Ordinance.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- Protests from Jason Cox, American Riviera Bank, and Metropolitan Theatres Corporation.

The titles of the resolution and ordinance were read.

Public Comment Opened:

3:04 p.m.

Speakers:

- Staff: Transportation Manager Browning Allen.
- Downtown Parking Committee: Member Randy Rowse.

Public Comment Closed:

3:10 p.m.

(Cont'd)

13. (Cont'd)

Motion:

Councilmembers House/Francisco to approve the recommendations and adopt Resolution No. 10-032 and Ordinance No. 5521.

Vote:

Majority roll call vote (Noes: Councilmember Self).

Councilmember Williams left the meeting at 3:34 p.m.; he returned at 3:42 p.m.

PUBLIC HEARINGS

Councilmember White stated he would not participate in the following item due to a conflict of interest related to his business partnership with a party to the appeal, and he left the meeting at 3:34 p.m.

14. Subject: Continued Appeal Of Planning Commission Denial Of Project At 617 Bradbury Avenue (640.07)

Recommendation: That Council grant the appeal filed by David Lack and approve the Modification and Tentative Subdivision Map for a revised project design, subject to the conditions of approval and findings contained in the Staff Hearing Officer Resolution No. 062-09.

Documents:

- May 25, 2010, report from the Assistant City Administrator/Community Development Director.
- Affidavit of Publication.
- PowerPoint presentation prepared and made by Staff.
- May 19, 2010, letter from Caroline Vassallo.

Public Comment Opened:

3:35 p.m.

Speakers:

- Staff: Assistant Planner Suzanne Riegle.
- Architectural Board of Review: Members Paul Zink, Keith Rivera.
- Appellant/Applicant: Fae Perry, Architect Clay Aurell.
- Planning Commission: Commissioner Sheila Lodge.
- Members of the Public: Kellam de Forest, Wanda Livernois, Robert Livernois, Joe Rution.

Public Comment Closed:

4:03 p.m.

(Cont'd)

14. (Cont'd)

Motion:

Councilmembers House/Williams to approve the recommendation.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self).

RECESS

4:30 p.m. - 4:38 p.m. Councilmember Williams returned to the meeting at 4:44 p.m.

MAYOR AND COUNCIL REPORTS

15. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups;
- B. Continue interviews of applicants to June 8, 2010; and
- C. Continue interviews of applicants to June 15, 2010.
(Estimated Time: 4:00 p.m.)

Documents:

May 25, 2010, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

The following applicants were interviewed:

Community Development and Human Services Committee:

Rocky Jacobson
Robert Burke
James Cook
Erik Talkin

Fire and Police Pension Commission:

Michael Jacobs

Franklin Center Advisory Committee:

Naomi Green

Housing Authority Commission:

Robert Burke
Donald Olson
Patrick Johnson

Living Wage Advisory Committee:

Gabe Dominocielo

Metropolitan Transit District Board:

Olivia Rodriguez

(Cont'd)

15. (Cont'd)

Speakers (Cont'd):

Parks and Recreation Commission:

Nicolas Ferrara

Rocky Jacobson

Single Family Design Board:

Gil Barry

Councilmember House reported that two applicants to the Lower Westside Center Advisory Committee, Alan Casebier and Josephine Tapia, had been interviewed by a Council subcommittee on Thursday, May 20, 2010.

Mayor Schneider announced that interviews would be continued on June 8, 2010.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember White noted that the Water Commission had recently received a presentation regarding the effect of the Zaca Fire on the City's water supply.
- Councilmember Hotchkiss mentioned that he had taken a Staff-sponsored tour of the City's water facilities.
- Councilmember Williams reported that the Cachuma Operation and Maintenance Board is deliberating its proposed budget.
- Councilmember House spoke about projects being undertaken by the Beach Erosion Authority for Control Operations and Nourishment; he also mentioned his attendance at the Athletic Roundtable, where an award was given.
- Mayor Schneider reported on the following matters: 1) the Project Study Report for Highway 101 near the Cottage Hospital project has been signed by the Executive Director of the Santa Barbara Association of Governments; 2) a meeting of the Los Angeles-San Diego Rail Corridor Agency is scheduled regarding the retiming of Amtrak trains; and 3) the presentation of Youth Leadership awards the prior evening.

RECESS

Mayor Schneider recessed the meeting at 5:24 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 16, and she stated there would be no reportable action taken during the closed session.

CLOSED SESSIONS

16. 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 negotiators Kristy Schmidt, Employee Relations Manager, and Bruce Barsook, Liebert Cassidy Whitmore, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

May 25, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

5:29 p.m. - 7:00 p.m. Councilmember Williams left the meeting at 6:20 p.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 7:00 p.m. in memory of Michael Thomas "TT" McGrew, son of Police Sergeant Michael McGrew.

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

SPECIAL MEETING May 27, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams (6:18 p.m.), Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, Acting City Attorney N. Scott Vincent.

NOTICES

The City Clerk has on Thursday, May 20, 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.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

FINANCE DEPARTMENT

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

Recommendation: That Council hear a presentation from the Fire department on its recommended Fiscal Year 2011 budget.

(Cont'd)

Subject: Fiscal Year 2011 Recommended Operating And Capital Budget (Cont'd)

Documents:

- May 27, 2010, report from the Interim Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Fire Chief Andy DiMizio, Deputy Fire Chief Dean Sylvies, Fire Marshal Joe Poiré, Administrative Services Manager Ron Liechti.
- Fire and Police Commission: Commissioner Thomas Parker.
- Firefighters' Association: Jon Turner, Jeremy Denton, Michael Hoose.

Discussion:

Staff's presentation of the Fire Department's recommended budget for Fiscal Year 2011 included an overview of the department with workload indicators, a description of the Fire Prevention Bureau's functions, the department's General Fund revenues and expenditures, budget reduction measures proposed and their related service level impacts, and other possible options to reduce costs. Councilmembers' questions were answered.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:05 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
June 1, 2010
COUNCIL CHAMBER, 735 ANACAPA STREET**

The regular meeting of the City Council, scheduled for 2:00 p.m. on June 1, 2010, was cancelled by the Council on November 24, 2009.

The next regular meeting of the City Council is scheduled for June 8, 2010, at 2:00 p.m. in the Council Chamber.

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

SPECIAL MEETING June 3, 2010 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 10:05 a.m.

ROLL CALL

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

Councilmembers absent: Michael Self.

Staff present: City Administrator James L. Armstrong, Acting City Attorney N. Scott Vincent.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Tuesday, June 1, 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.

CLOSED SESSIONS

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

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

(Cont'd)

Subject: Conference With Labor Negotiator (Cont'd)

Documents:

June 3, 2010, report from the Assistant City Administrator/Administrative Services Director.

Time:

10:05 a.m. – 11:10 a.m.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 11:10 a.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

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department

SUBJECT: Cachuma Conservation Release Board Budget Ratification

RECOMMENDATION:

That Council ratify the Fiscal Year 2011 Cachuma Conservation Release Board Budget in the amount of \$1,615,749, with an estimated City of Santa Barbara share of \$400,138.

DISCUSSION:

The Cachuma Conservation Release Board (CCRB) represents the Cachuma Project water rights of the four South Coast members and implements projects identified in the Lower Santa Ynez River Fish Management Plan. Councilmember Das Williams is the City's appointed board member for CCRB. CCRB shares some project costs with Improvement District No. 1 (ID #1) of the Santa Ynez River Water Conservation District.

On April 26, 2010, CCRB approved the Fiscal Year 2011 Budget (Budget) in approximately the same amount as reviewed by the Council in draft form on April 20, 2010. Subsequently, the Budget was reduced due to deferral of the Quiota Creek fish passage project as a result of failure to secure grant funding. The final Budget is approximately 28% less than the Fiscal Year 2009 Budget. Despite uncertainty about the future of CCRB, a full year budget was approved because important time-sensitive work on water rights and fish management efforts is required regardless of potential organizational changes. Under the CCRB Joint Powers Agreement, the Budget requires ratification by CCRB members.

BUDGET/FINANCIAL INFORMATION:

Funds are included in the recommended Fiscal Year 2011 Water Fund Operating Fund Budget to pay the City's share of the CCRB budget.

ATTACHMENT: Cachuma Conservation Release Board – Approved Final Budget

PREPARED BY: Rebecca Bjork, Water Resources Manager/BF

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Cachuma Conservation Release Board

ATTACHMENT

Approved Final Budget

Fiscal Year 2010 / 11

5/24/2010

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
-------------	--------------	------------------------------------	------------------------------------	--	---------------------------------	--------	----------------------

OPERATIONS AND MAINTENANCE EXPENSES

VEHICLES & EQUIPMENT							
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%
TOTAL		15,250	15,250	30,500	30,500	0	0.00%
CONTRACT LABOR							
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%
TOTAL		9,000	9,000	18,000	13,000	5,000	38.46%
MATERIALS & SUPPLIES							
3390	MISC	3,000	3,000	6,000	6,000	0	0.00%
TOTAL		3,000	3,000	6,000	6,000	0	0.00%
OTHER EXPENSES							
3520	UNIFORMS	1,250	1,250	2,500	2,500	0	0.00%
TOTAL		1,250	1,250	2,500	2,500	0	0.00%
TOTAL O & M EXPENSE		28,500	28,500	57,000	52,000	5,000	9.62%

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%
TOTAL G & A		366,375	344,375	710,749	703,827	6,922	0.98%
CCRB/ID1 TOTAL OPS/MTCE & G & A		394,875	372,875	767,749	755,827	11,922	1.58%

Cachuma Conservation Release Board

Approved Final Budget

Fiscal Year 2010 / 11

5/24/2010

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
SPECIAL PROJECTS							
6001	Biological Opinion/FMP Implementation	147,000	147,000	294,000	297,000	(3,000)	-1.01%
6097	GIS and mapping	10,000	10,000	20,000	25,000	(5,000)	-20.00%
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	47,500	20,500	68,000	40,000	28,000	70.00%
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	15,000	15,000	30,000	665,000	(635,000)	-95.49%
TOTAL SPECIAL PROJECTS & Habitat Enhancements		474,000	374,000	848,000	1,480,000	(632,000)	-42.70%
TOTALS		868,875	746,875	1,615,749	2,235,827	(620,078)	-27.73%

Revenues:

SB County Cachuma Betterment Fund*	100,000	0	100,000
Renewal Fund	163,609	0	163,609
Warren Act Trust Fund	54,546	54,545	109,091
Member Units Assessments	550,720	692,330	1,243,050
TOTAL	868,875	746,875	1,615,749

Notes:

COLA = 0%

Health / Dental increases = 9 % in January 2011

PERS EE expense = 7%

PERS ER expense = 10.671%

* \$73k - Stream Gauge Program / \$27k - Final Surcharge Operations Report (SYR Hydrology Support)



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Acceptance Of A Street Easement At 931 Anacapa Street

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting an Easement for Public Street Purposes on a Portion of the Real Property Commonly Known as 931 Anacapa Street; Santa Barbara County Assessor's Parcel Number 039-322-047.

DISCUSSION:

The proposed street easement is for a portion of the property located at 931 Anacapa Street at the southwest corner of the intersection of Anacapa and Carrillo Streets (Attachment) where a sidewalk has historically existed.

The property is occupied by the main branch of Santa Barbara Bank & Trust and includes the drive-through and walk-up banking facility at the intersection.

The proposed easement area is a small, approximately 15 square foot corner of the Santa Barbara Bank and Trust property, currently improved by a public sidewalk. In the proposed Carrillo/Anacapa intersection improvement project, this easement will be necessary to assure compliance with Federal grant right of way requirements.

There is no formal easement for the small triangular area on the bank property. It appears this area was improved as a public sidewalk when the bank made improvements to the drive-through banking and walk-up facility, including the curved landscape planter and rock wall that currently exist at this location.

In accordance with City practice, since the sidewalk area noted is currently being used as a public sidewalk, staff recommends that the City accept the easement being offered.

BUDGET/FINANCIAL INFORMATION:

There is no compensation for the proffered easement as both parties have benefited from the existing sidewalk and improvements.

ATTACHMENT: Map Of Proposed Easement

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

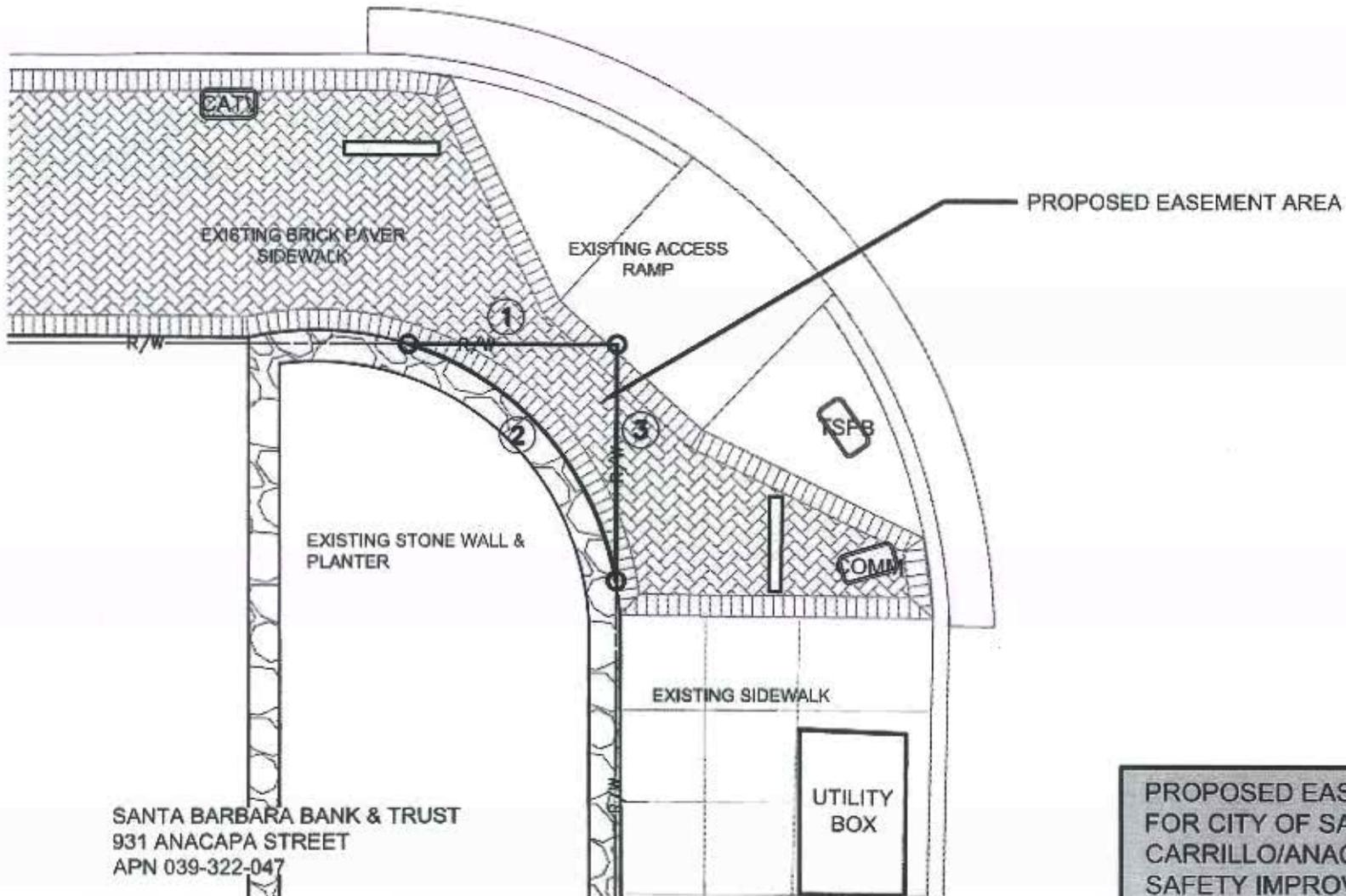
SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

COURSE TABLE

COURSE #	LENGTH	BEARING	ARC LENGTH	RADIUS	DELTA ANGLE	RADIAL BEARING IN	RADIAL BEARING OUT
1	6.67'	S41°30'43"W					
2			10.57'	9.73'	62°13'47"	S31°11'55"E	N31°01'53"E
3	7.52'	N48°30'02"W					

AREA = 15.57 SQUARE FEET



SCALE 1" = 5'

SANTA BARBARA BANK & TRUST
 931 ANACAPA STREET
 APN 039-322-047

PROPOSED EASEMENT
 FOR CITY OF SANTA BARBARA
 CARRILLO/ANACAPA INTERSECTION
 SAFETY IMPROVEMENT PROJECT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING AN EASEMENT FOR PUBLIC STREET PURPOSES ON A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 931 ANACAPA STREET, SANTA BARBARA COUNTY ASSESSOR'S PARCEL NUMBER 039-322-047

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

SECTION 1. The City of Santa Barbara hereby accepts that certain easement for public street and all related purposes described in the Street Easement Deed to the City of Santa Barbara, a municipal corporation, by Pacific Capital Bank, N.A., a national banking association, dba Santa Barbara Bank & Trust, the owner of the real property commonly known as 931 Anacapa Street, and referred to as Santa Barbara County Assessor's Parcel Number 039-322-047.

SECTION 2. The City of Santa Barbara hereby consents to the recordation by the City Clerk in the Official Records of said Street Easement Deed as executed by the Public Works Director and City Attorney.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Introduction Of Medical Marijuana Storefront Collective Dispensary Ordinance

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Storefront Collective Dispensaries.

DISCUSSION:

Ordinance Committee Recommendations

On April 27, 2010, after four meetings, the Ordinance Committee made final recommendations on revisions to the Medical Cannabis Dispensary Ordinance to the City Council. Those recommendations are described in the May 18, 2010 Council Agenda Report (Attachment 1).

Planning Commission Recommendations

On May 13, 2010, the Planning Commission reviewed the proposed revisions, and made the following recommendations to the City Council:

1. Ban storefront collectives. If the Council is not inclined to ban them, then:
2. Be more restrictive at first, and loosen up restrictions later, if appropriate.
3. Limit the total number of storefront collectives to 2-3.
4. Restrict collective membership to Santa Barbara County residents only.
5. Require a 24-hour waiting period to join a storefront collective.
6. Prohibit edible forms of medical marijuana.
7. Process of initial approval by the Staff Hearing Officer, whose decision is appealable to the Planning Commission, whose decision is appealable to the City Council.
8. Adopt a policy that anticipates the potential legalization of recreational marijuana in November 2010.

Council Action

On May 18, 2010, the City Council held a public hearing on the proposed ordinance, and voted 5-2 to move forward with the introduction of the proposed ordinance with the following changes and additions:

1. Prohibit storefront collectives from the Downtown East and Downtown West areas.
2. Change the allowable block faces to be consistent with a 600-foot radius around schools.
3. Limit collective membership to Santa Barbara County residents .
4. Approval process will be a Staff Hearing Officer decision that is appealable to the Planning Commission, then appealable to Council.
5. Hours of operation: 8:00am-6:00pm M-Sat, closed on Sunday.

Revised Ordinance and Maps

The draft ordinance has been revised to include the Council's changes, and the maps have been redrawn to show a 600-foot radius around schools.

BUDGET/FINANCIAL INFORMATION:

The City will charge an hourly rate for the processing of Medical Marijuana Dispensary Permits, so that the full cost of processing the permits and for each annual review will be covered.

- ATTACHMENTS:**
1. Council Agenda Report, May 18, 2010
 2. Outer State Street Area map
 3. Upper De la Vina Area map
 4. Mission Area map
 5. Milpas Area map
 6. West Pueblo Medical Area map

PREPARED BY: Danny Kato, Senior Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 18, 2010

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Introduction Of Medical Marijuana Storefront Collective Dispensary Ordinance

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Revising Chapter 28.80 and Establishing Revised Regulations and Procedures for Medical Marijuana Storefront Collective Dispensaries.

EXECUTIVE SUMMARY:

The Ordinance Committee has recently held four hearings on additional City ordinance amendment provisions for the permitting of medical marijuana dispensaries within the City, and it has reached a consensus on certain amendments. The major components are of the consensus are the following: 1. Medical marijuana may be distributed via storefront locations only if storefront dispensaries operate as collectives; 2. a maximum of five storefront collectives in seven possible areas of the City; 3. Collective membership is limited to the tri-county area; 4. a 24-hour waiting period to join a collective; 5. Membership, cultivation and medical records must be kept (All records except medical records to be inspected by City Staff with limited notice and medical records inspection requires search or inspection warrant); 6. a permit decision by Staff Hearing Officer, with a possible appeal directly to Council; and 7) Revisions previously recommended by Ordinance Committee. A public hearing before the Planning Commission is scheduled for May 13, and the Planning Commission recommendations will be presented to Council during the oral staff presentation.

DISCUSSION:

Previous Council Direction

On February 23, 2010, the Council reviewed a draft revision to the Medical Cannabis Dispensary Ordinance, and directed the Ordinance Committee to consider all of the following:

1. Possible revisions to the latest draft version of the Ordinance regulating Medical Marijuana Dispensaries in order to reduce the maximum number of dispensaries within the City to five (5),
2. Providing that major alcohol and drug rehabilitation facilities would be protected uses and adjusting the allowed areas for dispensaries appropriately,
3. Allowing dispensaries in the Cottage Hospital area, and
4. Further defining the operational parameters of storefront collective/cooperatives in order to ensure compliance with Proposition 215 and the state SB 420 statutes.

The Ordinance Committee met on March 16th, March 30th, April 13th, and April 27th, came to consensus on these and other issues and made the following recommendations to Council in the attached ordinance for introduction.

Ordinance Committee Recommendations

1. Rename the ordinance from the "Medical Cannabis Dispensary Ordinance," to the "Medical Marijuana Storefront Collective Dispensary Ordinance."
2. Medical marijuana can only be made available to Qualified Patients and Primary Caregivers at storefront locations if such locations are operated as "collectives or cooperatives" in the manner required by SB 420.
3. Allow a total of five (5) storefront collective dispensaries within the City. This number was a compromise between Committee members who wanted more and Committee members who wanted fewer.
4. Allow storefront collective dispensaries in seven possible areas of the City (Maps showing the areas are included as Attachments 1-6):
 - a. Outer State
 - b. Upper De la Vina
 - c. Mission Street
 - d. Downtown West
 - e. Downtown East
 - f. Milpas
 - g. West Pueblo Medical (formerly referred to as the Cottage Hospital area)

The Ordinance Committee discussed the elimination of the Downtown West and Downtown East areas, but did not reach consensus to do so.

5. Prohibit storefront dispensaries within 500 feet of the 17 highest priority drug and alcohol recovery facilities within the City.

6. Restrict storefront collective dispensary membership to residents of Santa Barbara, San Luis Obispo and Ventura Counties. This was a compromise of the Ordinance Committee members, as one wanted membership to be from throughout the state, another wanted City residents only, and the third wanted Santa Barbara County residents only. This compromise was reached in conjunction with also requiring a 24 hour waiting period before becoming a collective member.
7. Require a 24 hour initial waiting period in order to join a storefront collective and restricting individuals to membership in one collective at a time. The purpose of this requirement is to attempt to discourage medical marijuana tourism, wherein residents of the tri-county area would come to Santa Barbara just to obtain medical marijuana.
8. Specific cultivation, membership, and financial records of the collective are required to be maintained, with possible inspection by specified City Staff on limited prior notice.
9. Member medical records may be inspected by City Staff, but only with a search warrant or inspection warrant.
10. Dispensary inspection of the dispensary premises with limited notice by CDD City Staff.
11. Continue the current process of initial review by the Staff Hearing Officer, but have appeals heard by the Council, bypassing the Planning Commission. The current process requires a decision by the Staff Hearing Officer, with an appeal to the Planning Commission. The previous revisions proposed adding a Council appeal of the Planning Commission decision.

The Ordinance Committee members felt that while an administrative approval might be appropriate, an appeal to Council was necessary. Since there is no current process for an administrative approval to be appealed to Council, and there are current processes wherein discretionary approval are appealed directly to Council (e.g. Architectural Board of Review), the Ordinance Committee recommended that the initial decision should remain with the Staff Hearing Officer, but that any appeal would be heard by the Council.

12. All amendment recommendations previously forwarded to Council, including the following:
 - a. Prohibit storefront dispensaries within 1000 feet of Casa Esperanza.
 - b. Prohibition on storefront collectives in mixed-use buildings, where the residential units are condominiums, and the project is existing at the time the revisions are adopted.
 - c. Allowable dispensary areas are described by block face, rather than by prohibition radii.

- d. Security provided by a separate "Private-party operator" security company, which is licensed by the State.
- e. More discretion for the Staff Hearing Officer, and Council on appeal, in the form of changes to the criteria for issuance (see SBMC §28.80.0070.B.6. and B.10).
- f. Annual review of the storefront collective dispensary operation for legal compliance by the Police and Community Development Departments.
- g. Reduce the amortization period of six months from the effective date of the ordinance for the closure of those dispensaries which existed prior to the adoption of the current ordinance. If these ordinance revisions are adopted as recommended by the Ordinance Committee, the effect on pending, approved, appealed, legally operating and nonconforming dispensaries would be as outlined in Attachment 7. Most pending applications would not be allowed to proceed because their locations are no longer allowable. One pending application would not be allowed to move forward because it's in an existing, mixed use building with residential condominiums. In those areas where multiple applications are pending, the application deemed complete first would be allowed to go to hearing first. If the first complete application were to be approved, the remaining applications would then be precluded from approval. If it were not approved, then the next complete application would be allowed to move forward in the permitting process.
- h. Minor and other miscellaneous changes to the ordinance language.

MMDO Suspension Ordinance Status

The attached ordinance contains a section that repeals the MMDO suspension on the effective date of these revisions, which is 30 days after the adoption of the ordinance. Currently, pending applications are being processed through application completeness. Upon repeal of the suspension, staff will schedule complete applications for hearings, and terminate applications that are precluded because of the newly adopted revisions. Additionally, the six month amortization period will begin. During that time, permitted dispensaries must update their operational plans, and nonconforming dispensaries must either obtain a permit or close down.

BUDGET/FINANCIAL INFORMATION:

The City will charge an hourly rate for the processing of Medical Marijuana Dispensary Permits, so that the full cost of processing the permits and for each annual review will be covered.

- ATTACHMENTS:**
1. Outer State Street Area map
 2. Upper De la Vina Area map
 3. Mission Area map
 4. Downtown East and West Area map
 5. Milpas Area map
 6. West Pueblo Medical Area map
 7. Table showing status of dispensaries

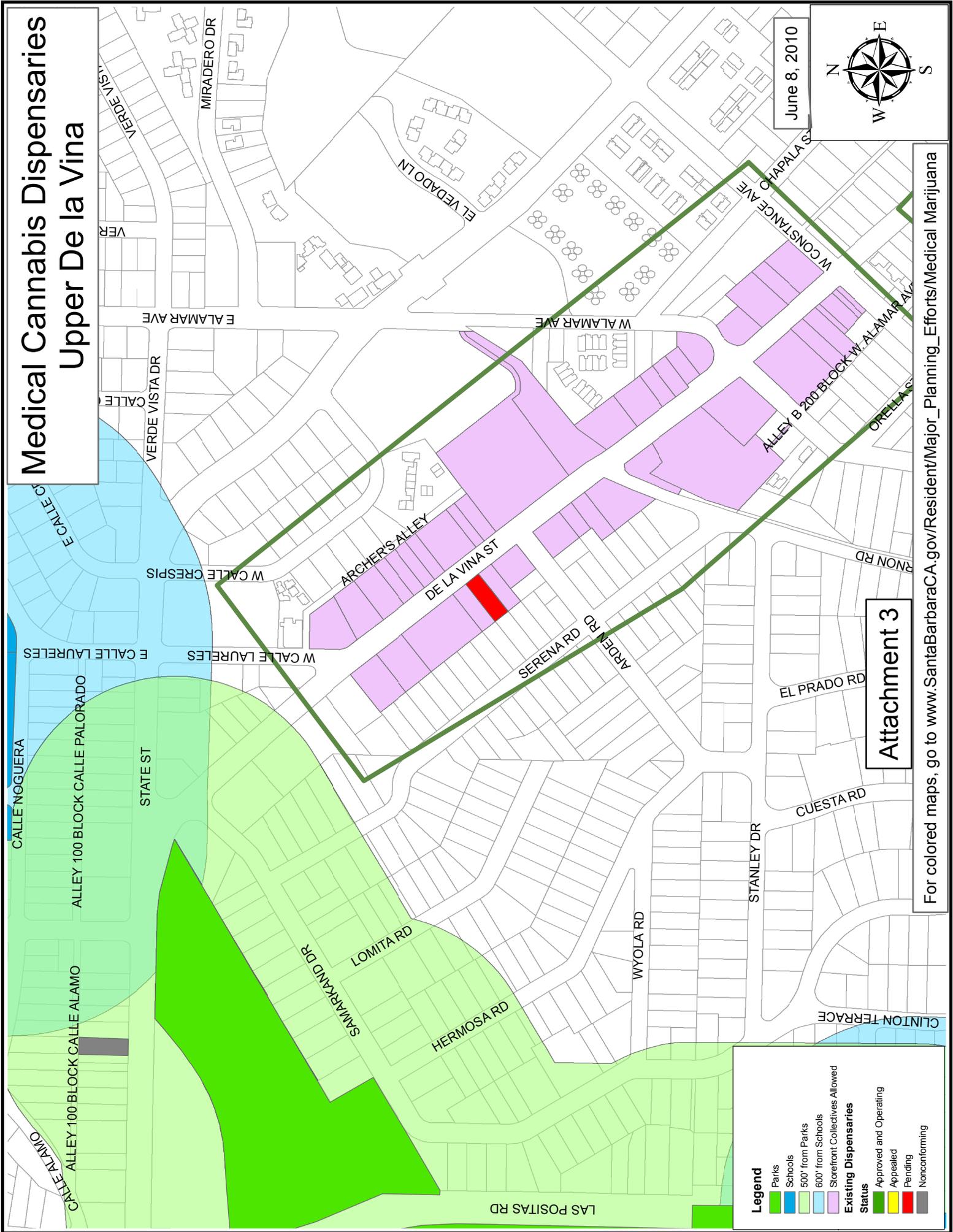
PREPARED BY: Danny Kato, Senior Planner

SUBMITTED BY: Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office

Medical Cannabis Dispensaries Upper De la Vina

June 8, 2010



Attachment 3

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Legend

- Parks
- Schools
- 500' from Parks
- 600' from Schools
- Storefront Collectives Allowed

Existing Dispensaries

Status

- Approved and Operating
- Appealed
- Pending
- Nonconforming

Medical Cannabis Dispensaries West Pueblo Medical

June 8, 2010



Attachment 6

Legend

- Parks
- Schools
- 500' from Parks
- 600' from Schools
- Storefront Collectives Allowed

Existing Dispensaries

Status

- Approved and Operating
- Appealed
- Pending
- Nonconforming

For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

**CITY COUNCIL INTRODUCTION DRAFT
NOT SHOWING CHANGES FROM CURRENT CODE
JUNE 15, 2010 COUNCIL MEETING
Showing changes from May 18, 2010 Draft
New Provisions in Underline
~~Deleted Text in Strike Out~~**

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING THE
MUNICIPAL CODE BY REVISING CHAPTER
28.80 AND ESTABLISHING REVISED
REGULATIONS AND PROCEDURES FOR
MEDICAL MARIJUANA STOREFRONT
COLLECTIVE DISPENSARIES.**

The City Council of the City of Santa Barbara does ordain as follows:

SECTION ONE. Chapter 28.80 of Title 28 of the Santa Barbara Municipal Code, entitled "Medical Marijuana Dispensaries," is amended to read as follows:

Section 28.80.010 Purpose and Intent.

It is the purpose and intent of this Chapter to regulate the storefront distribution of medical marijuana in order to ensure the health, safety, and welfare of the residents of the City of Santa Barbara. The regulations in this Chapter, in compliance with the State Compassionate Use Act of 1996 and the State Medical Marijuana Program Act ("the SB 420 statutes"), are not intended and do not interfere with a patient's right to use medical marijuana as authorized under the Compassionate Use Act or the SB 420 statutes, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under the Compassionate Use Act. Under the Compassionate Use Act of 1996 and the SB 420 statutes, only qualified patients, persons with identification cards, and primary caregivers may legally cultivate medical marijuana collectively and provide it to qualified patients or person with identifications cards. Therefore, medical marijuana collectives within the City which choose to operate storefront dispensary locations must comply with all provisions of the Santa Barbara Municipal Code ("SBMC")

for obtaining a permit for the storefront dispensary as well as complying with the Compassionate Use Act, the SB 420 statutes, and all other applicable local and state laws. Nothing in this Chapter purports to permit activities that are otherwise illegal under federal, state, or local laws.

Section 28.80.020 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the following meanings:

A. Applicant. A person who is required to file an application for a Medical Marijuana Storefront Collective Dispensary permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other dispensary operator, Management Member, employee, or agent of a Medical Marijuana Storefront Collective Dispensary.

B. Drug Paraphernalia. As defined in California Health and Safety Code Section 11014.5, and as may be amended from time to time.

C. Identification Card. As defined in California Health and Safety Code Section 11362.71 and as may be amended from time to time.

D. Management Member. A Medical Marijuana Collective member with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a Collective including, but not limited to, members who perform the functions of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the Collective.

ED. Medical Marijuana Storefront Collective Dispensary or Storefront Collective Dispensary. An incorporated or unincorporated association which is composed of four (4) or more Qualified Patients and their designated Primary Caregivers who associate at a particular location or Property within the City in order to collectively or cooperatively cultivate marijuana for medical purposes and who, acting through Management Members, distribute the collectively cultivated medical marijuana to the members of their Collective at a storefront dispensary located within a non-residential zone of Santa Barbara, all in accordance with the Compassionate Use Act of 1996 (California Health and Safety Code sections 11362.5) and Health and Safety

Code section 11362.7 through 11362.9. For the purposes of this Chapter, the term "Medical Marijuana cooperative" (or "cooperative") shall have the same meaning as a "Medical Marijuana collective" (or a "collective") and the term "cooperative" shall have the definition and formation requirements established for it by state law.

A Storefront Collective Dispensary shall not include the dispensing of medical marijuana by primary caregivers to qualified patients in the following locations so long as the location and operation of the clinic, health care facility, hospice, or residential care facility is otherwise permitted by the Municipal Code and operated in the manner required by applicable state laws:

1. a clinic licensed pursuant to Chapter 1 of Division 2 of the state Health and Safety Code,
2. a health care facility licensed pursuant to Chapter Two of Division 2 of the state Health and Safety Code,
3. a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the state Health and Safety Code,
4. residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the state Health and Safety Code,
5. a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the state Health and Safety Code,

provided that any such clinic, health care facility, hospice or residential care facility also fully complies with applicable laws including, but not limited to, the Compassionate Use Act of 1996 and the SB 420 statutes.

FE. Permittee. The Management Member or Members identified to the City by an Applicant as such and to whom a City Storefront Collective Dispensary permit has been issued and someone who also qualifies as a primary caregiver.

GF. Person with an Identification Card. A person as described in California Health and Safety Code Section 11362.71 through 11362.76, and as amended from time to time.

HG. Physician. A licensed medical doctors including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

IH. Primary Caregiver. A person as defined and described in either subdivision (d) or (e) of California Health and Safety Code Section 11362.7 as it may be amended from time to time.

JF. Property. The location or locations within the City at which Medical Marijuana Collective members and Management members associate to collectively or cooperatively cultivate or to distribute Medical Marijuana exclusively to their Collective members.

KJ. Qualified Patient. A person as defined and described in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time. For the purposes of this Chapter, a Qualified Patient shall also include a Person with an Identification Card.

LK. School. An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle, or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.

ML. Reasonable Compensation. Compensation commensurate with reasonable wages and benefits paid to employees of federal Internal Revenue Code qualified non-profit organizations which employees have similar job descriptions and duties, as well as a comparable required level of experience and education, similar prior earnings or wage history, and number of hours typically worked per week. The payment of a bonus shall not be considered reasonable compensation.

**Section 28.80.030 Storefront Collective Dispensary - Permit
Required to Operate.**

It shall be unlawful for any person to engage in, to conduct or carry on (or to permit to be engaged in, conducted or carried on) in or upon his or her Property located within the City, the operation of a Storefront Collective Dispensary unless an Applicant has first obtained and continues to maintain in full

force and effect a valid Storefront Collective Dispensary Permit issued by the City for that Property pursuant to this Chapter.

Section 28.80.040 Imposition of Medical Marijuana Storefront Collective Dispensary Permit Fees.

Every application for a Storefront Collective Dispensary permit shall be accompanied by an application fee (in an amount established by resolution of the City Council) at a amount calculated to recover the City's full cost of reviewing and issuing the Storefront Collective Dispensary permit) and the filing of a complete required application pursuant to this Chapter. The application fee shall not include the standard City fees for fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies.

Section 28.80.050 Limitations on the Permitted Location of a Storefront Collective Dispensary.

A. Permissible Zoning for Storefront Collective Dispensaries.

Storefront Collectives Dispensaries may only be permitted and located on parcels within the City which are zoned for commercial uses and on those street block faces listed in the exhibit to this Chapter designated as "Medical Marijuana Storefront Collectives Dispensaries - Allowed Locations" dated as of May 18, 2010.

B. Storefront Locations. Except for those locations shown as allowed within the West Pueblo Medical Area on the exhibit attached to this Chapter which have been specifically approved by the Staff Hearing Officer as non-storefront locations pursuant to this Chapter, a Storefront Collective Dispensary shall only be located in a visible store-front type ground-floor location which provides good public views of the Dispensary entrance, its windows, and the entrance to the Storefront Collective Dispensary premises from a public street.

C. Commercial Areas and Zones Where Storefront Collective Dispensaries Not Permitted. Notwithstanding subparagraph (A) above, a Storefront Collective Dispensary shall not be allowed or permitted ~~in the following locations or zones:~~

- ~~1. On~~ 1. On a parcel located within 1000 feet of another permitted or allowed Storefront Collective Dispensary. ~~+-or~~

~~2. On a parcel on State Street between Cabrillo Boulevard and Arrellaga Street;~~

D. Locational Measurements. The distance between a Storefront Collective Dispensary and above-listed restrictions shall be calculated as a straight line from any parcel line of the Property on which the Storefront Collective Dispensary is located to the parcel line the real property on which the facility, building, or structure, or portion of the building or structure, in which the above-listed use occurs or is located.

For the purposes of determining compliance with the locational restrictions imposed by this section, the permissibility of a proposed Storefront Collective Dispensary location shall be determined by City staff based on the date the permit application has been deemed complete by the City with the earliest complete applications deemed to have priority over any subsequent Storefront Collective Dispensary application for any particular permissible location.

E. One Collective Dispensary for Each Area of the City. No more than one Storefront Collective Dispensary may open or operate in each of the areas of the City designated as allowed or permissible Collective Dispensary location areas in the exhibit attached to this Chapter except for those areas which, at the time of the adoption of the ordinance amending this Chapter, already have more than one Storefront Collective Dispensary on a legal non-conforming basis and which are allowed to continue to operate on a legal non-conforming basis under Section Two of the Ordinance amending this Chapter - in which case a legal non-conforming Dispensary may be allowed to continue to operate in such an area.

F. Maximum Number of Medical Marijuana Storefront Collective Dispensaries Allowed Permits. Notwithstanding the above, the City may not issue a total of more than five (5) Collective Dispensary permits at any one time and no more than five (5) permitted or allowed Collective Dispensaries may legally operate within the City, including specifically those dispensaries which are open and operating in a legal nonconforming manner at the time of the adoption of the ordinance amending this Chapter.

Section 28.80.060 Storefront Collective Dispensary - Permit Application Requirements.

A. Application Filing. A complete Performance Standard Permit application submittal packet is required for a Storefront Collective Dispensary permit and it shall be submitted (along

with all required fees) and all other information and materials required by this Chapter in order to file a complete application for a Storefront Collective Dispensary Permit for a specific Property. All applications for Storefront Collective Dispensary permits shall be filed with the Community Development Department using forms provided by the City. It is the responsibility of the Applicant to provide all of the information required for approval of the permit. The application shall be signed by a Management Member under penalty of perjury.

B. Eligibility for Filing. If a Storefront Collective Dispensary permit application is filed by a non-owner of the Property, it shall also be accompanied by a written affirmation from the Property owner expressly allowing the Applicant and Management Member to apply for the Permit and acknowledging the Applicant's right to use and occupy the Property for the intended Medical Marijuana Storefront Collective Dispensary use.

C. Filing Date. The filing date of any application shall be the date when the City officially receives the last submission of information or materials required in compliance with the submittal requirements specified herein and the application has been deemed complete in writing by the City.

D. Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the Applicant shall be granted an extension of time to submit all materials required to complete the application within thirty (30) days. If the application remains incomplete in excess of thirty (30) days the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request.

E. Filing Requirements - Proposed Operational Plan. In connection with a permit application, an Applicant for a Storefront Collective Dispensary permit shall provide a detailed "Operations Plan" for the proposed Dispensary and, upon issuance of the Storefront Collective Dispensary permit by the City, shall operate the Storefront Collective Dispensary in accordance with the Operations Plan, as approved, at all times. A required Operations Plan shall consist of at least the following:

1. Site Plan and Floor Plan. A Storefront Collective Dispensary application shall have a proposed site plan and floor plan which shows a lobby waiting area at the entrance to the Storefront Collective Dispensary used to receive qualified patients or primary caregivers, and a separate and secure designated area for dispensing medical marijuana

to qualified patients or designated primary caregivers members of the Collective. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

2. Storage. A Storefront Collective Dispensary shall have suitable locked storage on the premises, identified and approved as a part of the operational security plan for the after-hours storage of medical marijuana.

3. Security Plans. A Storefront Collective Dispensary shall provide a plan to provide adequate security on the premises of the Dispensary which shall be maintained in accordance with the Dispensary security plan approved by the Chief of Police and as reviewed by the Staff Hearing Officer. This plan shall include provisions for adequate lighting and alarms in order to insure the safety of persons and to protect the premises from theft. All security guards used by dispensaries shall be licensed and employed by a state licensed private-party operator security company retained by the Storefront Collective Dispensary and each security guard used shall possess a valid state Department of Consumer Affairs "Security Guard Card" at all times. Security guards shall not possess or carry firearms or tazers while working at a Collective Dispensary.

4. Security Cameras. The Security Plan shall show how the Property will be monitored at all times by closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the Property. The recordings shall be maintained at the Property for a period of not less than thirty (30) days.

5. Alarm Systems. The Operations Plan shall provide that professionally monitored burglary and fire alarm systems shall be installed and such systems shall be maintained in good working condition within the Storefront Collective Dispensary at all times.

6. Emergency Contact. A Operations Plan shall provide the Chief of Police with the name, cell phone number, and facsimile number of a Management Member to act as an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the Storefront Collective Dispensary.

7. Public Nuisance. The Operations Plan shall provide for the Management Members of the Collective Dispensary to take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject Storefront Collective Dispensary.

8. Loitering Adjacent to a Dispensary. The Operations Plan shall provide that the Management Members will take all reasonable steps to reduce loitering by Collective members in public areas, sidewalks, alleys and areas surrounding the Property and adjacent premises during the business hours of the Storefront Collective Dispensary.

9. Trash, Litter, Graffiti. The Operations Plan shall provide that the Management Members will keep area which includes the sidewalks adjoining the Dispensary plus ten (10) feet beyond property lines (as well as any parking lots under the control of the Dispensary) clear of litter, debris, and trash.

10. Removal of Graffiti. The Operations Plan shall provide a method for the Management Members to promptly remove all graffiti from the Property and parking lots under the control of the Collective within 72 hours of its appearance.

F. Filing Requirements - Information Regarding Storefront Collective Dispensary Management. A Storefront Collective Dispensary Applicant shall also provide the following Management Member and Collective information as part of a Storefront Collective Dispensary application:

1. The name, address, telephone number, title and function(s) of each Management Member;
2. For each Management Member, a fully legible copy of one (1) valid government issued form of photo identification, such as a state driver's license or identification card. Acceptable forms of government issued identification include, but are not limited to, driver's license or photo identity cards issued by the state Department of Motor Vehicles (or equivalent) that meet REAL ID benchmarks, a passport issued by the United States or by a foreign government, U.S. Military ID cards (active duty or retired

military and their dependents) or a Permanent Resident card.

3. Written confirmation as to whether the Collective or a Management Member of the Collective previously operated in this or any other county, city or state under a similar license or permit, and whether the Collective or Management Member Applicant ever had such a license or permit revoked or suspended by and the reason(s)therefore.

4. If the Collective is a corporation or a cooperative, a certified copy of the Collective's Secretary of State Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information and a copy of the Collective's By laws;

5. If the Collective is an unincorporated association, a copy of the articles of association;

6. The name and address of the Applicant's or Collective's current designated Agent for Service of Process;

7. A statement dated and signed by each Management Member, of the Collective, under penalty of perjury, that the Management Member has personal knowledge of the information contained in the Dispensary Application, that the information contained therein is true and correct, and that the application has been completed under the supervision of the identified Management Member(s);

8. Whether Edible Medical Marijuana products will be prepared and distributed at the proposed Dispensary Property;

9. The Property location or locations where any and all Medical Marijuana will be collectively cultivated by the Collective members and Management Members;

Section 28.80.070 Criteria for Review of Collective Dispensary Applications by the City Staff Hearing Officer.

A. Decision on Application. Upon an application for a Storefront Collective Dispensary permit being deemed complete, the Staff Hearing Officer shall either issue a Storefront Collective Dispensary permit, issue a Storefront Collective Dispensary

permit with conditions in accordance with this Chapter, or deny a Storefront Collective Dispensary permit.

B. Criteria for Issuance. The Staff Hearing Officer, or the City Council on appeal, shall consider the following criteria in determining whether to grant or deny a Medical Marijuana Storefront Collective Dispensary permit:

1. That the Collective Dispensary permit and the operation of the proposed Dispensary will be consistent with the intent of the Compassionate Use Act of 1996 and the SB 420 Statutes for providing medical marijuana to qualified patients and primary caregivers and the provisions of this Chapter and with the Municipal Code, including the application submittal and operating requirements herein.
2. That the proposed location of the Storefront Collective Dispensary is not identified by the City Chief of Police as an area of increased or high crime activity.
3. For those applicants who have operated other Storefront Collective Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area of the applicants former location.
4. That issuance of a Collective Dispensary permit for the Collective Dispensary size requested is appropriate to meet needs of community for access to medical marijuana.
5. That issuance of the Collective Dispensary permit would serve needs of City residents within a proximity to this location.
6. That the location is not prohibited by the provisions of this Chapter or any local or state law, statute, rule, or regulation and no significant nuisance issues or problems are likely or anticipated and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.
7. That the Dispensary's Operations Plan, its site plan, its floor plan, the proposed hours of operation, and a security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to

surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

8. That all reasonable measures have been incorporated into the Dispensary security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, marijuana use in public, or creation of a public or private nuisance, or interference of the operation of another business.

9. That the Storefront Collective Dispensary is likely to have no potentially adverse affect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance and that the Dispensary will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

10. That any provision of the Municipal Code or condition imposed by a City issued permit, or any provision of any other local, or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws will not be violated.

11. That the Applicant has not made a false statement of material fact or has omitted to state a material fact in the application for a permit.

12. That the Applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

Section 28.80.080 On-Going Management Requirements for Medical Marijuana Storefront Collective Dispensaries.

Storefront Collective Dispensary operations shall be maintained and managed on a day-to-day basis only in compliance with the following operational standards and requirements:

A. Criminal History. A Storefront Collective Dispensary permittee, including all Management Members of that permittee, shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance and shall remain free of such a conviction or probation during the period of time in which the Storefront Collective Dispensary is being operated.

B. Minors. It shall be unlawful for any Storefront Collective Dispensary permittee, a Management Member of the permittee, or any other person effectively in charge of any Storefront Collective Dispensary to employ any person who is not at least 18 years of age. Persons under the age of eighteen (18) years shall not be allowed on the premises of a Medical Marijuana Collective Dispensary unless they are a qualified patient member of the Collective and they are accompanied by a parent or guardian at all times. The entrance to a Storefront Collective Dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient member of the Collective and they are in the presence of their parent or guardian.

C. Storefront Collective Dispensary Size and Access. The following access restrictions shall apply to all Storefront Collective Dispensaries permitted by this Chapter:

1. A Storefront Collective Dispensary shall not be enlarged in size (i.e., increased floor area) without prior review and approval of the change from the Staff Hearing Officer and an approved amendment to the existing Storefront Collective Dispensary permit pursuant to the requirements of this Chapter.
2. An expressly designated Management Member or Members shall be responsible for monitoring the Property of the Storefront Collective Dispensary for any nuisance activity (including the adjacent public sidewalk and rights-of-way) which may occur on the block within which the Storefront Collective Dispensary is operating.

3. Only Collective members as primary caregivers or qualified patients shall be permitted within a Storefront Collective Dispensary building for the purposes of cultivating, processing, distributing, or obtaining medical marijuana.

4. A qualified patient or a primary caregiver shall not visit a Storefront Collective Dispensary without first having obtained a valid written recommendation from his or her licensed physician recommending the use of medical marijuana or, in the case of a primary caregiver, without first having been expressly designated a primary caregiver to a qualified patient as required by the Compassionate Use Act.

5. A qualified patient or primary caregiver may not obtain medical marijuana upon their first in-person visit to a Storefront Collective Dispensary and, instead, may only become a member of the Collective at the first visit to a particular Dispensary. Upon joining the Collective, a registered member of a Collective may obtain medical marijuana as a qualified patient or primary caregiver only after an initial waiting period of 24 hours after their initial in-person visit to the Dispensary for the purposes of joining the Collective.

6. Only a primary caregiver and qualified patient members of the Collective Dispensary shall be allowed within the designated marijuana dispensing area of a Storefront Collective Dispensary (as shown on the site plan required by the Application) along with only a necessary Management Members.

7. Restrooms with the Storefront Collective Dispensary shall remain locked and under the control of Collective Dispensary Management Members at all times.

D. Medical Marijuana Dispensing Operations. The following medical marijuana distribution restrictions and conditions shall apply to all of the day-to-day medical marijuana dispensing operations which occur within a City permitted Storefront Collective Dispensary:

1. A Storefront Collective Dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physicians approval or recommendation in compliance with the criteria of the Compassionate Use Act

of 1996 and the SB 420 Statutes to those persons who are registered as active members of that Collective and may do so only during storefront dispensary operating hours of between eight o'clock in the morning (8:00 a.m.) through six o'clock in the evening (6:00 p.m.) Monday through Saturday only. The days and hours of the dispensary's operation shall be posted in a sign located on the street frontage of the dispensary premises in a manner consistent with the City's Sign Ordinance. Storefront Collectives Dispensaries shall require such persons receiving medical marijuana to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card each time they seek to obtain medical marijuana.

2. Prior to dispensing medical marijuana, a Management Member of the Storefront Collective Dispensary shall obtain a re-verification from the recommending physician's office personnel that the individual requesting medical marijuana is or remains a qualified patient or a primary caregiver.

3. A Storefront Collective Dispensary shall not have a physician on-site to evaluate patients and provide a Compassionate Use Act recommendation for the use of medical marijuana.

4. Every Storefront Collective Dispensary shall display at all times during its regular business hours, the permit issued pursuant to the provisions of this Chapter for such Collective Dispensary in a conspicuous place so that the same may be readily seen by all persons entering the Storefront Collective Dispensary.

5. No Storefront Collective Dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises of the Dispensary that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

6. Storefront Collective Dispensaries shall be considered commercial use relative to the parking requirements imposed by Santa Barbara Municipal Code Section 28.90.100(I).

7. A notice shall be clearly and legibly posted in the Storefront Collective Dispensary indicating that smoking, ingesting, or consuming marijuana on the premises or in the vicinity of the Dispensary is prohibited. Signs on the

premises shall not obstruct the entrance or windows. Address identification shall comply with Fire Department illuminated address signs requirements.

8. Business identification signage for Storefront Collective Dispensaries shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.

E. Dispensary Medical Marijuana On-Site Consumption and Re-Distribution Restrictions. The following medical marijuana consumption restrictions shall apply to all permitted Storefront Collective Dispensaries:

1. Medical marijuana shall not be consumed by qualified patients on the Property or the premises of the Storefront Collective Dispensary.

The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the Collective Dispensary's entrance. Collective Dispensary management member employees who are qualified patients may consume marijuana within the enclosed building area of the premises, provided such consumption occurs only via oral consumption (i.e., eating only) but not by means of smoking or vaporization.

2. Storefront Collective Dispensary operations shall not result in illegal re-distribution or sale of medical marijuana obtained from the Collective Dispensary, or the use or distribution in any manner which violates state law.

F. Retail Sales of Other Items by a Storefront Collective Dispensary. The retail sales of related marijuana use items at a Storefront Collective Dispensary may be allowed only under the following circumstances:

1. With the approval of the Staff Hearing Officer, a Collective Dispensary may conduct or engage in the commercial sale of specific products, goods, or services (except drug paraphernalia) in addition to the provision of medical marijuana on terms and conditions consistent with this Chapter and applicable law.

2. No Collective Dispensary shall sell or display for sale any drug paraphernalia or any implement that may be used to administer medical marijuana.

G. Storefront Collective Dispensary - Compliance with the Compassionate Use Act of 1996 and SB 420 Statutes.

1. State Law Compliance Warning. Each Collective Dispensary shall have a sign posted in a conspicuous location inside the Storefront Collective Dispensary advising the public of the following:

- a. The diversion of marijuana for non-medical purposes is a criminal violation of state law.
- b. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.
- c. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of state law.

2. Not For Profit Operation of the Storefront Collective Dispensary. No Medical Marijuana Storefront Collective Dispensary shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation for services provided by Management Members and Collective members toward the Collective's actual expenses for the growth, cultivation, processing, and provision of Medical Marijuana to qualified patients of the Collective shall be allowed provided that such reimbursements are in strict compliance with the applicable provisions of the SB 420 Statutes. All such cash and in-kind reimbursement amounts and items shall be fully and properly documented in the financial and accounting records of the Collective Dispensary in accordance with and as required by the recordkeeping requirements of this Chapter.

3. Cultivation of Medical Marijuana by the Collective. The Collective cultivation of medical marijuana shall be limited to the Collective members and Management Members. Cultivation of medical marijuana by the Collective members and the Management Members shall occur exclusively within the boundaries of the counties of Santa Barbara, Ventura, or San Luis Obispo County and only at the real property identified for such cultivation on the approved Storefront Collective Dispensary Permit application.

No cultivation of medical marijuana at any Property where the marijuana will be visible with the un-aided eye from any public or other private property, nor shall cultivated medical marijuana or dried medical marijuana be visible from the building exterior on the Property. No cultivation shall occur at the Property of the Collective unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry.

4. Distribution of Medical Marijuana within Santa Barbara Only. Distribution of the medical marijuana collectively cultivated by some Collective members to other Collective members shall occur exclusively within the boundaries of the city of Santa Barbara and only at the real property identified as the permitted Dispensary location on the approved Storefront Collective Dispensary Permit application.

5. Membership Limited to One Collective. Membership in a Collective which operates a Storefront Collective Dispensary within the City shall be limited to one Collective per qualified patient or primary caregiver. Each Collective shall also consist only of individuals residing with Santa Barbara County, ~~Ventura, or San Luis Obispo counties~~ as the term "principal residence" is defined in the federal Internal Revenue Code.

J. Maintenance of Appropriate Collective Records Regarding Cultivation and Compliance with the SB 420 Statutes.

1. Cultivation Records. Every permitted Storefront Collective Dispensary shall maintain on-site (i.e., at the Property designated for the operation of the Storefront Collective Dispensary) the medical marijuana cultivation records of the Collective. These records shall be signed under penalty of perjury by each Management Member responsible for the cultivation and shall identify the location or locations within the counties of Santa Barbara, Ventura, or San Luis Obispo at which the Collective's medical marijuana is being cultivated. Such records shall also record the total number of marijuana plants cultivated or stored at each cultivation location. The Storefront Collective Dispensary shall also maintain an inventory record documenting the dates and amounts of medical marijuana cultivated or stored at the Dispensary Property,

if any, as well as the daily amounts of Medical Marijuana distributed from the permitted Dispensary.

2. Membership Records. Every Storefront Collective Dispensary shall maintain full and complete records of the following membership information: a. the full name, date of birth, residential address, and telephone number(s) of each Collective member and Management Member, b. the date each Collective member and Management Member joined the Collective, 3. the exact nature of each Collective member's and Management Member's participation in the Collective, and 4. the current status of each member and Management Member as a Qualified Patient or Primary Caregiver.

3. Financial Records. The Collective Dispensary shall also maintain a written accounting record or ledger of all cash, receipts, credit card transactions, reimbursements, (including any in-kind contributions), and any and all reasonable compensation for services provided by the Management Members or other members of the Collective, as well as records of all operational expenditures and costs incurred by the Storefront Collective Dispensary in accordance with generally accepted accounting practices and standards typically applicable to business records.

4. Dispensary Record Retention Period. The records required above by subparagraphs (1), (2), and (3) of this subsection shall be maintained by the Medical Marijuana Collective Dispensary for a period of three (3) years and shall be made available to the City upon a written request, subject to the authority set forth in Section 28.80.090.

Section 28.80.090 City Access to and Inspection of Required Storefront Collective Dispensary Records.

A duly designated City Police Department or Community Development Department representative may enter and shall be allowed to inspect the premises of every Storefront Collective Dispensary as well as the financial and membership records of the Collective required by this Chapter between the hours of eight ~~ten~~ o'clock (8:00) A.M. and six ~~eight~~ o'clock (6:00) P.M., or at any appropriate time to ensure compliance and enforcement of the provisions of this Chapter, except that the inspection and copying of the private medical records of a Collective member shall be made available to the Police Department only pursuant to a properly executed search warrant or inspection warrant by a court of competent jurisdiction, or a court order for the inspection of such records.

It shall be unlawful for any property owner, landlord, lessee, Medical Marijuana Collective Dispensary member or Management Member or any other person having any responsibility over the operation of the Storefront Collective Dispensary to refuse to allow, impede, obstruct or interfere with an inspection of the Storefront Collective Dispensary or the required records thereof.

Section 28.80.100 Sale, Distribution, or Exchange of Medical Marijuana with a non-Medical Marijuana Collective Member.

A. Transfers to or from a Non-Collective Member. A Storefront Collective Dispensary, including the Management Member operating the Dispensary, shall not cause or permit the sale, distribution, or exchange of Medical Marijuana or of any Edible Medical Marijuana product to any non-Collective Management Member or member. No Storefront Collective Dispensary shall possess medical marijuana that was not collectively cultivated by its Management Members or members either at the Property designated for the cultivation or at its prior location allowed in accordance with this Chapter.

B. Assistance for Edible Marijuana Products. Sales of edible medical marijuana products may be permitted at a Storefront Collective Dispensary and an individual or business within the City which assists a Dispensary in preparing and processing such a product will be deemed by the City as an "individual who provides assistance to a qualified patient or person with an identification card, or his or her designated primary caregiver, in administering medical marijuana to a qualified patient ..." as that phrase is used in state Health and Safety Code section 11362.765(b)(3).

Section 28.80.110 Appeal from Staff Hearing Officer Determination.

A. Appeal to the Planning Commission and the City Council. An applicant or any interested party who disagrees with the Staff Hearing Officer's decision to issue, issue with conditions, or to deny or to revoke a Storefront Collective Dispensary permit may appeal the Staff Hearing Officer's decision to the City Planning Commission in accordance with the appeal provisions of subsection (B) of Santa Barbara Municipal Code section 28.05.020 and, thereafter, to the City Council by filing an appeal pursuant to the requirements of section 1.30.050 of the Municipal Code.

B. Notice of Appeal Hearing. Upon the filing of an appeal pursuant to subparagraph (A) above, the Community Development Director or the City Clerk shall provide public notice of the appeal hearing in accordance with the notice provisions of SBMC Section 28.87.380.

Section 28.80.120 Suspension and Revocation by Staff Hearing Officer.

A. Authority to Suspend or Revoke a Storefront Collective Dispensary Permit. Consistent with Section 28.87.360, any Storefront Collective Dispensary permit issued under the terms of this Chapter may be suspended or revoked by the Staff Hearing Officer if it shall appear to that Officer that the Dispensary permittee has violated any of the requirements of this Chapter or the Dispensary is being operated in a manner which violates the operational requirements or operational plan required by this Chapter, or operated in a manner which conflicts with state law.

B. Annual Review of Collective Dispensary Operations. The staff of the Community Development Department and the Police Department are hereby authorized to conduct an annual review of the operation of each permitted Storefront Collective Dispensary within the City for full compliance with the operational and recordkeeping requirements of this Chapter, including specifically, annual verification that all persons employed or volunteering at the Storefront Collective Dispensary have not been convicted of or on probation for a crime related to the possession, sale, or distribution of controlled substances. A fee in an amount established by resolution of the City Council may be established in order to reimburse the City for the time involved in the annual review process. The staff may initiate a permit suspension or revocation process for any Storefront Collective Dispensary which, upon completion of an annual review, is found not to be in compliance with the requirements of this Chapter or which is operating in a manner which constitutes a public nuisance.

C. Suspension or Revocation - Written Notice. Except as otherwise provided in this Chapter, no permit shall be revoked or suspended by the Staff Hearing Officer under the authority of this Chapter until written notice of the intent to consider revocation or suspension of the permit has been served upon a Management Member or the person to whom the permit was granted at least ten (10) days prior to the date set for such review

hearing. Such revocation or suspension notice shall state the specific reasons for the proposed suspension or revocation and must have been provided to the permittee in writing prior to the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the permittee, or by depositing such notice in the U.S. mail in a sealed envelope, postage prepaid, (via regular mail and return receipt requested), addressed to the person to be notified at his or her address as it appears in his or her application for a Storefront Collective Dispensary permit.

Section 28.80.130 Transfer of Collective Dispensary Permits.

A. Permit - Site Specific. A permittee shall not operate a Storefront Collective Dispensary under the authority of a Storefront Collective Dispensary permit at any place other than the address of the Collective Dispensary stated in the application for the permit. All Collective Dispensary permits issued by the City pursuant to this chapter shall be non-transferable to a different location.

B. Transfer of a Permitted Collective Dispensary. A permittee shall not transfer ownership or control of a Storefront Collective Dispensary or attempt to transfer a Collective Dispensary permit to another person unless and until the transferee obtains an amendment to the permit from the Staff Hearing Officer pursuant to the permitting requirements of this Chapter stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development Department in accordance with this all provisions of this Chapter accompanied by the required transfer review application fee.

C. Request for Transfer with a Revocation or Suspension Pending. No Storefront Collective Dispensary permit may be transferred (and no permission for a transfer may be issued) when the Community Development Department has notified in writing the permittee that the permit has been or may be suspended or revoked for non-compliance with this Chapter and a notice of such suspension or revocation has been provided.

D. Transfer without Permission. Any attempt to transfer a Storefront Collective Dispensary permit either directly or indirectly in violation of this Chapter is declared void, and the permit shall be deemed revoked.

Section 28.80.140 Medical Marijuana Vending Machines.

No person shall maintain, use, or operate a vending machine which dispenses marijuana to a qualified patient or primary caregiver unless such machine is located within the interior of a duly permitted Collective Dispensary.

Section 28.80.150 Business License Tax Liability.

An operator of a Storefront Collective Dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04. as a prerequisite to obtaining a Storefront Collective Dispensary permit pursuant to the terms of this Chapter. When and as required by the State Board of Equalization, Storefront Collective Dispensary transactions shall be subject to sales tax in a manner required by state law.

SECTION TWO.

A. Dispensaries Permitted under the March 2008 Ordinance. Those Dispensaries which were authorized and permitted pursuant to the Santa Barbara Municipal Code Chapter 28.80 (as adopted on March 25, 2008 as City Ordinance No. 5449) shall be deemed pre-existing legal non-conforming uses of the real property locations upon which they are situated provided that, upon the effective date of this Ordinance, such dispensaries operate in accordance with all Collective Dispensary operational provisions added to Santa Barbara Municipal Code Chapter 28.80 by this Ordinance.

B. Dispensaries Which Have Operated Legally Prior to and Since the Effective Date of Ordinance No. 5449. Those dispensaries which opened and operated in a legal manner prior to the effective date of City Ordinance No. 5449 and which have remained in a legal nonconforming manner of operation since that time, may, despite a non-conforming location, remain as a legal non-conforming use for a period of one hundred eighty (180) days from the effective date of this Ordinance, provided that such a dispensary or Collective Dispensary implements and fully observes the following operational conditions of this Ordinance prior to the effective date of this Ordinance:

1. the operation of the dispensary or Collective Dispensary is not discontinued for a period of time in excess of thirty (30) consecutive days;

2. the day-to-day operation of the dispensary or Collective Dispensary complies with all operational requirements of Chapter 28.80, as revised and enacted by this Ordinance, and;

3. the dispensary or Collective Dispensary is subject to the requirements for non-conforming uses of SBMC section 28.87.030 until such time that it has been discontinued or permitted at a new allowed location pursuant to this Ordinance.

SECTION THREE. City Ordinance No. 5510 entitled "An Ordinance Of The Council Of The City Of Santa Barbara Extending A Temporary Suspension Of The Right To Apply For Or To Obtain A Permit For The Opening Or Operation Of Medical Marijuana Dispensaries Otherwise Permitted By Santa Barbara Municipal Code Chapter 28.80 On An Interim Basis" adopted on February 2, 2010 is hereby repealed as of the effective date of this Ordinance.

swiley\ord\Medical Marijuana/6-8-10 INTRODUCTION DRAFT
May 20, 2010: 12:17 pm draft

EXHIBIT A TO ORDINANCE NO. ____
MEDICAL MARIJUANA DISPENSARIES
SANTA BARBARA MUNICIPAL CODE CHAPTER 28.80
ALLOWED LOCATION EXHIBIT
DATED AS OF JUNE 158, 2010

1. Outer State Street Area:

- a. 3400 - 3900 blocks of State Street
- b. All parcels on south La Cumbre Road
- c. All parcels on south La Cumbre Lane
- d. All parcels on La Cumbre Plaza Lane
- e. 00-100 blocks of south Hope Avenue

2. Upper De la Vina Area:

- a. 2600 – 2900 blocks of De la Vina Street

3. Mission Street Area:

- a. 1900-2000 blocks of De la Vina Street
- ~~b.~~ 100 block of west Mission Street
- ~~e.~~ b. 1800 block of State Street
- ~~d.~~ c. 1400 block of Chapala Street

4. Milpas Street:

- a. 100–400 blocks of north Milpas Street

5. West Pueblo Medical Facility Area:

- a. 200 block of Nogales
- b. 200-400 blocks of west Pueblo
- c. 2400-2500 blocks of Bath
- d. 2300 block of Castillo
- e. 300 block of West Junipero

CORRESPONDENCE

Alcazar, Brenda

From: Britta Bartels [britta.bartels@yahoo.com]
Sent: Sunday, June 06, 2010 12:12 PM
To: Hotchkiss, Frank; Schneider, Helene; Kato, Danny
Cc: Self, Michael; Francisco, Dale; Williams, Das; House, Grant; ssteepleton@newspress.com; MWormser@Newspress.com; clynov@cox.net; naomigreene@earthlink.net; Sharon Byrne; MJBlum@Cox.net; Pedro Nava; Susan Jordan; SBSebas@gmail.com; Brian Sarvis; Shereen Khatapoush; Jennifer Lemberger; John@cochranepm.com; robk@meridiangrouprem.com; jmlsba@yahoo.com; rowse; James Lee; PJenkins@CADASB.org; Robert Pearson; Kathleen Baushe; rcreeves@west.net; avery.drost@gmail.com; DKatich@Newspress.com; White, Harwood "Bendy" A.; chimayo1@cox.net; Clay Brown; kandacellgen@Cox.net; mike; mstoller@sfntc.com; BPotter@FoleyFamilyWines.com; sb-against-dispensaries@googlegroups.com; B B; Daniel Danny Saturnino Moreno; OliverBartels@online.De; shahbazian@cox.net; doleary@oxnardsd.org; GreggCarty@ci.carpinteria.ca.us; raceves@CityofGoleta.org; Armstrong, Jim; BRaisin@cox.net; John Palminteri; City Advisory Group Applications; Stephanie Molina; Rob Thomas; SaThorny@gmail.com
Subject: Great SB News Press article, Mr. Frank Hotchkiss :-)

Dearest Mayor Mrs. Helene Schneider and City Council Members Dale, Mrs. Self, Mr. Hotchkiss, Mr. White, Mr. House and Mr. Williams,

Thanks to Frank Hotchkiss who made his final Opinion (Voice) clear today in the SB News Press.

<http://www.newspress.com/Top/Article/article.jsp?Section=OPINIONS-LETTERS&ID=565873791868207178&Archive=false>

It has been 1 year ago now that our SB Residents have been trying very hard to ask our **Mayor** and **City Council** including the **Planning Division** to put a ban on all these "Non-Collective" **Medical Cannabis Dispensaries**.

Since then there have been way too many speakers that are against the **MCD's** attending the City Chambers expressing their opinions and begging for help to keep our City THC-free, safe and clean.

There have been many other efforts made to fight our local SB Dispensaries:

- Petitions for a Ban through neighboring parties and the Internet
- Facebook blogs
- Town Hall and Franklin Community Center Meetings
- Demonstration through Downtown
- SB News - TV

<http://www.newspress.tv/?s=Marijuana>

<http://www.newspress.tv/?s=mile+walk>

<http://www.newspress.tv/?s=mile+walk>

- Plenty of letters of support (see below by Chris Flynn, MD, ER Cottage Hospital)

Today's article under **VOICES** after we received this amazing Newsletter in the mail (thanks to "Santa Barbara Citizens Against Marijuana Dispensaries"!!!!) put some light back

into our City Council showing **Common Sense** and a **Final Awakening** to listen to the Santa Barbara

Residents that voted for our current Council Members.

The following letter touched my heart and I encourage everybody who has not been able to read it, yet, to take a few minutes to think about the consequences that come with the use/abuse of THC:

Medical Marijuana

Dispensaries in Santa Barbara

Chris Flynn, md

<!--[if !vml]--><!--[endif]--><!--[if !vml]-->
<!--[endif]-->

Dear City Council Members,

June 1, 2010

As an Emergency physician in the Cottage Health Care System since 1997, I am having growing concern about the direction that the State of California is taking in regard to allowing for increased access to Medical Marijuana in our cities.

I have experienced first hand the public safety being impacted by this drug in our Emergency Departments. In our local Emergency room we have had car accidents, broken families, patients experiencing psychotic behaviors, cyclical vomiting episodes (where patients can't stop throwing up because of high levels of cannabis abuse), and young people being processed by juvenile authorities for using marijuana.

Recently I visited the Venice Beach tourist area in Los Angeles, and was approached by 4 different dispensaries within five blocks by people holding signs and encouraging the sale of medical marijuana to my family for any condition that would merit its use. There is no science to this proposal, and the medical profession should not be used as the vehicle for unleashing this dangerous drug onto the community. Please visit Venice Beach, California during your free time and see how legalization of medical dispensaries flies in the face of any reasonable persons understanding on why we need more access to marijuana for the citizens of Santa Barbara.

This drug will hurt lives, cause dependency, and create more problems than it solves. Legalizing marijuana will come at the expense of public safety by impaired health, delinquent behaviors, and drugged drivers who will hurt innocent citizens.

Chris Flynn, MD

Thank you very much for your time and initiative to put a STOP on Santa Barbara's profit-

6/7/2010

making dispensaries!!!
Looking forward to any feedback :-)

See you at City Council on Tuesday, June 7th, starting at 2PM?
Every body counts :-)

Sincerely,

Britta



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Airport Administration, Airport Department

SUBJECT: Introduction Of Ordinances For Agreements For Airport Food And Beverage And Retail Concessions

RECOMMENDATION: That Council:

- A. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a ten-year concession agreement, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with First Class Concessions, Inc. for operation of a Food and Beverage Concession at the Airport; and
- B. Authorize the Airport Director to execute, subject to approval as to form by the City Attorney, a ten-year concession agreement, and introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Ten-Year Concession Agreement with M/E, Inc. for operation of a Retail News and Gift Concession at the Airport.

DISCUSSION:

Background

The new Airline Terminal building will include expanded concession services and improve the location of the concession spaces. Two food and beverage locations are planned: 1,900 square feet post-security on the second floor, and 1,000 square feet pre-security on the ground floor. Retail space has been identified in three post security locations consisting of 480, 570, and 885 square-feet, respectively. Consistent with the Spanish Colonial Revival architecture of the facility, the concessions will be developed to resemble typical Santa Barbara storefronts, thereby creating a "sense of place" for travelers.

Concession Outreach

An Airport Concessions Outreach meeting was held on December 10, 2009, to encourage community participation in the concessions program and to promote and create business opportunities for local, regional and national companies. More than 50

individuals attended the meeting and gained a better understanding of the challenges and requirements of operating a concession at the Airport.

Operating requirements differ substantially from "street retail" in that operating hours are tied to the flight schedule with expected hours of 5 a.m. to 11 p.m. daily. All units will be required to operate every day, including holidays, and may be required to be open during times that may not be profitable. Passenger traffic varies by season, month, and day of the week. Additionally, security requirements are stricter, requiring a 10 year background check and finger printing for employees. The majority of concession space is post-security which is beneficial for sales, but also limits the customer base to ticketed passengers.

Requests for Proposals (RFP)

As part of the Requests for Proposals (RFP) development, the Airline Terminal design architects prepared a Concessions Design Manual. The Manual was prepared to guide Concessionaires in the design and construction of facilities at Santa Barbara Airport Airline Terminal. The Manual outlines procedures, policies, goals and requirements for developing or modifying facilities.

Each RFP provided information on the proposal process, specific definitions pertaining to the Airport and the concession program, current concession program data, description, location of the available concession spaces (Attachment 1), and evaluation criteria. The RFP's also incorporated a copy of the Concessions Design Manual.

Proposers were required to submit information regarding their experience managing and operating an airport concession, the brand or concept for the space along with the conceptual design, scope of improvements, and the proposed capital investment. Additionally, the Proposers had to demonstrate financial capability.

Also included in the RFP requirements was the FAA required Airport Concession Disadvantage Business Enterprise (ACDBE) policy which creates a level playing field for all potential firms or individuals to compete without regard to race, color, sex, or national origin. Information was also provided for potential proposers to investigate the process to become a certified ACDBE.

Proposals Received

Despite extensive outreach efforts, only one proposal was received for each category which met the minimum requirements. Based on recent articles in industry trade magazines, this is not unusual for small airports.

The food and beverage proposal was received from First Class Concessions, Inc., a certified DBE, teamed with a regionally recognized branded company, The Coffee Bean & Tea Leaf, to operate in both locations (pre and post-security).

Council Agenda Report

Introduction Of Ordinances For Agreements For Airport Food And Beverage And Retail Concessions

June 15, 2010

Page 3

The sole retail proposal was submitted by M/E, Inc., the current operator, for the largest concession space (post-security). The Airport will either do a separate solicitation or enter into negotiations for the remaining two retail concession spaces at a later date.

Evaluation Process

An Evaluation Committee composed of Airport and Finance Department staff and the Terminal Project Architect met to evaluate the proposals and the design concepts for the concession space. Both proposals were evaluated based on the following criteria:

- Retail Concept/Plan
- Capital Investment
- Experience and Quality of Past Performance
- Facility Design and Quality of Improvements
- Financial – Pro-Forma Operating Statement
- Management and Operations Plan

The Evaluation Committee found that each of the proposers submitted a complete proposal package, and has the qualifications, experience and financial resources necessary to fulfill the obligations undertaken in the Concession Agreement.

Food and Beverage Concession Agreement

First Class Concessions, Inc. is a FAA certified Disadvantaged Business Enterprise (DBE), and the proposal features two franchised Coffee Bean & Tea Leaf locations, one pre-security and one post-security sharing the space with a Costa Terraza tapas bar. First Class Concessions has successfully teamed with The Coffee Bean & Tea Leaf in other airports.

Based in San Diego, the combined airport concession experience of First Class Concession's executive team is well over 40 years. Current food and beverage locations include: Panama City Bay County Airport, Panama City, Florida, Will Rogers World Airport, Oklahoma City, Oklahoma, Sky Harbor International Airport, Phoenix, Arizona, St. Petersburg Clearwater International Airport, St. Petersburg, Florida, Fort Wayne International Airport, Fort Wayne, Indiana.

The company's financial documents, which were reviewed by the City Finance Department, met the minimum criteria for operation of the concession.

The concept design for the franchised Coffee Bean & Tea Leaf locations and the Costa Terraza restaurant and bar was reviewed by the Terminal Project Architect and found to substantially meet the criteria established in the Concessions Design Manual. First Class Concessions is proposing to invest \$164 per square foot or \$164,000 for the build-out of the pre-security Coffee Bean & Tea Leaf Location and \$216 per square foot or \$410,400 for the post-security Coffee Bean & Tea Leaf and Costa Terraza location.

The proposed menu for both of The Coffee Bean & Tea Leaf locations will feature coffee and espresso drinks, ice blended drinks, and tea. They will also serve an assortment of baked goods and grab-and-go items, including: sandwiches, salads, fresh fruit and yogurt.

The Costa Terra tapas bar will have a larger menu and include a full bar featuring local wines. The menu will include appetizers, panini, flat bread, deli and grilled sandwiches, soups, salads, and desserts.

The Concession Agreement establishes a minimum annual guarantee (MAG) of \$36,000 or a percentage of gross receipts, whichever is greater. The MAG is adjusted annually based upon the average monthly gross receipts for the preceding year. Percentage rent is determined based upon the annual number of enplaned passengers. For example, if the number of enplaned passengers is between 250,000 and 500,000, the percentage rent for coffee sales is 8% of gross receipts and downstairs and upstairs food and beverage sales is 10% and alcohol is 12%. The specific terms contained in the proposed Concession Agreement are outlined in Attachment 2.

The Proforma Operating Statement for the first full year of operation in the new Airline Terminal estimates that with a total of 400,000 enplaned passengers, using the proposed percentages, the rent to be paid by First Class Concessions to the Airport would be \$114,225. This is based on expected earnings of \$3 per enplaned passenger, or \$1,200,000, by First Class Concessions.

This projection compared with the calendar year sales of the current food and beverage operation of \$771,772, or \$2.05 per enplaned passenger, represents a 55% increase in food and beverage sales and an 111% increase in rental fees paid to the Airport.

Retail Concession Agreement

M/E, Inc. has operated the News & Gift concession at the existing Terminal since 1983. In the 27 years that M/E, Inc. has been associated with the Airport, they have been a tenant in good standing even though they have been operating in inadequate space and under difficult conditions. M/E also operates the Read & Post in Montecito, the Front Page in Goleta, and the former Enlightened Sights store in Paseo Nuevo.

The company's financial documents, which were reviewed by the City Finance Department staff, met the minimum criteria for operation of the concession.

M/E's proposal includes the build-out of the 885 square foot post-security retail concession. M/E is proposing to invest \$50 per square foot or \$44,250 for the build out of the post-security news and gift retail concession. The concept design was reviewed by the Terminal Project Architect and found to substantially meet the criteria established in the Concessions Design Manual.

The gift shop proposes to carry books, magazines, and newspapers, toiletries, over the counter medications, Santa Barbara souvenirs, travel items, office related items, children's toys and games, bottled water and candy and snack foods. M/E is also exploring the possibility of selling Santa Barbara regional wine by the bottle to be carried aboard the aircraft and See's Candies. The concession agreement established a MAG of \$12,000 or percentage rent, whichever is greater. Percentage rent is calculated based on annual gross receipts. For example, if gross receipts are less than \$500,000, percentage rent is calculated at 7% for news sales and 8% for gifts and sundries. The specific Concession Agreement terms and proposed percentage rents are outlined in Attachment 3.

M/E's Proforma Operating Statement for the new post-security location lists total gross sales of \$500,000 in the first full year of operation in the new Airline Terminal, which is an increase of 9.5% over calendar year 2009. This would result in a rental fee to the Airport of \$38,150. Based on the current year enplanements, the revenue per enplaned passenger would increase by 21% or \$1.35.

Street Pricing

Santa Barbara's proposed pricing policy for both concessionaires will require all items to be priced at no more than 10% above street pricing. The Airport Director will have the authority to require market studies to confirm that street pricing is being observed for the approved items and prices. Airport staff surveyed eleven airports in the western United States regarding their pricing policies and found that Santa Barbara's proposed policy is consistent with industry standards.

Solid Waste Management

Airline Terminal concession agreements will require operators to comply with the City of Santa Barbara's Solid Waste Strategic Plan and the Airport's Solid Waste Management Plan and will provide specific requirements for concessionaires to minimize waste destined for the landfill.

Airport Commission

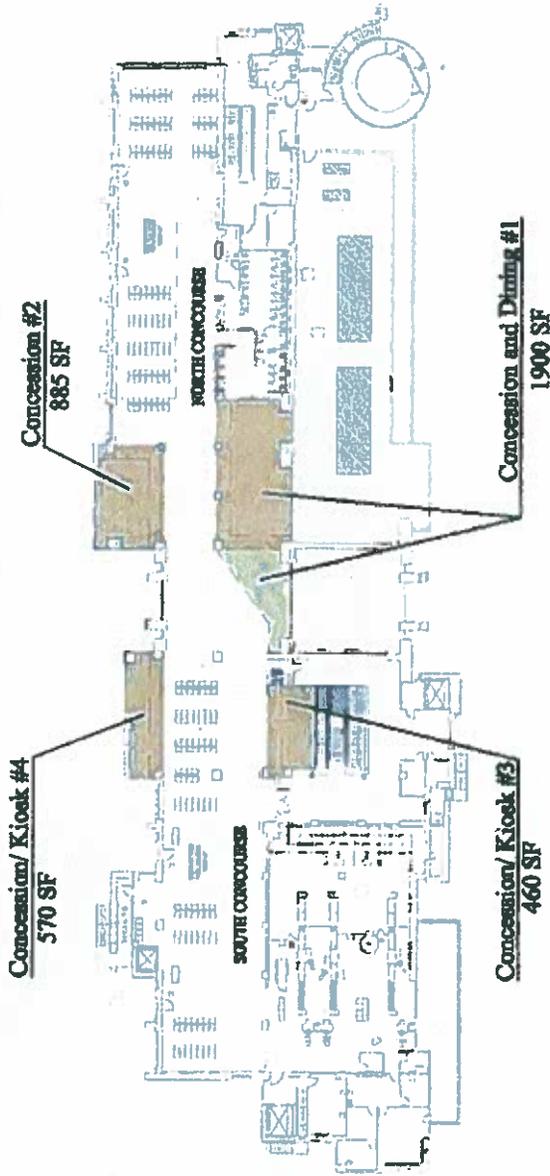
At the regularly scheduled meeting on May 19, 2010, Airport Commission reviewed the solicitation process for the retail and food and beverage proposals and unanimously recommended award of the retail and food & beverage concessions and execution of the proposed agreements.

ATTACHMENTS: 1. Concession Space Exhibit
2. Food & Beverage Concession Agreement Proposal
3. Retail Concession Agreement Proposal

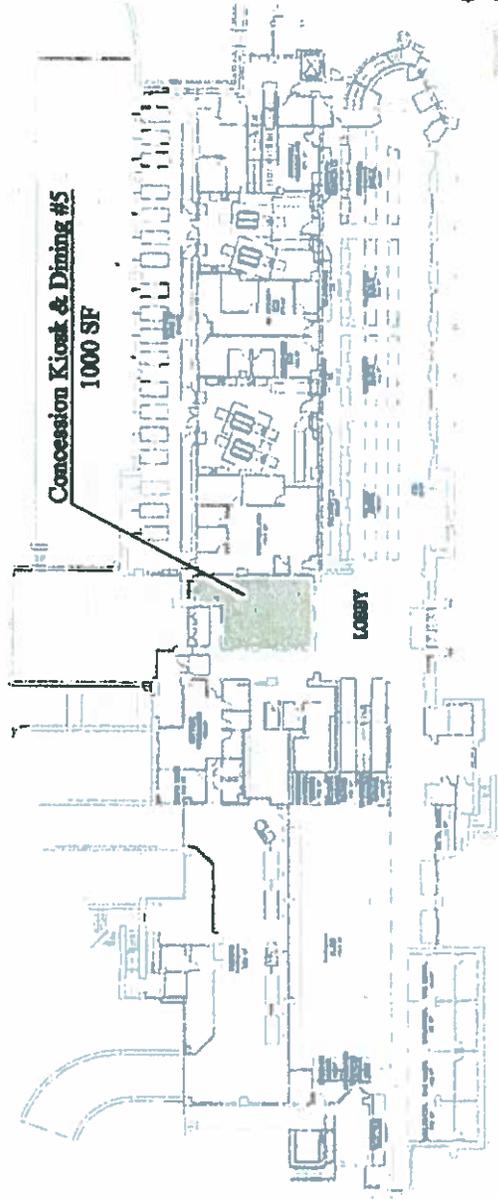
PREPARED BY: Hazel Johns, Assistant Airport Director

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office



Terminal Second Floor Key Plan



Terminal First Floor Key Plan

Concourse area
 Dining area
 Concession area

FOOD & BEVERAGE CONCESSION PROPOSAL

- Concessionaire** : **FIRST CLASS CONCESSIONS, INC., a California Corporation**
- Location** : 500 James Fowler Road
- Contact** :

Name	Phone	Fax
Tasneem Vakharia, President.	858.487.8984	858.487.8987
- Zoning** : Airport Facilities, AF
- Use** : Non-exclusive operation of an airport food and beverage concession serving the traveling public.
- Premises** : **(Site 1)** 1,900 square feet post-Security concession space, on the second floor of the Terminal
(Site 2) 1,000 square feet pre-Security concession space, on the ground floor of the Terminal
- Term** : **Ten years:**
Initial Term - Commencing upon the adoption of the enabling Ordinance for the purpose of design, permitting, and construction, and ending upon the first day the Premises are open to the public
Primary Term - Commencing upon the date the Premises are open to the public and ending the last day of the month 10 years thereafter
- Obligation to Construct** : Concessionaire shall expend a minimum investment of \$216 per square foot or \$410,400 for the construction, furnishing and equipping of Site 1, and \$164 per square foot or \$164,000 for Site 2. Concessionaire will provide a Schedule of Improvements which will be attached as an Exhibit to the Concession Agreement.
- Mid Term Refurbishment** : Concessionaire shall expend a minimum of \$50 per square foot for the refurbishment of Sites 1 and 2 during the sixth year of the agreement.
- Rent** : **Minimum Annual Guarantee (MAG):** \$36,000, payable in 12 equal monthly installments of \$3,000 or the percentage rent, whichever is greater.

Percentage Rent Schedule - Landside – Coffee Bean & Tea Leaf

Enplanements:	Less than 250,000	250,000 to 500,000	500,000 and up
<i>Percentage of Gross Receipts from:</i>			
Specialty Coffee (Branded)	7%	8%	8%
Food and Beverage (Non-branded, non alcohol)	7%	10%	12%

Percentage Rent Schedule - Airside – Costa Terraza Food & Spirits and Coffee Bean & Tea Leaf

Enplanements:	Less than 250,000	250,000 to 500,000	500,000 and up
<i>Percentage of Gross Receipts from:</i>			
Specialty Coffee (Branded)	7%	8%	8%
Food and Beverage (Non-branded, non alcohol)	7%	10%	12%
Alcohol	7%	12%	15%

Deposit : Proposer's Deposit of \$12,000. Proposer will also provide a Surety Bond equal to the cost of construction to remain in effect for one year following the issuance of the certificate of occupancy. Proposal Deposit will be returned to Concessionaire once the Surety Bond is in place. A Security Deposit equal to one and one-half month's MAG will be held for the term of the lease and will be adjusted as the MAG is adjusted.

Adjustment of MAG : Annual adjustment of MAG to 85% of the previous years average monthly gross receipts. In no case will the MAG be lower than the MAG established in the first year of the agreement or the preceding year's MAG, whichever is greater.

Obligation of Concessionaire : **Pricing Policy** - The prices charged for food and beverages shall be within ten (10) percent of similar food and beverage establishments in the Santa Barbara metropolitan area. Concessionaire shall conduct periodic market basket comparison studies to verify the prices charged.

Hours of Operation – (Site 1) – post-Security grab and go – 4:30 a.m. to 6 p.m. (Site 1) bar and restaurant - 7:00 a.m. – 8:30 p.m., (Site 2) – pre-Security location – 6:30 a.m. to 9 p.m., seven days a week

Personnel – Concessionaire's staff shall be of adequate number and competently trained to meet all reasonable demands of the public in a courteous manner.

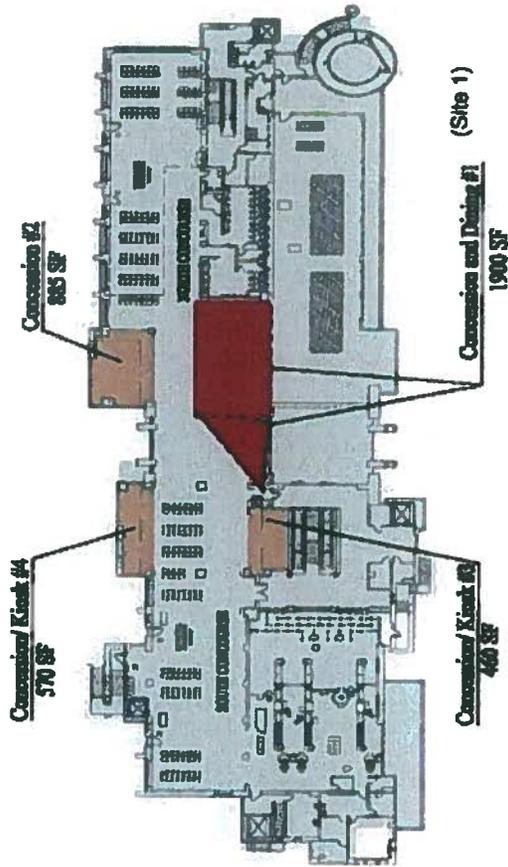
Shopping Service – City has the right to monitor and test all of Concessionaire's services by retaining a professional shopping service.

Utilities : Concessionaire will pay all charges for utilities.

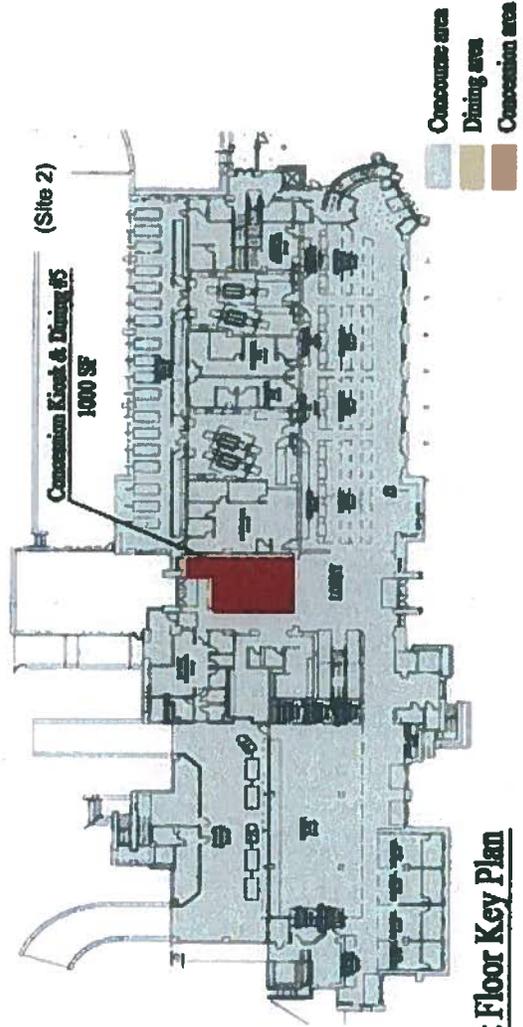
Solid Waste Strategic Plan : Concessionaire will be required to comply with the Airport's Solid Waste Management Plan and the City's Solid Waste Strategic Plan and will abide by the specific requirements to minimize waste destined for the landfill.

ATTACHMENT 2

- Insurance** : \$1,000,000 comprehensive general liability (including liquor liability) and automobile liability insurance naming City as additional insured. Concessionaire shall also carry Business Interruption Insurance.
- Business License** : Must maintain current City Business License.
- Possessory Interest** : The Concession Agreement may create a possessory interest subject to property taxation. Concessionaire is subject to the payment of property taxes levied on such an interest.
- Subleasing** : All subleases subject to prior consent by Airport Director.
- Parking** : All employee parking must take place within the area designated by the Airport Director for terminal area employees.



Terminal Second Floor Key Plan



Terminal First Floor Key Plan



**CONCEPTUAL
RENDERING**

**NORTH CONCOURSE
CONCESSION &
DINING AREA #1**



RETAIL NEWS & GIFT CONCESSION PROPOSAL

- Concessionaire** : **M/E, INC., a California Corporation**
- Location** : **500 James Fowler Road**
- Contact** : **Name** Phone Fax
Kari Martindale, President. 967-7100 967-3250
- Zoning** : **Airport Facilities, AF**
- Use** : **Non-exclusive operation of an airport newsstand and gift shop serving the traveling public.**
- Premises** : **885 square feet of post-security concession space**
- Term** : **Ten years:**
Initial Term - Commencing upon the adoption of the enabling Ordinance for the purpose of design, permitting, and construction, and ending upon the first day the Premises are open to the public
Primary Term - Commencing upon the date the Premises are open to the public and ending the last day of the month 10 years thereafter
- Obligation to Construct** : **Concessionaire shall expend a minimum investment of \$50 per square foot or \$44,250 for the construction, furnishing and equipping of the 885 square foot retail space. Concessionaire will provide a Schedule of Improvements which will be attached as an Exhibit to the Concession Agreement.**
- Mid Term Refurbishment** : **Concessionaire shall expend a minimum of \$25 per square foot for the refurbishment of the news and gift shop during the sixth year of the agreement.**
- Rent** : **Minimum Annual Guarantee: \$12,000, payable in 12 equal monthly installments of \$1,000 or the percentage rent, whichever is greater.**

Airside – News & Gifts

<i>Gross Receipts:</i>	\$0- \$500,000	\$500,001 - \$750,000	Greater than \$750,000
News	7%	7%	7%
Gifts & Sundries	8%	10%	12%

- Deposit** : **Proposer's Deposit of \$5,000. Proposer will also provide a Surety**

Bond equal to the cost of construction to remain in effect for one year following the issuance of the certificate of occupancy. Proposal Deposit will be returned to Concessionaire once the Surety Bond is in place. A Security Deposit equal to one and one-half month's MAG will be held for the term of the lease and will be adjusted as the MAG is adjusted.

Adjustment of MAG : Annual adjustment of MAG to 85% of the previous years average monthly gross receipts. In no case will the MAG be lower than the MAG established in the first year of the agreement or the preceding year's MAG, whichever is greater.

Obligation of Concessionaire : **Pricing Policy** - The prices charged for food and beverages shall be within ten (10) percent of similar retail establishments in the Santa Barbara metropolitan area. Concessionaire shall conduct periodic market basket comparison studies to verify the prices charged.

Hours of Operation – post-security news & gift shop – 5:00 a.m. to 8:00 p.m., seven days a week

Personnel – Concessionaire's staff shall be of adequate number and competently trained to meet all reasonable demands of the public in a courteous manner.

Shopping Service – City has the right to monitor and test all of Concessionaire's services by retaining a professional shopping service.

Utilities : Concessionaire will pay all charges for utilities.

Solid Waste Strategic Plan : Concessionaire will be required to comply with the Airport's Solid Waste Management Plan and the City's Solid Waste Strategic Plan and will abide by the specific requirements to minimize waste destined for the landfill.

Insurance : \$1,000,000 comprehensive general liability and automobile liability insurance naming City as additional insured. Concessionaire shall also carry Business Interruption Insurance.

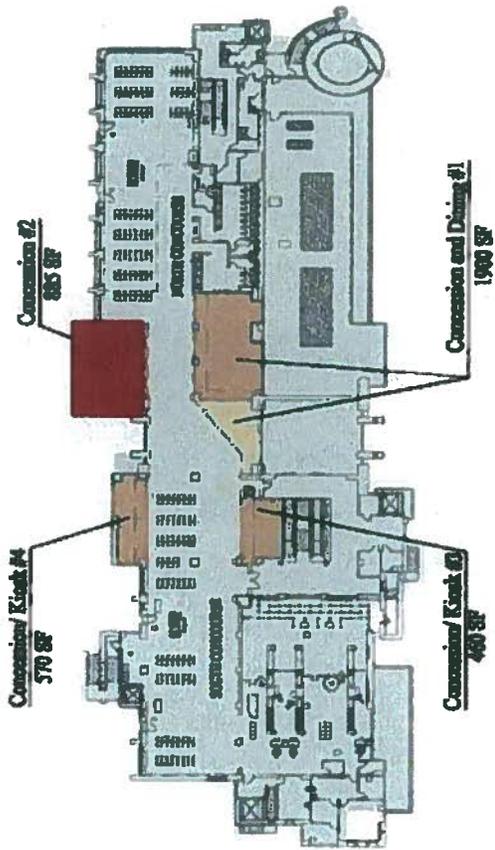
Business License : Must maintain current City Business License.

Possessory Interest : The Concession Agreement may create a possessory interest subject to property taxation. Concessionaire is subject to the payment of property taxes levied on such an interest.

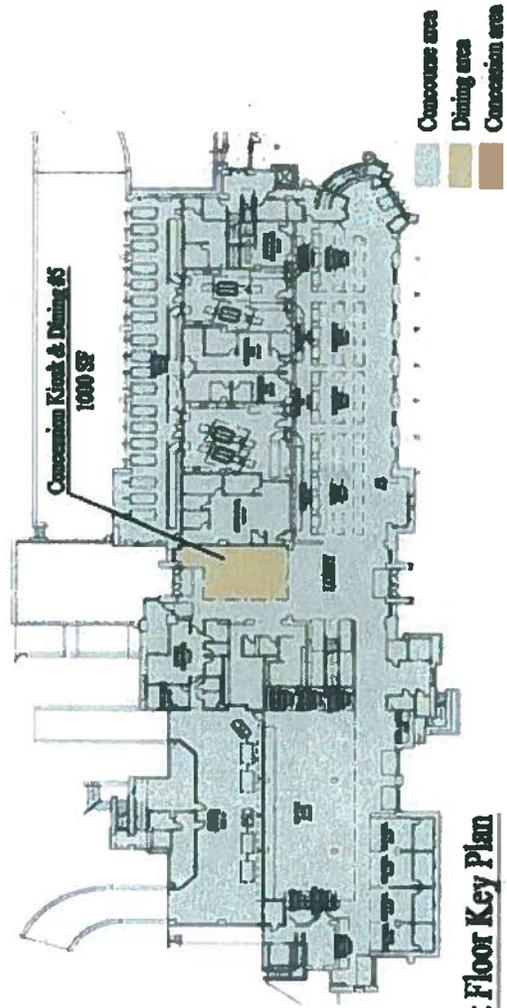
Subleasing : All subleases subject to prior consent by Airport Director.

Parking

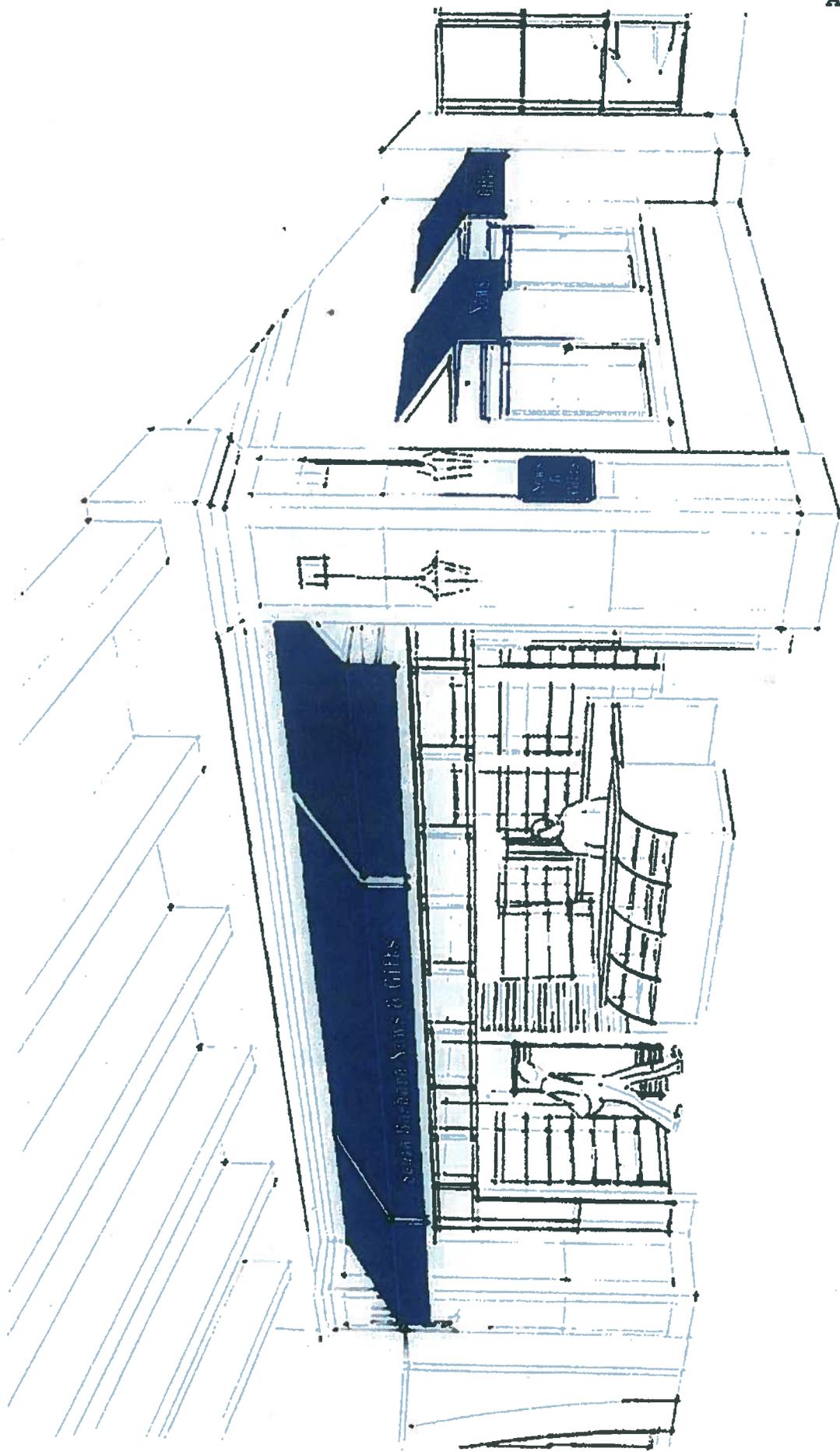
: All employee parking must take place within the area designated by the Airport Director for terminal area employees.



Terminal Second Floor Key Plan



Terminal First Floor Key Plan



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A TEN-YEAR CONCESSION AGREEMENT WITH FIRST CLASS CONCESSIONS, INC., FOR OPERATION OF A FOOD AND BEVERAGE CONCESSION AT THE AIRPORT.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain Concession Agreement between the City of Santa Barbara and First Class Concessions, Inc., a California Corporation, which provides for operation of 2,900 square foot concession space consisting of two food and beverage locations in the Airline Terminal, for a period of ten years, effective upon the adoption of this Ordinance, is hereby approved.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA APPROVING A TEN-YEAR
CONCESSION AGREEMENT WITH M/E, INC., FOR
OPERATION OF A RETAIL NEWS AND GIFT
CONCESSION AT THE AIRPORT.

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

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain Concession Agreement between the City of Santa Barbara and M/E, Inc., a California Corporation, which provides for operation of 885 square feet of retail concession space in the Airline Terminal, for a period of ten years, effective upon the adoption of this Ordinance, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Introduction Of Ordinance For A 25-Year Lease With The Santa Barbara Yacht Club

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a 25-Year Lease With the Santa Barbara Yacht Club on Premises Located Within the Santa Barbara Harbor, Effective July 22, 2010.

BACKGROUND:

The Santa Barbara Yacht Club (SBYC) has leased property in the harbor vicinity since 1950. The Yacht Club building is defined as personal property of the Club and can be removed by the tenant at the end of the lease. The current lease commenced on January 1, 1979, and the initial term expired on December 31, 1993. The current SBYC lease has a series of one-year extensions, which renew automatically for 51 years beginning January 1, 1994, and ending December 2045. The lease can be terminated by SBYC or the City upon 10 years written notice of non-renewal.

SBYC leases approximately 67,500 square feet of land space under a ground lease, including the Yacht Club building, a parking lot, a boat storage yard, and section of beach area between the building and Breakwater seawall. The Club is responsible for maintaining their building and property and the City incurs no expense from SBYC. The current rent is \$3,495 per month (\$0.05 per square foot/month). Staff believes \$0.05 per square foot is below market rent based on other Waterfront and Airport ground leases.

In 2004, Waterfront Department staff contacted SBYC representatives about staff's intention to issue the 10-year notice of non-renewal. SBYC representatives were concerned that the notice of non-renewal would have a negative effect on the Club's membership and appointed a lease negotiation team to discuss a possible new lease between the City and SBYC. Those lease discussions were not productive and the notice of non-renewal was sent by the City to SBYC in October 2004. In accordance with the notice of non-renewal, the SBYC lease will expire on December 31, 2014.

DISCUSSION:

In July 2009, representatives from the SBYC expressed interest in resuming lease discussions and appointed a new lease negotiation team. Based on experience from the previous lease discussions, it was decided that no comparisons of rents paid by other yacht clubs would be made since some yacht clubs own the land they occupy and/or control/manage slips as part of their property (SBYC rents one end tie). Additionally, since the building and improvements are personal property of SBYC and can be removed at the end of the term, it was decided to base the rent on the rental value of paved or unimproved land. Currently, the Santa Barbara Sailing Club leases a 7,400 square foot yard in the harbor for \$0.19 per square foot per month. This rate is comparable to ground leases at the Airport and is consistent with an appraisal obtained by the Airport Department in July 2009.

Negotiations were based on gradually increasing the rent over time to get the SBYC rent to a market rent within 15 years, starting January 1, 2010. An inflation factor was added to the \$0.19 / square foot figure to derive a future rental value of \$0.28 per square foot in 2025. The step increases take place on January 1 of each year during the lease term, summarized as follows:

- 2010: Rent Increases to \$4,725 / month
- 2011-2015: Rent Increases to \$8,100 / month
- 2016-2025: Rent increases to \$18,900 / month
- 2026-2035: Annual adjustments tied to the Consumer Price Index (CPI).

The basic terms of the proposed lease are as follows:

Term: 10 year lease with three 5-year options

Rent Increases: Step increases averaging approximately 12% per year for 15 years through 2025

Cost of Living Increases: CPI increases - 3% min. increase / 5.5% max. after 2025

Staff recommends entering in to a new lease with SBYC now, in advance of the December 31, 2014 expiration date. The proposed new lease with SBYC will generate \$14,760 in additional annual rent revenue in 2010, and \$113,500 in additional total rent prior to the current lease expiration date in 2015. The Harbor Commission unanimously recommended approval of the lease at the March 18, 2010, meeting.

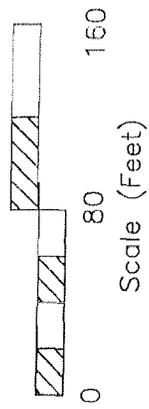
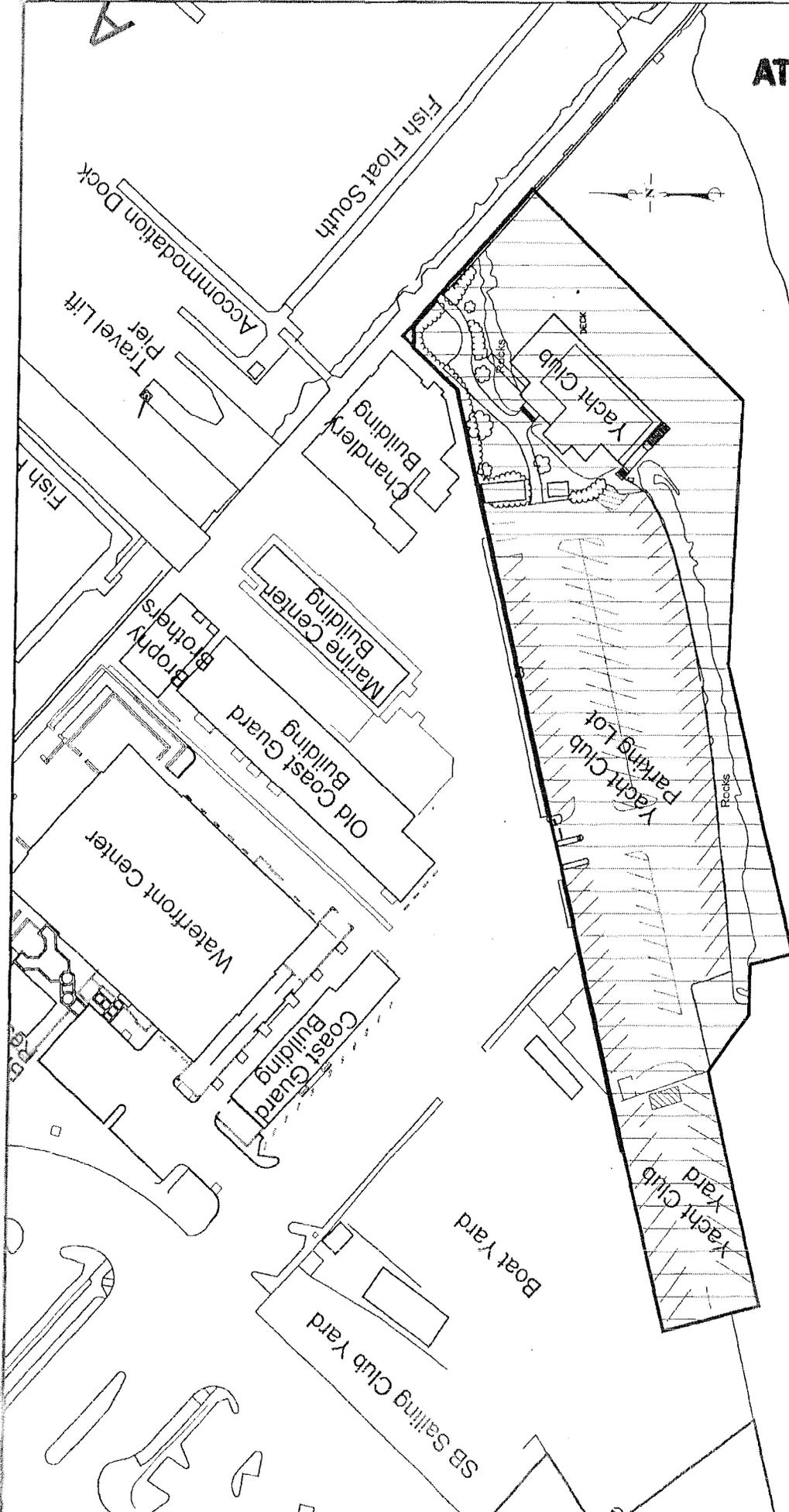
ATTACHMENT: Site Plan

PREPARED BY: Scott Riedman, Waterfront Business Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

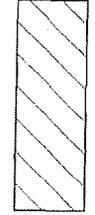
APPROVED BY: City Administrator's Office

ATTACHMENT



LEGEND

Lease Area



Santa Barbara Yacht Club
130 Harbor Way

Building: 5,936 SQ FT
Parking Lot: 37,924 SQ FT
Property: 67,469 SQ FT

Santa Barbara Yacht Club
Exhibit "A"

REVISIONS

DATE: 2/24/2010 SCALE: NONE
APPROVED BY: SR

DRAWN BY: T. LAWLER
SHEET NO: 1 OF 1

City of Santa Barbara
Waterfront Department

DRAWING NAME: 1300-000

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A 25-YEAR LEASE WITH THE SANTA BARBARA YACHT CLUB ON PREMISES LOCATED WITHIN THE SANTA BARBARA HARBOR, EFFECTIVE JULY 22, 2010

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 25-Year Lease With The Santa Barbara Yacht Club, Effective July 22, 2010, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010
TO: Mayor and Councilmembers
FROM: Business Division, Waterfront Department
SUBJECT: One-Year Lease Agreement With Marine Surveyor Mike Pyzel

RECOMMENDATION:

That Council approve a one-year lease agreement with a one-year option with Mike Pyzel, at a monthly rent of \$408.65 or six percent of gross sales, whichever is greater, for a marine surveyor's office at 125 Harbor Way, Suite 23.

DISCUSSION:

Mike Pyzel has leased an office on the second floor of the Marine Center Building at 125 Harbor Way since March 2008. The current lease expired on February 28, 2010.

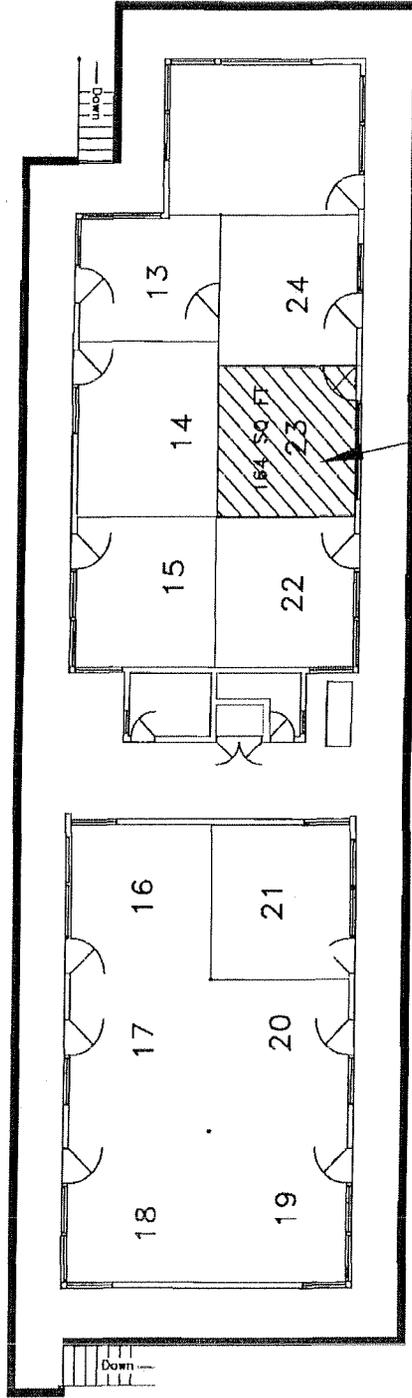
Mr. Pyzel has over twenty years experience in marine survey and consultation. Although Mike performs survey work from Morro Bay to San Diego, his primary work area is in the Ventura, Channel Islands, and Santa Barbara Harbors. He is well-known for his magazine articles, books, and manuals on navigation and other marine-related topics. The basic terms of the proposed lease are as follows:

- **Term:** One year, with a one-year option to extend;
- **Base Rent:** \$408.65 per month (\$2.44 p.s.f.);
- **Utility surcharge:** \$0.15 per square foot per month;
- **Percentage Rent:** Base rent or 6% of gross sales, whichever is greater;
- **Annual Rent Adjustment:** Annual adjustments based on the Consumer Price Index (CPI); and
- **Permitted Uses:** A business office for marine surveys, appraisals and consultation for vessel purchases, financing, insurance, voyage preparation and damage assessment.

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

2ND FLOOR
 125 HARBOR WAY #23
 164 SQ FT



ATTACHMENT

LEASE AREA - Exhibit "A"
 Room 23

REVISIONS	DATE: 1/24/08	APPROVED BY: Santa Barbara Harbor	DRAWN BY: T. Lawler
		City of Santa Barbara	SHEET NO. 1 of 1
		Waterfront Department	DRAWING NO. 1250-039



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Business Division, Waterfront Department

SUBJECT: Purchase Order For UCP/Work, Incorporated

RECOMMENDATION:

That Council find it in the City's best interest to waive the formal bid procedure as authorized by Municipal Code Section 4.52.080 (k), and authorize the General Services Manager to issue a purchase order to UCP/Work, Incorporated, for janitorial services at the Waterfront Department for Fiscal Year 2011 in an amount not to exceed \$220,000.

DISCUSSION:

UCP/Work, Inc. (Work, Inc.), has provided janitorial services to the Waterfront since 1992. Work, Inc., is a non-profit organization providing vocational rehabilitation services to individuals with mental, developmental, and physical disabilities. These individuals are referred through the Department of Rehabilitation, Tri-Counties Regional Center, and Mental Health Services.

Staff recommends that it is in the best interest of the City to continue providing work opportunities to disabled individuals in the Work, Inc., Vocational Rehabilitation Program. For Fiscal Year 2011, Work Inc. has agreed to charge the same rate (\$220,000 /year) as Fiscal Year 2010.

Work, Inc. provides a clean and safe environment for public enjoyment of the Harbor. The company is responsible for cleaning 20 restrooms, the commercial area of the Harbor, and collecting trash in the marinas. Work, Inc. supervisors oversee their employees seven days a week, including holidays. Work, Inc. employees are dependable, courteous and take their work seriously.

Section 4.52.08 (k) of the Municipal Code authorizes City Council to waive the formal bid procedure and approve the purchase of goods or services without complying with formal bid procedures, "where in the opinion of the Council, compliance with procedure is not in the best interest of the City" (Attachment 2). Sufficient funds for the Work, Inc contract are included in the Waterfront Department Fiscal Year 2011 budget submittal.

Council Agenda Report
Purchase Order For UCP/Work, Incorporated
June 15, 2010
Page 2

PREPARED BY: Scott Riedman, Waterfront Business Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010
TO: Mayor and Councilmembers
FROM: Business Division, Waterfront Department
SUBJECT: Five-Year Co-Sponsorship Agreement With Outdoors Santa Barbara Visitor Center

RECOMMENDATION:

That Council approve a five-year Co-Sponsorship Agreement with the National Oceanic and Atmospheric Administration, the National Park Service, and the Santa Barbara Maritime Museum, for the continued operation of the Outdoors Santa Barbara Visitor Center located on the fourth floor of the Waterfront Center Building.

DISCUSSION:

The City has partnered with the Channel Islands National Marine Sanctuary (A branch of NOAA), National Park Service, and U.S. Forest Service to operate the Outdoors Santa Barbara Visitor Center ("Visitor Center") on the fourth floor of the Waterfront Center building since January 1999. The Visitor Center agreement expired in January 2007 and the US Forest Service discontinued its involvement in the program. In 2008, the Santa Barbara Maritime Museum joined the program and began providing and scheduling docents to staff the Visitor Center.

The basic terms of the proposed agreement are as follows:

Term: Five years from the date of Council approval;

Rent: N/A;

Subsidy: N/A;

Hours of operation: 10 a.m. - 5 p.m., six days per week;

Termination clause: Any party may terminate the agreement upon 60 days written notice.

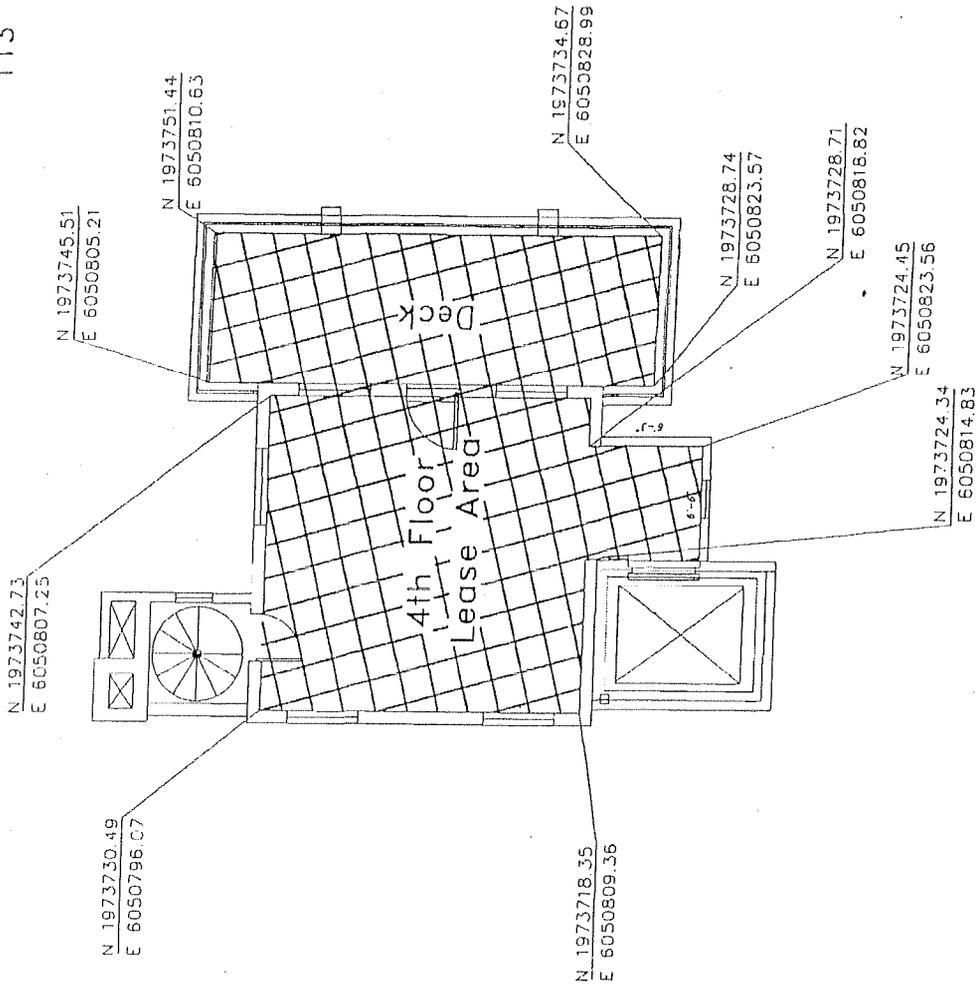
The Visitor Center stocks reference material including information on hiking, animals, plants, Chumash history, and maps of the islands and the surrounding area. Information is also available on the Harbor and Wharf merchants. A computer is available to search through various web sites and links providing information about the City, its history, waterfront businesses and additional information about the Channel Islands National Marine Sanctuary, the National Park Service and the Santa Barbara Maritime Museum. The City's contribution to the partnership is limited to providing the space for the Center and there are no City costs associated with operation of the Visitors Center.

All other business terms and conditions are identical to the previous agreement. The Harbor Commission recommended approval of the co-sponsorship agreement at the May 20, 2010, meeting.

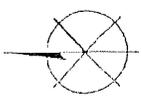
ATTACHMENT: Site Plan
PREPARED BY: Scott Riedman, Waterfront Business Manager
SUBMITTED BY: John N. Bridley, Waterfront Director
APPROVED BY: City Administrator's Office

ATTACHMENT

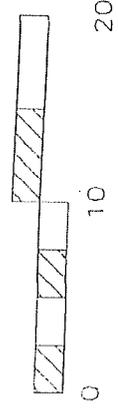
Waterfront Center Building
113



Visitor Center
4th Floor Lease Area



Project North



Visitor Center
Lease Area

DATE	11/18/02	PROJECT	113 HARBOR WAY - 4th Floor	TR	1130-VXX
DRAWN BY		CHECKED BY		SCALE	AS SHOWN
City of Santa Barbara Waterfront Department					
					22 of 22



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approval Of Map And Execution Of Agreements For 319 N. Milpas Street

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,773 for a subdivision at 319 N. Milpas Street, (finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the Tentative Subdivision Map), and other standard agreements relating to the approved subdivision.

DISCUSSION:

A Tentative Map for a subdivision located at 319 N. Milpas Street (Attachment 1) was conditionally approved on January 17, 2008, by adoption of the Planning Commission's Conditions of Approval, Resolution Number 003-08 (Attachment 2). The project involves the conversion of an existing 5,323 square foot, two-story, mixed-use building into two residential condominium units and one commercial condominium unit.

In accordance with the Planning Commission's approval, the Owners (Attachment 3) have signed and submitted the Parcel Map and the subject Agreements to the City; tracked under Public Works Permit No. PBW2008-01004 and Community Development Permit No. BLD2009-00395. It is necessary that Council approve the Parcel Map since it conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of the approval of the Tentative Map (Municipal Code, Chapter 27.09.060).

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

The *Agreement Assigning Water Extraction Rights* is being processed concurrently with this Council Agenda Report, but will be signed by the Public Works Director in accordance with City Council Resolution No. 02-131.

The Parcel Map is available for review in the City Clerk's Office.

- ATTACHMENTS:**
1. Vicinity Map
 2. Conditions that are required to be recorded concurrent with Parcel Map No. 20,773 by Planning Commission Conditions of Approval, Resolution No. 003-08.
 3. Owner's List

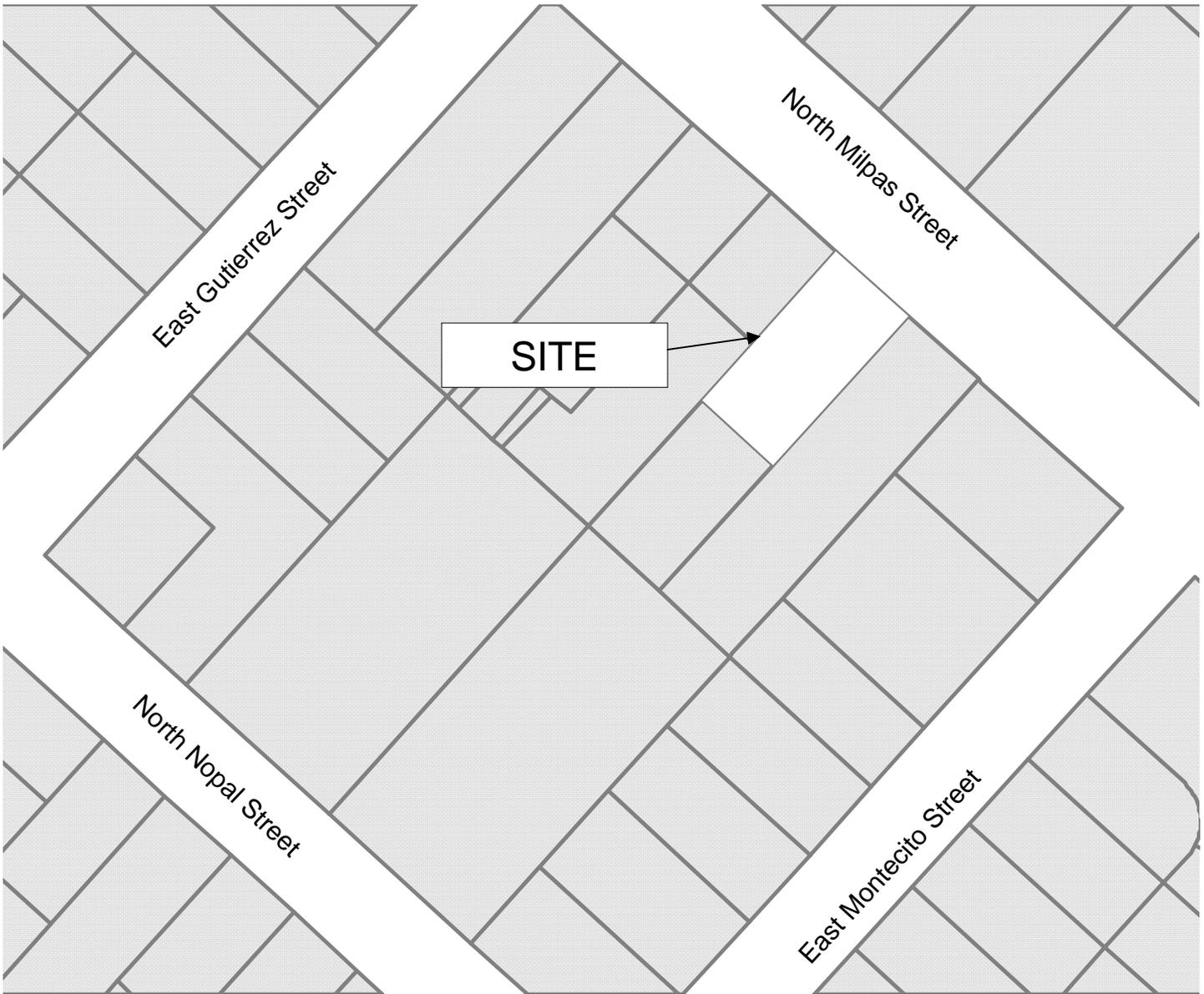
PREPARED BY: Mark Wilde, Supervising Civil Engineer/VJ/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

Vicinity Map



Not to Scale

CONDITIONS THAT ARE REQUIRED TO BE RECORDED CONCURRENT WITH PARCEL MAP NUMBER 20,773 BY PLANNING COMMISSION CONDITIONS OF APPROVAL, RESOLUTION NO. 003-08

319 N. Milpas Street

Said approval is subject to the following conditions:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
2. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state and in accordance with the Operations and Maintenance Procedure Plan approved by the Building Official. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
5. **Approved Development.** The development of the Real Property approved by the Planning Commission on January 17, 2008 is limited to the conversion of an existing 5,323 square foot, two-story mixed use building into three condominiums. The ground floor commercial portion of the building, which is currently occupied by a medical office, would be one unit. On the second floor are two residential units and each would become a condominium unit. Parking for the project would be provided by an existing 14-space parking lot, which is located partially on the subject lot and on the adjacent lot the south. A warehouse

located on the adjacent lot (317 N Milpas) shares the use of the parking lot. Four of the parking spaces on the subject lot would be dedicated to the residential units. Access to the site is provided by a 12 foot wide driveway, located adjacent to the western property line. Approval includes architectural plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.

- 6. Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. Available for Parking for Tenants.** A covenant that includes a requirement that all parking spaces, except for one guest parking space, be kept open and available for the parking of vehicles owned by the residents of the property. Additionally, a shared parking agreement shall be provided that allows parking on the adjacent interior lot, addressed as 317 N Milpas. There shall be one designated parking space per condominium unit.
 - c. Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.

ATTACHMENT 3

LIST OF OWNERS Milpas Street Partners

319 N. Milpas Street

William Meller, Managing Partner



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

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

SUBJECT: Contract For Construction For The Mission Creek Restoration And Fish Passage Project At Tallant Road

RECOMMENDATION: That Council:

- A. Award a contract with Shaw Contracting, Inc. (Shaw), in their low bid amount of \$576,706, for construction of the Mission Creek Restoration and Fish Passage Project at Tallant Road (Project), Bid No. 3580;
- B. Authorize the Public Works Director to execute a contract and approve expenditures up to \$57,670 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment; and
- C. Authorize the Public Works Director to execute a contract with Questa Engineering Corporation (Questa), in the amount of \$48,670, for construction support services, and approve expenditures of up to \$4,867 for extra services of Questa that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

Six bids were received for the construction of the Mission Creek Restoration and Fish Passage Project at Tallant Road; the lowest bidder was Shaw. To complete the construction phase of the Project, staff recommends that Council authorize the Public Works Director to accept the low bid and enter into a contract with Shaw. Staff also recommends that Council authorize the Public Works Director to enter into a contract with Questa for engineering services during construction.

DISCUSSION:

PROJECT DESCRIPTION

The primary goal of the Project is to modify the stream channel, downstream of the Tallant Road Bridge, in order to improve migratory conditions for the endangered Steelhead Trout. The finished Project is one of a few identified projects that will remove

Council Agenda Report

Contract For Construction For The Mission Creek Restoration And Fish Passage Project
At Tallant Road

June 15, 2010

Page 2

existing barriers that block Steelhead Trout access to historic spawning grounds. Another important goal of the Project is to improve riparian habitat within Oak Park through restoration of the creek banks. Installation of approximately 1,500 native plants will assist the Steelhead Trout by reducing erosion, providing shade, and improving water quality. The native plants will also improve habitat for migratory birds, small mammals, amphibians, and native pollinators. The restored area will improve the natural aesthetics of Oak Park and provide park visitors with opportunities for education on its natural history and wildlife.

The key components of the Project include:

- Removal of the concrete grade control structure downstream of the bridge.
- Removal of the existing sewer line and installation of a new sewer line immediately downstream of the bridge to protect it during large storm events.
- Construction of a new creek bed, three weirs (erosion control check structures), and three pools within the stream channel.
- Installation of 1,500 native plants and trees on the creek banks.

CONTRACT BIDS

A total of 6 bids were received for the subject work, ranging as follows:

	BIDDER	BID AMOUNT
1.	Shaw Contracting, Inc. Carpinteria, CA	\$576,706.00
2.	Schock Contracting Corp. Santa Barbara, CA	\$645,275.00
3.	Peter Lapidus Construction, Inc. Carpinteria, CA	\$756,264.64
4.	Specialty Construction, Inc. San Luis Obispo, CA	\$779,070.00
5.	Lash Construction, Inc. Santa Barbara, CA	\$968,250.00
6.	Blois Construction, Inc. Oxnard, CA	\$1,097,913.00

The low bid of \$576,706, submitted by Shaw is an acceptable bid that is responsive to and meets the requirements of the bid specifications.

The change order funding recommendation of \$57,670, or 10%, is typical for this type of work and size of project.

CONSTRUCTION PHASE CONTRACT SERVICES

Staff recommends that Council authorize the Public Works Director to execute a contract with Questa in the amount of \$53,537 (including \$4,867 in change order authority) for construction support services, including specialty onsite inspection services. Questa is experienced in this type of work.

PUBLIC OUTREACH

Staff will be sending out letters to the neighborhood surrounding Oak Park (Project site) prior to construction informing them about the Project, including Project purpose, timing, and any associated road closures. A public meeting will also be held at the site prior to construction to discuss the Project and answer any questions.

FUNDING

This Project is funded by the Wastewater and Creeks Division. There are sufficient appropriated funds in the Creeks and Wastewater Capital Funds to cover the cost of this Project as detailed below.

Construction of the Project will be funded through a combination of grant funds and Creeks Capital Program funds. There is currently \$310,670 appropriated for this Project in the Creeks Division Capital Fund. In 2009, the Creeks Division received a \$250,000 grant from the National Oceanic and Atmospheric Administration Open Rivers Program for construction of the Project. In April 2010, the Creeks Division received a \$397,000 grant from the Department of Fish and Game Fisheries Restoration Grant Program for Project construction. These three funding sources combined total \$957,670, of which \$647,000 is from grants. Additionally, Wastewater funds will contribute approximately \$96,000 to offset the cost of moving an existing sewer main. The total construction cost for the Project, including contingencies and the associated items listed below, is \$877,500.

The following summarizes the expenditures recommended in this report:

CONSTRUCTION CONTRACT FUNDING SUMMARY

	Basic Contract	Change Funds	Total
Construction Contract	\$576,706	\$57,670	\$634,376
Consultant Contract	\$48,670	\$4,867	\$53,537
TOTAL RECOMMENDED AUTHORIZATION			\$687,913

The following summarizes all Project design costs, construction contract funding, and other Project costs:

ESTIMATED TOTAL PROJECT COST

Design (by Contract)	\$66,400
Other Design Costs (by City Staff)	\$20,000
Subtotal	\$86,400
Construction Contract	\$576,706
Construction Change Order Allowance	\$57,670
Subtotal	\$634,376
Construction Management/Inspection (by City Staff)	\$103,187
Design Support Services during Construction (by Contract)	\$53,537
Subtotal	\$156,724
TOTAL PROJECT COST	\$877,500

SUSTAINABILITY IMPACT:

This Project will contribute to the local, regional, and federal objectives of removing migration barriers for the endangered Steelhead Trout within Mission Creek. The Project will also restore important riparian wildlife habitat within the City.

PREPARED BY: Joshua Haggmark, Principal Civil Engineer/TC/mj
 Cameron Benson, Creeks Manager

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

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Administration, Airport Department

SUBJECT: Change Order For Grant Funded Airport Noise Monitoring And Flight Tracking System

RECOMMENDATION:

That Council authorize the General Services Manager to increase the purchase order authority with ERA Corporation by \$211,921 to \$411,284 to upgrade the Airport Noise Monitoring and Flight Tracking System.

DISCUSSION:

The Airport Noise Monitoring and Flight Tracking System (NMFTS) is used to track aircraft operations to aid in response to community questions and complaints regarding noise, altitude, and flight paths of aircraft arriving and departing from the Airport. The NMFTS was upgraded in two phases, both funded by a grant from the Federal Aviation Administration. The cost of the total project was \$540,933.

A purchase order was issued on September 14, 2009, in the amount of \$199,363, to ERA Corporation to fund completion of Phase 2 of the Airport Noise Monitoring and Flight Tracking System (NMFTS) upgrade. The completed Phase 2 scope of work included replacement of two existing noise monitoring terminals (NMT), and installation of one new NMT and a new flight track receiver.

Due to a competitive bidding environment and changes in flight tracking technology, significant savings were realized over the course of this project. The project is nearly complete and the savings realized have resulted in a grant balance that is sufficient to purchase an upgraded server as part of a hosted server package.

An increase of \$211,921 in purchase order authority is being requested to take advantage of this opportunity to purchase an upgraded server for the Airport's noise monitoring and flight tracking system as part of a hosted server package.

Hosted computer server service is becoming the industry standard. Hosted services of this type are provided off-site in a dedicated computer server facility that is operated by the vendor and staffed to provide rapid response to problems and malfunctions.

Staff has discussed the proposed upgrade with the Federal Aviation Administration. FAA staff gave tentative approval for expenditure of the remaining grant funds for purchase of the upgraded system.

Airport Staff recommends that the City Council authorize the General Services Manager to increase the purchase order authority so the Airport can proceed with the NMFTS upgrade.

BUDGET/FINANCIAL INFORMATION:

Funds are available for the project, as appropriated in the Airport's Federal Aviation Administration, Airport Improvement Program Grant Fund.

SUSTAINABILITY IMPACT:

A consolidated off-site, hosted server will reduce Airport electrical consumption by eliminating a server currently housed at the Airport. Additionally, the hosted server will reduce out-of state service trips, and associated carbon emissions, by the vendor.

PREPARED BY: Tracy Lincoln, Airport Operations Manager

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department
Administration Division, Finance Department

SUBJECT: Public Hearing Regarding Proposed Utility Rate Increases

RECOMMENDATION: That Council:

- A. Hold a Public Hearing, as required by State law, regarding proposed utility rate increases for water, wastewater, and solid waste collection services for Fiscal Year 2011; and
- B. Provide direction to staff regarding any changes to proposed Fiscal Year 2011 utility rates.

DISCUSSION:

As reviewed with Council during the development of the Fiscal Year 2011 recommended budget, staff is proposing increases in water, wastewater, and solid waste collection fees for Fiscal Year 2011. Proposition 218, approved by California voters in 1996, requires that property owners be notified of planned rate increases and that a public hearing be held prior to adoption of rate increases. Rate increases can be adopted unless a majority of property owners submit a written protest. Accordingly, the attached Notice of Public Hearing was included with utility bills sent to City utility customers during March and April 2010. In addition, a notice about the proposed rate increases has been posted on the City's web site. As of May 24, 2010, six written protests have been received.

Water and Wastewater Rates

For water service, staff has recommended an across-the-board increase of 3.5% for all monthly service charges and metered water usage. The increase will help support major Water Fund capital projects, including rehabilitation of the Ortega Groundwater Treatment Plant, construction of advanced treatment facilities at the Cater Water Treatment Plant, ongoing water main replacement, rehabilitation of the recycled water filtration system, and capital maintenance work on treatment and distribution facilities. Operating costs include significant increases in water treatment costs due to lingering water quality effects of the Zaca Fire. With the recommended rates, the average single-

family residential water customer, using 12 hundred cubic feet (HCF) per month, would see an increase of approximately \$2 per month, from \$61.39 to \$63.57 per month.

For wastewater service, an across-the-board increase of 4% is proposed for monthly base charges and unit rates. Major capital projects in the Wastewater Fund include ongoing rehabilitation of treatment facilities, pursuant to the El Estero Wastewater Treatment Plant Strategic Plan, and ongoing rehabilitation and replacement of collection system pipes. The increase for the average single-family residential customer would be a little over \$1 per month, from \$32.93 to \$34.21.

The proposed rate increases are consistent with the Water Resources Division's 10-year financial plan, developed to support the ongoing operation, maintenance, rehabilitation, and improvement of the water and wastewater systems. Buy-in fees for water and sewer are recommended to remain at current levels for Fiscal Year 2011.

Solid Waste Collection Fees

Solid Waste fees apply to collection of trash, greenwaste, commingled recyclables, and other miscellaneous solid waste collections. Increases of up to 2.9% for most rates are recommended, based on contractual requirements to compensate the haulers for increases in the cost of doing business. Under the proposed rates, basic residential service (one trash can) would increase from \$26.08 to \$26.83 per month, and would continue to include free collection of greenwaste and commingled recyclables.

Water Commission Review

The Water Commission discussed proposed water and wastewater rates at their March 2010 meeting, and proposed agricultural rates at their April 2010 meeting. On May 10, 2010, the Commission recommended adoption of the 3.5% water and 4.0% wastewater increases, as included in the recommended budget. The Commission did not make a separate recommendation about agricultural rates. The Commission reviewed a number of special accommodations made in previous years for the agricultural customer class, including providing the lowest Block 1 rate of any customer class, a recently increased annual allotment, and the ability to carry over unused allotment to future years. The Commission's discussion reflected a position that any benefits associated with agricultural land use were outside the purview of the Commission, and therefore not appropriate for a policy recommendation by the Commission.

Finance Committee Review

On May 11, 2010, the Finance Committee received presentations from staff on proposed utility rate increases. The Committee recommended a water rate increase of 2.5%, instead of the 3.5% included in the recommended budget. On wastewater rates, the Committee supported staff's proposed 4% rate increase. The Committee discussed the various elements of the solid waste collection rates, but did not adopt a motion on solid waste collection rates.

Council Direction on Utility Rates

The Fiscal Year 2011 Fee Resolution is scheduled to be approved by Council on June 29, 2010 as a part of the adoption of the Fiscal Year 2011 budget. The new rates would become effective July 1, 2010. Staff requests direction from Council regarding the rate increases to be included in the Fiscal Year 2011 budget.

ATTACHMENT: Notice of Public Hearing – Proposed Increase To Utility Rates

PREPARED BY: Bill Ferguson, Water Resources Supervisor

SUBMITTED BY: Christine F. Andersen, Public Works Director
Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

NOTICE OF PUBLIC HEARING Proposed Increase to Utility Rates



Date: June 15, 2010
Time: 2:00 p.m.
Place: City Council Chambers, City Hall
 735 Anacapa Street, Santa Barbara

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Barbara will consider a recommendation to adopt a resolution, at the above-indicated time and place, to increase water, wastewater (sewer), and solid waste collection rates charged by the City. Increases would be effective on utility bills dated July 1, 2010 or later. Sample billing comparisons for current and proposed rates are shown on the reverse. Small variations in the stated percentages may occur due to rounding.

Water Rates (Applicable only to customers billed by the City for water service)

The proposed water rate increase is three and one-half percent (3.5%) of quantity charges and monthly service charges for all customer classes. The monthly bill for the average in-City single family residential customer (twelve hundred cubic feet of water) would increase from \$61.39 to \$63.57 under the proposed rates. The proposed increase will fund increasing water system costs resulting from infrastructure cost escalation, increased treatment costs due to water quality effects of the Zaca Fire, stricter drinking water regulations, and the ongoing need to repair and upgrade the water system. This includes rehabilitation of the City's Ortega Groundwater Treatment Plant, advanced treatment improvements at Cater Water Treatment Plant, and the annual water main replacement program.

Wastewater Rates (Applicable only to customers billed by the City for sewer service)

The proposed wastewater rate increase is four percent (4%) of the City's current charges for all customer classes. The maximum monthly charge for a single family residential customer would increase from \$32.93 to \$34.21 under the proposed rates. The proposed increase will fund rising wastewater system costs resulting from capital improvement requirements and the ongoing need for rehabilitation of the City's wastewater treatment plant and collection system.

Trash & Recycling (Applicable only to customers billed by the City for trash/recycling collection)

Increases are needed to meet the City's contractual obligation to compensate haulers for changes in the cost of doing business. Lower cost recycling, greenwaste, and foodscrap services are available to help customers reduce their overall costs and help the City meet its trash diversion goals.

Residential: A 2.9% increase is proposed for single-family and multi-unit residential trash/recycling collection rates. Exception: The multi-unit minimum charge is proposed to change to include 3 cans, rather than the current minimum of 4, for an increase of \$2.96 per month for customers with 4 cans.

Business: The required 2.9% increase in revenue was targeted, with modest differences in specific rate changes designed to encourage efficient levels of service. Specific rate changes include: 1) Extra and on-call pick-ups for businesses would be increased to 10% above regular business charges for extra pick-ups; 2) The credit for customer-owned recycling, foodscraps, or greenwaste dumpsters would be reduced to 15% of the credit for trash dumpsters to reflect the reduced rates for recycling, foodscraps, and greenwaste service. 3) The rate for trash service for business carts/cans would not be increased.

This notice is intended only for customers billed by the City of Santa Barbara for water, wastewater, and/or solid waste collection services. For a complete list of all current and proposed rates, go to: www.SantaBarbaraCA.gov/UtilityBilling or call (805) 564-5460.

If you oppose any of the above increases, please deliver your protest **in writing** to the City Clerk of the City of Santa Barbara at 735 Anacapa Street, Santa Barbara, CA, 93101, prior to or during the City Council's consideration of this item on June 15, 2010. (If you wish to submit your protest during the public hearing, please deliver it to City Staff in the Council Chamber.) Because multiple rates are being considered by City Council at the same hearing, please indicate the specific rate you are protesting.

Typical Water and Wastewater Billing Comparisons – Current vs. Proposed Rates

Customer Class	Example	Assumed Monthly Usage (hcf/mth)	Total Monthly Water & Wastewater Charges*		
			Current Rates	Proposed Rates	\$ Increase
Single Family Residential	Low User 5/8" meter	6	\$57.40	\$59.52	\$2.12
	Average User 5/8" meter	12	\$94.32	\$97.78	\$3.46
	Above Average User 1" meter	40	\$250.55	\$259.60	\$9.05
Multi-Family Residential Building	12 dwelling units 2" meter	60	\$558.89	\$579.64	\$20.75
Commercial	75% at Block 1 rate 25% at Block 2 rate 2" meter	60	\$527.24	\$546.34	\$19.10
Industrial/ High Strength Commercial	75% at Block 1 rate 25% at Block 2 rate 2" meter	100	\$864.94	\$896.54	\$31.60
Irrigation-Commercial	75% at Block 1 rate 25% at Block 2 rate 2" meter – no sewer	60	\$385.04	\$398.74	\$13.70
Recycled Water	2" meter – no sewer	250	\$545.69	\$564.04	\$18.35
Irrigation-Residential	1 acre of irrigated area 75% at Block 1 rate 25% at Block 2 rate 1" meter – no sewer Allotments are annualized – monthly average shown at right	40	\$222.80	\$230.75	\$7.95
Irrigation-Recreation		120	\$374.30	\$387.65	\$13.35
Irrigation-Agriculture		72	\$193.88	\$200.69	\$6.81
Out-of-City Customers	Currently charged at 130% of rates for corresponding in-City classes; no change is proposed in this percentage.				

* Not including 6% utility tax on water, as applicable

Typical Trash, Recycling, & Greenwaste Billing Comparisons Current vs. Proposed Rates

Service Level	Current Rates*	Proposed Rates*	\$ Change
Basic Residential Service (32-gal trash, 32-gal greenwaste, up to 96-gal recycle)	\$26.08	\$26.83	+\$0.75
Minimum Multi-Unit Residential (3 cans or less) (3-32 gal trash/week, + up to 96-gal greenwaste, up to 96-gal recycling)	\$34.40	\$34.30	-\$0.10
Multi-Unit Residential (4 cans) (4-32 gal trash/week, + up to 96-gal greenwaste, up to 96-gal recycling)	\$34.40	\$37.36	+\$2.96
Sample Small Business Cart/Can Service Assuming (96-gal trash/week, up to 96-gal greenwaste, up to 96-gal recycle)	\$60.83	\$58.80	-\$2.03
Sample Business Dumpster Service Assuming (4yd trash/week, 4yd recycle/week)	\$320.28	\$329.61	+\$9.33

* Not including 6% utility tax on trash/recycling collection, as applicable

For more information, including a complete list of all current and proposed rates:
www.SantaBarbaraCA.gov/UtilityBilling or (805) 564-5460

CORRESPONDENCE

14 April 2010

City Clerk of the City of Santa Barbara

735 Anacapa Street

Santa Barbara, Calif. 93101

RECEIVED

2010 APR 19 AM 10:02

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Re: Proposed Increase to Utility Rates

I strongly oppose any utility rate increases (Water/Wastewater/Trash recycling etc.)

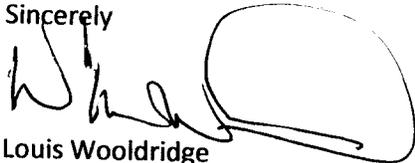
The rates being discussed are beyond what our community can afford in this current environment.

I dislike the annual process of these services getting seemingly mandatory increases independent of the improvement of services. The City cannot continue to service the unions and cartels that exist within the city (and State).

No increases ..

Our City and State is on a path of non recovery and one which is making too huge demands upon the tax payers. We are deep in debt, out of budget and it must stop.

Sincerely



Louis Wooldridge

425 Loma Media Road

93103

I am Very opposed to
any increases to the Utility Rates.

If the city does not have
enough money for its Budget,
then Cut the Budget!!
+ that includes Pensions
+ Union Contracts

David DeLisle
46 Pine Drive
Santa Barbara CA 93105
805-886-5122

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

2010 APR 19 AM 10:02

RECEIVED

RECEIVED

2010 APR 21 AM 9:48

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

4-20-10

Dear City Clerk,

I am totally Against all 3 proposed rate increases - water, Wastewater, and trash + Recycling. I protest all three.

These are tough economic times, and it is getting too expensive to own a home and live in this city!

I do recall water rates were increased
(over)

in the last two years.

Thank you,
Michael R. Thompson
320 CANYON DR.
Santa Barbara, CA. 93105
(homeowner)

April 21, 2010

Christine Vanderbilt
107 Via del Cielo
Santa Barbara, CA 93109

RECEIVED

2010 APR 23 PM 3:40

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

City Clerk of the City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

Re: Protest regarding proposed rate increases for water services
Protest regarding proposed rate increases for sewer services
Protest regarding proposed rate increases for Trash & Recycling collection

Dear Members of the City Council:

This letter will serve as my written PROTEST to each and every rate increase proposed for city services for water, sewer and trash & recycling services.

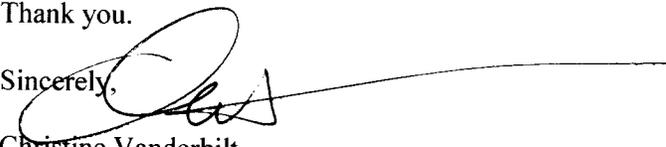
You have run this city's finances into the ground by years of wasteful spending on pet projects and non-essential services and projects, and by raiding the long-term savings funds of the city to pay for your current non-emergency expenses, and by contracting out your city's taxpayers to pay outrageous salaries and benefits for city employees. ("Blue Line" project; ridiculous and unnecessary numerous bulb-outs at perfectly functional intersections; official resolutions for the city to adopt a certain position on federal and other non-city political issues; costs for expensive studies by expert poll takers, and so on).

You do not need to raise tax rates on your citizens to pay for your profligate spending. What you need to do is: STOP SPENDING, STOP TAXING, get a pared-down budget in order and stick to it. Do not raid the emergency funds of the city; instead use those funds only to pay for emergencies such as temporary increased costs for repairs due to the Zaca fire, for capital improvements, etc. You are going to drive out hardworking wage-earners and business owners from this city by increasing taxes just a bit at a time, and finally people are going to reach their level of (justified) outrage and move out of here. Jobs will decrease, businesses will continue to close, and solid-middle-class neighborhoods of families will weaken.

Please take my PROTEST into consideration during your deliberations at the public hearing of June 15, 2010.

Thank you.

Sincerely,


Christine Vanderbilt

April 21, 2010

City Clerk
City of Santa Barbara
735 Anacapa St
Santa Barbara, CA 93101

RECEIVED

2010 APR 29 PM 2: 11

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Subject: Rate increases for water, wastewater and trash/recycling

Dear Mayor Schneider, Councilmember Francisco, Councilmember White, Councilmember House, Councilmember Williams, Councilmember Self and Councilmember Hotchkiss,

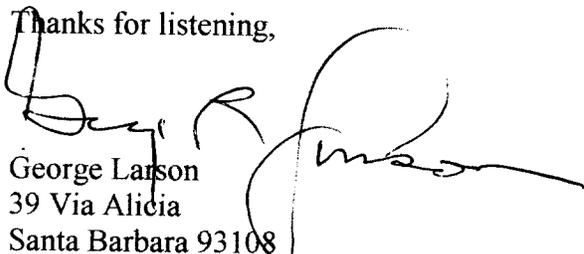
This letter is written in response to a request for public comment on proposed rate increases for water, wastewater and trash/recycling. The rate increases appear to range from about 3 to 4 percent.

It's wonderful to grant rate increases in an inflationary environment, but we are not there. Over 12% of California is out of work, many have given up looking for a job and a great number of those working are getting half to three quarter pay with reduced benefits. The collapse of the stock market has seriously reduced the value of individual retirement accounts and bank savings accounts now pay 1 to 1 ½ percent. In addition, housing values have tanked and many owe more on their houses than the houses are worth. Please recognize that the world has changed and a very large percentage of the homeowners in Santa Barbara are having a rough time and a return to 'the good old days' is not visible on the economic horizon.

Instead of a rate increase, I strongly recommend a 15% rate reduction across the board. This 15% is a fraction of the loss of income experienced by most of the voters of this beautiful city, but it will help even the score a little. The 15% reduction should apply to pay rates, benefits, pensions and city fees. An additional 5 to 10% reduction should be planned for 12 months later. Once the city is living within its means we, the residents and voters of Santa Barbara, can work with the city's representatives to establish a fair rate of pay and benefits.

Los Angeles is on the verge of economic collapse. So is the state of California. The state of Illinois, of all places, has just enacted major legislation to control costs. If Santa Barbara goes into financial ruin, the blame will be easy to place.

Thanks for listening,


George Larson
39 Via Alicia
Santa Barbara 93108

May 5, 2010

To City Officials,

I am billed by the city of Santa Barbara for utilities and I am very opposed to any rate increases, for any reason. Too many rate increases! Negotiate with providers, like trash. I can't believe the amount that was just approved for the Cater plant. It JUST got a major facelift. Try to cut costs. STOP raising rates.

Cathy Garcia
306 Argonne Circle\
Santa Barbara



RECEIVED

2010 MAY 10 AM 11:50

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE



Agenda Item No. _____

File Code No. 640.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010

TO: Mayor and Councilmembers

FROM: Building Division, Community Development Department

SUBJECT: Introduction Of Ordinance Amendments Related To Construction Prohibited In The Vicinity Of The Conejo Landslide

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the City Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code in Order to Amend Chapter 22.90 Pertaining to the Extent of the Revised Slide Mass C Area Covered by the City's 1997 Conejo Slide Area Ordinance in Order to Reduce the Area of Slide Mass C in Accordance with New Geological Information and to Allow Certain Limited New Non-habitable Improvements and Historic Resources to be Built Under Certain Circumstances.

DISCUSSION:

The recommendation before City Council is to: 1) amend the existing "Map of the Conejo Slide Area" in accordance with the Grover Hollingsworth and Associates, Inc. geotechnical report dated May 29, 2009 that relocates the Slide Mass C boundary of the Conejo Landslide, allowing for reconstruction of four homes destroyed in the Tea Fire (see map as part of ordinance); 2) clarify the definition of "new construction" in Municipal Code Chapter 22.90; 3) allow some minor, non-habitable building construction within the current 25-foot buffer zone around the Slide Mass C boundary; and, 4) allow designated historic structures to be reconstructed within the Slide Mass C area of the Conejo Landslide.

In 1984, City Council adopted Municipal Code Chapter 22.90, "Construction Prohibited In The Vicinity Of The Conejo Road Landslide" due to active slide movement in the Conejo area. Municipal Code Chapter 22.90 prohibits all new construction, with some minor exceptions, on parcels located entirely or partially within the boundary of Slide Mass C (the most active portion of the Conejo Landslide). To date, approximately eight homes and structures have succumbed to landslide movement. Other homes continue to experience foundation settlement, cracking of slabs, collapse of sewers, exterior stucco cracking, movement of utilities, and severe cracking or collapse of block walls and fences, among other detrimental affects upon private property. The Ealand Place

cul-de-sac, located at the top of the Conejo Landslide, continues to slide and is severely sloped. This has rendered the cul-de-sac non-drivable. Clearly, the real potential for a major landslide, especially in the event of an earthquake, remains a significant public health and safety concern for the Conejo area.

At the request of several property owners in the Slide Mass C area, the City reviewed a geologic report prepared by the firm of Grover-Hollingsworth and Associates in May 2009. The City's Chief Building Official commissioned a peer review of the report by Frank J. Kenton, an experienced geologist very familiar with the history of the Conejo Slide area and its underlying geologic conditions. Mr. Kenton's geological review, dated December 17, 2009, recommends revisions to the map defining the boundary of the Slide Mass C area. The revisions reduce the northern extent of the slide mass and slightly move to the southeastern boundary of the slide mass. These revisions would allow for reconstruction of several homes destroyed in the Tea Fire with the implementation of several special construction conditions. City staff is recommending an amendment of the existing "Map of the Conejo Slide Area" consistent with Mr. Kenton's recommendations.

Special construction conditions would be applicable to homes identified in the Grover Hollingsworth and Associates geotechnical report dated May 29, 2009 and Frank J. Kenton's geological review of the Grover Hollingsworth report dated December 17, 2009. Some of these conditions may include foundation inspections to be performed by a California Registered Engineering Geologist to confirm earth materials encountered are as described in the Preliminary Geologic and Soils Engineering Reports; that the location of the Slide Mass C boundary has been positively located on the site; that should there be a change in the consultant record, the new consultant must sign a statement with the City that they accept all geologic and soils engineering design and interpretations in the Grover Hollingsworth report dated May 29, 2009 and subsequent documents.

Other proposed ordinance amendments include adding a sentence to the definition of "New Construction" to clarify that under **Section 22.90.090 C. (i) "routine repairs and maintenance"** does not apply to structures which have either become dangerous buildings as defined in the 1997 Uniform Code for the Abatement of Dangerous Buildings, or that have been destroyed by fire, flood, wind, earthquake, landslide or other calamity or act of God or the public enemy, and shall not be permitted to be reconstructed or otherwise rebuilt.

City staff are also proposing to amend **Section 22.90.040 Exception: Designs by Engineering Geologist** by adding sections to allow some non-habitable improvements within 25 feet of the Slide Mass boundary but not closer than 10 feet. These non-habitable improvements would include walkways, retaining and non-retaining walls, driveways, storage sheds and other amenities as deemed appropriate by the Chief

Building Official. Septic systems, sewers, sewer laterals, water piping and landscaping sprinklers would continue to be prohibited within the 25-foot setback. Staff is also recommending that designated Historic Structures within the Conejo Landslide Area be allowed to be reconstructed in accordance with the provisions of the State Historic Building Code. However, a geotechnical engineer's recommendation for foundation design and oversight on the project will also be required.

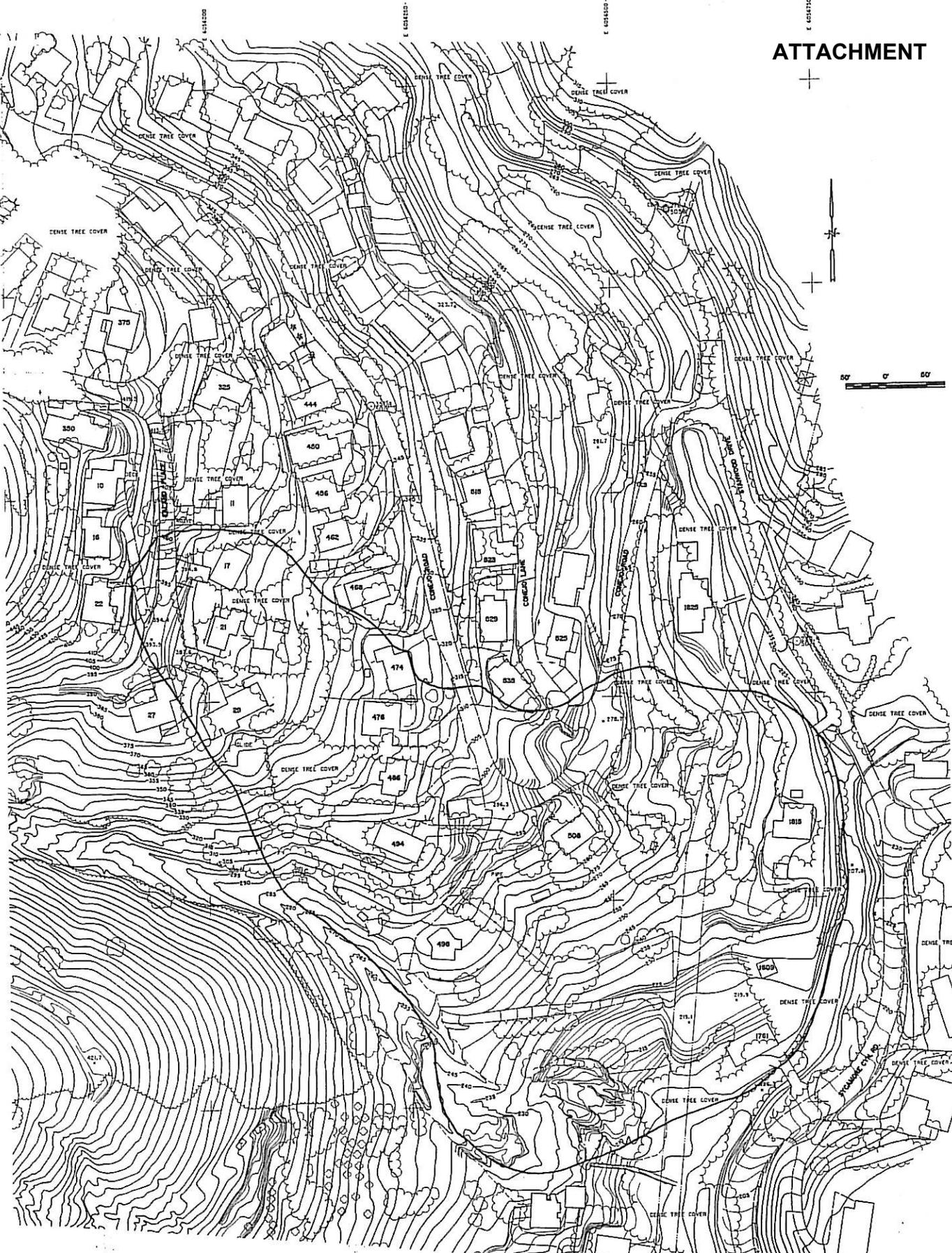
Permit applications have been submitted to the City for homes currently included in the Conejo Landslide Area that would not be allowed to be rebuilt under the current ordinance. Should the Council approve the revised Conejo Landslide Mass C boundary change and other amendments as proposed, the review process for approval of the plans for the reconstruction of these homes could be reinitiated.

The proposed ordinance amendments are categorically exempt from the California Environmental Quality Act of 1970 (CEQA) pursuant to CEQA Guidelines Sections 15308 and 15331. The proposed amendments would not modify in any way other requirements contained in the California Building Code, State Historic Building Code, and the City's Municipal Code that ensure that developments do not pose significant threat to public health and safety. The proposed amended Map of the Conejo Slide Area and associated special construction conditions have also been reviewed and recommended by California Certified Engineering Geologist Frank J. Kenton for the City's Chief Building Official on August 5, 2009. The proposed amendments, therefore, would not result in significant effects on geologic hazards or other environmental resources.

On May 11, 2010, the Ordinance Committee reviewed and approved submitting the Conejo Landslide Ordinance Amendments to City Council.

ATTACHMENT: Revised Conejo Slide Area Map
PREPARED BY: George A. Estrella, Chief Building Official
SUBMITTED BY: Paul Casey, Assistant City Administrator/Community Development
APPROVED BY: City Administrator's Office

ATTACHMENT



REVISED CONEJO LANDSLIDE MAP
MARCH 1, 2010

**COUNCIL INTRODUCTION DRAFT
SHOWING CHANGES FROM CURRENT CODE
NEW PROVISIONS IN UNDERLINE
~~DELETIONS IN STRIKE-OUT TEXT~~
JUNE 15, 2010**

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SANTA BARBARA
AMENDING TITLE 22 OF THE SANTA
BARBARA MUNICIPAL CODE IN ORDER
TO AMEND CHAPTER 22.90 PERTAINING
TO THE EXTENT OF THE REVISED
SLIDE MASS C AREA COVERED BY THE
CITY'S 1997 CONEJO SLIDE AREA
ORDINANCE IN ORDER TO REDUCE THE
AREA OF SLIDE MASS C IN
ACCORDANCE WITH NEW GEOLOGICAL
INFORMATION AND TO ALLOW CERTAIN
LIMITED NEW NON-HABITABLE
IMPROVEMENTS AND HISTORIC
RESOURCES TO BE BUILT UNDER
CERTAIN CIRCUMSTANCES.

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

**SECTION ONE: Section 22.90.040 of Chapter 22.90 of Title 22
of the Santa Barbara Municipal Code is amended to add a new
subparagraph F which reads as follows:**

F. NON-HABITABLE IMPROVEMENTS. Non-habitable building
improvements may be constructed within twenty-five (25)
feet of the Slide Mass C boundary but not closer than
ten (10) feet. For the purposes of this subparagraph,
non-habitable improvements shall include walkways,
retaining and non-retaining walls, driveway paving,
portable storage sheds, and other non habitable
improvements as deemed appropriate by the Chief
Building Official. However, septic systems, building
sewers, sewer laterals, water piping, and landscaping
sprinklers remain prohibited when within the 25 feet of
the boundary of Slide Mass C.

**SECTION TWO: Section 22.90.045 of Chapter 22.90 of Title 22
of the Santa Barbara Municipal Code is amended to read as
follows:**

Section 22.90.045 Map of the Conejo Slide Area.
The Map of the Conejo Slide Area, as depicted in the
Grover-Hollinsworth Geotechnical Report dated May 29, 2009

~~and dated November 6, 1997 and depicting the parcels of real property that are located entirely or partially within the boundary of Slide Mass C of the Conejo Slide Area is hereby amended to be consistent with the boundaries described in above-referenced Report.~~ The City Clerk and the Chief of Building and Safety shall each keep a copy of the Map of the Conejo Slide Area and a full copy of the May 29, 2009 Grover-Hollinsworth Geotechnical Report on file as received by the City. An facsimile example of such map shall be reproduced and codified with this section as an exhibit to this section.

SECTION THREE: Chapter 22.90 of Title 22 of the Santa Barbara Municipal Code is hereby amended to add a new section, section 22.90.080, which reads as follows:

Section 22.90.080 Special Geological Provisions.

Those residential structures identified in the report dated December 17, 2009 prepared by Frank J. Kenton for the City's Chief Building Official (hereinafter the "2009 Kenton Report") which are listed as being appropriate for reconstruction may be reconstructed by their owners in the manner consistent with the recommendations contained with 2009 Kenton Report including, specifically, the applicable construction recommendations contained in the Grover Hollingsworth and Associates, Inc., report dated May 29, 2009 both of which reports shall be on file with the City Clerk.

SECTION FOUR: Section 22.22.70 of Chapter 22.22 of the Santa Barbara Municipal Code is hereby amended to add a new subparagraph, subparagraph B, "Reconstruction of Historic Resources within the Conejo Slide Area," which reads as follows:

A. PRESERVATION OF LANDMARKS AND STRUCTURES OF MERIT.

Every Landmark and Structure of Merit shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Landmark provided that whenever such repair or maintenance would result in an alteration to the exterior of the structure or whenever it would require the issuance of a City building permit, the issuance of such a permit shall be reviewed by the Commission and, if necessary, conditioned in accordance with the requirements of this Chapter, provided that such review shall be consistent with the Landmark alteration review authority granted by Section 817(c) of the City Charter and Section 22.22.080 hereof. Every Landmark or Structure of Merit is hereby determined to be eligible for application of alternative standards for historical structures as provided in the California Building Code as adopted and amended by the City.

B. RECONSTRUCTION OF HISTORIC RESOURCES WITHIN THE CONEJO SLIDE AREA. Designated City Historic Resources located within the Slide Mass C Area may be reconstructed in accordance with the latest edition of the Historical Building Code as adopted by the State of California as amended by the City of Santa Barbara provided that such reconstruction is accomplished as follows:

1. in a manner which follows the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995) and;
2. in a manner consistent with appropriate historic design review where design approval is obtained from the City's Historic Landmarks Commission as required by Santa Barbara Municipal Code sections 22.22.080 and 22.22.090, and ;
3. the structure constituting the Historic Resource is not expanded in size.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010
TO: Mayor and Councilmembers
FROM: Airport Administration, Airport Department
SUBJECT: Conference With Real Property Negotiator

RECOMMENDATION: That Council:

- A. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease of City-owned property consisting of a fifteen acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608] in the City of Santa Barbara. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease of the City-owned property with Target Corporation, a Minnesota corporation. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Sarah Knecht, Assistant City Attorney. Negotiator for the potential lessee is Dietrich Haar, Real Estate Manager; and
- B. Hold a closed session to consider instructions to its negotiators regarding a possible long-term lease, purchase or exchange of City-owned property consisting of a fifteen acre parcel of real property located at 6100 Hollister Avenue at the Airport, bounded by Hollister Avenue, Frederick Lopez Road, Francis Botello Road and David Love Place (Parcel 22 of the Airport Specific Plan Map [City Parcel Map No. 20,608] in the City of Santa Barbara. Instructions to negotiators will direct staff regarding the price and terms of payment of a possible lease, purchase or exchange of the City-owned property located at 6100 Hollister Avenue with the California Army National Guard for the National Guard Armory property located at 730 E. Canon Perdido (APN 031-041-001) in the City of Santa Barbara. Negotiations are held pursuant to the authority of Section 54956.8 of the California Government Code. City Negotiators are: Karen Ramsdell, Airport Director; Paul Casey, Assistant City Administrator/Community Development Director; Stephen P. Wiley, City Attorney. Negotiator for the potential lessee, seller or exchange is Colonel Michael L. Herman. Under negotiation: Price and terms of payment of a possible ground lease, purchase or exchange.

SCHEDULING:

Duration, 30 Minutes; anytime

REPORT:

None anticipated

PREPARED BY: Hazel Johns, Assistant Airport Director

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

APPROVED BY: City Administrator's Office



Agenda Item No. _____

File Code No. 440.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: June 15, 2010
TO: Mayor and Councilmembers
FROM: City Administrator's Office
SUBJECT: Conference With Labor Negotiator

RECOMMENDATION:

That Council hold a closed session, per Government Code Section 54957.6 to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, Police Managers Association, General Bargaining Unit, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

SCHEDULING: Duration, 30 minutes; anytime
REPORT: None anticipated
PREPARED BY: Kristy Schmidt, Employee Relations Manager
SUBMITTED BY: Marcelo López, Assistant City Administrator
APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 25, 2010

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Interviews For City Advisory Groups

RECOMMENDATION: That Council:

- A. Hold interviews of applicants to various City Advisory Groups;
- B. Continue interviews of applicants to June 8, 2010; and
- C. Continue interviews of applicants to June 15, 2010.

DISCUSSION:

Interviews of applicants to various positions on City Advisory Groups are to be held on May 25, 2010, at 4:00 p.m. Applicants will also have the option to be interviewed on June 8, 2010, at 4:00 p.m. and June 15, 2010, at 6:00 p.m.

Applicants to the Franklin Center, Lower Westside Center and Westside Center Advisory Committees were also given the option to be interviewed by a Council Subcommittee, instead of the City Council, on Thursday, May 20, 2010, at 7:00 p.m. at the Louise Lowry Davis Center.

For the 41 vacancies, 41 individuals submitted 46 applications. A list of eligible applicants and pertinent information about the City Advisory Groups is attached to this report.

Applicants have been notified that to be considered for appointment, they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation in response to a set of questions specific to the group for which they are applying. An overall time limit of five minutes is allotted if the applicant has applied to more than one group.

Appointments are scheduled to take place on June 29, 2010.

ATTACHMENT: List of Applicants

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

SUBMITTED BY: Marcelo A. López, Assistant City Administrator

APPROVED BY: City Administrator's Office

ARCHITECTURAL BOARD OF REVIEW

- One vacancy.
- Term expires 12/31/2010.
- Qualified elector of the City or a registered voter of the County of Santa Barbara who may be a licensed architect, someone who possesses professional qualifications in related fields including, but not limited to landscape architecture, building design, structural engineering or industrial design, or who represents the public at large.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Licensed Architect/ Professional Qualifications/Public at Large (1)</i>	Chris Gilliland			Landscape Architect – Qualified Elector
	Keith Nolan			Architect - County

ARTS ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City with acknowledged accomplishments in the arts and who demonstrates an interest in and commitment to cultural and arts activities.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Jacqueline Kronberg			
	Tom Morey			

CENTRAL COAST COMMISSION FOR SENIOR CITIZENS

- One vacancy.
- Term expires 6/30/2011.
- Resident of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident of the City (1)</i>	None			

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Five vacancies.
- One term expires 12/31/2010;
One term expires 12/31/2011;
One term expires 12/31/2012; and
Two terms expire 12/31/2013.
- Residents or employees within the City but need not be qualified electors of the City. One representative from each:
 - African American Community
 - Downtown Neighborhood
 - Housing Interests
 - Human Services Agency
 - Senior Community
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>African American Community (1)</i>	None			
<i>Downtown Neighborhood (1)</i>	James Cook			
<i>Housing Interests (1)</i>	None			
<i>Human Services Agency (1)</i>	Jennifer Griffin			
	Erik Talkin			
<i>Senior Community (1)</i>	Robert Burke		1) Housing Authority; and 2) Community Development & Human Services Committee	
	Ms. Rocky Jacobson		1) Community Development & Human Services Committee; and 2) Parks and Recreation Commission	

CREEKS ADVISORY COMMITTEE

- Three vacancies.
- Two terms expire 12/31/2010; and
One term expires 12/31/2011.
- One appointee may be a resident of the City or the County:
 - One member with experience in environmental/land use issues (e.g., land habitat restoration, water specialist, biologist, or hydrologist, etc.)
 - Two members with experience in ocean use, business, environmental issues, and/or provide community at large representation.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Experience in environmental/land use issues (e.g., land use planning, environmental / natural resource protection / preservation, habitat restoration, water specialist, biologist, or hydrologist, etc. (1)</i>	None			
<i>Experience in ocean use, business, environmental issues, and/or provide community at large representation (2)</i>	Thomas L. Williams, Jr.		1) Creeks Advisory Committee; and 2) Harbor Commission	City

DOWNTOWN PARKING COMMITTEE

- One vacancy.
- Term expires 12/31/2013.
- Resident of the City or the County of Santa Barbara. Appointee shall demonstrate an interest and knowledge of downtown parking issues.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident of the City or the County (1)</i>	None.			

FIRE AND POLICE PENSION COMMISSION

- Three vacancies.
- Two terms expire 12/31/2012; and
One term expires 12/31/2013.
- One qualified elector of the City who is not an active firefighter or an active police officer for the City of Santa Barbara, and appointee may not hold any full-time paid office or employment in City government;
One active or retired firefighter who need not be a resident or qualified elector of the City; and
One active or retired police officer who need not be a resident or qualified elector of the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	None			
<i>Active/Retired Firefighter (1)</i>	Michael K. Jacobs	1/9/1979 (31 years, 5 months)		
<i>Active/Retired Police Officer (1)</i>	None			

FRANKLIN CENTER ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2013
- Members are not required to be qualified electors of the City: Resident or employee within the Franklin Neighborhood (Census Tract Nos. 8.01, 8.02 or 9)
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident/Employee in the Franklin Neighborhood (1)</i>	Britta Bartels		1) Franklin Center; 2) Westside Center; and 3) Lower Westside Center Advisory Committee	Census Tract 9
	Chrystal Sturm	12/16/2008 (1 year, 6 months)		Census Tract 8.01

HARBOR COMMISSION

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City or a registered voter of the County of Santa Barbara.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector or registered voter of the County of Santa Barbara (1)</i>	Cory Bantilan			Qualified Elector
	Michael J. Barnick			Registered Voter – County
	Marc Brody			Qualified Elector
	Paul Miller			Qualified Elector
	Tiesha Tallman			Registered Voter – County
	Thomas L. Williams, Jr.			1) Creeks Advisory Committee; and 2) Harbor Commission

HOUSING AUTHORITY COMMISSION

- Three vacancies.
- One term expires 2/15/2012 (Tenant);
One term expires June 30, 2012 (Senior Tenant); and
One term expires June 30, 2014 (Public at Large)
- One resident of the City who is a tenant and is receiving housing assistance from the Housing Authority of the City of Santa Barbara;
One resident of the City who is a tenant, 62 years of age or older, and is receiving housing assistance from the Housing Authority of the City of Santa Barbara.
One resident of the City who represents the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Tenant (1)</i>	Mary Johnston-de León	6/28/05, 7/11/06, & 7/1/08 (5 years)		
<i>Senior Tenant (1)</i>	Patrick W. Johnson			
<i>Public at Large (1)</i>	Robert Burke		1) Housing Authority; and 2) Community Development & Human Services Committee	
	Donald D. Olson			

LIBRARY BOARD

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Dianne Duva			
	Christine Forte			

LIVING WAGE ADVISORY COMMITTEE

- Five vacancies.
- Two terms expire 6/30/2012;
One term expires 6/30/2013; and
Two terms expire 6/30/2014.
- One member nominated by a local living wage advocacy organization;
One member who is either an owner or manager of a service contractor subject to the City's Living Wage Ordinance;
One member from the public at large who shall be a qualified elector of the City; and
One representative from each:
 - Non-Profit Entity
 - Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Local Living Wage Advocacy Organization (1)</i>	None			
<i>Owner/Manager of a business operating within the City (1)</i>	Gabe Dominocielo	12/15/2009 (6 months)		
<i>Public at Large (1)</i>	None			
<i>Non-Profit Entity (1)</i>	Anna M. Kokotovic	7/11/2006 (4 years)		
<i>Santa Barbara Chamber of Commerce or Santa Barbara Downtown Organization (1)</i>	None			

LOWER WESTSIDE CENTER ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2013.
- Members are not required to be qualified electors of the City: Resident of the City who represents the public at large.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident of the City who represents the public at large (1)</i>	Britta Bartels		1) Franklin Center; 2) Westside Center; and 3) Lower Westside Center Advisory Committee	
	Alan Casebier			
	M. Carmen Lozano Ibanez			
	Josephine Tapia			

MEASURE P COMMITTEE

- Four vacancies.
- One term expires 12/31/2011;
Two terms expire 12/31/2012; and
One term expires 12/31/2013.
- One representative each as follows:
 - Civil Liberties Advocate;
 - Criminal Defense Attorney;
 - Medical Professional; and
 - Resident of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Civil Liberties Advocate (1)</i>	None			
<i>Criminal Defense Attorney (1)</i>	None			
<i>Medical Professional (1)</i>	None			
<i>Resident of the City (1)</i>	Steve Smith			

METROPOLITAN TRANSIT DISTRICT BOARD

- One vacancy.
- Term expires 3/6/2013.
- Resident of the City within the Santa Barbara Metropolitan Transit District.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Resident (1)</i>	Olivia Rodriguez			

PARKS AND RECREATION COMMISSION

- Two vacancies.
- One term expires 12/31/2012; and
One term expires 12/31/2013.
- Qualified electors of the City. One appointee may be a resident of the City and a citizen of the United States who is 16 years of age or older.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Electors (2)</i>	Nicolas Ferrara			Current Lower Westside Community Center member; Term expires 12/31/2012
	Ms. Rocky Jacobson		1) Community Development & Human Services Committee; and 2) Parks and Recreation Commission	
	Marcus Lopez			
	Joshua Pemberton			Current Sign Committee Member; Term expires 12/31/2011
	Roger Perry			Current Community Events & Festivals Committee Member; Term expires 12/31/2010
	Olivia Uribe			

RENTAL HOUSING MEDIATION TASK FORCE

- Two vacancies.
- One term expires 12/31/2012; and
One term expires 12/31/2013.
- Landlords who are residents of the City or the County of Santa Barbara. Non-City residents must be owners of residential rental property or affiliated with organizations concerned with landlord-tenant issues within the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Landlord (2)</i>	Marshall Sherrill	2/26/02 & 12/13/05 (8 years, 4 months)		City

SINGLE FAMILY DESIGN BOARD

- Two vacancies.
- Terms expire 6/30/2014.
- Members shall reside within Santa Barbara County:
 - One member shall be a licensed architect; and
 - One member shall possess professional qualifications in fields related to architecture, including, but not limited to, building design, structural engineering, industrial design, or landscape contracting.
- Members may serve on the Architectural Board of Review or the Historic Landmarks Commission and the Single Family Design Board.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Licensed Architect (1)</i>	Gil Barry			
	Roderick Britton			
	William Wolf			
	James Zimmerman			
<i>Professional qualifications in fields related to architecture, including, but not limited to building design, structural engineering, industrial design, or landscape contracting (1)</i>	Brian Miller			

WESTSIDE CENTER ADVISORY COMMITTEE

- Three vacancies.
- One term expires 12/31/2010; and
Two terms expire 12/31/2013.
- Members are not required to be qualified electors of the City:
 - One resident or employee in the Westside Neighborhood (Census Tract Nos. 9, 10, 11.01 and 11.02); and
 - Two residents of the City who represent the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident/Employee in the Westside Neighborhood (1)</i>	Britta Bartels		1) Franklin Center; 2) Westside Center; and 3) Lower Westside Center Advisory Committee	Census Tract 9
<i>Residents of the City who represent the public at large (2)</i>	None			