

**CITY OF SANTA BARBARA
CITY COUNCIL**

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James L. Armstrong
City Administrator

Stephen P. Wiley
City Attorney

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

**OCTOBER 5, 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

2:00 p.m. - City Council Meeting

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

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

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

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. Subject: Introduction Of Ordinance For Agreements For Joint Uses And Encroachments At Carrillo Recreation Center And Lobero Building (330.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute Certain Agreements Acknowledging Ongoing Uses Between the Property Known as the Lobero Building at 924 Anacapa Street, Owned by The 924 Group, LLC, and the Property Known as the Carrillo Recreation Center at 100 East Carrillo Street, Owned by the City of Santa Barbara.

CONSENT CALENDAR (CONT'D)

3. Subject: Contract For Design Of The Central Library Building Renovation And Children's Library Improvements Project (570.04)

Recommendation: That Council authorize the Public Works Director to execute a City Professional Services contract with LPA, Inc. (LPA), in the amount of \$83,409 for design services for the Central Library Building Renovation and Children's Library Improvements Project (Project), and authorize the Public Works Director to approve expenditures of up to \$8,340 for extra services by LPA that may result from necessary changes in the scope of work.

NOTICES

4. The City Clerk has on Thursday, September 30, 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 concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

5. Subject: Pet Licensing Ordinance - Amendment To Include Consultation With Veterinarian Prior To Ownership Of An Unaltered Dog or Cat (520.05)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code Concerning the City Licensing Requirements for the Keeping of Dogs and Cats Which Have Not Been Spayed or Neutered and Imposing a New Licensing Requirement for Unaltered Cats.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

6. 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, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

ADJOURNMENT



Agenda Item No. _____

File Code No. 410.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 5, 2010

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

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

DISCUSSION:

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

Attached is a list of those employees who will be awarded pins for their service through October 31, 2010.

ATTACHMENT(S): October 2010 Service Awards

SUBMITTED BY: Marcelo A. López, Assistant City Administrator

APPROVED BY: City Administrator's Office

OCTOBER 2010 SERVICE AWARDS

October 5, 2010, Council Meeting

5 YEARS

Laura Castaneda, Legal Secretary II, City Attorney
Jennifer Hopwood, Executive Assistant, Finance
Brenda Nielsen, Administrative/Clerical Supervisor, Community Development
Douglas Klug, Police Officer, Police
Elizabeth Schulz, Executive Assistant, Public Works
Thomas Dietz, Senior Waterfront Maintenance Worker, Waterfront

10 YEARS

Joshua Haggmark, Principal Engineer, Public Works

20 YEARS

Kristi Andersen, Police Records Manager, Police
Geronimo Reyes, Police Officer, Police
Walter Lositzki, Automotive/Equipment Technician, Public Works
Edwin MacGregor, Wastewater Plant Operator II, Public Works

25 YEARS

Charles Logan, Airport Noise/Operations Specialist, Airport

30 YEARS

Laurence Dunkley, Water Treatment Supervisor, Public Works
Rene Smit, Airport Patrol Officer II, Airport



Agenda Item No. _____

File Code No. 330.03

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 5, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Introduction Of Ordinance For Agreements For Joint Uses And Encroachments At Carrillo Recreation Center And Lobero Building

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the City Administrator to Execute Certain Agreements Acknowledging Ongoing Uses Between the Property Known as the Lobero Building at 924 Anacapa Street, Owned by The 924 Group, LLC, and the Property Known as the Carrillo Recreation Center at 100 East Carrillo Street, Owned by the City of Santa Barbara.

DISCUSSION:

The proposed Ordinance will authorize the City Administrator to approve and execute four agreements which acknowledge the existence of minor encroachments and to allow for the continuing joint use and maintenance of various improvements located between the Carrillo Recreation Center and the adjacent Lobero Building at 924 Anacapa Street, owned by The 924 Group, LLC (The 924 Group). The location of the joint use facilities and the slightly existing encroachments were disclosed by surveys performed by the City in connection with the design of the Carrillo Recreation Center Rehabilitation Project (Project).

Individual agreements are proposed as follows:

1. Agreement for Joint Use Walkway and Drainage
2. Agreement for Electrical Equipment
3. Agreement for Building Access Ramp
4. Agreement for Joint Use and Maintenance of Trash and Recycling Enclosure

The Agreement for Joint Use Walkway and Drainage will provide for ongoing joint use of the existing walkway, pavement area, and drainage facilities located on the Lobero Building property, adjacent to the Carrillo Recreation Center (approximately 1,004 square feet). The walkway and paved areas currently provide pedestrian access

Council Agenda Report

Introduction of Ordinance For Agreements For Joint Uses And Encroachments At The Carrillo Recreation Center And The Lobero Building

October 5, 2010

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from Anacapa Street to the side doors of the Lobero Building and to the rear patio, doors, and stairways located on the Carrillo Recreation Center property. There are also drainage facilities in the paved area that collect surface storm waters for drainage to Anacapa Street from the Carrillo Recreation Center and the Lobero Building paved areas. Portions of the joint use paved areas will be replaced and upgraded with brick pavers and landscaping in connection with the Project.

The Agreement for Electrical Equipment will provide for continued use by the City of an existing electrical service cabinet that serves the Carrillo Recreation Center, a portion of which encroaches slightly onto a portion of the Lobero Building property (approximately 15 square feet). The electrical cabinet was likely misplaced in connection with a past City project, possibly without performing a survey to locate the property lines. The Agreement for Electrical Equipment will allow the City's continuing use and maintenance of the existing electrical cabinet in its current location until such time it may be removed to make way for other improvements in the area.

The Agreement for Building Access Ramp will provide for the Lobero Building's continued use of an access ramp required by the Americans with Disabilities Act (ADA), which encroaches slightly on a portion of the Carrillo Recreation Center (approximately 15 square feet). As required by ADA guidelines, the access ramp was constructed in connection with a past project by The 924 Group to rehabilitate its Lobero Building, apparently without performing a survey to locate the property line. Because the access ramp does not adversely impact the use of the Carrillo Recreation Center or the Project, and because it does not impede pedestrian access, the Agreement for Building Access Ramp is recommended to allow the slight encroachment until such time that the ramp must be altered or removed to make way for public improvements.

The Agreement for Joint Use and Maintenance of Trash and Recycling Enclosure will provide for joint use of trash and recycling depositories by the Carrillo Recreation Center property and the occupants of the Lobero Building. The existing joint use trash and recycling facilities are located on the Carrillo Recreation Center, and not within an enclosure. This proposed Agreement is similar to agreements prepared by the Downtown Parking Operations staff for the City's management of joint use trash and recycling facilities located on Downtown Parking Lot facilities.

The approximate locations of the affected areas are shown generally on the Attachment.

The ongoing joint uses and mutual benefits that will be acknowledged and permitted by the proposed agreements are compatible with and accessory to the purposes to which the Carrillo Recreation Center property is devoted by the City. In accordance with the City Charter Section 521, the proposed four agreements must be approved by an Ordinance that is adopted by Council.

BUDGET/FINANCIAL INFORMATION:

The Agreement for Joint Use Walkway and Drainage allows the City to enhance the joint use areas located on the Lobero Building property, the costs for which are nominal due to the scale of the Project. The future costs for City's maintenance of the upgraded patio, the walkway and the drainage facilities are also considered nominal.

There are no City costs anticipated in connection with the encroachments and uses allowed by the Agreement for Electrical Equipment and the Agreement for Building Access Ramp.

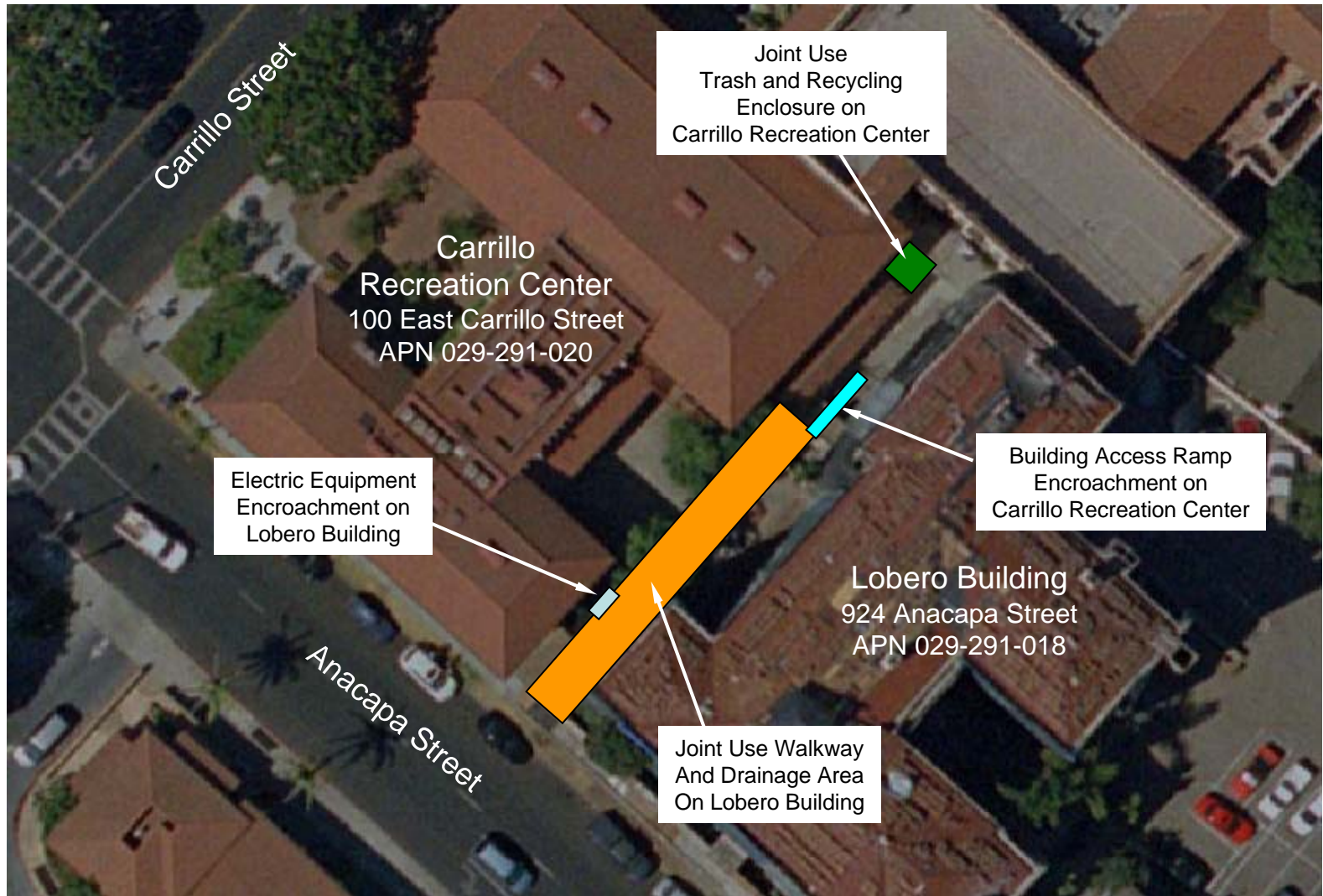
The Agreement for Joint Use and Maintenance of Trash and Recycling Enclosure provides for payment by The 924 Group of a monthly rental fee to the City, which is based on monthly rental rates established by Council Resolutions for the purpose of managing enclosures on City properties (currently \$40 per month as set forth in Resolution No. 10-044). The agreement also provides that The 924 Group must enter into an agreement with the City's assigned Waste Collector for this site, and pay its share of any costs for collection of refuse within the enclosure.

ATTACHMENT(S): Photo Vicinity Map

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/DI/sk

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE CERTAIN AGREEMENTS ACKNOWLEDGING ONGOING USES BETWEEN THE PROPERTY KNOWN AS THE LOBERO BUILDING AT 924 ANACAPA STREET, OWNED BY THE 924 GROUP, LLC, AND THE PROPERTY KNOWN AS THE CARRILLO RECREATION CENTER AT 100 EAST CARRILLO STREET, OWNED BY THE CITY OF SANTA BARBARA

WHEREAS, surveys performed in connection with the project by the City to rehabilitate the facility known as the Carrillo Recreation Center (herein the "Carrillo Recreation Center"), located at 100 East Carrillo Street, have disclosed the existence of certain slight encroachments and joint uses between the Carrillo Recreation Center and the adjacent property known as the Lobero Building (herein the "Lobero Building"), located at 924 Anacapa Street, owned by The 924 Group, LLC, a California limited liability company;

WHEREAS, the improvements located on a portion of the Lobero Building property consist of a joint use walkway and drainage facilities that provide pedestrian public access and drainage between Anacapa Street and portions of the Carrillo Recreation Center and the Lobero Building;

WHEREAS, the improvements also include an existing electrical equipment cabinet that provides electrical service to the Carrillo Recreation Center, which encroaches slightly onto a portion of the Lobero Building property;

WHEREAS, the improvements also include an access ramp that provides reasonable access to the Lobero Building in accordance with the Americans with Disabilities Act (ADA), which encroaches slightly onto a portion of the Carrillo Recreation Center property;

WHEREAS, the facilities also include unenclosed trash and recycling depositories used jointly by the Carrillo Recreation Center and the Lobero Building;

WHEREAS, Charter Section 521 of the City requires certain agreements that bind the City for a longer period than five (5) years shall be approved by ordinance; and

WHEREAS, this Ordinance upon its adoption by Council will provide authorization for the City Administrator to execute agreements with The 924 Group, LLC, a California limited liability company, consisting of an Agreement for Joint Use Walkway and Drainage, an Agreement for Electrical Equipment, an Agreement for Building Access Ramp, and an Agreement for Joint Use and Maintenance of Trash and Recycling Enclosure.

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

SECTION 1. That, following the effective date of this Ordinance, the Agreement for Joint Use Walkway and Drainage between the City of Santa Barbara and The 924 Group, LLC, a California limited liability company, which provides for the ongoing joint use and maintenance of pedestrian walkway and drainage facilities, is hereby approved, and the City Administrator is authorized to execute the agreement.

SECTION 2. That, following the effective date of this Ordinance, the Agreement for Electrical Equipment between the City of Santa Barbara and The 924 Group, LLC, a California limited liability company, which provides for the ongoing use and maintenance by the City of electrical facilities located on a portion of the Lobero Building property, is hereby approved, and the City Administrator is authorized to execute the agreement.

SECTION 3. That, following the effective date of this Ordinance, the Agreement for Building Access Ramp between the City of Santa Barbara and The 924 Group, LLC, a California limited liability company, which provides for the ongoing use and maintenance by The 924 Group, LLC of the building access ramp located on a portion of the Carrillo Recreation Center property, is hereby approved, and the City Administrator is authorized to execute the agreement.

SECTION 4. That, following the effective date of this Ordinance, the Agreement for Joint Use and Maintenance of Trash and Recycling Enclosure between the City of Santa Barbara and The 924 Group, LLC, a California limited liability company, which provides for the joint use and maintenance of the trash and recycling facilities located on a portion of the Carrillo Recreation Center property, is hereby approved, and the City Administrator is authorized to execute the agreement; and

SECTION 5. That, following the effective date of this Ordinance, the City Clerk is authorized to deliver such agreements to the County Recorder of Santa Barbara County, for their recordation in the Official Records of said County.



Agenda Item No. _____

File Code No. 570.04

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 5, 2010

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department
Library Department

SUBJECT: Contract For Design Of The Central Library Building Renovation And Children's Library Improvements Project

RECOMMENDATION:

That Council authorize the Public Works Director to execute a City Professional Services contract with LPA, Inc. (LPA), in the amount of \$83,409 for design services for the Central Library Building Renovation and Children's Library Improvements Project (Project), and authorize the Public Works Director to approve expenditures of up to \$8,340 for extra services by LPA that may result from necessary changes in the scope of work.

DISCUSSION:

BACKGROUND

The Santa Barbara Public Library (Library) was last renovated in 1980. Since that time, there have been changes in demographics, services, and technology that have made the current space arrangement obsolete. Therefore, the Library is interested in completing the needed building renovations at the Central Library location, including the relocation of the existing children's section, and the development of a new, state-of-the-art Children's Library for the community, in coordination with local community groups, such as the Junior League of Santa Barbara.

PROJECT DESCRIPTION

The Library has budgeted for building renovations to the main and upper levels of the Central Library location, and is also moving forward with the relocation of the existing children's section from the main level to the lower level. In addition, the Library is looking to improve the basic design of the children's section by partnering with interested parties such as the Junior League. City staff has been engaged with the Junior League, and others, in developing a fundraising program to highlight future design concepts and

draw local donations from the community. This will potentially provide incremental funding for enhancements to the Children's Library, and ultimately contribute to the overall creative impact of the final design.

Several architectural firms were invited to submit Statements of Qualifications (SOQ's) to be considered for this Project. After City staff reviewed the SOQ's, the top firms were interviewed, and distinguished themselves by demonstrating the essential elements of this Project's success, including previous experience in navigating the intricacies of the City's Capital Improvement Program process, and specifically addressing the challenge of incremental project funding. During the interview process, LPA proved to be a collaboration-oriented firm with the experience, creativity, and flexibility required for this Project.

LPA has been selected to do preliminary design for a combination of architectural and mechanical building renovations, in addition to functional improvements and imaginative new library planning. LPA will also be working with the Library to assess the implementation of the Library's Americans with Disabilities Act (ADA) Transition Plan as a part of the design for the new Children's Library on the Library's lower level and general reorganization of the library's interior. Preliminary design of \$83,409 and an allowance for extra services of \$8,340 brings the total of the proposed contract to \$91,749.

The preliminary design will identify design themes and potential layout and functional elements of the project. This phase will involve the development of bid specifications for a final design. Drawings will also be prepared that will assist in fundraising efforts, whereby donors can sponsor features and amenities. Once project elements are better defined through fundraising plans, staff will return to Council to award a contract for the final design.

PUBLIC OUTREACH

The Library is working with various library groups and constituents to generate community support and involvement in helping to fundraise for the new, relocated Children's Library. Also, in an effort to enhance the overall final design beyond the basic relocation of the existing children's section from the main to lower levels, the Library is also collaborating with the Junior League to raise money for various scalable design options, which could range from smaller, modest upgrades to larger, naming opportunities based on donor generosity.

FUNDING

The following summarizes estimated total project costs:

ESTIMATED TOTAL PROJECT COST

Preliminary Design (by Contract)	\$91,749
Future Final Design (by Contract)	\$100,000
Other Design Costs - City staff	\$15,000
Subtotal	\$206,749
Estimated Construction Contract w/ Change Order Allowance	\$718,251
Estimated Construction Management/Inspection	\$15,000
Subtotal	\$733,251
TOTAL PROJECT COST	\$940,000

The Fenton Davison Trust will fund the design and construction costs.

SUSTAINABILITY IMPACT:

Facility improvements will be in alignment with the City's eco-friendly, environmental impact goals by utilizing durable carpeting with minimal off-gassing, stain and abrasion-resistant odor-free paints, energy efficient lighting, and low-emitting, 75% recycled content ceiling tiles.

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/HB/cc

SUBMITTED BY: Christine F. Andersen, Public Works Director
 Irene Macias, Library Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 5, 2010

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Pet Licensing Ordinance - Amendment To Include Consultation With Veterinarian Prior To Ownership Of An Unaltered Dog or Cat

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 Concerning the City Licensing Requirements for the Keeping of Dogs and Cats Which Have Not Been Spayed or Neutered and Imposing a New Licensing Requirement for Unaltered Cats.

DISCUSSION:

On January 1, 2010, Santa Barbara County adopted an ordinance recommending the spay or neuter of all dogs and cats prior to licensing. The County ordinance further mandated that, prior to an owner retaining an unaltered animal, an owner must consult with a veterinarian to consider the overall circumstances of the animal and the appropriateness of the animal remaining unaltered. Shortly after the adoption of this County program, Council members House and White asked that this subject be placed on an agenda of the City Council for possible reference to the Council Ordinance Committee for its consideration and the possible drafting of a City ordinance similar to that adopted by the County. Following discussion and public comment, on March 2, 2010, the City Council referred the matter to the Ordinance Committee for review.

As discussed in public hearings held by the Ordinance Committee on June 29, 2010, August 24th, and on September 28th, there are currently no requirements in the City of Santa Barbara to license cats. In addition, while the City provides for a lowered license annual fee for spayed or neutered dogs as a way to encourage that dogs to be spayed or neutered, there is no Municipal Code requirement that dogs be altered or mandating consultation on this subject between a dog owner and a veterinarian. Since the Municipal Code does not currently require a City license in order to own a cat, the Code will need to be amended to add this requirement for unaltered cats and to mandate consultation between a cat owner and a veterinarian if the owner chooses to keep the cat unaltered. Ultimately, the Ordinance Committee asked staff to prepare a proposed draft ordinance

Council Agenda Report

Pet Licensing Ordinance - Amendment To Include Consultation With Veterinarian Prior To Ownership Of An Unaltered Dog or Cat

October 5, 2010

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which required a City issued license for the ownership of an unaltered cat and which provided for consultation between a pet owner and a veterinarian whenever the owner chooses to have an unaltered dog or cat.

As a result, the attached draft ordinance would require an annual City license for the ownership of an unaltered cat within the City. It also mandates that, before an unaltered dog or an unaltered cat may be licensed as required, the owner of such a pet must consult with a licensed veterinarian and be counseled on the options available for altering a pet and be advised concerning the owner's responsibilities if he or she chose to keep an unaltered pet.

During the Ordinance Committee meeting of August 24th, the Committee also elected to revise the ordinance to have the license requirement only apply to unaltered cats – recognizing that the only real and practical enforcement methodology for this requirement will consist of the County Animal Shelter requiring the owner of an unaltered cat (which has been impounded for being at large within the City) to either consent to spaying or neutering the cat before the cat is released or requiring the owner to obtain a counseling certificate from a veterinarian before an impounded unaltered cat can be licensed and then released.

As directed, the City Attorney's office has also amended the draft ordinance to require a veterinary "counseling" certificate be obtained each time a dog's rabies vaccination certificate has expired and concurrently with the re-licensing of an unaltered dog. In addition, the veterinary certificate form was revised to reflect that the veterinarian would counsel a pet owner concerning his or his responsibilities in owning and properly keeping an unaltered pet. The draft ordinance also contains a provision which would preclude an owner whose dog has been determined to be vicious from licensing that dog as unaltered.

Finally, as directed by the Committee, a new provision has been added to the ordinance which establishes a special fund to be used for owner education and outreach with respect to how to properly maintain an unaltered pet and an uncodified provision has been added to the ordinance to provide for City Council review of the effectiveness of this program three years after the adoption date of this ordinance. This fund would be funded by a surcharge imposed on the license fee for unaltered pets in an amount established by the City Council in the Council's annual fee resolution.

On September 28, 2010, the Council Ordinance Committee unanimously forwarded this draft to City Council with the recommendation for introduction and eventual adoption.

PREPARED BY: City Attorney's Office

SUBMITTED BY: City Attorney's Office

APPROVED BY: City Administrator's Office

Council Introduction DRAFT
SHOWING CHANGES FROM CURRENT CODE
NEW LANGUAGE IN UNDERLINE
~~DELETIONS IN STRIKE OUT TEXT~~
October 5, 2010

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING THE
MUNICIPAL CODE CONCERNING THE CITY
LICENSING REQUIREMENTS FOR THE
KEEPING OF DOGS AND CATS WHICH
HAVE NOT BEEN SPAYED OR NEUTERED
AND IMPOSING A NEW LICENSING
REQUIREMENT FOR UNALTERED CATS.

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

SECTION ONE. Chapter 6.12 of Title Six of the Santa Barbara
Municipal Code is amended to revise Section 6.12.050, Section
6.12.060 and Section 6.12.120 to read as follows:

Section 6.12.050 Dog License Requirement.

A. Mandatory License Requirement - Altered Dogs. Any person
owning or having custody or control of one or more dogs in the
City shall obtain a license and pay the license fee for custody
or control of each such dog over the age of four (4) months.
The license fees authorized by this Chapter shall be established
by resolution of the City Council and such fees shall be set a
lesser amount for dogs which have been spayed or neutered. In
the event the animal to be licensed has been spayed or neutered
prior to the issuance by the City of the first license to that
dog, a written statement from a licensed veterinarian certifying
the dog to have been spayed or neutered must be presented at the
time the license is obtained in order to qualify for a reduced
dog license fee.

B. Mandatory License Requirement - Unaltered Dogs. For those
dogs which are to be licensed as non-spayed or non-neutered
dogs, prior to the issuance by the City of the first license to
a dog, and each time a City dog license is issued after the
renewal of a rabies vaccination certificate for that dog, the
owner of an unaltered dog shall present to the City a copy of
the veterinary certificate (as such certificate is shown in the
form attached to this Chapter as an exhibit) certifying that the
owner has discussed the potential concerns which may arise in
owning and keeping an unaltered dog with a duly-licensed
veterinarian and that the owner has been counseled by the
veterinarian on the owner's responsibilities in keeping an

unaltered dog. The unaltered dog certification required by this subparagraph may, at the discretion of the veterinarian, be incorporated into the wording of the rabies vaccination certificate issued by that veterinarian.

C. License - Period of Validity. The license period shall not extend beyond the remaining period of validity for the current rabies vaccination. A license shall only be issued if the rabies vaccine is current through the entire licensing period. A license shall be purchased for either a six (6) month period, ~~or~~ twelve (12) month period, 24 month period or a 36 month period. ~~A license shall expire either six (6) months or twelve (12) months from the exact date the license was issued.~~ The license fee shall not apply to any dog kept or maintained exclusively in any dog kennel in the City. No dog license required by this Section shall be transferable.

D. Transfer of Ownership of Dogs. Within thirty (30) days of the transfer of ownership of any licensed dog, the person receiving ownership shall obtain a license as set forth in Subsection A of this Section.

E. Possible Penalties for Failure to Comply. Failure to comply with the provisions of Subsections A and B of this Section may result in the impoundment of the dog or a fine or both. At the discretion of the City Animal Control Supervisor, a dog determined to be vicious under Santa Barbara Municipal Code Sections 6.08.404 or 6.12.040 may not issued an unaltered dog license.

Section 6.12.060 Dog or Cat License Information.

Each dog or unaltered cat license shall state the name, address, and telephone number of the person to whom such license is issued, the amount paid, the date when issued, the date on which such license shall expire, and in the case of an individual dog or cat license, a description of the dog or cat for which such license is issued, and the number of the metallic tag accompanying the license. In the case of a kennel license, such license shall show, in addition to the above information, the maximum number of dogs or cats which may be kept in such kennel under authority of such license.

Section 6.12.120 Official Tag - Issuance.

Upon exhibition of the proper certificate of vaccination (when applicable) and payment of the license fee, there shall be delivered to the person making such payment a metal pet license tag, with the serial number, the year and "Santa Barbara City" stamped or cut thereon, and, when applicable, the word "vaccinated" stamped thereon. Such dog or cat tag shall be securely affixed to a collar or harness, which shall at all times be worn by such dog or cat. The tag while attached to the dog's or cat's collar or harness shall be prima facie evidence that the dog or cat for which the same was issued has been vaccinated (when applicable) and licensed during the licensing period for which the tag was issued

SECTION TWO: Chapter 6.12 of Title Six of the Santa Barbara Municipal Code is hereby amended to add a new section, Section 6.12.055 ("Unaltered Cat License Requirement") and a new section, Section 6.12.058 ("Unaltered License Surcharge - Special Fund for Educational Services"), both which read as follows:

Section 6.12.055 Unaltered Cat License Requirement.

A. Mandatory License Requirement - Unaltered Cats. Any person owning, keeping, or having custody or control of one or more unaltered cats in the City shall obtain a cat license from the City and pay the required license fee for having custody or control of each unaltered cat over the age of four (4) months. The license fee authorized by this Chapter for unaltered cats shall be established by resolution of the City Council.

B. Unaltered Cats - Veterinarian Certificate. For those cats licensed as required by subsection (A) above, prior to the issuance by the City of the first license to such a cat, and upon the issuance of each City license thereafter, the owner of an unaltered cat shall present to the City a copy of a veterinary certificate (as such certificate is shown in the form attached to this Chapter as an exhibit) certifying that the owner has discussed the potential concerns which may arise in owning or keeping an unaltered cat with a duly-licensed veterinarian and that the owner has been counseled by the veterinarian on the owner's responsibilities in keeping an unaltered cat.

C. License - Period of Validity. A license for an unaltered cat may be purchased for either a six (6) month, a twelve (12) month period, a 24 month period, or a 36 month period. No unaltered cat license required by this Section shall be transferable.

D. Transfer of Ownership of Cats. Within thirty (30) days of the transfer of ownership of any licensed unaltered cat, the person receiving ownership of or now keeping a cat shall obtain a cat license as set forth in Subsection A of this Section.

E. Possible Penalties for Failure to Comply. Failure to comply with the provisions of Subsections A and B of this Section may result in the impoundment of the cat or a fine or both.

Section 6.12.058 Special Fund - Unaltered License.

Surcharge. Notwithstanding Santa Barbara Municipal Code section 6.04.020, in establishing the amount of City pet license fees for the keeping of an unaltered pet pursuant to section 6.12.050 or section 6.12.055 hereof, the City Council may also establish a license surcharge amount which surcharge is to be earmarked into a special City fund for use, at the discretion of the Chief of Police, in funding City educational outreach activities regarding the possible concerns with owning an unaltered pet and to foster methods to encourage City pet owners to be responsible in the ownership and maintenance of an unaltered pet.

SECTION THREE: The City Administrator shall schedule this ordinance for review by the City Council within three years of the adoption date of this ordinance.

**EXHIBIT A
EXHIBIT TO SBMC SECTION 6.12.050
AND SECTION 6.12.055**

**VETERINARIAN CERTIFICATE OF COUNSELING
FOR NON-SPAYED OR NON-NEUTERED
DOGS OR CATS**

This Certificate is to certify that -----,
D.V.M has discussed the potential problems and concerns which
may arise in keeping and properly maintaining a dog or cat which
has not been altered and the responsibilities which come with
owning an unaltered dog or cat with (insert owners name)
, the owner of the dog or cat.

I have been advised by the owner that this pet will be kept at
the following address within the City of Santa Barbara which
will be the licensing address:

(insert address for license and where pet will be kept)

I also certify that I provided this owner with the informational
materials and literature on how to responsibly and properly keep
and maintain a non-spayed or non-neutered pet and I have
discussed this information with him or her and advised them of
their ownership responsibilities.

DATED

-----, DVM

ADDRESS



Agenda Item No. _____

File Code No. 440.05

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 5, 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, the Treatment and Patrol Bargaining Units, Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management 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